

2008 Special Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 3634 **STATUS:** B-Engrossed **MINORITY REPORT**
SUBJECT: Ballot measure numbering and ballot counting requirements
GOVERNMENT UNIT AFFECTED: Oregon County Clerks; Secretary of State; Department of Justice
PREPARED BY: Erica Kleiner
REVIEWED BY: Daron Hill
DATE: February 22, 2008

EXPENDITURES: See Analysis.

REVENUES: See Analysis.

EFFECTIVE DATE: On passage.

INTERIM JOINT COMMITTEE ON WAYS AND MEANS: The budgetary impact of this bill was reviewed and approved by the Interim Joint Committee on Ways and Means Committee and is included in the omnibus budget bill to be introduced by the committee.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

ANALYSIS: House bill 3634-B directs the Secretary of State (SOS) to change their current practice of numbering ballot measures. Currently, the measures are numbered in the order which they are filed with the secretary and this bill changes this in that the SOS is required to number the measures in the order that the petitions are filed for signature verification with the SOS. The bill also requires the Attorney General to prepare ballot titles for legislative referrals and allows for electors to challenge ballot titles prepared by the Attorney General for legislative referrals. It also prohibits ballot tampering and establishes it as a Class C felony. The bill further changes the practice in which County Clerks open ballots. Currently the County Clerks can begin to open ballots seven days before an election, and the bill changes this in that County Clerks can begin to open ballots only after 8:00pm the day of an election. The bill also requires County Clerks to count each ballot for each election and mark each unused ballot as void. It prohibits the certification of election abstracts if the number of ballots printed doesn't match the number delivered to electors plus the number of unused ballots marked as void. It also requires County Clerks to make a list of ballot drop sites and remove ballots at least once each calendar day during the election period. Finally HB 3634-B requires County Clerks to ensure that ballot containers are secure.

Oregon County Clerks

The bill contains components that affect Oregon County Clerks. The Association of County Clerks reports that as a result of the enactment of the bill, they will have to delay their current practice of beginning to count ballots 7 days before an election and wait until 8pm the day of an election. The Association of County Clerks reports that they will still be required to certify election results by the 20th day after an election. Due to the delay of when they can begin counting ballots, the Oregon Association of County Clerks anticipates an increase in election costs. The Association of County Clerks reports that these increased costs include: personnel to open and process ballots on an Election Day; services and supplies for an increase in staff; security personal due to an increase in ballot processing sites; and staff

overtime pay. The Association of County Clerks reports that the changes brought about by this bill will have a fiscal impact for a medium sized Oregon County of \$26,000. Currently, the process of opening ballots costs a medium-sized Oregon County \$7,000-\$10,000. Costs must be factored into the fiscal impact for all 36 Oregon Counties.

Oregon Secretary of State

The bill directs the Secretary of State (SOS) to adjust the scheme for numbering measures on the ballot. There is no fiscal impact associated with this bill for SOS, due to the fact that they already number ballot measures, the bill is only requiring the numbers to be ordered differently.

Department of Justice

The bill requires the Attorney General to prepare ballot titles for legislative referrals. The Department of Justice (DOJ) reports a minimal fiscal impact as a result of the enactment of this legislation. DOJ reports that the cost in General Funds to DOJ would be less than \$10,000 per Legislative Session. Because all ballot titles for any legislative referral would go through the AG's office, DOJ based their fiscal impact on the assumption that anywhere from 3-5 referrals would get passed each legislative session, which would take approximately 5 additional hours total of staff time.