

GENERAL GOVERNMENT AND ELECTIONS



CAMPAIGN FINANCE

Three measures addressing campaign finance were considered during the 2021 Regular Session, however, none were enacted. [Senate Bill 336](#) (*not enacted*) proposed several changes to campaign finance laws, including establishing contribution limits for state office candidates or principal campaign committees for state office candidates from different sources with an exclusion for a candidate's personal funds or from public bodies. It would have created specific types of political committees to be registered with the Secretary of State and clarified what constitutes separate elections, for determining contribution limits. [House Bill 3343](#) (*not enacted*) would have also established limits on campaign contributions that may be accepted by candidates and political committees. Instead of limits, [House Bill 2680 A](#) (*not enacted*) would have established the Small Donor Election Program to provide public matching funds for candidates for the Oregon Legislative Assembly.

ELECTIONS

Ballots

Oregon was the first state to establish vote-by-mail for local and state elections and has a long history of managing the state's mail-in ballot system. [House Bill 3291](#) (HB 3291) requires a ballot returned by mail to have a postal indicator showing that the ballot was mailed on election day if it is received within seven days by the county clerk. Prior to enactment of HB 3291, the date on the postmark did not count and all ballots had to be received by the county clerk by 8:00 pm on election day. The measure also makes conforming changes to the requirements for return identification envelopes; extends certain election deadlines to allow more time for ballots to be received; and allows county clerks to open the return identification envelopes and begin scanning ballots into the vote tally system upon receipt.

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See the [2021 Legislative Summary Report for General Government and Elections](#), which highlights policy measures that received a public hearing during Oregon's 2021 Regular Legislative Session.

Voting Eligibility

Oregon residents who are at least 16 years of age and a U.S. citizen can register to vote at least 21 days before election day. Registered voters under the age of 18 do not receive a ballot until the first election that occurs on or after the voter's 18th birthday. Three measures to lower the voting age were considered during the 2021 Regular Session, though none were enacted. [Senate Bill 776](#) (*not enacted*) would have permitted an individual who is 16 or 17 years old who is registered to vote to cast a ballot in school district elections, while [House Bill 2679](#) (*not enacted*) would have permitted a person who will be 17 years old on the date of the primary election, and 18 years old on the date of the general election, to vote in primary elections. [Senate Joint Resolution 25](#) (*not enacted*) proposed an amendment to the Oregon Constitution to lower the voting age from 18 years old to 16 years old.

Two measures concerning voter registration were enacted. [House Bill 2323](#) prohibits knowingly communicating a materially false statement, including by electronic or telephonic means, with the intent to

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mislead electors about elections and voter registration. [House Bill 2681](#) prohibits moving a voter to inactive status due to the voter either not voting or failing to update their voter registration for any period of time. A measure that did not pass is [House Joint Resolution 11](#) (*not enacted*), which would have proposed an amendment to the Oregon Constitution providing for same-day voter registration.

Voter registration initiatives for incarcerated individuals also did not pass; [Senate Bill 571](#) and [House Bill 2366](#) (*both not enacted*) would have allowed persons convicted of a felony to register to vote, update their voter registration, and vote while incarcerated.

Elections Administration

The Secretary of State (SOS) and county clerks are responsible for overseeing and managing elections in Oregon. Several changes were made to elections administration law in [Senate Bill 27](#), which made minor changes to the requirements for chief petitioners, district ballot measures, certificates of nomination, and local initiatives. It also eliminated the secrecy envelope requirement if the SOS approves a different procedure that provides the same degree of secrecy and allows the county clerk to begin tallying any ballots upon receipt.

Ranked choice voting is an alternative electoral system that allows voters to rank individual candidates by preference, rather than only indicating their first-choice candidate. Measures concerning alternative voting methods received public hearings but did not pass, including, [Senate Bill 343](#) (*not enacted*), which would have allowed ranked-choice voting to be used for all county elections, and [Senate Bill 791](#) (*not enacted*), which would have established ranked-choice voting for all nonpartisan statewide and local government offices and for federal and state office political party nominations.

ETHICS

Established in 1974, the Oregon Government Ethics Commission (OGEC) is a nine-member citizen commission responsible for the state's government ethics law, lobbying regulation, and executive session provisions of public meetings law. Four measures

updated the OGEC's authorities. [Senate Bill 60](#) extends the OGEC Preliminary Review Phase from 30 calendar days to 60 calendar days. [Senate Bill 61](#) allows the OGEC to issue opinions and advice on the executive session provisions of Oregon's public meetings laws. [Senate Bill 62](#) prohibits current or former public officials from soliciting, receiving, or using public moneys from a public body to pay civil penalties imposed by the OGEC for violating government ethics laws. Finally, [Senate Bill 63](#) allows OGEC members to serve two full four-year terms instead of only one four-year term.

GAMING AND LOTTERY

In 2021, the Legislative Assembly considered prohibitions on gaming or wagering using mobile phones, personal computers, or other personal electronic devices. In addition to proposing that the Oregon State Lottery be prohibited from offering games playable on a mobile phone or personal electronic device, [House Bill 3394](#) (*not enacted*) would have formed a State Gambling Task Force to study the impact of technology, player and addiction trends, Oregon and other state regulatory systems, and the impact on college sports and tribal communities. The last comprehensive look at Oregon's gaming and gambling landscape and its social and economic impacts was in 1996.

Mutuel wagering, regulated by the Oregon Racing Commission, is a common form of animal racing betting in which bettors are wagering against each other. [Senate Bill 165](#) specifies that a mutuel wager on historical animal racing (horse and greyhound races) may only be placed from a licensed physical race course and not on an electronic device unless that device is owned or leased by the race course where the wager is placed. The measure also expressly prohibits a person from either placing or accepting a mutuel wager on historical animal racing by mobile phone, personal computer, or other electronic device.

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GENERAL GOVERNMENT

Building Standards and Contract Building Officials

Oregon has a statewide building code. Municipalities can apply to the Department of Consumer and Business Services (DCBS) to assume responsibility for administering and enforcing specific provisions of the state building code. Municipal building inspection programs must establish and maintain minimum standards and policies and must appoint a building official (BO) as the person responsible for the program. [Senate Bill 866](#) explicitly authorizes the use of contract BOs as of January 1, 2022 for the administration and enforcement of municipal building inspection programs and establishes procedural safeguards designed to address concerns raised in a 2019 opinion from Attorney General Ellen Rosenblum. Counties and cities that did not procure a contract BO before January 1, 2018, may only use a contract BO while recruiting a permanent BO.

Oregon construction contractors will have statewide access to electronic building inspection services beginning January 1, 2025. [House Bill 2415](#) requires all municipal building inspection programs to either use the state ePermitting system or an equivalent system by 2025, and requires DCBS to adopt minimum standards for reviewing plans, issuing permits, and performing field inspections electronically.

Certain developments proposed in coastal regions at risk of damage from a tsunami must meet minimum design and engineering standards beginning January 1, 2022. [House Bill 2605](#) requires Risk Category III and IV structures, as defined by the Oregon Structural Specialty Code, sited in the tsunami inundation zone, including schools, residential care facilities, utility facilities, hospitals, and first responder facilities, to meet the minimum design standards published by the American Society of Civil Engineers. Developers submit plans to the State Department of Geology and Mineral Industries (DOGAMI) for consultation. DOGAMI then notifies the developer and local building official of likely impacts and mitigation recommendations, which are included in the structure's permit documents.

Equity and Citizen Engagement

Governor Kate Brown convened the Racial Justice Council (RJC) in 2020 to: (1) direct the collection of data from across sectors of society to support data-driven policy decisions; (2) provide principles and recommendations that center racial justice and inform the Governor's budget; and (3) create a Racial Justice Action Plan for criminal justice reform and police accountability, housing and homelessness, economic opportunity, health equity, environmental equity, and education recovery. [House Bill 2167](#) codifies the RJC and requires each executive agency budget to include a racial impact statement, developed in consultation with the RJC, describing the impact of programs, policies, and budget modifications on Oregonians who are Black, Indigenous, or People of Color (BIPOC).

The Legislative Assembly also enacted racial equity measures related to BIPOC Oregonians. It voted to establish Juneteenth as a state holiday ([House Bill 2168](#)), designate the second Monday of October of each year as Indigenous Peoples' Day ([House Bill 2526](#)), and designate April of each year as Arab-American Heritage Month ([House Bill 2914](#)). [House Concurrent Resolution 11](#) adopted new lyrics to "Oregon, My Oregon" to reflect the state's cultural, historical, economic, and societal evolution.

The Legislative Assembly passed two measures aimed to increase the diversity of Oregonians providing input on state policy and rules. [House Bill 2992](#) increases the compensation paid to members of boards and commissions and establishes an income threshold under which members are eligible for compensation and expenses, even where board and commission statutes do not authorize such payments. Rules advisory committees (RAC) appointed by an executive branch agency to provide public input in administrative rules must now include affected persons and communities under [House Bill 2993](#). The measure also requires agencies to provide a statement with their rulemaking notice identifying how adoption will affect racial equity in the state.

Due to COVID-19, many public bodies began meeting and taking public testimony through virtual means in 2020. The Legislative Assembly passed [House Bill 2560](#) requiring every governing body, where possible, to make all meetings accessible remotely through

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technological means and give the public the opportunity to remotely submit oral and written testimony.

LEGISLATIVE ASSEMBLY

Attendance and Quorum Requirements

Several measures addressing member attendance in the Legislative Assembly were considered, although none were enacted. [Senate Bill 262](#) (*not enacted*) would have established monetary penalties for unexcused absences and prohibited the use of certain contributions to pay related fines, legal fees, and/or expenses. [Senate Bill 261](#) (*not enacted*) would have prohibited members from soliciting or using contributions to pay fines or legal expenses, replace salary, defray expenses, or otherwise compensate members for monetary losses incurred as a result of unexcused absences. Additionally, [Senate Joint Resolution 3](#) (*not enacted*) would have proposed an amendment to the Oregon Constitution classifying 10 or more unexcused absences as disorderly behavior, which would disqualify a member from holding office another term. [Senate Joint Resolution 4](#) (*not enacted*) would have changed the number of members required for a quorum to a simple majority.

Legislator Pay

Current law sets legislator pay at an annual salary equivalent to a specific salary range in the Management Service Compensation Plan for the Oregon executive department, currently \$32,832 per year. [House Bill 3144](#) (*not enacted*) proposed to set the annual salary of members of the Legislative Assembly at the annual mean occupational employment and wage estimate for Oregon. This was estimated to increase annual legislator pay to \$55,027.

PUBLIC CONTRACTING

In 2021, the Legislative Assembly adopted changes to the bidding requirements for public improvement contracts and the prevailing wage rate. The Oregon Public Contracting Code requires competitive bidding for all public improvement contracts, except for those with a value of less than \$5,000. [House Bill 3082](#) raises that threshold to \$10,000.

In addition to competitive bidding, contracting agencies are required to procure and construct public improvements at the least cost. [Senate Bill 420](#) allows contracting agencies and local review boards to designate a public improvement contract as a "community benefit contract." These contracts may include terms and conditions such as a requirement that the contractor qualify as an apprentice training agent, employ apprentices to perform a percentage of work hours in apprenticeable occupations, provide employer-paid family health benefits for each worker, and meet other requirements established by the contracting agency.

On certain public works projects, contractors and subcontractors must pay the prevailing wage rate (PWR), which is the hourly wage, including all fringe benefits, that the Commissioner of the Bureau of Labor and Industries (BOLI) determines is paid in the locality to the majority of workers employed in a specified trade or occupation. [Senate Bill 493](#) makes the PWR for a trade or occupation the wage established in a collective bargaining agreement (CBA) for that locality. If there is more than one CBA, then the highest wage rate among the CBAs prevails. If a CBA does not exist, BOLI will still determine the PWR using an independent wage survey.

PUBLIC EMPLOYEE BENEFITS

Three areas of Public Employees Retirement System (PERS) policy were changed with passage of [House Bill 2875](#). First, the measure allows the State Fire Marshal to identify employees to receive enhanced firefighter benefits. Second, PERS is directed to begin making tax remedy payments to eligible Tier 1 retirees by the second calendar month (instead of the next calendar year) following notification from the retiree that their benefits are subject to Oregon income tax if notification occurs between January 1 and April 15. Third, the measure responds to a COVID-19 impact on employees trying to vest their pension benefit by restoring PERS membership and retirement credit forfeited in 2020 if the worker performs at least 600 hours of service in 2021.

In 2019, [Senate Bill 1049](#) made changes to PERS to reduce the unfunded actuarial liability, including redirecting a portion of an employee's salary from

their Individual Account Program (IAP) contribution to their pension stability account when their monthly salary exceeds \$2,500. [House Bill 2906](#) raises that monthly salary threshold to \$3,333 to account for PERS members who may experience a month or more during the year when they earn more than \$2,500 and would then be subject to having their salary redirected to their pension stability account. Per statute, the monthly salary threshold, will continue to be adjusted annually to reflect inflationary impacts.

PUBLIC RECORDS

The Office of the Public Records Advocate was established in 2017 to provide dispute resolution services, training, guidance, and advice to improve the administration of Oregon's public records laws. The Public Records Advocate (PRA) was appointed by the Governor and confirmed by the Senate from a list of nominees recommended by the Public Records Advisory Council (PRAC). The PRAC makes recommendations related to the PRA's role and on public record practices, procedures, exemptions, and fees. [Senate Bill 500](#) makes the office an independent office within the executive branch, gives the PRAC the authority to appoint the PRA, requires the PRA to appoint a deputy who assumes the duties of the PRA when the position is vacant, and allows the PRAC to support, oppose, and request legislation relating to public records law.

In 2021, the Legislative Assembly heard five bills related to public records fees and exemptions; it only created two additional exemptions. [Senate Bill 315](#) exempts any information that would create a competitive disadvantage for owners or users of an unmanned aircraft systems test range. [Senate Bill 792](#) exempts personally identifiable information about a child under 16 years of age that has been submitted to the State Fish and Wildlife Commission or its agent to obtain a wildlife license, tag, or permit.

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