

## **SB 167 -4 STAFF MEASURE SUMMARY**

### **Senate Committee On Rules**

---

**Prepared By:** Leslie Porter, LPRO Analyst

**Meeting Dates:** 4/20

---

#### **WHAT THE MEASURE DOES:**

Alters dates by which special district recall petitions must be filed, from not later than the 100th day after the date of the first signature on the petition to not later than the 120th day. Alters dates by which special district recall petitions must be verified, from not later than 10th day after date of submission to not later than 30th day. Extends time period chief petitioners have to circulate recall petition, from not later than 90th day after filing prospective petition to not later than 90th day after filing officer approves prospective petition for circulation.

Reduces number of registration cards that may be requested during a primary election cycle, from 5,000 per person to 500 per individual or entity.

Expands languages that online voters' pamphlet can be translated into, from five most commonly spoken languages in state to also five most commonly spoken languages in each county an elected office represents. Changes reference of letter included in county voter's pamphlet from Secretary of State (Secretary) to county clerk.

Explicitly prohibits confidential election records and information included in Address Confidentiality Program from being released as public record or as part of lists of electors. Allows exemption of resident address of family member living with election worker from disclosure as public record. Exempts individual's signatures on signature sheets from public disclosure.

Shortens time period when political parties can request list of electors, from not earlier than six months before an election to not earlier than three months. Limits time period when political parties can request list of electors by excluding time period beginning on election date and ending 14 days after election date.

Exempts certain costs from calculations of whether candidate is required to file statement of organization, establish campaign account or file required campaign finance statements. Excludes candidate debate or forum for state office from being considered candidate contribution if host uses neutral criteria that are publicized in advance of sending invitations.

Changes notification requirement for Secretary or Attorney General to notify subject of complaint of alleged violations of elections law from when complaint filed to only if investigation opened. Requires Secretary to establish electronic filing system for nominating petitions and declarations of candidacy. Requires use of electronic system. Authorizes Secretary to alter specified language required to be placed on election documents, provided that alteration in language does not materially change meaning. Requires Secretary to make available to other filing officers copies of ORS chapter 260, instead of requiring Secretary to furnish and deliver copies.

Moves ORS 247.007 from ORS chapter 247 to ORS chapter 254. Changes "electronically" to "electronic mail" in reference to how Secretary shall notify person or elector that penalty will be imposed for failure to file certain statements or certificates. Adds candidate nominating petitions and political party formation petitions to petition references. Removes requirement that individuals who sign electronic signature sheets must do so in two places. Removes county judges who exercise judicial functions from certain required filings with Secretary and classifies them as "nonpartisan office." Removes language invalidating ballots with write-in candidate.

Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-4 Replaces the measure.

Reduces number of registration cards that may be requested during a primary election cycle, from 5,000 per person to 500 per individual or entity.

Explicitly prohibits confidential election records and information included in Address Confidentiality Program from being released as public record or as part of lists of electors. Allows exemption of resident address of family member living with election worker from disclosure as public record, unless county clerk receives a court order or request from any law enforcement agency. States that signatures on signature sheets are subject to public disclosure and may be inspected in office of chief elections officer (officer). Prohibits officer from making copy of, and distributing, signature unless explicitly required to do so as part of official duties.

Shortens time period when political parties can request list of electors, from not earlier than six months before an election to not earlier than three months. Limits time period when political parties can request list of electors by excluding time period beginning on election date and ending 14 days after election date.

Exempts certain costs from calculations of whether candidate is required to file statement of organization, establish campaign account or file required campaign finance statements. Excludes candidate debate or forum for state office from being considered candidate contribution if host uses neutral criteria that are publicized in advance of sending invitations.

Changes notification requirement for Secretary of State (Secretary) or Attorney General to notify subject of complaint of alleged violations of elections law from when complaint filed to only if investigation opened.

Changes date by when Secretary is required to canvass the votes for each measure, from no later than the 37th day after the election to no later than the 30th day. Clarifies the post-election hand count certification date for a measure as no later than the 30th day after the election and as no later than the 37th day for a candidate.

Changes formula for candidacy petition signature requirements following redistricting. Authorizes Secretary to alter specified language required to be written in election documents, provided that alteration in language does not materially change meaning. Requires Secretary to make available to other filing officers copies of ORS chapter 260, instead of requiring Secretary to furnish and deliver copies.

Moves ORS 247.007 from ORS chapter 247 to ORS chapter 254. Updates references to certain petitions. Removes requirement that individuals who sign electronic signature sheets must do so in two places. Removes county judges who exercise judicial functions from certain required filings with Secretary and classifies them as "nonpartisan office." Removes language invalidating ballots with write-in candidate.

Declares emergency, effective on passage.

**BACKGROUND:**

District recall petitions are a tool used by voters to recall individuals from certain elected district offices. They are circulated for the requisite number of signatures and filed with the appropriate body not later than the 100th day after the date when the first signature was collected. The signatures must be verified not later than the 10th day after the submission.

Current law allows any person to request up to 5,000 voter registration cards from the Secretary of State (Secretary). It also authorizes the Secretary to adopt rules for this process.

The Oregon voters' pamphlet is a publication produced and distributed by the Secretary of State Elections Division, produced for each election. It includes information about candidates, measures, recognized political

## SB 167 -4 STAFF MEASURE SUMMARY

parties, and any assembly of electors. It also includes instructions for marking the ballot, a complete list of federal and state candidates, and other information on the voting process. [House Bill 3021 \(2021\)](#) required the Secretary to ensure that each pamphlet mailed to county residents is translated into the most common languages spoken in the state and in each county, other than English, and is made available electronically.

Current law permits election workers to request from a county clerk that their residence address be exempt from disclosure as a public record. Current law also provides automatic exemptions for certain information from being disclosed as a public record. The information ranges from trade secrets and test questions to the location of certain archeological sites.

ORS 247.940 permits major and minor political parties to request a statewide list of electors from the Secretary of State not earlier than six months before an election and not later than the 15th day before an election. Political parties are not allowed to make more than two separate requests per election. The list is due not later than 10 days after the request was received by the Secretary.

ORS Chapter 260 exempts candidates who serve as their own treasurer, and who expect neither the aggregate contributions nor the aggregate expenditures to exceed \$750 during a calendar year, from filing a statement of organization, establishing a single exclusive campaign account, or filing other statements under ORS 260.057. Fees paid for space in a voters' pamphlet are exempt from these calculations.

ORS Chapter 260 also exempts several items from the definition of "contribution" and "expenditure," including, but not limited to: any written news story, commentary, or editorial distributed through a broadcasting station, newspaper or magazine; a vendor's sale of food and beverage for use in a campaign sold at a charge less than the normal charge; and nonpartisan activity designed to encourage individuals to vote.

Additionally, ORS Chapter 260 requires the Secretary of State, upon receipt of a complaint of an alleged violation of election law, to determine whether an investigation will take place. It also requires the Secretary to notify the subject of the complaint within three business days of receiving it, regardless of whether an investigation will take place.

Senate Bill 167 extends the dates for submitting and verifying recall petitions; changes the number of registration cards an individual or entity may receive; increases the number of most commonly spoken languages in each county into which the Secretary of State is required to translate voters' pamphlets; adds resident address of persons living with election workers, and signatures submitted on a signature sheet for initiatives and petitions, to public records disclosure exemptions; limits the time period when political parties can request list of electors; exempts certain costs from calculations on whether candidate is required to file certain statements; excludes candidate debate or forum for state office from being considered candidate contribution if the host uses neutral criteria; and changes the complaint requirements of Secretary or Attorney General to notify subject of complaint that complaint has been filed only if investigation opened.