

2019 SUMMARY OF LEGISLATION



ELECTIONS



ELECTIONS MEASURES

Campaign Finance	Enacted Not Enacted	SB 478, SJR 18, HB 2716, HB 2983 SB 200, SB 952, HB 2708, HB 2709, HB 2714-A
Elections and Voting	Enacted Not Enacted	SB 761, SB 861, SB 870, SB 944, HB 2491, HB 3310 SB 225, SB 368, SB 594, SB 779, SB 838, SJR 22, HB 2492, HB 2685, HB 3173, HB 3441
Voters Pamphlet	Enacted Not Enacted	SB 670, HB 3348 -none-

Picture: County Courthouse, Wallowa County – [Gary Halvorson, Oregon State Archives](#)

TASK FORCES AND REPORTING REQUIREMENTS

There were no task forces or reporting requirements involving elections enacted through legislation during the 2019 session.

[Senate Bill 200](#)

Not Enacted

[\(see House Bill 2164\)](#)

Political Contribution Tax Credit

At the request of: Senate Interim Committee on Finance and Revenue

Committees: Senate Finance and Revenue, Senate Rules, Joint Tax Expenditures

Background and Current Law: Originally enacted in 1969, the political contribution tax credit is a nonrefundable credit claimed against personal income taxes, in an amount that may not exceed \$50 per filer. The credit may not be taken by filers with an adjusted gross income of \$100,000 per filer. Qualifying recipients of the credit include candidates for federal, state, or local elective office; major and minor political parties; and political committees. In 2009, the legislature established sunsets on a substantial number of tax credits, requiring the Legislative Assembly to review those credits in regular intervals. In 2013, the political contribution tax credit was extended until January 1, 2020.

Bill Summary: Senate Bill 200 would have renewed the political contribution tax credit for another six years, extending the sunset until January 1, 2026.

[Senate Bill 225](#)

Not Enacted

Nonaffiliated Primary

At the request of: Secretary of State Dennis Richardson for Alan Zundel

Committees: Senate Rules

Background and Current Law: Oregon law allows political parties to decide whether to hold open or closed primary elections. In a closed party primary, only voters registered with the party may participate. The majority of Oregon's registered voters are not affiliated with a political party.

Bill Summary: Senate Bill 225 would have created a primary election for nonaffiliated candidates and voters. The nominee would have been required to be unaffiliated with a political party at least 180 days before the filing deadline.

[Senate Bill 368](#)

Not Enacted

County Charter Amendments

At the request of: Senate Interim Committee on Judiciary for Association of Oregon Counties

Committees: Senate Rules

Background and Current Law: County clerks must determine, within five business days of receipt, whether a prospective initiative measure "meets the requirements of section 1 (2)(d), Article IV, and section 10, Article VI of the Oregon Constitution." The former provision imposes a "single subject" requirement on initiative petitions, while also requiring that petitions set forth their text in full. The latter provision addresses county "home rule" and, among other requirements, directs the Legislative Assembly to provide a method by which county electors may alter their charter. An elector who is dissatisfied with either of the county clerk's determinations may seek judicial review by filing a petition in circuit court.

Bill Summary: Senate Bill 368 would have required county clerks to determine whether a petition seeking to amend a county charter violates the statutory "separate vote" requirement and would have allowed counties to adopt a different procedure to govern compliance with the separate vote and single subject requirements.

[Senate Bill 478](#)

Effective Date: June 20, 2019

Prohibiting public funds to pay for discrimination and harassment nondisclosure agreements

Chief Sponsors: Sens. Gelser, Knopp; Rep. Power

Committees: Joint Capitol Culture, Senate Workforce, House Judiciary

Background and Current Law: Oregon's campaign finance laws govern the uses of campaign money. Contributions to campaigns may be used to pay some campaign finance violations but may not be used to pay a money award in a civil or criminal action, or to pay a fine imposed by an agency or local government. Likewise, contributions to a political committee or petition committee may not be used to satisfy civil or criminal money awards, or to pay legal expenses arising out of scope and duties of an individual serving on the committee, unless it relates to proceedings based on campaign finances.

Bill Summary: Senate Bill 478 prohibits the use of contributions to a campaign, political committee, or petition committee from being used as payment in connection with a nondisclosure agreement (NDA) related to workplace harassment. The measure also prohibits the use of any public moneys, or money received from a third party, to make payments in connection with an NDA related to workplace harassment. Violations are punishable by up to twice the amount that is specified in the NDA for violation of the NDA.

Oregon Laws 2019: Chapter 462

[Senate Bill 594](#)

Not Enacted

Presidential Candidate Income Tax Disclosure

Chief Sponsors: Sen. Prozanski

At the request of: Tom Hyde

Committees: Senate Rules

Background and Current Law: Candidates for President and Vice President must meet filing requirements and deadlines administered by the Secretary of State in order to appear on Oregon ballots. Oregon's electoral votes are allocated to the state's popular vote winner.

Bill Summary: Senate Bill 594 would have required a candidate for President or Vice President to disclose income tax returns for five previous years, and would have prohibited state electors from casting an electoral vote for a candidate who failed to comply with the disclosure requirement.

[Senate Bill 670](#)

Effective Date: January 1, 2020

Election Official Name on Election Materials

Chief Sponsors: Sens. Taylor, Wagner; Reps. Salinas, Fahey, Power

Committees: Senate Rules, House Rules

Background and Current Law: The Secretary of State and county clerks are elected officials responsible for administering Oregon's elections. Currently, incumbent election officials appear as candidates on the ballots and other election materials they administer.

Bill Summary: Senate Bill 670 prohibits state and local elections officials from including their name, in an official capacity as the elections official, in the voters' pamphlet or on the security envelope, return envelope, or any voting instructions or materials included with the ballot, if the official is a candidate for office during the same year.

Oregon Laws 2019: Chapter 508

[Senate Bill 761](#)

Effective Date: January 1, 2020

Electronic Petition Signature Sheet

At the request of: Senate Committee on Rules

Committees: Senate Rules, House Rules

Background and Current Law: The Secretary of State must prepare an official electronic template of a signature sheet for each state initiative, referendum, and recall petition. The sheet must allow space for the signature of one elector and authorizes an elector to print out the sheet, sign it, and deliver it to the chief petitioner or the chief petitioner's agent.

Bill Summary: Senate Bill 761 requires electors to personally print or request a copy of an electronic signature sheet and to certify they received the electronic signature sheet in compliance with that requirement. The measure requires the template for an electronic signature sheet to include the final measure summary, ballot title, and correct copy of the measure to be initiated or referred.

Oregon Laws 2019: Chapter 681

[Senate Bill 779](#)

Not Enacted

Primary Election Date

Chief Sponsors: Sen. Knopp; Rep. Clem

Committees: Senate Rules

Background and Current Law: Oregon's primary elections are currently held on the third Tuesday in May. In the 2020 presidential election, Oregon's primary election will occur after 45 other states and 106 days after the Iowa and New Hampshire primaries.

Bill Summary: Senate Bill 779 would have moved Oregon's primary election date from the third Tuesday in May to the first Tuesday in March.

[Senate Bill 838](#)

Not Enacted

Voting at 16

Chief Sponsors: Sen. Fagan

Committees: Senate Rules

Background and Current Law: Section 2, Article II of the Constitution of the State of Oregon allows U.S. citizens who are at least 18 years of age and meet residency and registration requirements to vote in elections. Current law allows individuals as young as 16 years of age to register to vote, although the registration does not become effective until the person turns 18.

Bill Summary: Senate Bill 838 would have reduced the voting age of Oregonians from 18 to 16. The measure was designed to work with Senate Joint Resolution 22, which proposed an amendment to the Oregon Constitution reducing the voting age of Oregonians from 18 to 16.

[Senate Bill 861](#)

Effective Date: September 29, 2019

Election Ballot Postage

Chief Sponsors: Sens. Dembrow, Manning Jr; Reps. Nosse, Keny-Guyer, Rayfield

At the request of: Governor Brown and Secretary of State Dennis Richardson and The Bus Project

Committees: Senate Rules, Joint Ways and Means

Background and Current Law: According to the National Conference of State Legislatures, at least 22 states have provisions allowing some elections to be conducted entirely by mail. States have been adopting all-mail elections in recent years, with Washington and Colorado joining Oregon as states that allow vote-by-mail in all elections. Some states, including California, Utah, and Hawaii, have authorized certain counties to conduct all elections by mail, while still other states authorize specific local governments to conduct elections by mail. In 2018, executive branch officials in Washington state made a one-time decision to pay for the costs of election postage and legislation is currently pending in that state to require the state to regularly reimburse counties for these costs.

Bill Summary: Senate Bill 861 requires the state to provide ballot return envelopes that may be returned by business reply mail for each election held in this state. The bill authorizes the Secretary of State to require that ballots be returned by a method other than business reply mail, if the Secretary determined that an alternate method is more cost effective.

Oregon Laws 2019: Chapter 638

[Senate Bill 870](#)

Effective Date: January 1, 2020

Elect the President by National Popular Vote

Chief Sponsors: Sens. Dembrow, Boquist, Fagan; Reps. Clem, Hernandez, Keny-Guyer, Mitchell, Rayfield

Committees: Senate Rules, House Rules

Background and Current Law: The President of the United States is chosen by majority vote of the Electoral College. Each state sends a number of electors equivalent to the number of members in its congressional delegation. Each state may allocate electoral votes as it chooses. Forty-eight states have adopted a "winner take all" system, under which all of a state's electoral votes are cast for the candidate who receives the most votes in that state. The Interstate Compact for Agreement Among the States to Elect the President by National Popular Vote requires each participating state to award all of the state's electoral votes to the winner of the national popular vote. The Compact does not become effective until it is enacted by states that constitute a majority of the Electoral College.

Bill Summary: Senate Bill 870 enters Oregon into the Interstate Compact for Agreement Among the States to Elect the President by National Popular Vote.

Oregon Laws 2019: Chapter 356

[Senate Bill 944](#)

Effective Date: January 1, 2020

County Clerk Election Audits

Chief Sponsors: Sens. Frederick, Knopp; Rep. Hernandez

Committees: Senate Rules, House Rules

Background and Current Law: After each general election, current statute requires county clerks to conduct a limited hand count of ballots and compare the results with the results produced by the vote tally system. If the hand count results in a difference that is less than or equal to one-half of one percent, the voting record produced by the vote tally system is the official tally. If, after two rounds of hand counts, a difference greater than one-half of one percent remains, all of the ballots must be counted by hand and the results of this hand count are ultimately certified.

Bill Summary: Senate Bill 944 requires that an audit be conducted after every election. The bill authorizes, as an alternative to a hand count audit, a risk-limiting audit, which is defined as "a set of procedures to ensure that the risk does not exceed the risk limit." The bill also includes several specifications of a risk-limiting audit, including that the risk-limiting audit be observable to the public and be based on direct visual human examination of elector-marked ballots.

Oregon Laws 2019: Chapter 562

[Senate Bill 952](#)

Not Enacted

Election Offenses

Chief Sponsors: Sen. Thatcher

Committees: Senate Judiciary

Background and Current Law: Violation of election laws carry both civil and criminal penalties. For example, if a county clerk requests information on a voter registration card that is not required by the state or federal law, it is a Class C felony. That same conduct incurs a civil penalty of no more than \$1,000 per violation.

Bill Summary: Senate Bill 952 would have increased both the criminal and civil consequences of subsequent and intentional violations of certain election laws. For criminal violations, a subsequent and intentional violation became a Class C felony. The increase in civil violation fines ranged from \$10,000 to \$125,000. Additionally, the measure elevated the offense level if a subsequent and intentional violation is committed by a public official while acting in an official capacity, doubling a Class C felony, a Class B felony, and any civil penalty.

[Senate Joint Resolution 18](#)

Filed with Secretary of State

Regulating Campaign Finance

Chief Sponsors: Sens. Knopp, Hass, Golden, Wagner

Committees: Senate Campaign Finance, Senate Rules, House Rules

Background and Current Law: In a 1997 decision, the Oregon Supreme Court found that the state's free speech protections do not allow limits on campaign contributions, and a pair of 2006 initiatives to enact limits in a constitutional amendment failed. House Bill 2178 (2015) established the Task Force on Campaign Finance Reform which recommended reintroducing a proposed constitutional amendment for referral to voters.

Bill Summary: Senate Joint Resolution 18 proposes amendment of section 8, Article II of Oregon's constitution to permit enactment of laws by state and local governments and the people, to regulate the use of money in political campaigns if approved by voters at the next regular general election. The measure authorizes limits on contributions so long as resources that are necessary for effective advocacy may be gathered; requires disclosure of contributions and expenditures; and requires identification of the persons or entities responsible for political advertisements.

ELECTIONS

[Senate Joint Resolution 22](#)

Not Adopted

Voting at 16

Chief Sponsors: Sen. Fagan; Reps. Bynum, Hernandez

Committees: Senate Rules

Background and Current Law: The original 1859 version of Oregon's Constitution limited the right to vote to white males who were 21 years of age or older. Since that time, the Oregon Constitution has been amended on nine different occasions, in many cases, to expand suffrage. A 1974 amendment eliminated a required English literacy test and reduced the voting age from 21 to 18.

Bill Summary: Senate Joint Resolution 22 would have proposed an amendment to the Oregon Constitution to reduce the voting age of Oregonians from 18 to 16.

[House Bill 2491](#)

Effective Date: January 1, 2020

Precinct Committee Membership

Chief Sponsors: Rep. Holvey; Sen. Boquist

At the request of: Oregon Association of County Clerks

Committees: House Rules, Senate Rules

Background and Current Law: Under current law, a precinct committeeperson may be elected as a write-in, without declaring their candidacy in advance. A committeeperson must serve the precinct in which the person is registered or in an adjoining precinct.

Bill Summary: House Bill 2491 establishes a process by which a person who seeks to serve as a precinct committeeperson must declare their own write-in candidacy or be nominated by another person as a write-in candidate. It also authorizes committeepersons to serve in any precinct that is both in the same county and State Representative district in which the person is registered. Additionally, it eliminates the requirement that a major political party elect a precinct committeeperson of each gender. Finally, for those statutes relating to precinct committeepersons, it replaces the term "county clerk" with the term "county elections official."

Oregon Laws 2019: Chapter 70

[House Bill 2492](#)

Not Enacted

Incarcerated Individuals and Population Data

Chief Sponsors: Rep. Holvey; Sen. Prozanski

Committees: House Rules

Background and Current Law: The federal census counts incarcerated individuals as residing where they are incarcerated. When Oregon undergoes redistricting after the census, areas with correctional facilities have larger populations which will impact representation.

Bill Summary: House Bill 2492 would have directed the Secretary of State to consider an incarcerated individual's last known address before incarceration as that individual's current address for the purpose of apportioning legislative districts and county or municipal boundaries. It would also have required the Department of Corrections to create an electronic filing system to record related data and provide that data to the Secretary of State. Finally, it would have required the Secretary to request identical information from federal facilities for the same purpose and would have prohibited the disclosure of personally identifiable information.

[House Bill 2685](#)

Not Enacted

Candidate Phone and Email Information

Chief Sponsors: Reps. Nosse, Marsh

Committees: House Rules

Background and Current Law: When individuals file to run for office, the form they use includes a space for a phone number and email address. However, this information may be left blank or filled out with a telephone number or email address issued by a public body, making it difficult for the public to contact candidates.

Bill Summary: House Bill 2685 would have required candidates for public office to include a phone number and email address on a nominating petition or declaration of candidacy. It would have also required that the phone number and email address be used exclusively to support the person's candidacy for office and would have prohibited incumbent candidates from using publicly provided phone numbers and email addresses as a point of campaign contact.

[House Bill 2708](#)

Not Enacted

Income Disclosures for Elected Officials and Candidates

Chief Sponsors: Rep. Rayfield

Committees: House Rules

Background and Current Law: ORS 244.050 requires elected officials, candidates, and certain appointed state officials to file a statement of economic interest each year. The statement must include information about the businesses the filer has an interest in sources of income totaling more than 10 percent of the filer's income, a listing of real property, and expenses and benefits incurred from government related activity.

Bill Summary: House Bill 2708 would have required that individuals filing statements of economic interest disclose any source of income if the business from which the income is derived has an interest in a government agency that the filer has some authority over and 10 percent or more of the business' gross annual income results from contacts with the relevant government agency. It also would have created a separate process to request access to relevant information when the official or candidate had a statutory duty to keep the information privileged or confidential.

[House Bill 2709](#)

Not Enacted

Independent Expenditure Campaign Regulations

Chief Sponsors: Rep. Rayfield

Committees: House Rules

Background and Current Law: Under current law, an "independent expenditure" includes certain communications that are made in support of, or in opposition to, a candidate or measure, but that are made independently of a candidate or political committee. When a person exceeds \$750 in independent expenditures in a calendar year, the person must report the expenditures within seven days. Thereafter, the person must report within 30 days of an expenditure, unless the expenditure is made within six weeks of a primary or general election, in which case additional reporting is required within seven days. Failing to file, or failing to include specified information, is punishable by a civil penalty.

Bill Summary: House Bill 2709 would have modified the definition of "independent expenditure" and reduced the expenditure amount requiring a report. It also would have authorized the Secretary of State to impose a civil penalty for incorrectly identifying an expenditure as independent and would have required the individual subject to reporting requirements to keep records and submit accounts to inspection.

[House Bill 2714-A](#)

Not Enacted

Campaign Contribution Limits

Chief Sponsors: Rep. Rayfield

Committees: House Rules, Senate Rules

Background and Current Law: Campaign contributions and expenditures are forms of expression protected by the Oregon Constitution and may not be limited. Disclosure requirements do not violate the state or federal constitution. Current Oregon law does not limit campaign contributions or expenditures but does require that they be disclosed.

Bill Summary: House Bill 2714-A would have enacted limits on campaign contributions that may be accepted by candidates and political committees. It would have required political committees to identify as a caucus, measure, multicandidate, political party, recall, or small donor political committee and would have prohibited an individual from controlling more than one of each committee. Additionally, it would have set limits on contributions that may be accepted by committees and candidates, including limits on contributions from membership organizations. Finally, it would have authorized the Secretary of State and Attorney General to require the return of excess contributions and impose civil penalties of up to 150 percent of the excess contribution.

[House Bill 2716](#)

Effective Date: January 1, 2020

State Donors for Campaign Communication

Chief Sponsors: Reps. Rayfield, Keny-Guyer

Committees: House Rules, Senate Rules

Background and Current Law: Under federal law, certain election-related communications involving candidates for federal office must include a disclaimer that identifies who paid for, or authorized, the communication. The requirement has been upheld against a First Amendment challenge. In 1999, the Oregon Attorney General concluded that a state statute containing similar requirements was likely to violate the State Constitution and the Legislative Assembly subsequently repealed the statute.

Bill Summary: House Bill 2716 requires communication in support of or opposition to a candidate to state the name of the person who paid for the communication, including donors in specified circumstances. Communications in support of specified candidates and common campaign materials are exempt. The measure authorizes the Secretary of State to determine the form of the statement and to enforce requirements by civil penalty.

Oregon Laws 2019: Chapter 636

[House Bill 2983](#)

Effective Date: August 2, 2019

Campaign Contribution Disclosure

Chief Sponsors: Reps. Rayfield, Keny-Guyer, Hernandez; Sen. Golden

Committees: House Rules, Senate Rules

Background and Current Law: Oregon law requires candidates, political committees and petition committees, as well as individuals and entities that make independent expenditures, to disclose certain information related to campaign contributions and expenditures.

Bill Summary: House Bill 2983 requires certain groups and organizations that make political communications in excess of specified amounts to disclose information related to donations that exceed \$10,000. The bill authorizes the imposition of civil penalties to enforce these obligations, modifies the scope of independent expenditures that must be reported, expands the obligation to maintain election-related records, and prohibits reimbursing another person for campaign contributions or donations.

Oregon Laws 2019: Chapter 637

[House Bill 3173](#)

Not Enacted

County Commissioner Vacancy Terms

Chief Sponsors: Rep. Leif; Sen. Heard

At the request of: Association of Oregon Counties

Committees: House Rules, Senate Rules

Background and Current Law: Current statute requires candidates for county commission to be included on the ballot at a primary or general election, if the term of a county commissioner expires the following January or if there is a vacancy for any cause in the office of county commissioner. Commissioners serve four-year terms, unless two or more candidates are elected and one of the candidates is elected to fill a vacant seat. In this circumstance, statute requires that one of the candidates hold office for a term of two years, rather than four, but does not specify which candidate.

Bill Summary: House Bill 3173 would have expressly provided that the commissioner elected to fill the vacancy serves for a two-year term and clarified that the rule applies, regardless of whether the election is held on the date of a primary election or a general election.

[House Bill 3310](#)

Effective Date: September 29, 2019

Elector Rights in Education Districts

Chief Sponsors: Rep. Hernandez, Rayfield; Sen. Knopp, Wagner, Manning Jr

Committees: House Rules, Senate Rules

Background and Current Law: The Voting Rights Act of 1965 prohibits the denial or abridgment of the right to vote on account of certain immutable characteristics, including race and color. According to the United States Department of Justice, most cases arising under this provision have involved challenges to at-large election schemes.

Bill Summary: House Bill 3310 creates a similar state law prohibition, that applies to school districts, education service districts, and community college districts, providing both a cause of action and a mechanism by which district boards may modify their election systems.

Oregon Laws 2019: Chapter 449

[House Bill 3348](#)

Effective Date: January 1, 2020

Financial Impact of Ballot Measures

Chief Sponsors: Rep. Nathanson, Gomberg

Committees: House Rules, Senate Rules

Background and Current Law: Oregon law establishes a financial estimate committee to review statewide ballot measures and estimate the change in government expenditures, revenue, or indebtedness the measure would require if enacted. The committee consists of the Secretary of State, State Treasurer, Director of the Department of Administrative Services, Director of the Department of Revenue and a member, selected by these four members, who represents a city, county, or district and has expertise in local government finances. When the committee determines that a measure will have a financial effect that will not exceed \$100,000, the committee is required to include a statement indicating that conclusion in the voters' pamphlet.

Bill Summary: House Bill 3348 requires that, if the committee determines that a measure will have a financial effect in excess of \$100,000, the committee must include a statement indicating that the measure spends money without identifying a funding source.

Oregon Laws 2019: Chapter 603

[House Bill 3441](#)

Not Enacted

Maximizing Voter Registration

Chief Sponsors: Rep. Rayfield

Committees: House Rules

Background and Current Law: House Bill 2177 (2015) established Oregon’s automatic voter registration program, under which individuals who apply for, renew, or replace an Oregon driver’s license, ID card, or permit are automatically registered to vote. Oregon’s automatic voter registration is limited to qualified interactions with the Oregon Department of Motor Vehicles.

Bill Summary: House Bill 3441 would have established the Task Force on Automatic Voter Registration to study and develop recommendations to maximize voter registration in the state.