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Testimony on SB 224 (Introduced)

Senate Bill 224 is the Elections Division's annual housekeeping bill. It makes technical amendments to state election laws to improve clarity and consistency. Following is a brief summary of each section for your consideration.

Section 1

Removes voter participation threshold and lack of registration record update as reasons to inactivate voter.

- Amends ORS 247.013. Removes the requirement and related prohibitions for county clerk to inactivate the registration of an elector who has not voted or updated their registration in at least 5 years.
- The US Supreme Court majority reasoned that Ohio's practice would violate the "failure-to-vote" clause "only if it removes registrants for no reason other than their failure to vote."

Sections 2, 3 and 4

Permits military and overseas voters to request ballot by email or fax.

- Amends ORS 253.540. Specifies a ballot application from a military or overseas voter may be submitted by mail, email, fax or other means adopted by administrative rule.
- Amends ORS 253.565. Allows a request for a special ballot (submarine ballot) made by a military or overseas voter may be submitted by mail, email, fax or other means adopted by administrative rule.
- Amends ORS 246.021. Adds ORS 253.540 and 253.565 as exceptions to requirement that ballots, voter registration cards or petitions requiring signatures of voters be physically submitted.

Sections 5, 6, 7 and 8

Updates definition of political committee to include a combination of two or more persons that receive a contribution or make an expenditure supporting or opposing an initiative, referendum or recall petition to require reporting of campaign finance activity.

- Amends ORS 260.005 (as amended by section 14, chapter 70, Oregon Laws 2018). Incorporates a combination of two or more persons that receive a contribution or make an expenditure supporting or opposing an initiative, referendum or recall petition into the definition of political committee.
- Amends ORS 260.118 (as amended by section 3, chapter 70, Oregon Laws 2018). Specifies the deadline for a political committee that receives a contribution or makes an expenditure supporting or opposing an initiative, referendum or recall petition to disclose detailed campaign finance activity is the same as the deadlines applicable to an initiative petition, referendum petition or recall petition committee. Exempts a political committee from disclosing detailed campaign finance activity if they file a certificate of limited contributions and expenditures under ORS 260.112.
- Amends ORS 260.112. Exempts a treasurer that files a certificate of limited contributions and expenditures from filing detailed campaign finance transactions required under the provisions of ORS 260.118.
- Amends ORS 260.049. Revises disclosure requirements of a corporation whose major source of revenue is paid-in-capital and whose primary purpose is the support or opposition of any candidate, measure or political party to include the support or opposition of any initiative, referendum and recall petition.

Section 9

Removes gender requirement for selecting precinct committee persons.

- Amends ORS 248.015. Updates requirement for a major political party to elect from its members a committee person of each sex for every 500 voters or major fraction to two committee persons for every 500 voters or major fraction.
- Conditioning election on the basis of a person's sex likely violates the Constitution.

Sections 10 and 11

Clarifies parameters for recognized political parties to receive a free voter file.

- Amends ORS 247.910. Updates deadline for a political party to request a free list of active voters from no later than the 21st day before a primary, general or special congressional election to no earlier than six months before and no later than the 15th day before a primary, general or special election. Provides for a political party to request the list from the Secretary of State and specifies that a party may make no more than two separate requests per primary, general or special election. Changes county clerk references to Secretary of State. Requires Secretary of State to provide list requested under this section no later than 10 days after receiving the request. Provides the voter file may not contain any information that may not be publicly disclosed under section 21, chapter 70, Oregon Laws 2018.
- Amends ORS 247.945. Adds list requested under ORS 247.940 as an exception to requirement for Secretary of State to charge \$500 for a statewide voter file. Provides the voter file may not contain any information that may not be publicly disclosed under section 21, chapter 70, Oregon Laws 2018.

Section 12

Extends liability exemption for county clerks to also include Secretary of State for release of protected residence address.

Amends ORS 247.965. Provides Secretary of State shall not be held liable for granting or denying a request to exempt residence address or any unauthorized release of an exempt residence address.

Section 13

Reimbursement of expenses to county elections officer for a statewide special election.

- Amends ORS 246.179. Adds a statewide special election that is required by law to be held on a date other than the date of the primary election or the general election to the list of elections that the Secretary of State will reimburse counties to conduct.

Section 14

Updates elections for which random alphabet must be produced.

Amends ORS 254.155. Specifies that the requirement for the Secretary of State to create and distribute the random alphabet used to order candidate names on the ballot only applies if there is at least one contested candidate race on the ballot.

Section 15

Clarifies calculation date used to determine the proportion of county commissioner votes for a legislative vacancy.

- Amends ORS 171.062. Clarifies date used to calculate the proportion of votes each county is entitled to if a vacancy in a legislative district located in more than one county occurs. The calculation will either use the number of voters registered on the date the office becomes vacant or when the resignation becomes binding whichever occurs first.

Sections 16 and 17

Specifies there must be at least four days between filing of the financial estimate or explanatory statement and the date of the hearing.

- Amends ORS 251.215. Requires the Secretary of State to hold a hearing on an explanatory statement filed under ORS 251.215(1) no sooner than four days after the statement is filed but no later than the 95th day before the date the measure will be voted on.
- Amends ORS 250.127. Requires the Secretary of State to hold a hearing on a financial estimate statement filed under ORS 250.127(1) no sooner than four days after the statement is filed but no later than the 95th day before the date the measure will be voted on.

Section 18

Includes community college districts and 9-1-1 communications districts in the definition of district.

- Amends ORS 255.012. Includes community college and 911 communication districts in the definition of districts which are subject to the provisions of Oregon election law.

Section 19

Removes prohibition on electioneering.

- Amends ORS 260.695. Deletes prohibition on electioneering. Updates subsection references.
- We have an opinion from the Oregon Attorney General that this statute is unconstitutional.

Section 20

Updates statutory reference.

Amends ORS 260.993. Changes statutory reference from ORS 260.695(4) to ORS 260.695(3).

Sections 21, 22 and 23

Amends the geographic distribution requirements for signatures on candidate nominating petitions.

- Amends ORS 249.068 (as amended by section 13, chapter 70, Oregon Laws 2018). Simplifies the geographic distribution requirement for signatures gathered on a major party candidate nominating petition. If the office is a statewide office the petition must contain the signatures of at least 100 voters registered in each congressional district. For a congressional district office the petition must contain the signatures of at least 10 voters in each of at least one-fourth of the state house of representative districts in the congressional district. Deletes the distribution requirements for state senator and state representative offices, as well as county and city offices.
- Amends ORS 249.072 (as amended by section 12, chapter 70, Oregon Laws 2018). Simplifies the geographic distribution requirement for signatures gathered on a nonpartisan candidate nominating petition. If the office is a statewide office the petition must contain the signatures of at least 100 voters registered in each congressional district. Deletes distribution requirements for all other nonpartisan offices.
- Amends ORS 249.078. Deletes distribution requirements for a major political party nominating petition for the office of President.
- Numerous federal courts, including the US Court of Appeals for the 9th Circuit, have ruled that geographic signature requirements similar to Oregon's existing requirements violate the Constitution.

Section 24

Adds reference to recall requirements that are located in ORS chapter 250.

Amends ORS 249.865. Provides that the production and circulation of a recall petition must comply with the recall provisions in ORS 250.048 and 250.052. Deletes provision allowing the treasurer of the recall committee to appear on the cover sheet instead of the chief petitioner as well as the provision invalidating the prospective petition for intention violations of ORS 249.865(1) and (2).

Sections 25 and 26

Amends requirements to qualify as a major or minor political party and maintain ballot access.

- Amends ORS 248.006. Specifies only registered voters that choose to affiliate with a major or minor political party may be used in the calculations to determine if a major political party is qualified to nominate candidates to the ballot.
- Amends ORS 248.008. Specifies only registered voters that choose to affiliate with a major or minor political party may be used in the calculations to determine if a minor political party is qualified to nominate candidates to the ballot.

Section 27

Permits a major political party to adopt rule permitting nomination of candidate who has not been member of party for at least 180 days.

- Amends ORS 249.046. Allows a major political party to adopt a rule allowing for the nomination of candidates who are not members of the party or who, as of the deadline to file for offices, have not been members of the party for 180 days. A copy of a party rule adopted under this provision must be filed with the Secretary of State no later than 180th day before the date of the primary election and will remain in effect until the major party withdraws the rule. Specifies deadline for party to withdraw rule.

Sections 28, 29, 30, 31 and 32

Permits minor political party to nominate replacements for vacancy in certain offices similar to major political party.

- Amends ORS 171.060. Applies the provisions of ORS 171.060 to a vacancy in the office of senator or representative affiliated with a minor political party.
- Amends ORS 171.068. Extends qualification requirements to a person nominated to fill a vacancy in the office of senator or representative affiliated with a minor political party.
- Amends ORS 236.215. Extends qualification requirements to a person nominated to fill a vacancy in the office of county judge (no judicial function) or county commissioner affiliated with a minor political party.
- Amends ORS 236.217. Applies the provisions of ORS 236.2170 to a vacancy in the office of county judge (no judicial function) or county commissioner affiliated with a minor political party.
- Amends ORS 188.120. Allows a minor political party to nominate candidates in accordance with party rule for a vacancy in the office of US Representative or US Senator.

Section 33

Repeal of exclusive use of party name.

- Repeals ORS 248.010. Repeals a major or minor political party's exclusive right to use, in whole or in part, the name of the political party.
- In the court case Freedom Socialist Party v. Bradbury this statute was ruled to violate the Oregon Constitution.

Section 34

Provisions of SB 224 take effect on the 91st day after the legislature adjourns sine die.