



Oregon Association of County Clerks (OACC)

2023 OACC Technical Improvement Legislation

Last Updated January 31, 2023

1. Elections

[HB 2039](#) House Rules Relating to special district proceedings

- **Summary:** Extends time after special district territory election for entry of order and return of deposits.
- **What it does:** The bill would extend the time after a special district territory election for entry of the order and return of deposits.
- **Why:** ORS chapter 198 is full of deadlines that often don't work. This bill fixes the deadlines in relation to special district territory proceedings (e.g., annexations) to make them work with today's election systems, tying them to certification of results.
- **Status:** *In House Rules.*

[HB 2040](#) House Rules Relating to elections

- **Summary:** Removes requirement to conduct second recount for batches of ballots already subject to recount. Removes requirement to conduct either hand recount or risk-limiting audit for election where recount is separately required by law.
- **What it does:** The bill would eliminate duplicate hand count for batches, and remove the requirement for a hand recount or risk limiting audit in the event that a recount is required by law.
- **Why:** Simply eliminating duplicative work.
- **Status:** *In House Rules.*

[HB 3109](#) House Rules Relating to ballots

- **Summary:** Allows county clerk to, upon request, permit elector who is absent from electoral district during election period to obtain ballot at office of county clerk or receive ballot by mail no earlier than 43 days before date of election. Limits requirement to list place of residence to when two or more candidates for same nomination have same first and last name, as provided in official election documents. Exempts candidates for precinct committeeperson.
- **What it does:** If a voter requests an absentee ballot due to being absent from their home during the normal voting period, this bill would allow a county clerk to permit the voter to obtain their ballot at the office of the county clerk, or receive it by mail, when it's available. The bill would also narrow the requirement to list a candidate's place of residence to when two or more candidates have the same given and surname, and exempts candidates for precinct committeeperson entirely.
- **Why:** Voter convenience. Also, the residence should only be listed if the names are exactly the same, otherwise it looks confusing. PCPs should be exempt from the requirement to list residence because they are seldom, if ever, competitive.
- **Status:** *In House Rules.*

[HB 3110](#) House Rules Relating to voter registration

- **Summary:** Removes ability of county clerk to cancel voter registration of person who registers to vote in another county in Oregon.
- **What it does:** This bill would remove antiquated language in our election law that allows a county clerk to cancel the voter registration of a person who registers to vote in another county of this state.
- **Why:** Our modern statewide voter registration system does not contemplate doing this any longer, so this misleading old language in the statute should be removed.
- **Status:** *In House Rules.*

2. Recording

HB 2029 House Rules Relating to instruments presented for recording to county clerk

- **Summary:** Increases minimum type size for instruments presented for recording to county clerk.
- **What it does:** Increase the minimum size of type on recorded instruments from 8-point to 10-point.
- **Why:** 8-point has always been difficult to read, especially when scanned. The national standard is now 10-point. Standard forms by real estate folks are now all at least 10-point. We should update our statute.
- **Status:** *Passed House 59-0.*

HB 2030 House Rules Relating to the recordation of certified copies of death records

- **Summary:** Provides that recording fee for County Assessment and Taxation Fund does not apply to recordation of certified copies of death records.
- **What it does:** The bill would provide that the recording fee for the County Assessment and Taxation Fund does not apply to the recording of a death certificate.
- **Why:** The supplemental A&T recording fee has been raised a number of times to support affordable housing. We are hearing that it will likely get raised again. The Clerks feel it is inappropriate to charge a recent widow such a fee to record a death certificate, and this specific type of recording should therefore be exempt from just that portion of the recording fees.
- **Status:** *In House Rules.*

HB 2031 House Rules Relating to a property value appeals board

- **Summary:** Renames 'board of property tax appeals' to 'property value appeals board.'
- **What it does:** This bill would rename the "board of property tax appeals" (BOPTA) to the "property value appeals board."
- **Why:** BOPTA has been a misleading name that needs to be changed since the time of Ballot Measures 5/47/50 in the 1990's.
- **Status:** *Amended and passed House Rules unanimously; heading for Engrossment and House floor.*

HB 2032 House Rules Relating to domestic partnerships

- **Summary:** Expands eligibility for domestic partnership under Oregon Family Fairness Act to partners of any sex.
- **What it does:** Removes requirement that a domestic partnership be between two persons of the same sex.
- **Why:** Oregon's courts were ahead of SCOTUS in finding that same sex couples have a constitutional right to equal treatment under the law - so the Oregon legislature enacted 'domestic partnerships' for same sex couples, with the same privileges and immunities as 'marriage.' Then SCOTUS ruled that same sex couples can marry, so same sex couples may choose either a 'domestic partnership' or a 'marriage' under Oregon law. County clerks are now finding that other couples also want those same two choices – some wanting to be able to enter into a domestic partnership rather than a marriage for their own reasons. The clerks would like to offer that option.
- **Status:** *Passed House 51 to 8.*

HB 2033 House Rules Relating to instruments conveying title to real property

- **Summary:** Clarifies method of collecting unpaid charges against real property if instrument conveying fee title to such real property to exempt entity is recorded without certificate issued by county assessor attesting that all charges have been paid.
- **What it does:** The bill would clarify the process for recording an instrument that transfers title to property to certain public entities.
- **Why:** The current statute places the burden of compliance on the county clerk, who are the ministerial recording officers and not the correct person to ensure compliance with tax laws.
- **Status:** *Hearing held; work session to be scheduled.*