

Secretary of State's Office

2024 Legislative Concepts



House Committee on Rules

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AGENCY GOALS

MISSION

Build trust between the people of Oregon and our state government so that public services can make a positive impact in peoples' lives.

VISION

We envision an Oregon without barriers, where we lead with our values and believe every voice should be heard. We do so by:

- Building equitable access to our democracy.
- Making tools easily available to achieve economic success.
- Ensuring state resources are used sustainably, efficiently and accountable to the public.
- Honestly acknowledging Oregon's history.

VALUES

ACCESS FOR ALL

We seek to identify and actively eliminate barriers.

AUTHENTICITY

We are honest and true with ourselves and others.

CLARITY

We share stories, using plain language to increase understanding and impact.

RESPECT

We strive to understand all viewpoints.

SERVICE

We are responsive and prioritize the needs of current and future Oregonians we serve.

2024 Legislative Concepts

Training for notaries*

We want to require training every time notaries apply for a new commission. Requiring the training with a new commission will reduce the number of errors we are seeing.

Elections updates**

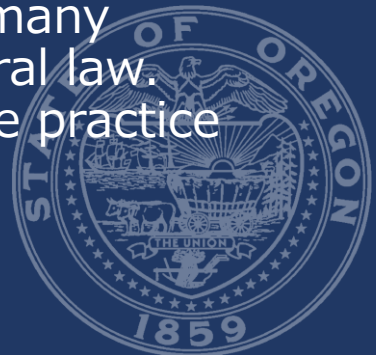
To address critical updates to our election laws. The Elections Division continuously identifies technical adjustments to various election laws where needed. These changes will help us maintain uniformity in elections practices.

Electoral count updates*

Congress passed the Electoral Count Reform Act in late 2022. Since its adoption, many states have passed legislation to better conform state practices with the new federal law. Oregon law is currently out of compliance and changes are necessary to align state practice with federal requirements.

* *House Rules Committee*

** *Senate Rules Committee*



Training for Notaries

Training for notaries

We want to require training every time notaries apply for a new commission. Requiring the training with a new commission (every 4 years) will reduce the number of errors we are seeing, and keep notaries updated with new laws and rules.

Examples of errors we are seeing:

- Notary certificate is incomplete.
- Notary certificate is missing completely.
- The notary acted outside of the scope of a notarial act.
- The notary did not sign with their official signature.

This change to statute would require the training every 4 years. That would be each time a notary apply or re-apply for a commission. The training would be of no-cost, and available online or in-person. It would provide ongoing education to their roles and responsibilities as notaries.



Elections Updates

The Elections Division continuously identifies technical adjustments to various election laws where needed. These changes will help us maintain uniformity in elections practices.

A summary of these changes include:

- Updates on translations of materials that are filed
- Clarification on various election statutes
- General language clean-up



Elections Updates

This change is a technical fix

Statute Section to be updated.	Language to be added or deleted (if available)	Problem: <u>(What is the problem?)</u>	Solution: <u>(How is it fixed?)</u>
ORS 251.026(2)(b) (A)	Statements in the information section of the voters’ pamphlet on the pages immediately following the page containing the <i>[Secretary of State]</i> county clerk, filing office or other public elections official’s letter, to the extent reasonably practicable, that, for resident of each county to which the voters’ pamphlet is distributed:	Error in language: There is no Secretary of State letter in a county voters’ pamphlet, only official communication from the county clerk, filing office or other public elections official .	Correct language to actual type of material included in a county pamphlet.



Elections Updates

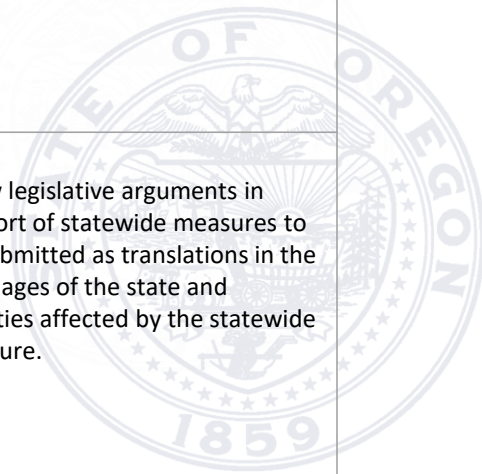
These changes address filing translated materials for the voters' pamphlet

Statute Section to be updated.	Language to be added or deleted (if available)	Problem: (<u>What is the problem?</u>)	Solution: (<u>How is it fixed?</u>)
ORS 251.170 (3)(a)(B)	(B) The translation is filed by a candidate or the agent [<i>principal campaign committee</i>] of a candidate described in subparagraph (A) of this paragraph;	Error in language: groups (i.e. committees) cannot technically file, as ORESTAR does not have shared logins, only individual logins. Additionally, allowing an agent to file aligns with related filing processes; ORS 251.065 1(a) and (2); See also definitions of agent and committees in ORS 260.039, 260.041, 260.005.	Correct language to match the only technical way a translation can be filed using the SOS electronic filing system.
ORS 251.170 (3)(a)(E)	Any translation filed under this paragraph is in one of the [five] most commonly spoken languages in this state or of any county the office represents , other than English, as listed by the Secretary of State under ORS 251.167.	Statewide and federal candidates submitting translated statements The state's most common languages and a county's most common languages may not be the same i.e. Marshallese. The intent of ORS 251.170 is to increase access to voters' own-language materials to assist voters in exercising voting rights. Expanding the eligible languages of submission for statewide or federal candidates from one of the five most common state languages listed in ORS251.167(1)(a) to include any of the five most common county languages listed in ORS 251.167(1)(b) is appropriate. US House of Rep. Office's jurisdictions are less than statewide and may cross county lines, so "languages of each county the office represents... " is appropriate. Removing the specific number of languages (five) and instead, using the reference back to ORS 251.167 which defines the lists of language formulas ensures that any future changes to language formulas in that statute will automatically be accurate/ up to date in ORS 251.170 (3)(a)(E).	Allow statewide and federal candidates to submit translated statements in the languages of the state and the office's election jurisdiction.

Elections Updates

These changes address filing translated materials for the voters' pamphlet

Statute Section to be updated.	Language to be added or deleted (if available)	Problem: (<u>What is the problem?</u>)	Solution: (<u>How is it fixed?</u>)
ORS 251.170 (3)(b)(D)	Any translation filed under this paragraph is in one of the [five] most commonly spoken languages in this state, or of any county the measure will be voted on , other than English, as listed by the Secretary of State under ORS 251.167.	<p>Filers of arguments in support of or opposition to measure submitting translated arguments</p> <p>The state's most common languages and a county's most common languages may not be the same.</p> <p>The intent of ORS 251.170 is to increase access to voters' own-language materials to assist voters in exercising voting rights. Expanding the eligible languages of submission for statewide measure arguments from the five most common state languages listed in ORS251.167(1)(a) to include the five most common county languages listed in ORS 251.167(1)(b) is appropriate.</p> <p>Removing the specific number of languages (five) and instead, just relying on the reference back to ORS 251.167, which defines the list of language formulas ensures that any future changes to language formulas in that statute will automatically be accurate/ up to date in ORS 251.170 (3)(b)(D).</p>	Allow arguments in support of and against statewide measures to be submitted as translations in the languages of the state in the languages of the state and counties affected by the statewide measure.
ORS 251.170 (3)(c)	Translations of argument for a measure prepared by the Legislative Assembly under ORS 251.245 submitted by the Legislative Assembly, provided that any translation filed under this paragraph is in one of the [five] most commonly spoken languages in this state or of any county the measure will be voted on , other than English, as listed by the Secretary of State under ORS 251.167.	<p>Legislative Committee arguments in support or opposition to statewide measure</p> <p>The state's most common languages and a county's most common languages may not be the same.</p> <p>The intent of ORS 251.170 is to increase access to voters' own-language materials to assist voters in exercising voting rights. Expanding the eligible languages of submission for Legislative measure arguments from any of the five most common state languages listed in ORS251.167(1)(a) to include any of the five most common county languages listed in ORS 251.167(1)(b) is appropriate.</p> <p>Removing the specific number of languages (five) and instead, just relying on the reference back to ORS 251.167, which defines the list of language formulas ensures that any future changes to language formulas in that statute will automatically be accurate/ up to date in ORS 251.170 (3)(c)</p>	Allow legislative arguments in support of statewide measures to be submitted as translations in the languages of the state and counties affected by the statewide measure.



Elections Updates

Statute Section to be updated.	Language to be added or deleted (if available)	Problem: (<u>What is the problem?</u>)	Solution: (<u>How is it fixed?</u>)
ORS 254.485		If there is a lapse of time between the initial public certification test and the time ballot scanning begins, a repeat public certification test of vote tally equipment is required before scanning any ballots.	If the initial public certification test occurs immediately before ballot scanning begins, the test need not be repeated. Removing the repeat test requirement would be beneficial to counties.
ORS 247.176.		There is no limit to the number of voter registration cards that must be provided by the Elections Division to requestors.	Limits an individual or entity to requesting 500 cards. SOS supplies PDF for anyone to print as needed.

Elections Updates

Statute Section to be updated.	Language to be added or deleted (if available)	Problem: (<u>What is the problem?</u>)	Solution: (<u>How is it fixed?</u>)
250.125 (10)	(10) The financial estimate committee is created, consisting of the Secretary of State, the State Treasurer, the Director of the Oregon Department of Administrative Services, the Director of the Department of Revenue and a representative of a city, county or district with expertise in local government finance. The representative of a city, county or district shall be selected by the four other members of the financial estimate committee and shall serve for a term of two years that begins on July 1 of the even-numbered year.	Statute is not currently being followed under present language; changing the date puts it more in line with the Explanatory Statement and Financial Estimate process.	Changing the date from March 1 (odd numbered year) to July 1 (of even numbered year)
254.555	Secretary of State's duties after election; Governor's proclamation. (1) Except as provided in ORS 254.548 and ORS 248.360 , not later than the 37th day after any election, the Secretary of State, regarding offices for which the secretary receives filings for nomination, shall:	<p>The postmark bill extended the date when election results are certified. Now, the extended date does not align with federal law requirements for certifying presidential electors.</p> <p>The current certification date now comes <i>after</i> the date when federal law requires us to send the certificate of ascertainment, which tells the federal government which party's electors have won.</p>	The fix would extend the timeline by which Oregon certifies the results of presidential elections, allowing it to send the certificate of ascertainment to the federal government on time.

Oregon Electoral Count Updates

Federal law prescribes general processes that states must follow to designate members of the Electoral College, who select a president and vice president every four years. In 2022, the federal government passed the Electoral Count Reform and Presidential Transition Improvement Act, or ECRA, to clarify the processes for counting electoral votes and to strengthen security features. This bipartisan legislation updated the Electoral Count Act of 1887, which had not been substantially changed since its enactment.

Since its adoption, many states have passed legislation to update their statutes to align with federal law.



Electoral Count Updates

We are proposing three changes to align Oregon state practice with federal requirements

ECRA Requirements	Our Proposed Solution
Requires an executive from each state to sign the certificates of ascertainment that identify duly elected electors from that state. The default state executive is the governor, but ECRA allows states to designate another executive in state laws enacted before the election.	Oregon has three statewide elected officials in its executive branch: the Governor, the Secretary of State, and the Treasurer. This proposal would follow existing practice by designating the Governor and the Secretary of State as the executive officials to sign certificates of ascertainment.
Requires each state to create a “security feature” to ensure the genuineness of certificates of ascertainment (the official documents that identify duly elected electors from that state).	This proposal would allow the Secretary of State to administer the creation and management of the newly required security feature by rule.
Requires each state’s electors to meet the first Tuesday after the second Wednesday in December. This requirement existed in the original Electoral Count Act and was not altered by ECRA.	Oregon law states that electors shall gather to vote “on the Monday after the second Wednesday in December.” Oregon law is out of alignment with federal requirements and should be revised to mirror federal law.



Electoral Count Updates

Within the general requirements of the U.S. Constitution and the Electoral Count Act, states have the power to specify their own processes for selecting electors. We reviewed the regular practices that have been used for electors in Oregon and found many of them do not appear in rule or statute. Broadly, we are proposing these two longstanding practices be clarified in law:

- Recognize the Secretary serves as the administrator of the electoral college process, convening and facilitating the meeting, keeping a faithful record of the votes, and transmitting them accurately to the required federal authorities.
- Recognize that in addition to the statutorily prescribed pledge, electors receive a certificate of election and take an oath of office, like other elected officials.



Rebuilding Trust & Transparency

Looking Ahead: 2024 Short Session Priorities

- **Legislative Concepts**
 - Elections Updates
 - Electoral Count
 - Notary Training
- **Funding requests**
 - Counsel for Audit and Election Integrity
 - Executive Personnel True-up
 - Elections Investigator
 - ORESTAR Replacement





QUESTIONS?