

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 1510 - 1

80th Oregon Legislative Assembly – 2020 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Michael Graham
Reviewed by: John Borden, Ken Rocco
Date: February 26, 2020

Measure Description:

Provides that a member of the Legislative Assembly may not solicit or use contributions to pay fines or legal expenses, replace salary, defray expenses or otherwise compensate a member for monetary losses incurred as a result of a member’s unexcused absence from all or part of a legislative session.

Government Unit(s) Affected:

Secretary of State (SOS), Department of Justice (DOJ)

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

Notwithstanding provisions to the contrary, the measure prohibits a member of the Legislative Assembly from soliciting or using campaign contributions to pay fines or legal expenses, replace salary, defray expenses or otherwise compensate a member for monetary losses incurred as a result of a member’s unexcused absence from all or a part of a session of the Legislative Assembly. The measure takes effect on passage.

Secretary of State

The Elections Division within the Secretary of State will enforce this measure. If the Elections Division were to receive a complaint that a member of the Legislative Assembly used campaign funds to pay fines or legal expenses, replace salary, defray expenses, or otherwise compensate a member for monetary losses associated with unexcused absences, the Elections Division would have to investigate the complaint. Upon receiving a complaint, the Elections Division would need to investigate the merits of the complaint, and if the complaint had merit, the Division would need to draft and issue a proposed penalty notice and a final order. If the penalty were challenged, the Division would need to hold a hearing before the Office of Administrative Hearings, which would require paying the costs of an administrative law judge, and potentially legal representation by the Department of Justice.

Because it is unclear how many violations will occur and how many complaints will be investigated, processed, and adjudicated, the fiscal impact to the Elections Division is indeterminate. If the magnitude of violations and complaints were to exceed the capacity of the Elections Division, the Secretary of State will need to return to the 2021 Legislative session or the Emergency Board for budgetary adjustments.

Department of Justice

While the Secretary of State may need legal services from the Department of Justice for hearings in front of the Office of Administrative Hearings in which a member challenges a penalty, the General Counsel Division will be able to absorb any additional legal services required by the measure within the ordinary course of business. The measure will have a minimal fiscal impact on DOJ.