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To: Senate Rules Committee
From: Stephen N. Trout, Director of Elections
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Senate Bill 229, with the -3 amendment, makes technical amendments to state election laws to improve clarity and consistency issues. Following is a brief summary of each section for your consideration.

Section 1 removes requirements that a person elected to a county office provide the county clerks with their certificate of election and eliminates the need for the oath to be “attached” to the certificate. County election officials currently provide candidates with the certificate of election and maintain a copy for their record therefore, so this copy is unnecessary. Additionally, the oath of office may be provided separately from the certificate of elections.

Section 2 allows for certain election documents to be filed by electronic mail.

Sections 3 and 4 allows counties to use the federal only ballot for voters who are requesting to vote for the office of President only. This will reduce the cost for counties in the printing of one less ballot style.

Section 5 alters the deadline for a major political party to notify the Secretary of State of their decision to follow or not follow provisions in ORS 248.012-248.315 from the 274th to the 271st prior to the primary election. In addition, it also provides a timeframe in which they must file their organizational documents from the current timeframe of one specific day to a timeframe of a week’s period.

Section 6 alters the deadline in which the Secretary verifies that a major party has maintained their party status from the 274th to the 271st prior to the primary election

Section 7 requires all state candidate filings for a primary election to be filed electronically using the ORESTAR system.

Note: The -3 amendment deletes sections 8,9,10, and 11 as they will conflict with changes we are working on with the House relating to filing deadlines.

Section 12 removes requirement that petitioners circulating a sponsorship petition have the full text of the petition “attached” to each signature sheet. Current statute requires that sponsorship signature sheets must be attached to a copy of the full text of the petition. This will bring requirements for sponsorship petitions in line with current statutory requirements for all petitions. Circulators will be required to carry a complete copy of the text of the petition for review upon request.

Section 13 removes the requirement that petitioners must have the full text of the petition “attached” to each signature sheet for an incorporation of a territory. Clarifies that the circulator shall carry a full and correct copy of the petition and allow any person to review that copy upon request.

Section 14 provides that the Secretary shall establish a process by rule in which chief petitioners of a state initiative, referendum or recall may request modifications to their cover and signature sheets. In addition, the section adds a provision that the Secretary must prepare official templates for prospective petitions. This will provide consistency with processes already required for initiatives, referenda and recall petitions.

Section 15 moves the deadline by which a certified ballot title must be provided by the Attorney General’s office regardless of whether comments or no comments are filed from the 20th business day to the 21st business day after the draft ballot title is received.

Sections 16-21 reduces the number of “copies” provided for drafting a ballot title from two to one for a state or local initiative, referenda or referral.

Section 22 allows for district attorneys to correct “clerical errors” in a draft or certified ballot title for district initiatives, referenda or referrals without having to start the process over. This is consistent with what is currently allowed for state and local initiatives, referenda and referrals.

Section 23 requires statements for inclusion in the state voters’ pamphlet submitted by the Citizen Review Panel to be filed electronically using the ORESTAR system.

Sections 24 and 26 provides a no sooner than date for political parties to file party statements and arguments in support or opposition to a measure for inclusion in the state voters’ pamphlet. This is consistent to what current law provides for candidate filings for inclusion in the state voters’ pamphlet.

Section 25 are technical and clarifying clean up language.

Sections 27 and 28 provides an exception in which a candidate's name may appear on the ballot in more than one place in the case of a filing for non-lucrative offices or specific district offices.

Section 29 provides district election authorities must include the ballot title with the text of the measure at the same time they file the measure with county election officials.

Section 30 requires the district elections authority to determine the results of the election no later than the 40th day after the date of an election.

Section 31 requires the city elections officer to canvass the vote on each city measure no later than the 40th day after the date of an election.

Note: The -3 amendment deletes section 32. This provision will be provided for in Senate Bill 225.

Section 33 allows candidates who have exceeded the \$750 threshold to file a certificate of limited contributions and expenditures.

Section 34 and 35 changes timeframe in which a contribution received must be deposited into the committees campaign account from no later than 7 calendar days to 7 business days. This change is needed due to changes in the US Postal service deliveries.

Section 36 clarifies that all statements filed in the ORESTAR system must be signed and certified as true by the candidate, treasurer, designee of the candidate or treasurer or by a person who has filed an independent expenditure statement.

Section 37 adds petition committees to those required to report initial assets that have occurred prior to creation of a committee in the ORESTAR system.

Section 38 allows the Secretary to notify a committee by electronic means when issuing a proposed penalty notice.

Section 39 allows the Secretary to notify a candidate electronically if their name will not be placed on the ballot for failure to file campaign finance transactions within the ORESTAR system.

Section 40 adds existing principal campaign committees of elected officials into statute which provides how committees may use amounts received as contributions. Also specifies how campaign funds may be used for legal expenses.

Section 41 provides clarification that a person may not sell, purchase or make an offer with the actual intent to sell, purchase or make an offer for money or other valuable for ballots, return identification or secrecy envelopes.

Section 42 allows for counties to use batches of ballots or ballots by precinct when conducting the general election hand count under ORS 254.529. **Note: the -3 amendment makes additional changes to this section requested by County Clerks.**

Section 43 -48 provides clarifications that signatures submitted for signature verification for candidate or recall petitions may be accepted and verified by the county clerk or the Secretary of State.

Section 49 repeals 247.435. This statute is not needed because the federal National Voter Registration Act of 1993 allows for an elector to vote once at their last place of residence.

Section 50 provides for the implementation of these changes.

The -3 amendment includes the following changes to SB 229:

- **Page 1, lines 9-12** delete sections 8,9,10, and 11 as they will conflict with changes we are working on with the House relating to filing deadlines.
- **Page 1, line 13** amends ORS 254.135(2) to allow for political party designations to be listed “with” the name of a Presidential and Vice Presidential candidate rather than requiring the parties to be listed under their names. This is needed to assist counties in the layout and design of ballots.
- **Page 1, lines 14-16** delete section 32. This provision will be provided for in Senate Bill 225.
- **Section 42** changes were requested by County Clerks and are supported by the Secretary of State.
- **Section 49 and 50** changes were requested by County Clerks and are supported by the Secretary of State.
- **Section 51** amends ORS 249.002 to include “write-in” candidates in the definition of a candidate. There are many candidates conducting write-in campaigns and therefore should be included in this definition.

- **Section 52** amends ORS 249.865(3)(b) to add the name and address of the treasurer or the chief petitioner listed on the recall petition must be the same names provided on the statement of organization filed under ORS 260.118 when filing the recall committee in the ORESTAR system.
- **Section 53** amends ORS 253.575(1) removes requirement that the name of the county clerk must appear on the front of elections envelopes. This will result in savings to counties in having to reprint envelopes in the event a new county elections official is elected to the office. Additionally, removes requirements that a person may not show their ballot to any person. This provision was repealed in SB1515 in the 2014 Legislative session under ORS 260.695.
- **Section 54** amends ORS 260.118(6)(b) requires recall committees to disclose transactions beginning on the day the petition is filed. This is needed because the requirement under 249.865(1) use to require a statement of contributions and expenditures to be filed at the initial time the recall prospective petition was filed however that requirement was removed. ORS 260.118 still references that statement of contributions and expenditures therefore this change will resolve this conflict. For transparency purposes all transactions should be reported.