

FISCAL IMPACT OF PROPOSED LEGISLATION

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

Measure: HB 3291 - A

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Allows a ballot returned by mail to have a postal indicator showing that the ballot was mailed not later than the date of the election and received at the county clerk's office not later than seven calendar days after the date of the election. Establishes requirements for a return identification envelope to include the elector's signature, signature attestation, and summary. Changes the date for one of four regularly scheduled elections from the second Tuesday in September to the fourth Tuesday in August. Allows a county clerk to begin opening the return identification envelopes and any secrecy envelopes contained therein and begin scanning ballots into a vote tally system upon receipt.

Government Unit(s) Affected:

Secretary of State (SOS), Counties, Oregon Judicial Department (OJD), Department of Justice (DOJ), Cities, Special Districts, School Districts

Summary of Fiscal Impact:

Costs related to the measure are anticipated to be minimal - See explanatory analysis.

Analysis:

House Bill 3291, A-engrossed, replaces the introduced version. The measure allows a ballot returned by mail to have a postal indicator showing that the ballot was mailed not later than the date of the election and received at the county clerk's office not later than seven calendar days after the date of the election. It establishes requirements for a return identification envelope to include the elector's signature, signature attestation, and summary of penalties for knowingly making a false statement, oath, or affidavit under the election laws. It establishes provisions relating to a return identification envelope for military or overseas electors. If an elector returns a ballot by mail, and a postal indicator is not present or legible, the ballot is considered mailed on the date of the election and may be counted if it is received no later than seven days after the election. The measure requires ballots returned by means other than mail to be received by 8:00 p.m. on election day. The Secretary of State (SOS) shall establish by rule a procedure for announcing the status of the tally of the ballots received after the date of the election. The measure extends certain deadlines for county clerks and SOS after conducting an election, and it extends the deadline for an elector to disprove a challenged ballot for a missing or non-matching signature on the return identification envelope. The measure changes the date for one of four regularly scheduled elections from the second Tuesday in September to the fourth Tuesday in August. A county clerk may begin opening the return identification envelopes and any secrecy envelopes contained therein and begin scanning ballots into a vote tally system upon receipt. It repeals statutory provisions allowing the omission of city, county, or district measure ballot title, explanatory statement, and all arguments from a county voters' pamphlet. The measure applies to every election held on or after January 1, 2022.

Secretary of State

The measure would have a minimal fiscal impact on SOS. The Elections Division would be required to update the attestation statement on return identification envelopes for military and overseas voters, including both the paper envelope and the electronically available version, which would require some programming changes to the Oregon Elections System for Tracking and Reporting (ORESTAR). The Elections Division, which has a backstock of envelopes on hand that would need to be recycled to ensure the attestation is accurate, anticipates this to be a

one-time cost of \$15,837 General Fund in the 2021-23 biennium to recycle its existing stock and to re-print envelopes with the updated language. Beyond 2021-23, the Elections Division would be able to absorb this cost as part of its budget for printing military and overseas ballot envelopes. The Elections Division would need to make minor system changes to ORESTAR and the Oregon Centralized Voter Registration system, in accordance with changing one of the four regularly scheduled elections from September to August, which the division would be able to absorb with existing resources. The Elections Division would also need to update various SOS election manuals, the cost of which the agency would be able to absorb.

Counties

The measure would have a minimal fiscal impact on counties. County clerks' offices would incur one-time costs to destroy or recycle old envelopes, and to order, print and pay for the layout of new envelopes. Counties order envelopes from printers that provide discounts based on the quantity of the order. Consequently, the more the counties order, the greater discount. Smaller counties tend to order enough to cover all elections in a given year, whereas more populous counties tend to order only enough envelopes for the next election cycle, since they already order a large volume of envelopes. Although these costs would vary from county to county, the average cost is estimated to be \$5,000 per county, according to the Elections Legislative Committee of the Oregon Association of County Clerks. Most counties are expected to incur these one-time costs in 2021 or 2022.

Although counties would incur a minimal fiscal impact, it should also be noted that allowing county elections offices to begin processing ballots upon receipt would enable counties to process ballots more efficiently, because counties are currently required to wait until the seventh day before an election to start opening ballots. Currently, in more populous counties, ballots are run through a sorter, the signatures are verified, and they are then securely stored until they can be opened for processing. In smaller counties, ballots are hand scanned, signatures are verified, and they are then securely stored until they can be opened for processing. On the seventh day before an election, the more populous counties once again run the ballots through their sorters to be opened for their processing boards to separate and then begin the process of having ballots run through the ballot tally scanners (with the vote totals turned off). The smaller counties, likewise, once again pull their ballots out and begin opening and separating them with their processing boards and begin the process of having ballots run through the ballot tally scanners (with the vote totals turned off). While allowing county elections offices to begin processing ballots upon receipt would not necessarily result in savings to the counties, it would remove an impediment to efficient processing of ballots.

Other Agencies/Political Subdivisions

The measure would have no fiscal impact on the Oregon Judicial Department and the Department of Justice, as well as cities, special districts, and school districts.