

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE

SECRETARY OF STATE

CHERYL MYERS

DEPUTY SECRETARY OF STATE

TRIBAL LIAISON



State of Oregon
900 Court Street NE #136
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<http://sos.oregon.gov>

February 27, 2024

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

My name is Kathy Wai, Legislative Director for Oregon's 29th Secretary of State, Lavone Griffin-Valade. The Secretary's mission is to build trust between the people of Oregon and their state government so that public services can make a positive difference in people's everyday lives. We build trust by removing barriers to voting, providing accurate information, and supporting Oregon's 36 county clerks who process ballots and report accurate results.

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. Each legislative session, the Elections Division goes through a comprehensive process to identify key updates to various election laws. [SB 1538 A](#) makes key updates to elections law in these areas:

- Updating HB 3021 (2021) passed by the Legislature on translating information into Oregon's most commonly spoken languages
- Addressing the number of voter registration cards requested physically
- Adjusting campaign finance for inflation
- Aligning the postmark date with certification of presidential electors
- Aligning allowable use of campaign funds with local jurisdiction campaign finance laws

After reviewing some of the public comment on OLIS, we also wanted to clarify a few things:

Repeat certification test (Section 3 and 4)

- Current statute says counties must perform duplicate certification tests before tallying ballots. Under the proposed change, counties would still be required to perform the first certification test, but not the second duplicative test (which is identical). This change would help counties process ballots more efficiently.

Voter registration cards (Section 5)

- This change reduces the number of printed voter registration cards requested by an individual or an entity from 5,000 to 500. During the pandemic, the cost of paper became quite expensive and the Elections Division started reviewing the number of requests that they were receiving

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and the type of requests. While we support the intention of registering as many eligible voters as possible, we spoke to the folks making large requests, and in many cases, they only needed several hundred, and typically no more than 10-20 for an individual. When we also explained that there is an option to vote and update registrations online, the requests for the high volume of cards needed dropped.

- Additionally, a PDF of the card is available online for any member to download and print. This card will be accepted by any elections office for processing.
- We know that County Elections Offices, post offices, and other organizations doing large scale voter registration drives would still need a large amount of voter registration cards. The SoS will adopt rules to specify that entities like county elections offices, post offices, and those similar will still be able to obtain more than 500 cards.

We shared these changes with the Oregon Association of County Clerks and other partners before bringing these changes for your consideration. Attached to this letter is a summary table of all the changes for your review. We urge the committee to pass SB 1538 A.

Thank you,
Kathy Wai
Legislative Director

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SB 1538 A: Summary Table

Statute/Section to be updated.	Language to be added or deleted (if available)	Problem: (What is the problem?)	Solution: (How is it fixed?)
Section 1 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	Allow statewide and federal candidates to submit translated statements in the languages of the state and the office's election jurisdiction.

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		<p>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>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.</p> <p>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).</p>	
<p>ORS 251.170 (3)(b)(D)</p>	<p>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>	<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>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</p>

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		<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>	<p>affected by the statewide measure.</p>
<p>ORS 251.170 (3)(c)</p>	<p>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,</p>	<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-</p>	<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</p>

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	<p>other than English, as listed by the Secretary of State under ORS 251.167.</p>	<p>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>	<p>statewide measure.</p>
<p>Section 2 ORS 251.315 (1)(g)(A)</p>	<p>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, that:</p>	<p>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.</p>	<p>Correct language to actual type of material included in a county pamphlet.</p>

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<p>Section 3, 4 ORS 254.485</p>		<p>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.</p>	<p>This removes a requirement for duplicate testing. Counties must still conduct a public certification test, but it doesn't need to occur immediately prior to ballot scanning.</p>
<p>Section 5 ORS 247.176</p>		<p>The current amount is 5000 voter registration cards per person or entity that must be provided by the Elections Division to requestors.</p>	<p>Limits an individual or entity to requesting 500 cards. SoS supplies PDF for anyone to print as needed. SoS will adopt rules when requests exceed over 500 registration cards.</p>
<p>Section 6 ORS 254.555</p>	<p>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>	<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</p>	<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</p>

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		certificate of ascertainment, which tells the federal government which party's electors have won.	the federal government on time.
Section 7 ORS 260.043	Exemptions for candidate who expects neither contributions nor expenditures to exceed \$[750] 1,500 or \$3,500; exemptions.	The \$750 threshold has not been raised since 2010. In 2010 it was increased from \$350 to \$750.	Increase the thresholds for campaigns to account for inflation
Section 8 ORS 260.112	Filing of certificate by candidate or treasurer of political committee or petition committee who expects neither contributions nor expenditures to exceed \$5,000 [3,500]; schedule.	The \$3,500 threshold has not been raised since 2013. In 2013 it was increased from \$3,000 to \$3,500.	Same as above.
Section 9 ORS 260.407	Contributions described in this subsection may be used to pay a civil penalty imposed under this chapter, <i>[other than]</i> a civil penalty imposed by a provision of a county charter or ordinance, a civil penalty imposed by a city charter or ordinance adopted under the authority of ORS 260.163, except that contributions described in this subsection may not be used to pay a civil penalty imposed for a violation of this section or ORS	This impacts candidates in local jurisdictions that have enacted their own campaign finance rules. Candidates are unable to use their campaign funds to pay for legal expenses in connection with legal proceedings because of conflicts between state law and local rules. Current statute says candidates can pay for legal expenses arising from legal proceedings under ORS 246 – 260, but now that some local jurisdictions are enacting campaign finance rules, those	Allow payment of election law penalties through use of campaign funds. Allow candidates to pay for legal expenses arising from local campaign finance law proceedings. The solution will help local candidates comply

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	<p>260.409 or an equivalent provision of a county or city charter or ordinance;</p>	<p>candidates can't use campaign funds because the proceedings are outside of ORS 246 – 260. They also can't seek pro bono legal advice because those jurisdictions have contribution limits. As filing officers, state and local regulators are not able to effectively instruct candidates as the law is currently written. This change is needed to help candidates comply with all applicable laws and rules.</p>	<p>with all applicable campaign finance laws and rules. This will increase public trust and help campaign finance regulators administer campaign finance laws uniformly.</p>
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