

SHEMIA FAGAN
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Senate Rules

February 3, 2022

Summary Update on Implementation of Elections Bills passed in 2021 Regular Session

Bill #	What did it asked us to do?	Summary update on implementation
HB 2323	A prohibits a person from knowingly communicating a materially false statement, including by electronic or telephonic means, with the intent to mislead electors about certain election, ballot deposit, or voter registration information within 30 days of a primary election or special election or within 60 days of the general election. The measure adds circulation by electronic or telephonic statements to ORS 260.532, and requires imitation voters' pamphlets printed or circulated, including by electronic means, to be clearly marked as not official. Effective January 1, 2022	Rulemaking is underway.
HB 2681	Prohibits moving voter to inactive status due to voter not voting or updating voter registration for any period. Also requires regular notification to certain voters in inactive status leading up to each primary or general election. Effective 91 days after sine die.	In September 2021, the Elections Division provided guidance to counties on how to identify, reactivate, and send notifications to voters prior to Jan 1, 2022, and as appropriate under Section 2 of HB 2681. As required by Section 3, the Elections Division created a standard voter notification card to be used to notify certain voters of their registration status and to be

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		<p>incorporated in vote by mail procedures leading up to a primary or general election. The notification incorporated feedback from county elections officials and was adopted by rule for use beginning in the May 2022 Primary Election.</p>
<p>HB 3021</p>	<p>Requires Secretary of State to create and make publicly available list of five most common languages spoken, other than English, by residents of state and of each county. Effective 91 days after sine die.</p>	<p>Two recruitments are underway in the Elections Division to implement these requirements. An Administrative Specialist 2 position and Program Analyst 3 limited duration position. Delays in hiring and recruiting were caused by understaffing in the division, other legislative implementation requiring recruitments, redistricting work, a special election, and other statutory and required projects. The division expects to complete recruitments and begin work on the Council, stakeholder engagement, and rulemaking, in March.</p> <p>Prior to starting the recruitments, staff were able to begin initial background research and data requirements to plan for a successful implementation once new staff are onboarded.</p>
<p>HB 3291</p>	<p>Postmarked bill. This required ballots returned by mail to have a postal indicator showing ballots mailed no later than date of election and be received by county clerk no later than seven days after date of election. Effective date was January 1, 2022.</p>	<p><u>Communications:</u> The Secretary of State’s Office has launched various communications materials to assist with public education, prevent misinformation, and answer frequently asked questions. Material has been distributed locally for officials and shared widely. Additional resources such as public service announcements and media education are planned as well during 2022.</p> <p><u>Rulemaking:</u> As required by HB 3291 the division proposed two rules 1) a rule to define postmarks and clarify requirements for valid ballots and 2) proposed rules to create uniform and predictable practices for</p>

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		<p>election results reporting across the state. For both purposes, the division hosted informal listening sessions, trainings, and guidance to draft and adopt rules with county elections officials input. The division also consulted the USPS and legal resources in drafting rules to ensure compliance with the new requirements. The Elections Division also facilitated purchase of equipment to assist with postmark scanning and recording across the state.</p> <p><u>Systems changes and equipment:</u> HB 3291 required analysis and changes to the way counties report, track, and accept ballots. The state’s current elections management database required an upgrade to accommodate these needs, which began in late 2021 following rulemaking and is underway as of February 2022. Testing and validation will occur in the first quarter of 2022.</p> <p>The Elections Division also facilitated purchase of equipment to assist with ballot postmark scanning and recording across the state.</p>
<p>SB 27</p>	<p>Requires that the cover sheet of state, county, district, and city initiatives list the city and state of residence of the chief petitioners, rather than the residence address of the chief petitioners. Declared Emergency. Effective upon passage.</p>	<p>The State and Local County, City, and District Initiative and Referendum Manual has been proposed for adoption with these changes and will be finalized in Q1, 2022. Training has been conducted with state and county officials on the changes to petitioner forms.</p>
<p>SB 259</p>	<p>Established the special judicial panel that must be appointed for the purposes of redistricting. Declared Emergency. Effective upon passage.</p>	<p>Following the appeals process and creating a plan for robust public input for Secretary of State potentially completing redistricting maps, the Elections Division began assisting counties with redistricting in November and December of 2021.</p>

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		<p>Counties continue to implement redistricting plans passed by the legislature for new house, senate, and congressional districts. The Elections Division continues to provide technical guidance, troubleshooting, and systems testing to ensure redistricting data can be completed successfully. The Elections division incorporated temporary rulemaking to provide timelines for all candidates and counties as well as ensure clarity to the public during the campaign season.</p>
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