

SB 27 A STAFF MEASURE SUMMARY**Carrier:** Sen. Burdick**Senate Committee On Rules**

Action Date: 04/15/21
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 3-1-1-0
Yeas: 3 - Burdick, Manning Jr, Wagner
Nays: 1 - Girod
Exc: 1 - Thatcher
Fiscal: Fiscal impact issued
Revenue: No revenue impact
Prepared By: Leslie Porter, LPRO Analyst
Meeting Dates: 3/9, 4/15

WHAT THE MEASURE DOES:

Requires that cover sheet of state, county, district, and city initiatives list city and state of residence for chief petitioners, rather than residence address of chief petitioners. Requires notice of election for members of district board to be delivered to newspaper for printing, rather than be printed, no later than 40 days before filing deadline. Requires notice to be printed in next available edition of newspaper after the filing deadline. Allows election officer to post notice on county website in lieu of printing notice in newspaper. Clarifies requirements regarding notice of ballot measure election and ballot title for district ballot measures. Clarifies that certificate of nomination by individual electors must contain number of signatures of electors cast in relevant electoral district at last presidential election, instead of at the last general election. Removes requirement that notice in newspaper state that an elector may file a petition to review the ballot title. Removes requirement for publishing an amended notice of election if the circuit court approves a different ballot title. Removes vector control districts from definition of "district" for purposes of special district elections. Clarifies the timeline to request a hearing held by the Secretary of State (SOS) for a person against whom a civil penalty may be assessed for failure to file certain campaign finance statements or certificates, and for election conduct violations. Clarifies that a person against whom a penalty may be assessed may submit written testimony and evidence, if sworn to before a notary public, and allows written testimony and evidence to be submitted electronically. Provides that a county clerk or other filing officer is not required to provide a secrecy envelope for a ballot if the SOS has approved a different procedure to ensure secrecy. Authorizes county clerks to begin opening and counting ballots upon receipt. Requires each sheet of a petition to recall a public officer to list city and state of residence for chief petitioner, rather than residence address of chief petitioner.

ISSUES DISCUSSED:

- Changes suggested by Oregon Secretary of State Elections Division and Oregon Association of County Clerks
- Ballot provisions and counting processes
- Elections provisions to safeguard elections
- Flexibility to post notice of elections on the county website
- Appointment of Vector Control District members

EFFECT OF AMENDMENT:

Clarifies the timeline to request a hearing held by the Secretary of State (SOS) for a person against whom a civil penalty may be assessed for failure to file certain campaign finance statements or certificates, and for election conduct violations. Clarifies that a person against whom a penalty may be assessed may submit written testimony and evidence, if sworn to before a notary public, and allows written testimony and evidence to be submitted electronically. Provides that a county clerk or other filing officer is not required to provide a secrecy envelope for

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a ballot if the SOS has approved a different procedure to ensure secrecy. Authorizes county clerks to begin opening and counting ballots upon receipt. Requires each sheet of a petition to recall a public officer to list city and state of residence for chief petitioner, rather than residence address of chief petitioner.

BACKGROUND:

The initiative process is a method of direct democracy that allows people to propose or amend local laws and charters or to adopt or reject an ordinance or other legislative enactment passed by a local governing body. If chief petitioners gather and submit the required number of signatures, the initiative is placed on the ballot for voters to adopt or reject. Chief petitioners are the individuals responsible for the preparation and organization of the petition. Before gathering signatures, chief petitioners must file a prospective petition with the local elections official.

A ballot title is a concise and impartial statement summarizing the initiative and its major effect. After receiving the text of the prospective petition, the district attorney or city attorney drafts and files a ballot title with the local elections official. The local elections official publishes notice that the ballot title has been received in the next available edition of a newspaper of general circulation. Any registered voter may petition the Circuit Court to review the ballot title.

Vector control districts are established for the "prevention, control or eradication of public health vectors and predatory animals." Public health vectors are "arthropods and vertebrates of public health significance and those insects included within the family Chironomidae of the order Diptera. The term does not include any domesticated animal." Vector control district members are appointed; they are not elected.

Oregon law requires that ballots be inserted into a secrecy envelop provided by the county clerk before being inserted into a larger envelope. It also allows the county clerk to begin opening and tallying only ballots delivered by mail and received by the county clerk seven days before an election.

Senate Bill 27 A changes the requirements for the chief petitioners' address, clarifies the requirements for district ballot measures, and clarifies the basis for the number of signatures needed for a certificate of nomination. It changes the notice requirements for local initiatives and removes vector control districts from the definition of "district" for the purposes of special district elections. SB 27 A changes the notice requirements for the election of members for district boards and clarifies certain civil penalty procedures. Finally, it eliminates the secrecy envelope requirement if the Secretary of State has approved a different procedure that provides substantially the same degree of secrecy; also allows the county clerk to begin tallying any ballots upon receipt.