

March 23, 2017

**Written Testimony of Rob Bovett, AOC Legal Counsel, before the
Joint Committee on Ways and Means Subcommittee on General Government
in support of SB 5536 in General, and Policy Package 106 in Particular**

Co-Chairs Manning and Smith, Senators DeBoer and Johnson, and Representatives Fahey, Gomberg, Marsh, and Nearman,

Thank you for the opportunity to provide this testimony in favor of Senate Bill 5536 in general, and Policy Package 106 in particular.

Counties work closely with the State, including the Secretary of State's Office, on the delivery of vital public [services](#) to all Oregonians, and we fully support the Secretary of State maintaining current service levels, at a bare minimum.

As you know, the Secretary of State is the chief elections official in Oregon. County Clerks and election officials conduct elections in our state. In 2015, the Oregon Legislature passed [House Bill 2177](#), commonly known as "Oregon Motor Voter." That law placed a significant new workload and fiscal burden on County Clerks and election officials.

As noted on [page 99](#) of the Secretary of State's PowerPoint before this Subcommittee: *"Oregon Motor Voter resulted in increased costs to the counties due to the increased number of registered voters. This was a budget note in the 2013-15 budget that indicates a commitment to fund the counties to compensate for these increased costs. If not approved these costs will be borne by the counties and we will have broken our promise to them."*

That is indeed true, but it also has constitutional implications: If the state were to fail to fund these fiscal impacts on counties, it would likely constitute an unconstitutional unfunded mandate in violation of Article XI, Section 15, of the Oregon Constitution, and thus render the mandates of the Motor Voter law voidable.

Thus, the failure to fully fund Policy Package 106 would indeed break the state's promise to counties, but also that breach might pack one heck of a powerful punch in response. Therefore, the Association of Oregon Counties (AOC) and the Oregon Association of County Clerks (OACC) strongly encourages you to support HB 5536, and also implores you to fully fund Policy Package 106. Thank you again for the opportunity to provide this testimony.



Sincerely,

A handwritten signature in blue ink, appearing to read "Rob Bovett".

Rob Bovett
Legal Counsel, Association of Oregon Counties (AOC)
Policy Manager, Oregon Association of County Clerks (OACC)