

SHEMIA FAGAN  
 SECRETARY OF STATE  
 CHERYL MYERS  
 DEPUTY SECRETARY OF STATE  
 TRIBAL LIAISON



State of Oregon  
 900 Court Street NE #136  
 Salem, Oregon 97301  
 503-986-1500

<http://sos.oregon.gov>

February 22, 2022

Chair Smith Warner, Vice Chair Breese-Iverson, Vice-Chair Fahey and Members of the committee:

For the record, I'm Jessica Ventura, Legislative Director for Secretary of State Shemia Fagan, who's currently serving as Oregon's 28<sup>th</sup> Secretary of State. I am here to provide testimony in support of SB 1527-A. SB 1527-A comes from the Senate Rules Committee and Senate floor with bipartisan support.

Oregon is a leader in our election's laws, and the last legislative session included many important reforms. The Elections Division started working on the implementation of those changes immediately following the session and we are now excited to bring important technical fixes and couple of additions that will strengthen our election laws. The Elections Division has identified needed technical fixes to several elections' laws. These include changes to the timelines for notifying candidates of a recall or complaint, more time to verify recall signatures, and updates to deadlines that were impacted by HB 3291, the Postmark Bill. This bill is part of SoS Fagan's Protect Democracy Agenda, which will ensure that Oregon's elections remain secure and fair, and that we play our part in the fight against anti-democratic attacks on our nation's elections.

Below you will find the technical adjustments and summary table explaining each requested change by section. We thank you for your service, your time, and welcome your support of SB 1527-A.

Respectfully,  
 Jessica Ventura  
 Legislative Director for Secretary of State Shemia Fagan

Concept/Reason	Statute	Suggested Language
<b>Technical Fixes – Senate Rules Omnibus – SB 1527</b>		
<b>Section 2: Method of Recount Notification-</b> The statute currently requires the SoS to notify affected candidates of a recount by certified or registered mail. However, there are some	ORS 258.190(2)	(2) If the demand for a recount of votes cast for a nomination or office is filed, the Secretary of State, not later than the third day after the filing of the first demand, shall notify the affected <b>candidates that a recount is to be made in the precincts specified in the demand. The notice shall be by electronic mail or by certified or registered mail if an electronic email address for the affected candidate is unavailable.</b> that a recount is to be

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<p>situations in which sending by certified/registered mail would not give candidates timely notice of the recount.</p> <p>We are requesting this change to give the SoS the flexibility to send the notice by email if one is available.</p>		<p>made in the precincts specified in the demand.</p>
<p><b>Section 3: Recall Signature Verification Dates</b></p> <p>We are requesting a change to the timeline to verify recall petition signatures. Statute currently requires signatures to be verified within 10 days of signature submission which doesn't take into account population growth which increases the number of signatures required for petitions, and it doesn't allow flexibility to comply with other important deadlines elections officials are required to follow. Nothing in the current statute or the requested changes prohibits the signature verification from being completed earlier if the elections office can do so.</p>	<p>ORS 249.875</p>	<p>(1) A recall petition shall be void unless completed and filed not later than the <b>120</b>th day after filing the prospective petition described in ORS 249.865. Not later than the 90th day after filing the prospective petition the petition shall be submitted to the filing officer who shall verify the signatures not later than the <b>30</b> <del>40</del>th day after the submission. The filed petition shall contain only original signatures. A recall petition shall not be accepted for signature verification if it contains less than 100 percent of the required number of signatures. The petition shall not be accepted for filing until 100 percent of the required number of signatures of electors have been verified.</p> <p>(2) The provisions for verification of signatures on an initiative or referendum petition contained in ORS 250.105, are applicable to the verification of signatures on a recall petition.</p>
<p><b>Section 4: Notices to Subjects of Complaints</b></p> <p>We are requesting changes to the timeline by which the SoS (and AG) is required to notify subjects that a complaint has been filed. Statute currently requires us to notify subjects of a complaint within 48 hours unless we received complaints involving 25 or more people within 24 hours in which case we notify within 10 business days.</p> <p>Over the last several years we have</p>	<p>ORS 260.345(3)</p>	<p>(3) Upon receipt of a complaint under subsection (1) or (2) of this section the Secretary of State or Attorney General immediately shall examine the complaint to determine whether a violation of an election law or rule has occurred and shall make any investigation the Secretary of State or Attorney General considers necessary. Except as provided in this subsection, within <b>three business days</b> <del>48 hours</del> of receiving a complaint under subsection (1) or (2) of this section, the Secretary of State or Attorney General shall notify the person who is the subject of the complaint that a complaint has been received. If the Secretary of State or Attorney General receives a complaint or complaints involving <b>10</b> <del>25</del> or more individuals, political committees or petition committees in any <b>48</b> <del>24</del>-hour period, the Secretary of State or Attorney General need not notify the persons who are the subjects of those complaints within <b>three business days</b> <del>48 hours</del> of receiving the complaints but shall notify those</p>

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<p>received significantly more complaints that require notice under this section. During election time we have to focus our resources on complaint intake and notice and other important work is put on hold. The requested changes give the SoS more flexibility to allocate resources while still providing subjects of complaints sufficient and timely notice.</p>		<p>persons not later than 10 business days after receiving the complaint or complaints.</p>
<p><b>Technical Adjustments to HB 3291 (2021) – SB 1527</b></p>		
<p><b>Section 5: Deadline to Demand Recount</b></p> <p>HB 3291 (2021) extended the deadlines by which filing officers must certify election results but did not update the post-election deadline by which a recount demand must be filed. If left unchanged a person would need to file a recount demand before elections results are certified.</p>	<p>ORS 258.161(8)</p>	<p>(8) Except as provided in subsection (9) of this section, the first demand shall be filed in the office of the Secretary of State not later than the <del>35<sup>th</sup></del> <b>42<sup>nd</sup></b> day and a supplemental demand not later than the <del>52<sup>nd</sup></del> <b>42<sup>nd</sup></b> day after the date of the election in which votes were cast for the nomination, office, or measure.</p>
<p><b>Section 6: Update Write-In Deadlines</b></p> <p>HB 3291 (2021) extended the deadline for elections filing officers to notify write-in candidates that they won the nomination/election. However, it did not extend and the deadline by which write-in winners must respond to accept the nomination/election. Two days is not enough time, especially considering that many write-in candidates are only notified by mail that they won the nomination/election because an email address is not available.</p> <p>We're also requesting that "and" be changed to "or" to allow filing officers to send the notice only by</p>	<p>ORS 254.548 (including HB 3291 changes)</p>	<p>(2) In the case of an individual nominated or elected by write-in votes to a public office:</p> <p>(a) Not later than the <del>31<sup>st</sup></del> <b>38<sup>th</sup></b> day after the election, the filing officer shall:</p> <p>(A) Prepare and deliver by regular mail the form described in subsection (1) of this section to the individual; <del>and</del> <b>or</b></p> <p>(B) If the filing officer has the electronic mail address of the individual, prepare and deliver by electronic mail the form described in subsection (1) of this section to the individual;</p> <p>(b) Not later than the <del>43<sup>rd</sup></del> <b>43<sup>rd</sup></b> day after the election, if the individual accepts the nomination or office, the individual shall sign and file the form with the filing officer; and</p> <p>(c) Not later than the 45th day after the election, if the individual files the form by the deadline specified in paragraph (b) of this subsection, the filing officer shall prepare and deliver a certificate of nomination or election to the individual and, if applicable, issue a proclamation declaring</p>

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email if one is available.		the election of the candidate to the office.
<p><b>Section 7: Update Write-In Deadlines for Precinct Committee Person Elections</b></p> <p>HB 3291 (2021) extended the deadlines by which filing officers must certify election results, but did not update the post-election write-in deadlines for precinct committee persons. If left unchanged county clerks would be required to notify precinct committee persons of election results prior to the results being certified.</p>	<p>ORS 248.023</p>	<p>(1) Not later than the <del>33<sup>rd</sup></del> <del>27<sup>th</sup></del> day after a primary election, the county elections official shall mail a certificate of election to each newly elected precinct committeeperson within the county. The county elections official also shall mail an "Acceptance of Office" form to each person elected by write-in votes to the office of precinct committeeperson who was nominated under ORS 248.021. The form shall include a statement to be signed by the person elected that the person is qualified to hold the office.</p> <p>(2) A person elected by write-in votes to the office of precinct committeeperson shall be certified for the office by filing with the county elections official, not later than the <del>33<sup>rd</sup></del> <del>27<sup>th</sup></del> day after the date of the primary election, a signed "Acceptance of Office" form.</p> <p>(3) Not later than the <del>31<sup>st</sup></del> <del>35<sup>th</sup></del> day after a primary election, the county elections official shall prepare, maintain and furnish to the chairpersons of the respective retiring county central committees within the county and the chairpersons of the state central committees, a list of the party precinct committeepersons elected and certified. At the same time the county elections official shall declare the other offices of precinct committeeperson vacant.</p>
<p><b>Section 8: Update Term of Office of Precinct Committee Person</b></p> <p>HB 3291 (2021) extended the deadlines by which filing officers must certify election results but did not update the term of office for precinct committee persons. If left unchanged precinct committee persons would start their term of office prior to election results being certified.</p> <p>Current PCS serve until the 35<sup>th</sup> day.</p>	<p>ORS 248.015(6)</p>	<p>(6) The term of office of a precinct committeeperson is from the <del>35</del> <del>24<sup>th</sup></del> day after the date of the primary election until the <del>35</del> <del>24<sup>th</sup></del> day after the date of the next following primary election.</p>
<b>Authorizing SoS to Set Standards for Recounts – SB 1527- Section 9</b>		
<p>This is a reintroduction of <a href="#">SB 691-A</a>, which passed out of the Senate with support for this committee. This section provides that the Oregon Secretary of State shall have the responsibility and authority, in a recount including all federal elections, statewide and state legislative elections, to ensure that there is consistency, transparency and accuracy for each county and between each of multiple county elections offices involved in conducting the recount.</p>		

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