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Senate Committee on Rules

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Testimony of Rachele Altman
Legislative Director, Secretary of State's Office

Chair Rosenbaum, Vice-Chair Ferrioli, Members of the Committee, my name is Rachele Altman and I serve as Legislative Director for the Secretary of State's Office. Thank you for the opportunity to testify in support of SJR 4.

This resolution amends Article VII, section 1a of the Oregon Constitution to repeal a provision that requires—without exception—the retirement of any judge at the end of the calendar year in which the judge turns 75 years old. SJR 4 also amends section 1a to prohibit the Legislature and the People from fixing an age for mandatory retirement of judges, something that is currently allowed.

I'd like to note that ORS 1.310 already provides that a judge's inability to perform judicial duties may be the basis for mandatory retirement. That statutory provision lays out in detail a process for the involuntary retirement of judges in such cases. This statutory provision will remain consistent with the Constitution if SJR 4 becomes law.

Oregon has repeatedly seen judges forced to retire at age 75—and has seen some attorneys barred from joining the bench—even when the mental abilities and decades of experience of those individuals would have allowed them to provide valuable judicial service. Secretary Atkins believes mandatory age-based retirement of judges is an unfair anachronism, and she urges your support of SJR 4.

As for the fiscal impact of SJR 4, SJR 4 refers the resolution's proposed constitutional amendment to the people at the next general election. This means that the resolution's fiscal impact to the Secretary of State's Office is the state's portion of incremental costs incurred for an already funded election. The Secretary of State prepares and distributes the Voters' Pamphlet and collects a \$500 filing fee for each argument submitted in support of or opposition to a ballot measure. Typically, these filing fees cover slightly more than half of the cost of producing and mailing the Voters' Pamphlet. The remaining costs are paid by the General Fund.

At this time, the fiscal impact of SJR 4 to the Secretary of State's Office is indeterminate. The cost of producing and distributing the Voters' Pamphlet is determined by the total number of initiatives and legislative referrals on the ballot, and by the number of arguments submitted in support of or in opposition to these ballot measures, and this information will not be known until after election filing deadlines.

Finally, I want to say a few words about the -1 amendments. These amendments are respectfully requested by the Secretary of State's Office and the Oregon Judicial Department. The -1 amendments would make it clear that SJR 4's constitutional amendment will apply to not only future judges but also sitting judges at the time that the amendment takes effect.

Thank you again for the opportunity to discuss this resolution. I am happy to answer any questions you may have.