

**SB 166 A STAFF MEASURE SUMMARY****Carrier:** Rep. Fahey**House Committee On Rules****Action Date:** 05/25/23**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 6-0-1-0**Yeas:** 6 - Breese-Iverson, Fahey, Kropf, Nosse, Valderrama, Wallan**Exc:** 1 - Scharf**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Melissa Leoni, LPRO Analyst**Meeting Dates:** 5/18, 5/25**WHAT THE MEASURE DOES:**

Explicitly guarantees each elector's right to vote and right to secret ballot. Prohibits how elector voted from disclosure through public records request. Alters requirements for annual county elections security plans. Classifies all communication related to development and review of security plan as confidential and not subject to disclosure. Prohibits candidate, political committee, or a petition committee from accepting aggregate contributions from a single source of more than \$100 per calendar year in the form of physical currency of the United States or of any other country. Explicitly prohibits confidential election records and information included in Address Confidentiality Program from being released as public record or as part of lists of electors. Allows exemption of residence address of any family member, residing with either elector who participates in Address Confidentiality Program or election worker, from disclosure as public record, unless county clerk receives a court order or request from any law enforcement agency. Shortens time period when political parties can request list of electors, from not earlier than six months before an election to not earlier than three months. Limits period when political parties can request list of electors by excluding period beginning on election date and ending 14 days after election date. Makes individual signatures on petition signature sheets subject to public disclosure and may be inspected in office of chief elections officer. Prohibits officer from making copy of and distributing signature, unless explicitly required to do so as part of official duties. Exempts certain costs from calculations of whether candidate is required to file statement of organization, establish campaign account or file required campaign finance statements. Excludes candidate debate or forum for state office from being considered candidate contribution if host uses neutral criteria that are publicized in advance of sending invitations. Changes notification requirement for Secretary of State (SOS) or Attorney General to notify subject of complaint of alleged violations of elections law from when complaint filed to only if investigation will take place. Changes date by when SOS is required to canvass the votes for each measure, from no later than the 37th day after the election to no later than the 30th day. Clarifies the post-election hand count certification date for a measure is no later than the 30th day after the election and no later than the 37th day for a candidate. Authorizes SOS to alter specified language required to be written in election documents, provided that alteration does not materially change meaning. Requires SOS and filing officers to make available copies of ORS chapter 260, instead of requiring SOS and filing officer to furnish and deliver copies. Updates references to certain petitions and requirements for any person who signs, gathers signatures, circulates, or files certain petitions. Removes requirement that individuals who sign electronic signature sheets must do so in two places. Changes formula for candidacy petition signature requirements following redistricting. Removes county judges who exercise judicial functions from certain required filings with SOS and classifies them as "nonpartisan office." Moves statute on when ballot is considered legally cast from ORS chapter 247 (qualification of electors) to chapter 254 (conduct of elections). Removes language invalidating ballots with write-in candidate. Extends time after special district territory election for entry of order and return of deposits. Requires order to be entered within 15 days after election results are certified instead of

## **SB 166 A STAFF MEASURE SUMMARY**

30 days after date of election. Changes deadline for return of deposits from 30<sup>th</sup> day after election to 45 days after election results are certified. 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. Requires place of residence to be listed on primary ballot only when two or more candidates for the same nomination, except candidates for precinct committeeperson, have the same first and last name as provided in official election documents. Removes ability of county clerk to cancel voter registration of person who registers to vote in another county in Oregon. Declares emergency, effective on passage.

### **ISSUES DISCUSSED:**

- Best practices for plain language on elections materials
- Notification timeline for investigations by Secretary of State (SOS)
- Security plan deadline and ability of SOS to work with counties on appropriate date
- Process for adding member of household for address confidentiality
- Need to bring clarity to election laws

### **EFFECT OF AMENDMENT:**

Replaces the measure.

### **BACKGROUND:**

By January 31 of each calendar year, every county clerk is required to submit a county elections security plan with the Secretary of State (SOS). ORS 254.074 delineates the requirements for those plans and establishes that they are confidential and not subject to disclosure under Oregon's public records inspection laws.

ORS 247.948 lists the information found within an elector's voter registration file that is subject to Oregon's public records inspection laws, which includes party affiliation, residence address, birth year, the name or number of the precinct in which the elector resides, and the precinct split of an elector. Current law also permits election workers to request from a county clerk that their residence address be exempt from disclosure as a public record.

ORS 247.940 permits major and minor political parties to request a statewide list of electors from the Secretary of State not earlier than six months before an election and not later than the 15th day before an election. Political parties are not allowed to make more than two separate requests per election. The SOS must provide the list not later than 10 days after receiving the request.

ORS chapter 260 exempts candidates who serve as their own treasurer, and who expect neither the aggregate contributions nor the aggregate expenditures to exceed \$750 during a calendar year, from filing a statement of organization, establishing a single exclusive campaign account, or filing other statements under ORS 260.057. Fees paid for space in a voters' pamphlet are exempt from these calculations. Current law also exempts several items from the definition of "contribution" and "expenditure," including any written news story, commentary, or editorial distributed through a broadcasting station, newspaper, or magazine; a vendor's sale of food and beverage sold at a charge less than the normal charge; and nonpartisan activity designed to encourage individuals to vote.

ORS chapter 260 requires the SOS, upon receipt of a complaint of an alleged violation of election law, to determine whether an investigation will take place. It also requires the SOS to notify the subject of the complaint within three business days of receiving it, regardless of whether an investigation will take place.

Senate Bill 166 A explicitly guarantees each elector's right to vote; alters requirements of annual county election security plans; prohibits aggregate contributions from a single source of more than \$100 per calendar year in the form of physical currency of the United States or of any other country; and makes various technical changes to elections statutes, including adding exemption for family member who resides with an elector whose address is already exempt from disclosure, adjusting period for requesting list of electors, setting requirements for inspection of petition signatures, exempting certain costs from campaign finance filing calculations, changing

**SB 166 A STAFF MEASURE SUMMARY**

certain post-election deadlines, changing complaint notification requirements for SOS and Attorney General, and allowing an absent elector to obtain a ballot.