



HB 3310 – Oregon Voting Rights Act -1 Amendments Section Walkthrough

SECTION <i>(Intent)</i>	AMENDMENT	NOTES
<p><u>Section 2(2)</u> <i>Expanding Oregon court scope.</i></p>	<p>“Polarized voting” means voting in which there is a difference, as defined in case law regarding the enforcement of the federal Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), as amended, or its successors, in the choice of candidates or other electoral choices that are preferred by electors in a protected class, and in the choice of candidates or electoral choices that are preferred by electors in the rest of the electorate.</p>	<p>Explicit reference to federal law limits the scope for Oregon courts when presented with a claim. By removing the reference, the state court will have a larger scope to reference, which will include the National Voting Rights Act.</p>
<p><u>Section 2(4)(b)</u> <i>Autonomous ESD districts.</i></p>	<p>‘Qualifying district’ does not include a pilot education service district described in ORS 334.108 to 334.115.</p>	<p>Three ESD subdivisions have their own governing statute. This provision removes those districts from this policy.</p>
<p><u>Section 3(1)(a)</u> <i>Equal opportunity provision.</i></p>	<p>A qualifying district election may not be conducted in a manner that impairs the ability of members of a protected class to have an equal opportunity to elect candidates of their choice or an equal opportunity to influence the outcome of an election as a result of the dilution or abridgment of the rights of electors who are members of that protected class.</p>	<p>The bolded language provides that the equal opportunity to influence an election by an elector may not be impaired by dilution or abridgement of the rights of electors. This language mirrors language found in other sections of the original bill.</p>

SECTION (Intent)	AMENDMENT	NOTES
<p>Section 3(1)(b) <i>County clerk inclusion.</i></p>	<p>The board of a qualifying district, in consultation with the county clerk that administers the electoral system of the qualifying district, may authorize a change to the electoral system used by the qualifying district in order to comply with this section. Prior to authorizing a change under this paragraph, the board must take into consideration any recommendations made by the county clerk that administers the electoral system of the qualifying district.</p>	<p>County clerks administer the election systems for the impacted subdivision under this proposed policy. The bolded language preserves the autonomy of a subdivision to implement an election method in compliance of HB 3310 with the assistance of county clerks.</p>
<p>Section 3(2) <i>Secretary of State Guide Responsibility.</i></p>	<p>The Secretary of State by rule shall develop and make publicly available on the secretary’s Internet website a comprehensive guide describing the requirements, procedures and actions qualifying districts can take to ensure compliance with the provisions set forth in sections 2 to 6 of this 2019 Act.</p> <p>(a) The process for an elector to notify the board of a qualifying district and bring an action alleging that a qualifying district’s electoral system fails to comply with this section; and“</p> <p>(b) The options and applicable timelines available to a board and qualifying district that receive a notice described in paragraph (a) of this subsection.</p>	<p>The proposed amendment clarifies the Secretary of State’s responsibility for providing a guide about the policy.</p>

SECTION (Intent)	AMENDMENT	NOTES
Section 4(2) <i>Legal action jurisdiction</i>	Subject to section 6 of this 2019 Act, a violation of section 3 of this 2019 Act may be alleged by the filing of an action in either the circuit court of Marion County or the circuit court of any county in which the qualifying district is located...	The proposed amendment clarifies the jurisdiction where an elector may file an action against a subdivision. This is reflective of the fact that some subdivisions fall under multiple circuit court jurisdictions.
Section 4(3) <i>Filing Fee and Court Process.</i>	An action filed under this section: (a) Is subject to the filing fee described in ORS 21.145; and (b) Must be tried and decided by a judge.	The proposed amendment requires electors filing an action to pay a Simple Filing Fee (currently \$175) and clarifies that the action is tried and decided by a judge (rather than by a jury).
Section 5(3) <i>Reforming election method by court order.</i>	In carrying out the actions described in subsection (1) of this section, the board of a qualifying district shall consult with the county clerk that administers the electoral system of the qualifying district and take into consideration any recommendations made by the county clerk.	The proposed amendment clarifies that a change of a subdivision's election method due to a court order or on a subdivision's own accord must ensure engagement with affected local agencies.
Section 6(6)(c)(B) <i>Reimbursement for small districts.</i>	The total amount of moneys that the board of a qualifying district shall reimburse pursuant to demands for reimbursement made under subsection (5) of this section may not exceed \$5,000 if the qualifying district is a school district, as defined in ORS 332.002 that has 500 or fewer students.	The proposed amendment lowers the reimbursement cap to \$5,000 for school districts that have 500 or fewer students. This comes from concerns expressed by the school board representatives that do not have a large population.

SECTION (Intent)	AMENDMENT	NOTES
<p><u>Section 7, 8, & 9</u> <i>Race and Ethnicity Requirements.</i></p>	<p>The Secretary of State shall ensure that the templates for a nominating petition or declaration of candidacy provide the candidate with the option to provide the candidate’s race and ethnicity.</p>	<p>The success of challenges under the proposed bill relies heavily on the information available to electors. This proposed amendment ensures that all templates currently provided to subdivisions on candidate forms include the option for a candidate to include their race and ethnicity when filing,</p>
<p><u>Section 56 & 57</u> <i>Effective Date and Sec. of State action.</i></p>	<p>Sections 2 to 6 of this 2019 Act and the amendments to statutes by sections 7 to 55 of this 2019 Act become operative on January 1, 2020.</p> <p>The Secretary of State may take any action before the operative date specified in subsection (1) of this section that is necessary for the Secretary of State to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the Secretary of State by sections 2 to 6 of this 2019 Act and the amendments to statutes by sections 7 to 55 of this 2019 Act.</p> <p>This 2019 Act takes effect on the 91st day after the date on which the 2019 regular session of the Eightieth Legislative Assembly adjourns sine die.</p>	<p>The proposed amendment under these two sections would allow the Secretary of State to take actions before the operative date of the act.</p> <p>The proposed amendment becomes effective on the 91st day after sine die.</p> <p>Claims against subdivisions will not be allowed until the first day of January 2020. This will allow the Sec. of State and subdivisions to prepare any document necessary and establish procedures to comply with the policy.</p>