

SB 1538 A STAFF MEASURE SUMMARY**Carrier:** Sen. Lieber**Senate Committee On Rules****Action Date:** 02/15/24**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-0-0-0**Yeas:** 5 - Hansell, Knopp, Lieber, Manning Jr, Steiner**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Leslie Porter, LPRO Analyst**Meeting Dates:** 2/13, 2/15**WHAT THE MEASURE DOES:**

The measure makes several changes to current election laws, including 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 thresholds for certain expenses that require a candidate to file statement of organization, establish a campaign account, or file required campaign finance statements; allowable uses of candidate expenditures; and the ability for the Secretary of State to issue a certificate of ascertainment of presidential electors. It sets an operative date for certain provisions and 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 election 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, and provides the card in electronic form for the printing of additional cards. Increases the thresholds for certain expenses that require a candidate to file a statement of organization, establish a campaign account, or file required campaign finance statements. Establishes an operative date of January 1, 2025. Allows contributions made to candidates to be used to pay civil penalties and legal expenses related to campaign finance violation provisions in county charters and ordinances and city charters and ordinances, but prohibits them from being used to pay a civil penalty imposed by a county charter or city ordinance provision equivalent to those found in ORS 260.409 prohibiting the use of campaign funds for professional services by the candidate. 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:

- Provisions of the measure

EFFECT OF AMENDMENT:

The amendment makes changes to original measure language, removes a provision, adds new provisions, and establishes an operative date for certain provisions.

Detailed Summary**Voters' pamphlets**

Removes the content of Section 1 of the measure, which contains changes concerning the type of letter to be

This summary has not been adopted or officially endorsed by action of the committee.

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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 measure.

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 language allowing contributions made to candidates to be used for civil penalties and legal expenses related to campaign finance violation provisions in county charters and ordinances and city charters and ordinances, and prohibits them from being used by county charter or city ordinance provision equivalent to those found in ORS 260.409, which prohibits the use of campaign funds for professional services by the candidate.

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.

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 or 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.