

## **SB 229 STAFF MEASURE SUMMARY**

### **Senate Committee On Rules**

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**Meeting Dates:** 4/19

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#### **WHAT THE MEASURE DOES:**

Makes technical, conforming, clarifying and administrative alterations related to requirements for filing certificates of election and specified elections materials, initiative, referendum, recall and incorporation petitions and labeling of ballots. Alters certain notification and filing deadlines related to specified nomination and declaration of candidacy requirements, major political party precinct committee person election procedures, ballot title certification, petition template alteration requests, statement of arguments and major political party membership status determinations. Requires all state candidate filings for a primary election and all citizen panel statements to be filed electronically using the ORESTAR system. Requires petition circulators to carry full and correct copy of measures for inspection during petition circulation. Directs Secretary of State to establish process by rule permitting chief petitioners of state initiative, referendum or recall to request modifications to templates and to provide prospective petition templates. Permits candidates exceeding \$750 contribution and expenditure threshold to file certificate of limited contributions and expenditures. Expands requirements and prohibitions related to use of excess contribution monies received by candidates and principal candidate campaign committees. Permits Secretary of State to select ballot batches rather than entire precincts for hand count of specified contests and recounts. Permits Secretary of State to conduct signature verification for recall and candidate petitions.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

The -2 amendments make the following modifications:

- Eliminates proposed statute requiring specified nomination and declaration of candidacy documentation be submitted using the ORESTAR system.
- Eliminates proposed language altering filing timeline for candidacy withdrawal.
- Establishes ballot batch thresholds for purpose of conducting hand count for specified election contests.
- Requires Secretary of State to notify county clerks of issues relating to recount 15 after date of general election, rather than 3 days after date of general election.
- Requires county clerks to conduct hand counts for recount no later than 23rd day after election, rather than 21st day after election.
- Requires Secretary of State to issue standard certified statement form for use when ballot return identification envelope is returned unsigned.
- Includes “write-in” candidates in the definition of candidate.
- Requires recall committees to disclose transactions beginning on the day recall petition is filed rather than day statement of expenditures is filed.
- Requires name and address of treasurer or chief petitioner listed on recall petition be identical to names provided on statement of organization filed by recall committee.

#### **BACKGROUND:**

Senate Bill 229 makes various technical, administrative, clarifying and conforming changes to statutory requirements with regard to elections, ballot measures and campaign finance as follows:

##### Certificates of Election

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Statute requires that a person who has been elected as a county sheriff, clerk, assessor or treasurer, and certain county commissioners, file a certificate of election, an oath of office and other required documentation prior to entering the elected office (ORS 204.005). Currently, county election officials provide candidates with the certificate of election and retain a copy for their records. Senate Bill 229 eliminates the requirement that a person elected to a county office provide the county clerk with a certificate of election, and instead specifies that the elected individual must have received a certificate of election prior to filing an oath of office and other required documentation.

ORS 246.021 provides, with certain exceptions, that specified election documents may be filed with the appropriate officer either by submitting a physical copy or transmitting a copy by fax. Senate Bill 229 additionally permits the use of electronic mail for submission of these documents.

#### Ballots

ORS 247.410 permits a person who is otherwise qualified to register to vote, but who has not resided in this state more than 20 days before the election and has not cast a vote in another state as prescribed, to request a ballot and cast a vote for candidates for President or Vice President of the United States. If an elector meets the specified criteria, the county clerk is directed to provide the elector with a ballot labeled "*Presidential only*" and that solely includes candidates for the offices of President and Vice-President. Senate Bill 229 permits counties to use a "*Federal only*" ballot, rather than a "*Presidential only*" ballot, for otherwise qualified voters who request a "*Federal only*" ballot.

Currently, ORS 260.715 prohibits the sale, purchase, or offer of sale or purchase, of any official ballot or associated envelope for any item of valuable consideration. Senate Bill 299 adds that such violations must include an actual intent to sell, purchase or offer to sell or purchase, an official ballot or related materials.

Currently, the law requires the Secretary of State to notify counties about the elections contests and specified precincts to be counted by hand within three days after the general election. The scope of the hand count depends on the margin of victory between the two candidates receiving the largest number of votes in the county. Senate Bill 229 would allow the Secretary of State to select batches of ballots at random, rather than entire precincts, for the purpose of hand counting specified contests.

#### Political Parties

ORS 248.007 requires major political parties to notify the Secretary of State of the method by which precinct committee persons will be selected, and to file other necessary organization and managerial documentation, no later than 247 preceding the primary election in even-numbered years, and 247 days preceding the 3rd Tuesday in May in odd-numbered years. Senate Bill 229 would increase the notification and filing timeframe to 271 days before the primary in even-numbered years, and require notification and filing between the 271st and 277th day before the 3rd Tuesday in May during odd-numbered years.

According to ORS 248.006, an affiliation of electors is recognized as a major political party in this state when a number of electors equal to five percent of the total number of registered electors in this state are registered as members of that party no later than 275 days before a primary election. The Secretary of State must make a determination regarding the satisfaction of political party registration requirements no later than 274 days before a primary election. Senate Bill 229 permits the Secretary of State to make such determinations on the 271st day, rather than the 274th day, before each primary election.

#### Initiative, Referendum, Recall and Nomination Petition Procedures

Currently, a nomination petition or declaration of candidacy must be filed no sooner than the 250th day and no later than the 70th day preceding a primary election, with certain exceptions. In the event a partisan elective office

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becomes vacant between the 70th and 80th day before a primary election a nominating petition or declaration of candidacy must be filed prior to the 65th day preceding the primary election. Senate Bill 229 would increase this timeframe to the 64th day preceding an election.

A candidate who has filed a declaration of candidacy or nomination petition is prohibited from withdrawing such nomination or declaration prior to the 67th day before the primary election, and is entitled to be refunded associated filing fees. Currently, statute does not permit a candidate filing for a vacancy in a partisan office at a primary or general election to withdraw after the 67th day before the election. Senate Bill 229 would prohibit any candidate to withdrawal prior to the 63rd day, rather than 67th day, preceding a primary election, and provide a means for an individual to withdraw candidacy or nomination to certain vacant offices.

According to ORS 249.020 an elector may become a candidate for nonpartisan office, or be nominated to an office by a major political party of their affiliation, by filing a nomination petition or declaration of candidacy. Senate Bill 229 would require that a nomination petition or declaration of candidacy filed for a primary election, or filed for an office for which the Secretary of State is the prescribed filing officer, be filed using the ORESTAR system.

Current statute requires that elector signatures included on recall and candidate petitions be verified by appropriate county clerk for authenticity and for the purposes of determining if a recall or candidate has received the requisite number of signatures in order to appear on the ballot (ORS 249.008 and 249.078). Senate Bill 299 provides that the Secretary of State may perform duties related to the verification of signatures and further directs the Secretary of State to establish a process for verifying a petition has received the requisite number of signatures.

The Secretary of State is required to prepare official templates of the cover and signature sheets for each state initiative, referendum and recall petition. These templates are utilized by petition circulators while obtaining petition signatures and templates must be provided by prescribed deadlines dependent on the type of petition being filed (ORS 250.052). Currently, a chief petitioner of an initiative, referendum or recall measure may submit a written request to the Secretary regarding alterations to the templates issued by the Secretary. Such a request must be received no later than five business days after the deadline for the issuance of the templates, and the Secretary must approve or reject a received request within five business days of receipt of the request. Senate Bill 229 eliminates the current prescribed timeframe for template alternation requests, rejections and approvals, and instead permits the Secretary of State to establish a process by rule for chief petitioners of a state initiative, referendum or recall to request modifications to their cover and signature sheets. Additionally, the measure requires the Secretary of State to prepare official templates for each prospective petition.

ORS 250.045 requires that a prospective petition be filed with the Secretary of State before a petition to initiate or refer a state measure, or with the county clerk for a measure proposing incorporation, may be circulated. Additionally, the prospective petition must obtain a requisite number of signatures of qualified electors and signature sheets must be attached to a full and correct copy of the proposed measure. Similarly, statute requires initiative and referendum petition circulators to carry one full and correct copy of the measure and that the copy be available for review upon request. Senate Bill 229 clarifies that incorporation petition circulators must carry a full and correct copy of a petition or prospective petition and that the copy must be available for review upon request.

Currently, each draft ballot title submitted from the Attorney General and received by the Secretary of State is subject to a public comment period. During the public comment period, written comments concerning a draft ballot title may be submitted to the Secretary of State no later than 10 business days after the the draft title was received by the Secretary. In the event no public comments are received by the Secretary, the Attorney General is required to certify the draft ballot title no later than the 20th business day after the draft title was received by the Secretary (ORS 250.052). Senate Bill 229 increases the timeframe that a draft ballot title must be certified by the Attorney General from no later than 20 business days to no later than 21 business days after receipt.

Statute requires that designated filing officers provide the appropriate corresponding state, city, county or district attorney with two copies of each prospective petition for a statewide, citywide, countywide or district-wide initiative, referendum or referral measure for the purposes of drafting a ballot title. Additionally, the state, city, or county attorney receiving copies and drafting the ballot title is provided discretion to correct clerical errors prior to certifying a ballot title (ORS 250.275, 250.185, 255.145, 250.175, 250.065). Senate Bill 229 reduces the number of required copies for drafting a ballot title from two to one and authorizes district attorneys to make clerical corrections to ballot titles.

Currently, statute permits designated political party officers and individuals to submit statements of arguments in support of principles or candidates to the appropriate filing officer no later than 70 days before a general election (ORS 251.115, 251.065 and 251.255). Senate Bill 229 prohibits statement of arguments from being submitted sooner than 120 days preceding a general election, and requires that statements from citizen review panel to be submitted using the ORESTAR system.

ORS 255.085 directs district elections authorities to provide notice of the date of election and ballot titles associated with measures to be included on the ballot no later than the 61st day preceding the election. The district elections authority is further directed to prepare the ballot measure title for any measure referred to the ballot. Senate Bill 229 requires district election authorities to include the ballot title with the text of the measure at the time the measure is filed with county election officials.

According to ORS 254.565, the chief elections officer in each city is required to canvas the results of each city measure referred to the ballot no later than the 30th day after the election occurs. Senate Bill 229 increases the timeframe for the canvas of results related to city ballot measures from no later than 30 days to no later than 40 days after the election.

#### Campaign Finance

Currently, a candidate who serves as their own treasurer and who does not anticipate receiving an aggregate of contributions or making aggregate expenditures of more than \$750 during a calendar year, is not required to file a statement of organization, establish a single exclusive campaign account or file statements in ORESTAR. However, if at any time during the calendar year subsequent to the filing of a nomination petition, declaration of candidacy or certification of nomination the candidate exceeds the aggregate \$750 contribution or expenditure threshold the exemption no longer applies and the candidate must file the required campaign documentation. Senate Bill 229 specifies that candidates exceeding the \$750 threshold are required to file statements in alignment with currently prescribed timeframes for filing campaign finance statements, and further permits a candidate who has exceeded the \$750 expenditure and contribution limit, but who does not expect contributions or expenditures to exceed \$3,500 during the calendar year, to file a statement indicating such in lieu of filing campaign finance statements in alignment with currently prescribed timeframes. Additionally, Senate Bill 229 states that a contribution must be deposited into a committee campaign account no later than seven business days after receipt, rather than seven calendar days, and permits the Secretary of State to notify a committee by electronic means for the purpose of issuing notification of proposed penalties for specified campaign finance violations.

ORS 260.078 requires candidates, candidate's principal campaign committees and political committees who show an unexpected balance of contributions that were not previously reported in a statement as an initial asset prior to the creation of the committee in the ORESTAR system to account for such contributions in future prescribed statements. Senate bill B 229 adds petition committees to those required to report initial assets that have occurred prior to creation of a committee in the ORESTAR system.

According to ORS 260.407 contributions received by a candidate or their principal campaign committee that are in excess of an amount necessary to offset expenditures, and any other donated funds, may be used to defray any  
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general expenses associated with the official duties of an office holder, may be transferred to specified organizations or political committees or may be used for any other lawful purpose. Conversely, a candidate or their principal campaign committee's excess contributions and donations are prohibited from conversion for personal use or use for the purpose of paying expenses associated with certain civil or criminal penalties and legal proceedings related to campaign finance requirements. Senate Bill 229 applies requirements and prohibitions with regard to the use of excess contributions and donations to existing principal campaign committees of public office holders, and expands the prohibitions to additionally exclude the use of excess contributions or donations in connection with certain civil, criminal and other legal proceedings brought under regulations related to elections and campaign finance.