

## **SB 1538 -2, -3 STAFF MEASURE SUMMARY**

### **Senate Committee On Rules**

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

**Meeting Dates:** 2/13, 2/15

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

The measure makes several changes to current election laws, including to: the information in, and translation of, voters' pamphlets, and who can file a translation; the repeat public certification tests of vote tally systems; the number of voter registration cards that can be requested; the terms of certain members on the Financial Estimate Committee; and, the ability for Secretary of State to issue a certificate of ascertainment of presidential electors. It is effective on the 91st day following adjournment sine die.

#### Detailed Summary

Changes the type of letter to be included in voters' pamphlets, from that of the Secretary of State, to the county clerk, filing office, or other public official. Allows an agent of a candidate to file a translation of a candidate statement with the Secretary of State, instead of the principal campaign committee of a candidate. Allows candidate statements, and other specific documents, to be translated into the most commonly spoken languages of the state or of the county the office represents, instead of only the five most commonly spoken languages in the state. Removes the requirement for a repeat public certification test of a vote tally system immediately before ballots scanning begins. Reduces the number of voter registration cards that may be requested, from 5,000 per person to 500 per person, including in electronic format. Changes the terms of certain members of the Financial Estimate Committee from March 1 of odd-numbered years to July 1 of even-numbered years. Allows the Secretary of State to issue a certificate of ascertainment of presidential electors to conform with federal law. Effective the 91st day following adjournment sine die.

#### **ISSUES DISCUSSED:**

#### **EFFECT OF AMENDMENT:**

-2 The amendment makes changes to original language in the bill and adds new provisions.

#### Detailed Summary

#### **Voters' pamphlets**

Removes the content of Section 1 of the bill, which are changes concerning the type of letter to be included in voters' pamphlets for statewide elections, and moves it to a different area of law.

#### **Financial Estimate Committee**

Removes the term changes made in Section 6 of the bill.

#### **Candidate expenditure thresholds for establishing a campaign committee**

Adds new language to increase the thresholds for certain expenses that require a candidate to file statement of organization, establish a campaign account, or file required campaign finance statements.

#### **Candidate expenditures and civil penalties**

Adds new language allowing contributions made to a candidate to be used for paying certain civil penalties imposed by a county charter or city ordinance, and prohibits them from being used by county charter or city ordinance provision equivalent to ORS 260.409.

-3 The amendment makes all of the changes found in the -2 amendment, and adds language to Section 9 to clarify that candidate expenditures may be used to pay civil penalties and legal expenses for certain campaign

finance violations. It also adds an operative date for certain provisions.

#### Detailed Summary

##### **Candidate expenditures and civil penalties**

Adds language to clarify that contributions made to candidates may be used for civil penalties and legal expenses related to campaign finance violation provisions in county charters and ordinances and city charters and ordinances.

##### **Operative Date**

Adds operative date of January 1, 2025, for Sections 7 and 8 (candidate expenditure thresholds for establishing a campaign committee).

#### **BACKGROUND:**

##### **Voters' pamphlets**

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 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.

##### **Voter Registration Cards**

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.

##### **Financial Estimate Committee**

The Financial Estimate Committee (Committee) consists of the Secretary of State, the State Treasurer, the Director of the Oregon Department of Administrative Services, the Director of the Department of Revenue and a representative of a city, county or district with expertise in local government finance. The representative of a city, county or district shall be selected by the four other members of the financial estimate committee and shall serve for a term of two years that begins on March 1 of the odd-numbered year. When a state measure involves use of public moneys by the state, the Committee is charged with estimating the amount of direct expenditure, reduction of expenditure, reduction in state revenues, tax revenue or indebtedness, and interest that will be required to meet the provisions of the measure, if it is enacted.

##### **Issuance of certificate of ascertainment of presidential electors**

No later than the 37th day after any election, current law requires the Secretary of State to prepare and deliver a certification of nomination election to each candidate having the most votes for nomination for, or election to, the office. The Secretary is required to sign the certificate under the seal of the state.

##### **Candidate expenditure thresholds for establishing a campaign committee**

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, as are costs associated with printing and circulating a petition in lieu of paying a fee to be included in a voters' pamphlet.

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.

PRELIMINARY