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February 23, 2024

Chair Fahey, Vice Chair Helfrich, Vice-Chair Kropf and members of the House Committee on Rules,

My name is Jessica Ventura, Chief of Legislative & Policy Affairs for Secretary of State, LaVonne Griffin-Valade. The Secretary has no position on HB 4024 and the -3 amendment. Under ORS 246.110, the Secretary of State is the Chief Elections Officer of Oregon, and it is the Secretary's responsibility to obtain and maintain uniformity in the application, operation, and interpretation of the election laws. I am submitting this testimony on behalf of the Oregon Elections Division.

After reviewing the -3 amendment that we received on February 22, we are submitting several suggested technical changes our Elections Division has identified as necessary to successfully implement the vision of the bill (Table 1). In summary, the SoS needs general rulemaking authority as well as more time to implement parts of the bill (section 23, 24). Given 2024 being a major election year with the presidential election, we don't believe some of the operative dates will give the Elections Division enough time to successfully implement. By providing more time to engage partners, stakeholders, and legislative members in rulemaking and to provide time to hire additional staff, the Elections Division will need more time to implement the bill. This, in addition to incorporating these changes within a planned ORESTAR replacement, would also result in a lower fiscal and greater efficiencies moving forward.

Attached to this letter is a summary table of the changes we are requesting in the -3 amendment for your review. Thank you for reviewing these changes; we hope to be collaborative partners. We urge the committee to adopt the requested changes below.

Thank you,

Jessica Ventura
Chief of Legislative & Policy Affairs

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Table 1: SoS Requested Changes

Section	Concern	Suggested Fix
3, 6, 7, 9, 13	These sections do not include rulemaking authority while other sections do.	Give SoS general broad making authority. Suggested language: “no grant of rulemaking power in HB 4024 shall be construed to limit the Secretary's existing rulemaking authority in ORS 246.150.”
5(2)(a)(D)	Appears to limit rulemaking authority by only granting limited authority	Remove last the sentence which offers limited rulemaking authority and rely on general grant for entire section, granted in 5 (4).
19(2)	This section requires the Elections Division to complete investigations within 60 days. Current staffing levels (2 FTE) result in complaints taking 6 months to 2 years to resolve. With complaints peaking at around 100 per month near an election, historically increasing after changes to campaign finance laws, and the current backlog of 687 complaints, implementing this section of the bill will require significant staffing or additional time to update ORESTAR. Meeting this requirement will be less expensive if its implementation is pushed out to after new software is up and running.	Move the implementation date of this section to 2030.
20 (3)(d) 20 (4)(b)	Allows limited rulemaking for enhanced penalties.	The bill should be consistent that SoS has rulemaking authority to implement the law, including limited to enhance penalties. Note, the bill should specifically allow SoS to enhance penalties.
23	The first part of contribution limits is effective January 2026.	The Elections Division requires time to coordinate rules advisory committees

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		for rulemaking and meaningful engagement. The hiring of additional staff will also require time. We strongly recommend the implementation date be moved to 2027 or 2029. Moving the date will lead to a lower fiscal.
24	The Second part of penalties and compliance is effective January 2028.	Same as above. We recommend the effective date to be moved to 2030.
24(1)(b)	Requires changes to campaign finance manual by May 2025. This could require us to stick with the manual format.	Revise subsection to require us to propose “rules” not manual adopted as rule.
24(1)(c)	Could limit rulemaking power	Clarify SoS can enact rules regarding anything in the bill that SoS is required to implement.

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