MEASURE NUMBER:SB 630STATUS: A-EngrossedSUBJECT:Establish "Open Primary/Voter Choice" system for designated officesGOVERNMENT UNIT AFFECTED:County Elections OfficialsPREPARED BY:Adrienne SextonREVIEWED BY:Daron HillDATE:May 10, 2007

<u>2007-2009</u>

2009-2011

EXPENDITURES: See Comments.

EFFECTIVE DATE: January 1, 2008

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: See Comments.

COMMENTS: The measure establishes a new system for determining which candidates for designated positions are nominated as the result of a primary election. All candidates would appear on the appropriate ballots and voting would be open to all voters, whether affiliated with, or not affiliated with, a political party. The name(s) placed on the general election ballot would be either: the two individuals receiving the highest number of votes, or the individual receiving a majority of the votes cast.

The primary election is a state election. However, counties are responsible for the costs of printing, distributing and counting ballots cast by electors within their county boundaries. Reimbursement for pro rata costs are collected only from education or other special districts which have placed local option or bond issues on the ballot. The state does not reimburse any costs; cities are exempt by statute. The measure would first apply to the May 2008 primary election, which is also a presidential primary.

County elections officers report potential fiscal impact from two issues, the cost of which would be experienced variously among the 36 counties. First, the counties assume that they would need to prepare two ballots for each voter, in order to divide the election into the slate of "voter choice" candidates, non-partisan candidates and ballot measures, and those positions for which the voter is affiliated with the candidates' political party. There is also an indication that the Section 33 requirement for ballots to have a separate "label" and statement of political affiliation would add to the printing requirements, and perhaps the size of the ballot page. In addition, the hours for elections workers to pre-inspect ballots in preparation for counting would increase, as well as the hours to process ballots through the counties' ballots counters. Statewide additional ballot printing, distribution (including postage), and counting costs are estimated to be approximately \$965,000.

Second, it is likely that each country's ballot counting system would need to be reprogrammed. Although precise costs cannot be determined at this time, the counties estimate that the total could be as much as \$500,000.

It is not certain whether this measure creates a condition that falls under the provisions of Section 15, Article XI of the Oregon Constitution (unfunded local government mandate). The county service of preparing, distributing and counting election ballots for a statewide election is not expressly exempt under this constitutional provision. If the anticipated added costs of the ballot-related functions were to be interpreted as an increase in the program or service level, counties would not be obligated to comply unless reimbursed by the Legislative Assembly for the anticipated increase in expenditures required to meet the bill's provisions,. Further, if the Assembly appropriated funds to address the increased costs, but the amount resulted in counties having to expend amounts greater than the thresholds in 3(1) or 3(b) of Section 15, Article XI, they would not have to comply.

In addition, the constitution provides that if a measure is enacted by three-fifths vote of each house, the Assembly is relieved of the requirement to appropriate reimbursement for the local governments' additional expenditures, and the local government must comply.

The Legislative Fiscal Office is not rendering an opinion on whether this provision applies to SB 630-A.