

Senate Bill 1538

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Rules and Executive Appointments for Secretary of State LaVonne Griffin-Valade)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes many changes to election laws. (Flesch Readability Score: 71.8).

Specifies the information to be included in county voters' pamphlets. Permits an agent of a candidate to file a translation of a candidate statement with the Secretary of State. Permits candidate statements, certain arguments regarding measures and legislative arguments in support of statewide measures to be translated into the most commonly spoken languages of each county in which the statements will appear in a voters' pamphlet. Removes the requirement for a repeat public certification test of a vote tally system immediately before ballot scanning begins. Reduces the limitation on the number of voter registration cards that may be requested. Establishes that the two-year term of certain members of the financial estimate committee begins on July 1 of an even-numbered year. Permits the Secretary of State to issue a certificate of ascertainment of presidential electors in accordance with the requirements of federal law.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to election law; amending ORS 247.176, 250.125, 251.026, 251.170, 254.485 and 254.555; and
3 prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 251.026 is amended to read:

6 251.026. (1) The Secretary of State shall prepare and have printed in the voters' pamphlet for
7 the state primary election, the general election and any special election described in ORS 251.022
8 a statement containing, if applicable:

9 (a) Requirements for a citizen to qualify as an elector.

10 (b) When an elector is required to register or update a registration.

11 (c) In the voters' pamphlet for the primary election, a statement of the duties and responsibil-
12 ities of a precinct committeeperson to be elected at the primary election.

13 (d) Any other information the Secretary of State considers relevant to the conduct of the
14 election.

15 (2) The Secretary of State, in cooperation with the county clerks, shall include:

16 (a) A statement on the cover of the voters' pamphlet that the pamphlet may be used to assist
17 electors in voting; and

18 (b)(A) Statements in the information section of the voters' pamphlet on the pages immediately
19 following the page containing the [*Secretary of State*] letter **of the county clerk, filing office or**
20 **other public official**, to the extent reasonably practicable, that, for residents of each county to
21 which the voters' pamphlet is distributed:

22 (i) Are written in English and the five additional common languages for the county listed by the
23 Secretary of State under ORS 251.167;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (ii) Explain that an electronic copy of portions of the voters' pamphlet is publicly available in
2 that language; and

3 (iii) Provide the website address to the translated voters' pamphlet.

4 (B) The statements required under subparagraph (A) of this paragraph must be written so as to
5 be clearly readable.

6 (C) The Secretary of State may adopt rules necessary to implement this paragraph.

7 (3) The Secretary of State may include in the voters' pamphlet the following information:

8 (a) Maps showing the boundaries of senatorial and representative districts.

9 (b) Voter registration forms.

10 (c) Elector instructions, including the right of an elector to request a second ballot if the first
11 ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

12 (4)(a) The name of the county clerk or other filing officer may not appear in the voters' pamphlet
13 in the county clerk's or filing officer's official capacity if the county clerk or filing officer is a
14 candidate in the election for which the voters' pamphlet is printed.

15 (b) As used in this subsection, "filing officer" has the meaning given that term in ORS 254.165.

16 **SECTION 2.** ORS 251.170 is amended to read:

17 251.170. (1) The translation of a state voters' pamphlet or county voters' pamphlet required un-
18 der ORS 251.167 shall be made in the manner described in this section.

19 (2) For each state voters' pamphlet and county voters' pamphlet mailed to residents of a county,
20 the Secretary of State shall have the following portions of the voters' pamphlet professionally
21 translated into each language for which a translation is required under ORS 251.167:

22 (a) Any official statement or communication made by the Secretary of State, county clerk, filing
23 office or other public elections official, including any information described in ORS 251.026 or
24 251.315 (1)(a) to (d) and (g) and any other information regarding services offered by elections offices,
25 how to cast a ballot and key dates for the election;

26 (b) The ballot title for each measure;

27 (c) The explanatory statement for each measure;

28 (d) The financial estimate for each measure and any statement prepared for a measure under
29 ORS 250.125;

30 (e) Any racial and ethnic impact statement prepared for a measure under ORS 137.685;

31 (f) Any statement submitted for a measure by a citizen panel under ORS 250.141; and

32 (g) Except an argument for a measure prepared by the Legislative Assembly under ORS 251.245,
33 any other statement for a measure created by a public body as defined in ORS 174.109.

34 (3) In addition to the materials that the Secretary of State is required to have professionally
35 translated under subsection (2) of this section, the Secretary of State shall allow to be included in
36 the translated version of each state voters' pamphlet that is made available on the website of the
37 Secretary of State or of a county under ORS 251.167:

38 (a) Translations of a candidate statement submitted under ORS 251.065, provided that:

39 (A) The candidate is a candidate for federal or statewide office;

40 (B) The translation is filed by a candidate or the [*principal campaign committee*] **agent** of a
41 candidate described in subparagraph (A) of this paragraph;

42 (C) Neither the translation nor the candidate statement submitted under ORS 251.065 is rejected
43 under ORS 251.055;

44 (D) The candidate statement meets the requirements of a candidate statement set forth in this
45 chapter; and

1 (E) Any translation filed under this paragraph is in one of the *[five]* most commonly spoken
 2 languages in this state **or of any county the office represents**, other than English, as listed by the
 3 Secretary of State under ORS 251.167.

4 (b) Translations of an argument in support of or in opposition to a state measure filed under
 5 ORS 251.255, provided that:

6 (A) The translation is filed by the person who filed the argument in support of or in opposition
 7 to a state measure under ORS 251.255;

8 (B) Neither the translation nor the argument in support of or in opposition to a state measure
 9 filed under ORS 251.255 is rejected under ORS 251.055;

10 (C) The statement in support of or in opposition to a state measure meets the requirements of
 11 a statement in support of or in opposition to a state measure set forth in this chapter; and

12 (D) Any translation filed under this paragraph is in one of the *[five]* most commonly spoken
 13 languages in this state **or of any county in which the measure will be voted on**, other than
 14 English, as listed by the Secretary of State under ORS 251.167.

15 (c) Translations of any argument for a measure prepared by the Legislative Assembly under ORS
 16 251.245 submitted by the Legislative Assembly, provided that any translation filed under this para-
 17 graph is in one of the *[five]* most commonly spoken languages in this state **or of any county in**
 18 **which the measure will be voted on**, other than English, as listed by the Secretary of State under
 19 ORS 251.167.

20 (4)(a) A translation that is permitted or required under this section is not required to be iden-
 21 tical in words to the original version but must be consistent with the meaning of the original ver-
 22 sion.

23 (b) A translation is not subject to any limitations on the number of words allowed set forth in
 24 this chapter.

25 (5) A county may at its own expense make or accept for publication on the county's website,
 26 as part of a translated voters' pamphlet required under ORS 251.167, any portion of a state or
 27 county voters' pamphlet that is not described in this section.

28 (6) The Secretary of State:

29 (a) May adopt any rules necessary to implement this section; and

30 (b) Except as provided in subsection (5) of this section, is responsible for all costs necessary to
 31 comply with this section.

32 (7) As used in this section, "statewide office" means Governor, Secretary of State, State Treas-
 33 urer, Attorney General, Commissioner of the Bureau of Labor and Industries, or judge on the
 34 Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

35 **SECTION 3.** ORS 254.485 is amended to read:

36 254.485. (1) Ballots may be tallied by a vote tally system or by a counting board. A counting
 37 board may tally ballots at the precinct or in the office of the county clerk. In any event, the ballots
 38 shall be tallied and returned by precinct.

39 *[(2) If a vote tally system is used, the county clerk shall repeat the public certification test described*
 40 *under ORS 254.235 (1). The test shall be conducted immediately prior to scanning any ballots. The test*
 41 *may be observed by persons described in ORS 254.235 (2). The county clerk shall certify the results*
 42 *of the test.]*

43 *[(3)]* (2) If a counting board has been appointed, the tally of ballots may begin on the date of the
 44 election.

45 *[(4)(a)]* (3)(a) If ballots are tallied by a counting board, after the tally has begun it shall continue

1 until completed. Except as provided in paragraph (b) of this subsection, a counting board shall tally
 2 without adjournment and in the presence of the clerks and persons authorized to attend.

3 (b) A counting board may be relieved by another board if the tally is not completed after 12
 4 hours.

5 [(5)] (4) A counting board shall audibly announce the tally as it proceeds. The board shall use
 6 only pen and ink to tally.

7 [(6)] (5) For ballots cast using a voting machine, the county clerk shall:

8 (a) Enter the ballots cast using the machine into the vote tally system; and

9 (b) In the event of a recount, provide the paper record copy recorded by the machine to the
 10 counting board.

11 [(7)] (6) A person other than the county clerk, a member of a counting board or any other
 12 elections official designated by the county clerk may not tally ballots under this chapter.

13 [(8)] (7) The Secretary of State shall by rule establish a procedure for announcing the status of
 14 the tally of the ballots received after the date of the election. Rules adopted under this subsection
 15 must:

16 (a) Consider the number of ballots being released in relation to the size of the district;

17 (b) Prioritize voter anonymity; and

18 (c) After prioritizing voter anonymity under paragraph (b) of this subsection, prioritize the im-
 19 portance of timely reporting election results.

20 **SECTION 4.** ORS 254.485, as amended by section 11, chapter 220, Oregon Laws 2023, is
 21 amended to read:

22 254.485. (1) Ballots may be tallied by a vote tally system, by a counting board or in the manner
 23 determined by the Secretary of State under ORS 246.200. A counting board may tally ballots at the
 24 precinct or in the office of the county clerk. Except as otherwise determined by the secretary under
 25 ORS 246.200, the ballots shall be tallied and returned by precinct.

26 [(2) *If a vote tally system is used, the county clerk shall repeat the public certification test described*
 27 *under ORS 254.235 (1). The test shall be conducted immediately prior to scanning any ballots. The test*
 28 *may be observed by persons described in ORS 254.235 (2). The county clerk shall certify the results*
 29 *of the test.*]

30 [(3)] (2) If a counting board has been appointed, the tally of ballots may begin on the date of the
 31 election.

32 [(4)(a)] (3)(a) If ballots are tallied by a counting board, after the tally has begun it shall continue
 33 until completed. Except as provided in paragraph (b) of this subsection, a counting board shall tally
 34 without adjournment and in the presence of the clerks and persons authorized to attend.

35 (b) A counting board may be relieved by another board if the tally is not completed after 12
 36 hours.

37 [(5)] (4) A counting board shall audibly announce the tally as it proceeds. The board shall use
 38 only pen and ink to tally.

39 [(6)] (5) For ballots cast using a voting machine, the county clerk shall:

40 (a) Enter the ballots cast using the machine into the vote tally system; and

41 (b) In the event of a recount, provide the paper record copy recorded by the machine to the
 42 counting board.

43 [(7)] (6) A person other than the Secretary of State, county clerk, a member of a counting board
 44 or any other elections official designated by the secretary or county clerk may not tally ballots
 45 under this chapter.

1 [(8)] (7) The Secretary of State shall by rule establish a procedure for announcing the status of
 2 the tally of the ballots received after the date of the election. Rules adopted under this subsection
 3 must:

4 (a) Consider the number of ballots being released in relation to the size of the district;

5 (b) Prioritize voter anonymity; and

6 (c) After prioritizing voter anonymity under paragraph (b) of this subsection, prioritize the im-
 7 portance of timely reporting election results.

8 **SECTION 5.** ORS 247.176 is amended to read:

9 247.176. (1) During the period extending from the 250th day before the primary election to the
 10 date of the primary election and the period extending from the day after the primary election to the
 11 250th day before the next primary election:

12 (a) Any person may request delivery from the Secretary of State of not more than an aggregate
 13 total of [5,000] **500** registration cards prepared under ORS 247.171; and

14 (b) Upon receiving a request under this subsection, the Secretary of State shall deliver to the
 15 person the number of registration cards requested that does not exceed an aggregate total of
 16 [5,000] **500, along with a registration card in electronic form that may be used by the person**
 17 **to print additional registration cards.**

18 (2) The Secretary of State shall adopt rules describing when the Secretary of State will honor
 19 requests for delivery of more than [5,000] **500** registration cards prepared under ORS 247.171.

20 **SECTION 6.** ORS 250.125 is amended to read:

21 250.125. (1) When a state measure involves expenditure of public moneys by the state, reduction
 22 of expenditure of public moneys by the state, reduction of state revenues or raising of funds by the
 23 state by imposing any tax or incurring any indebtedness, the financial estimate committee created
 24 under this section shall estimate:

25 (a) The amount of direct expenditure, direct reduction of expenditure, direct reduction in state
 26 revenues, direct tax revenue or indebtedness and interest that will be required to meet the pro-
 27 visions of the measure if it is enacted; and

28 (b) The aggregate amount of direct expenditure, direct reduction of expenditure, direct reduction
 29 in revenues, direct tax revenue or indebtedness and interest that will be required by any city,
 30 county or district to meet the provisions of the measure if it is enacted.

31 (2) For a state measure for which an estimate is required to be prepared under subsection (1)
 32 of this section, the financial estimate committee may estimate the aggregate amount of direct ex-
 33 penditure, direct reduction of expenditure, direct reduction in revenues, direct tax revenue or
 34 indebtedness and interest that will be required by any federally recognized Native American or
 35 American Indian tribal government to meet the provisions of the measure if it is enacted.

36 (3) If the Legislative Assembly has enacted a law that will apply only if the measure for which
 37 an estimate is required to be prepared under subsection (1) of this section is not enacted, the fi-
 38 nancial estimate committee may also estimate the amount of direct expenditure, direct reduction of
 39 expenditure, direct reduction in revenues, direct tax revenue or indebtedness and interest that will
 40 result for the state, any city, county or district or any federally recognized Native American or
 41 American Indian tribal government if the measure is not enacted.

42 (4) For a state measure for which an estimate is required to be prepared under subsection (1)
 43 of this section, the financial estimate committee shall consult with the Legislative Revenue Officer
 44 to determine if the measure has potentially significant indirect economic or fiscal effects. If the
 45 committee determines that the indirect economic or fiscal effects of the measure are significant and

1 can be estimated, the Legislative Revenue Officer shall prepare on behalf of the committee an im-
 2 partial estimate of the indirect economic or fiscal effects of the measure. The Legislative Revenue
 3 Officer shall use the best available economic models and data to produce the estimate. The financial
 4 estimate committee shall incorporate relevant parts of the estimate prepared by the Legislative Re-
 5 venue Officer into the estimate prepared by the committee under subsection (1) of this section.

6 (5) Except as provided in subsection (6) of this section, the estimates described in subsections
 7 (1) to (3) of this section shall be printed in the voters' pamphlet and on the ballot. The estimates
 8 shall be impartial, simple and understandable and shall include the following information:

9 (a) A statement of the amount of financial effect on state, local or tribal government expen-
 10 ditures, revenues or indebtedness, expressed as a specific amount or as a range of amounts;

11 (b) A statement of any recurring annual amount of financial effect on state, local or tribal gov-
 12 ernment expenditures, revenues or indebtedness;

13 (c) A description of the most likely financial effect or effects of the adoption of the measure; and

14 (d) If an estimate is made under subsection (3) of this section, a description of the most likely
 15 financial effect or effects if the measure is not enacted.

16 (6) If the financial estimate committee determines that the measure will have no financial effect
 17 on state, local or tribal government expenditures, revenues or indebtedness or that the financial
 18 effect on state, local or tribal government expenditures, revenues or indebtedness will not exceed
 19 \$100,000, the committee shall prepare and file with the Secretary of State a statement declaring that
 20 the measure will have no financial effect or that the financial effect will not exceed \$100,000. The
 21 statement shall be printed in the voters' pamphlet and on the ballot.

22 (7) If the financial estimate committee determines that the measure will have a financial effect
 23 on state, local or tribal government expenditures in excess of \$100,000 and that the measure does
 24 not include a dedicated funding source to pay for the new expenditures required, the committee shall
 25 prepare and file with the Secretary of State the statement "MEASURE SPENDS MONEY WITH-
 26 OUT IDENTIFYING A FUNDING SOURCE." A statement prepared under this subsection shall be
 27 printed in bold in the voters' pamphlet immediately following the printing of the estimates described
 28 in subsections (1) to (3) of this section.

29 (8) In addition to the estimates described in subsections (1) to (3) of this section, if the financial
 30 estimate committee considers it necessary, the committee may prepare and file with the Secretary
 31 of State an impartial, simple and understandable statement explaining the financial effects of the
 32 measure. The statement may not exceed 500 words. The statement shall be printed in the voters'
 33 pamphlet with the measure to which it relates.

34 (9) The Legislative Policy and Research Committee shall provide any administrative staff as-
 35 sistance required by the financial estimate committee to facilitate the work of the financial estimate
 36 committee under this section or ORS 250.127.

37 (10) The financial estimate committee is created, consisting of the Secretary of State, the State
 38 Treasurer, the Director of the Oregon Department of Administrative Services, the Director of the
 39 Department of Revenue and a representative of a city, county or district with expertise in local
 40 government finance. The representative of a city, county or district shall be selected by the four
 41 other members of the financial estimate committee and shall serve for a term of two years that be-
 42 gins on [March 1] **July 1** of the [odd-numbered] **even-numbered** year.

43 **SECTION 7.** ORS 254.555 is amended to read:

44 254.555. (1) Except as provided in ORS 254.548 **or as necessary to comply with federal law**
 45 **concerning the issuance of a certificate of ascertainment of presidential electors**, not later

1 than the 37th day after any election, the Secretary of State, regarding offices for which the secre-
2 tary receives filings for nomination, shall:

3 (a) Canvass the votes for the offices, except the office of Governor after the general election.

4 (b) Enter in a register of nominations after the primary election the name and, if applicable,
5 major political party of each candidate nominated, the office for which the candidate is nominated
6 and the date of entry.

7 (c) Prepare and deliver a certificate of nomination or election to each candidate having the most
8 votes for nomination for or election to the office. The Secretary of State shall sign the certificate
9 under the seal of the state.

10 (d) Issue a proclamation declaring the election of candidates to the offices.

11 (2) Not later than the 30th day after the election:

12 (a) The Secretary of State, regarding measures for which the secretary is the filing officer, shall
13 canvass the votes for each measure.

14 (b) The Governor shall issue a proclamation giving the number of votes cast for or against each
15 such measure, and declaring the approved measures as the law on the effective date of the measure.
16 If two or more approved measures contain conflicting provisions, the Governor shall proclaim which
17 is paramount.

18 **SECTION 8. This 2024 Act takes effect on the 91st day after the date on which the 2024**
19 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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