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TRIBAL LIASON

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May 18, 2023

Chair Fahey, Vice-Chair Breese Iverson, Vice-Chair Kropf, and members of the House Committee on Rules:

I am Jessica Ventura, Legislative Director for the Secretary of State's Office (SoS). We here to speak in support of [SB 166](#) and the -1 Amendment. Under ORS 246.110, the Secretary of State is the Chief Elections Officer of Oregon, and it is the Secretary's responsibility to obtain and maintain uniformity in the application, operation, and interpretation of the election laws.

The introduced version of SB 166 focuses on two important security pillars that will continue our work to restore public trust in our elections systems. SoS sees these two items as necessary to help us combat false information, which has had a measurable impact on public trust in elections, with 6 in 10 Americans saying they are not satisfied with the way democracy is working in the U.S. We ask the committee to keep these in the final amendment as they are an important step for security that can help us restore public confidence in our elections systems.

**Section 1-3: Affirming the right to vote and the right to a secret ballot.**

In practice, our clerks ensure a secret ballot, but we want to affirm this right by codifying it into law. Right now, there are no explicit provisions affirming the right to vote or the right to do so with a secret ballot. Affirming these important fundamental rights for Oregonians would help reassure voters that their vote is secure and that their ballot is their own business.

**Section 6: Improving elections security at the county level.**

Current statute requires counties to submit annual security plans each year before January 31. The legislative concept would improve those plans by giving the Secretary of State additional time and greater ability to evaluate the threat environment security plans are intended to address, by adding cybersecurity and physical security to their scope, and by requiring security plans to be consistent with best practices as defined by federal authorities. In an environment where even the perception of a security issue can be amplified by disinformation campaigns, we must do everything we can to ensure the security of our elections systems.

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These changes will help clarify elections law and improve trust in our democratic process. Since the passage of the bill out of the Senate Chamber, we have received input from various partners. The -1 amendment not only takes into account feedback but also adds key updates to election laws.

**The -1 Amendment:**

This agency has experienced major leadership transitions with seven Secretaries since 2015. With so much change in leadership, our Elections Division has been unable to make key updates to elections law. The Elections Division went through a comprehensive process to identify key updates to various election laws. The -1 amendment is the product of this process. We shared these changes with the Oregon Association of County Clerks and other partners before bringing these changes for your consideration.

Attached to this letter is a summary table of all the changes in the in the 1- amendment for your review.

We urge the committee to help us maintain uniformity in election laws, pass SB 166, and adopt the -1- amendment.

Thank you,  
Jessica Ventura  
Legislative Director

**SB 166: -1 Amendment Summary Table**

<b>Section #</b>	<b>Problem:</b> <u>(What is the problem?)</u>	<b>Solution:</b> <u>(How is it fixed?)</u>
1	A section of ORS is not relevant to ORS 247: Qualification and Registration of Electors	Move to a more relevant chapter, ORS 254: Conduct of Elections

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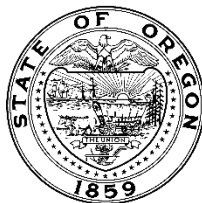
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2	ORS 247.973 is inadvertently at conflict with the address confidentiality program	Clarifies that the exclusion of these voters' addresses entirely from public release in ORS 247.973.
3	The intent of the current statute is to create a blackout window for the issuance of free voter lists to political parties during a blackout window. The current language allows for gaps in the blackout window. The blackout window is important to ensure that regular election activities can be conducted in a timely manner.	Recognized political parties can request free statewide lists of electors three months before the election until the 15 <sup>th</sup> day before the election. This clarifies the 'blackout window' properly. They may not request the next list until 14 days after the election.
4	County Judges file for office with the SOS. All other county-level nonpartisan offices file with the county clerk. This is confusing; it makes sense to standardize filing for all county-level nonpartisan offices. This change has been requested by county clerks.	County Judges will now file locally with other nonpartisan local officials. This exists only in Gilliam, Grant, Harney, Malheur, Sherman and Wheeler Counties.
5	In ORS 247.965, the public voter registration lists show addresses of a family member residing with an elector who is eligible to be exempt from public disclosure. It is currently easy to establish the residence of the undisclosed person.	Includes household member of protected electors in exclusion from being listed on public voter registration lists.
6	In ORS 247.967, Public voter registration lists show addresses of a family member residing with an elector who is eligible to be exempt from public disclosure. It is currently easy to	Includes household members of protected elector in exclusion from being listed on public voter registration lists.

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	establish the residence of the undisclosed person.	
7	Section 8 is moved to chapter 2050	Moves proposed language to ORS Chapter 250, Initiative and Referendum
8	Photocopies or scans of signatures of electors on <i>petition sheets</i> can be provided as a public record. Electors' signatures on <i>voter registrations</i> are exempt from copying under ORS 247.973; viewable in office of election official.	Electors' signatures on petition sheets may be viewed in the office of the election official. No copies or scans of signatures should be provided to the public, consistent with treatment of signatures on voter registration forms. Consistent treatment of voters' signatures to ORS 247.973.
9	Candidate nominating petitions and political party petitions are not addressed in ORS 260.555 and are not held to the same circulation standards.	Amends ORS 260.555 to apply circulating prohibitions to candidate nominating and political party formation petitions.
10	Elector using an electronic petition page ('E-sheet') to submit their signature for a petition of their choice must sign two times, or it will be rejected.	Removes requirement for the same elector to sign the same form two times for it to be eligible for acceptance. Division sees no practical reason why voters should have to sign twice.
11	Applies to section 12	Applies to section 12 below: Adds Section 22 to ORS Chapter 246: Administration of Election Laws, Vote Recording Systems
12	Language required to be included on election documents is often not plainly written or is duplicative.	This provides rulemaking authority to SOS to allow for a plainly written version of required language that retains the same meaning as the

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		original. This is simpler for voters and saves space in important documents, like ballot envelopes, where space is at a premium.
13	Current statute is not clear that individuals who vote using an alternative marking device (like an HTML/accessible ballot), are allowed to cast a write-in vote.	Removing this language from ORS 254.505; clarifies that all voters (including voters with disabilities) are allowed to cast write-in votes.
14	Under current law, fees paid for a candidate to include their statement in the <b>state</b> voters' pamphlet don't count towards the threshold that triggers campaign committee formation. This exception exists so that candidates spending or receiving under \$750 don't automatically exceed the threshold simply by filing a statement in the <b>state</b> voters' pamphlet.	The requested change extends the exception to certain costs for circulating a petition in lieu of paying the fee and extends the exception to candidates who file statements in the county voters' pamphlet. This better effectuates the intent of the threshold, which is to exclude very small campaigns from campaign committee formation.
15	Under the current law, debates are not considered a contribution to participating state candidates only if all major party candidates have been invited to participate. In an election where there are more than a handful of candidates it is exceedingly difficult for organizations hosting debates to fall under this exemption.	This change would allow organizations to use neutral criteria when extending invitations to candidates to participate in a debate. This better effectuates the intent of the exclusion, which is to consider debates a contribution only if candidates are receiving a special opportunity.
16	Current statute requires Division to send notice whenever we receive a	This request changes the statute so that the Division sends notice that a

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	<p>complaint. But the Division can decide not to investigate if there is a clear lack of evidence or because the matter is outside of our jurisdiction. This means that some people are getting notices about complaints that the Division will not be investigating. It is an unnecessary paperwork burden on an already overburdened Division to send notices about complaints that plainly do not fall under the purview of the SOS or lack evidence.</p>	<p>complaint was filed only if it is opening an investigation.</p>
17	<p>Current statute requires the Elections Division to provide a copy of ORS chapter 260 to active or prospective candidates where the SOS is the filing officer.</p>	<p>The requested change clarifies that an electronic copy is acceptable and that a printed copy is not required. This allows the Division to provide information more efficiently.</p>
18	<p>Oregon Constitution Article IV, Section 1 (4)(d) provides that measures take effect 30 days after the election. But recent statutory changes necessary to certify election results to align with the postmark bill mean that elections officials are not required to certify the results of the vote on a measure until the 37<sup>th</sup> day after the election. This means that a measure would not be certified before it became effective.</p>	<p>This change to ORS 254.555 aligns the statutory and constitutional requirements, requires that measures be certified before the constitutional effective date. It does not change the certification date of all other election results for that election.</p>
19	<p>The formula used to establish candidacy petition signature requirements is based on the votes cast at the last presidential election</p>	<p>Expanding the language to address all elections that fall within this 'interim' period of recalculations, we mitigate</p>

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	<p>following redistricting. When attempting to gather signatures in the redrawn district, the numbers do not accurately reflect the proper number of people for that district as there was no vote tally for that district in the last presidential election. This renders the formula inaccurate.</p> <p>The attempted correction provided by the 'Alternative formula' in ORS 249.068(1)(b) (partisan nomination petitions) and (2)(b) and, which are intended to apply after redistricting, does not work to solve the problem permanently as the statute applies specifically to 2022.</p> <p>The elections division cannot administer 2023 or 2024 signature verification processes using the ordinary formula, but the legislature has not given specific ability to use the alternative formula.</p>	<p>these gaps in clarity for how the calculations should be made.</p>
<p>20</p>	<p>Same issue as Section 20; this needs to be addressed in ORS 249.740 (b) as well</p>	<p>Correction for Section 20 mirrored in ORS 249.740 (Certificates of nomination) to achieve the same resolution.</p>
<p>21</p>	<p>Post-election hand count deadline for measures was extended to 37 days in the postmark bill. This does not align with the 30-day effective date of a</p>	<p>This would ensure that the post-election hand count certification for a measure would be complete prior to the certification of a statewide measure on the 30<sup>th</sup> day after the election.</p>

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	measure required in the Oregon Constitution.	
The remaining sections are Oregon Association of County Clerk proposals.		

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