



It is not certain whether this measure creates a condition that falls under the provisions of Section 15, Article XI of the Oregon Constitution (unfunded local government mandate). The county service of preparing, distributing and counting election ballots for a statewide election is not expressly exempt under this constitutional provision. If the anticipated added costs of the ballot-related functions were to be interpreted as an increase in the program or service level, counties would not be obligated to comply unless reimbursed by the Legislative Assembly for the anticipated increase in expenditures required to meet the bill's provisions,. Further, if the Assembly appropriated funds to address the increased costs, but the amount resulted in counties having to expend amounts greater than the thresholds in 3(1) or 3(b) of Section 15, Article XI, they would not have to comply.

In addition, the constitution provides that if a measure is enacted by three-fifths vote of each house, the Assembly is relieved of the requirement to appropriate reimbursement for the local governments' additional expenditures, and the local government must comply.

The Legislative Fiscal Office is not rendering an opinion on whether this provision applies to SB 630-A.