

Senate Bill 544

Sponsored by Senator GEORGE (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows any elector to file action in circuit court when elector believes elections official has failed to comply with elections law. Allows attorney fees.

A BILL FOR AN ACT

1
2 Relating to elections; amending ORS 246.820.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 246.820 is amended to read:

5 **246.820. (1) Whenever it appears to an elector that the Secretary of State or a county**
6 **clerk, city elections officer or local elections official has failed to comply with any election**
7 **law, or with any rule, directive or instruction made by the secretary under ORS 246.120,**
8 **246.140 or 246.150, the elector may file an action in the circuit court of the county where the**
9 **elector is registered to vote seeking an order to compel the secretary, county clerk, city**
10 **elections officer or local elections official to comply.**

11 *[(1)]* **(2) Whenever it appears to the Secretary of State that a county clerk, city elections officer**
12 **or a local elections official has failed to comply with an interpretation of any election law made by**
13 **the secretary [of State] under ORS 246.110 or has failed to comply with a rule, directive or instruc-**
14 **tion made by the secretary [of State] under ORS 246.120, 246.140 or 246.150, the secretary [of State]**
15 **may apply to the appropriate circuit court for an order to compel the county clerk, city elections**
16 **officer or local elections official to comply.**

17 **(3) The court shall dispose of an action authorized by subsection (1) of this section as**
18 **quickly as possible. If the court does not reach a decision within 10 calendar days of the filing**
19 **of the action, a default judgment shall be entered in favor of the elector.**

20 **(4) Any elector who prevails in an action authorized by subsection (1) of this section, or**
21 **any elector who receives a default judgment as authorized by subsection (3) of this section,**
22 **is entitled to recover attorney fees, costs and expenses incurred in bringing the action.**

23 **(5) If the Secretary of State or a county clerk, city elections officer or local elections**
24 **official comes into compliance, or agrees to come into compliance, with any election law or**
25 **any rule, directive or instruction made by the secretary under ORS 246.120, 246.140 or 246.150,**
26 **after the secretary, county clerk, city elections officer or local elections official is contacted**
27 **by an elector who alleges the secretary, county clerk, city elections officer or local elections**
28 **official has violated an election law, rule, directive or instruction, the elector is entitled to**
29 **recover attorney fees, costs and expenses incurred in bringing the allegations.**

30 *[(2)]* **(6) The court shall dispose of the matter under subsection *[(1)]* (2) of this section as soon**
31 **as possible, but in any case not later than the fifth day after the Secretary of State applies for an**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 order.

2 [3] (7) [The] **A** remedy provided in this section is cumulative and does not exclude any other
3 remedy against **the Secretary of State or** a county clerk, city elections officer or local elections
4 official who fails to comply with an interpretation of any election law or the rule, directive or in-
5 struction.

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