

My name is Roy Pulvers. I am a retired lawyer, living in Multnomah County. I have been involved in coordinating the monitoring of Oregon elections for Democrats since 2003.

I was the chief proponent of SB 691 (2021), which was a nonpartisan attempt to provide important statutory guidance for state and county election officials in the event of a recount, primarily in all federal, state, and state legislative elections. SB 691 (2021) passed out of the Senate Rules Committee, and then passed the full Senate on a bipartisan vote.

I submit this written testimony in support of the provisions in SB 1527 — Section 9 in the -2 Amendments — that incorporate the provisions of SB 691 (2021) from the 2021 regular session of the Oregon Legislative Assembly. After SB 691 (2021) was passed by the Senate, the bill was sent to the House Rules Committee, where I am told that it stalled at the end of the session due to the surfeit of other bills also under consideration.

I am grateful that the Senate Rules Committee has agreed to incorporate the provisions of SB 691 (2021) into SB 1527 in this session.

In addition, I want to thank the office of the Secretary of State and the Association of County Clerks for their hard work with me to reach a non-partisan consensus on the provisions of SB 691 (2021) and for their support of that measure.

The provisions in Section 9 are a nonpartisan attempt to address a narrow but exceptionally important aspect of Oregon election law: To clarify and to codify the respective roles of the County Clerks and the Secretary of State in recounts for state and federal elections. I have been given to understand that not only have the County Clerks and Secretary of State supported these provisions, but that the provisions largely reflect existing nonstatutory policies and practices.

The undeniable fact is that Oregon's elections are conducted exceptionally well, by any measure. People in Oregon have been able to fully trust the integrity and accuracy of the results.

Nonetheless, one important stress test for any election system is recounts, where the stakes and the scrutiny often are heightened. Yet, Oregon law is basically silent on the respective roles of the County Clerks and the Secretary of State in recounts, especially with respect to recounts in state and federal elections where more than one county or the election of a state legislator is involved. The provisions here are presented as forward-looking, in hope of averting any confusion or problems at a critical juncture in the election process.

The measure provides that the "Secretary of State shall ensure that county elections officials conduct the recount in a manner that is consistent, transparent, accurate, and in accordance with all applicable laws." Those standards express core values that recounts should embody.

The measure recognizes the critical role that each County Clerk has in actually conducting a recount, and the equally important role that the Secretary of State has in coordination and oversight.

The measure expressly provides a mechanism for the interface between the County Clerks and the Secretary of State, by requiring the clerks to provide notice to the Secretary of the county's recount procedures and, in turn, provides for the Secretary to review those notices and the actual recount processes pursuant to the authority quoted above.

In sum, these provisions are offered as a nonpartisan approach, with prior bipartisan support in the Senate, to an important aspect of Oregon election law. Thank you for your consideration.