

OFFICE OF THE SECRETARY OF
STATE

SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



900 Court Street NE
Salem, Oregon 97310
Information 503-986-1523
oregon.sos@oregon.gov
sos.oregon.gov

June 8, 2021

Chair Smith Warner, Vice-Chairs Drazan and Holvey, and Members of the Committee:

My name is Tony Lapiz and I use he/him pronouns. I am writing on behalf of Oregon's 28th Secretary of State, Shemia Fagan, and the more than 220 employees that work in the agency. Specifically for the discussion on SB 27A, our Elections Division which is responsible for ensuring safe, fair, efficient, and accessible elections at all levels of the process.

SB 27 was introduced by Secretary of State Bev Clarno and originally contained four proposals that have come directly from Elections Division staff. These are the folks answering campaigns' questions, providing support, responding to complaints, all to ensure our Democracy is inclusive, fair, and equitable. It contains several technical changes to optimize elections, identified by the individuals doing the work every day:

- **Sections 1-4:** Removes the requirement that chief petitioners of state, county, city, or district initiative petitions must list their residence address on the cover sheets.
 - Instead, the cover sheet would include the name, city and state of residence which allows the public to have important information about who is behind the effort, but also mitigates safety concerns that chief petitioners face.
- **Section 5 and Section 6:** Statute currently requires publication of second notice after the ballot title process had already been completed.
 - The proposed changes clarify when and how the county clerk publishes notice of receipt of ballot title. Provides flexibility for county clerks by allowing notice to be posted on their website.
- **Section 7:** The proposed change clarifies that the number of signatures to be collected shall be based on the most recent presidential election.
 - This change is needed because presidential elections occur every four years as opposed to "the last general election."
- **Section 8:** Removes vector control district from the list of special districts. The other special districts defined in [ORS 255](#) have a provision in their respective ORS chapters that say that ORS chapter 255 governs the elections of their board members. However, under [Chapter 452](#) (vector control districts) are appointed positions and do not have the same provision so this amendment aims to conform Chapter 255 to 452.

Point of Contact:

Tony Lapiz, Legislative Director
Tony.Lapiz@Oregon.Gov

The -2 amendment that was adopted in the Senate Committee on Rules was simply for a few additional provisions cleaning up statute by bringing notice procedures in alignment in Sections 9-11 and 16. If the statute is inconsistent in sections that are almost identical otherwise, it can create a lot of room for error both for staff trying to apply the law, and for Oregonians trying to comply.

Additionally, the Senate Committee on Rules had asked that two bills that were introduced at the request of the Oregon Association of County Clerks be added into SB 27, which is now reflected in the A engrossed bill. These proposals also assist us in optimizing our elections and are outlined below:

- **Section 12-14:** would no longer require County Clerks to provide a secrecy sleeve for a ballot. With the development of opaque security envelopes, the secrecy sleeves are a duplicative measure that now slows down the ballot counting process and wastes paper.
- **Sections 15:** would allow ballots to be opened and counted when they are received rather than forcing County Clerks to wait until 7 days before the day of the election. This flexibility will allow County Clerks to avoid a backlog of ballots that build up with the current process.

Since passing out of the Senate, Elections Division staff caught another statutory deficiency regarding Nonaffiliated Candidates filing their candidacy via signature petitions in elections following a redistricting process. Although the legislature has accounted for signature collection after reapportionment for major party candidates, the statute governing the collection of signatures by nonaffiliated candidates does not contain the same provision. The Elections Division has already approved a nonaffiliated candidate to collect signatures in what is currently State Representative District 33. Because the district lines are expected to change after signature collection has started, but before they are submitted for verification, the Elections Division is requesting an amendment to [ORS 249.740](#). Not only will this change provide clarity for nonaffiliated candidates seeking ballot access for the 2022 general election, but it will also ensure there is consistency among the provisions of ORS [Chapter 249](#) that deal with signature collection for nominating petitions.

If our requested amendment (the -A4) is adopted, the division will update the filing forms and direct the candidate to list the district they anticipate they will qualify for. The division would then issue signature sheet templates which make it clear to the public signing the petition that the district could change after the reapportionment maps are finalized. The division would then administratively update the filings so that the candidates are printed on the ballot with the correct district if they submit the required number of signatures.

Finally, the -A3 amendment contains a proposal originally introduced in the form of HB 3401 by Representative Cate. This provision would require the Secretary of State's office to create an electronic system to allow candidates for county or city office to file a photo and statement on the Secretary of State's website for a primary or general election. This will increase equity in our elections, expand access to information, and will lead to a more informed electorate—which all

Point of Contact:

Tony Lapiz, Legislative Director
Tony.Lapiz@Oregon.Gov

serves to continue making Oregon's elections process more equitable and inclusive. We appreciate how closely Representative Cate and her staff have worked with our office on this and we support the intent of this amendment.

Oregon can continue to increase efficiencies in our elections processes, and we can do this especially by listening to policy proposals that come directly from the people who do this critical work. To this end, we encourage the committee to support SB 27A with the -A3 and -A4 amendments.

Sincerely,

A handwritten signature in cursive script that reads "Tony Lapid". The signature is written in black ink and is positioned below the word "Sincerely,".

Tony Lapid, Legislative Director

Point of Contact:

Tony Lapid, Legislative Director
Tony.Lapid@Oregon.Gov