

GENERAL GOVERNMENT & ELECTIONS



This Legislative Summary Report highlights General Government and Elections policy measures that received a public hearing during the 2021 Regular Legislative Session. The report is organized by sub-topics and includes the measure number; the measure status: enacted [✓] or not enacted [✗]; and a brief description of the measure.

General Government and Elections policy sub-topics:

- Administrative Rules
- Campaign Finance
- Elections
- Ethics
- Gaming and Lottery
- General Government
- Legislative Assembly
- Memorials, Resolutions, and Referrals
- Public Contracting
- Public Employee Benefits
- Public Records
- Redistricting

Administrative Rules

- SB 448 ✗ Would have prohibited permanent agency rules from being in effect beyond six years and allowed the adoption of an identical rule if the agency found there was a continuing need for the rule and that the rule was the most efficient and least costly way to achieve the purpose of the rule.
- HB 2353 ✗ Would have required agency to include in rulemaking notice a statement identifying how adoption of rule will affect racial equity.
- HB 2993 ✓ Requires appointed rules advisory committees to represent persons and communities likely to be affected by rule and rulemaking notice to include statement identifying how adoption will affect racial equity.

Campaign Finance

- SB 336 ✗ Proposed several changes to campaign finance laws to be operative as of November 9, 2022, 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

Campaign Finance, cont'd

registered with the Secretary of State and clarified what constitutes separate elections, for the sake of determining contribution limits.

- HB 2680 A ✗ Would have established the Small Donor Election Program to provide public matching funds for state senate and state representative candidates.
- HB 3343 ✗ Would have established limits on campaign contributions that may be accepted by candidates and political committees.

Elections

- SB 27 ✓ Changes the requirements for the chief petitioners' address, clarifies the requirements for district ballot measures, and clarifies the basis for the number of signatures needed for a certificate of nomination. It changes the notice requirements for local initiatives and removes vector control districts from the definition of "district" for the purposes of special district elections. It changes the notice requirements for the election of members for district boards and clarifies certain civil penalty procedures. Finally, it eliminates the secrecy envelope requirement if the Secretary of State has approved a different procedure that provides substantially the same degree of secrecy; also allows the county clerk to begin tallying any ballots upon receipt.
- SB 249 ✗ Would have allowed the county clerk to begin opening and tallying ballots delivered by mail and received by the county clerk upon receipt.
- SB 250 ✓ Establishes regular business hours for county clerks' offices for the receipt and certification of instruments presented for recording at four hours per day and 30 hours per work week, and allows for the reduction in hours for certain circumstances, including holidays, trainings, a declared state of emergency, and any other event that poses a safety risk to the public and office staff.
- SB 251 ✗ Would have eliminated the ballot secrecy envelope requirement if the Secretary of State had approved a different procedure that provided substantially the same degree of secrecy. Would have allowed the county clerk to begin tallying any ballots received seven days before an election.
- SB 258 ✗ Would have made adjustments to filing deadlines for the May 17, 2022 primary due to the delay in the release of the 2020 Census data from the U.S. Census Bureau and the subsequent Oregon Supreme Court opinion and writ.
- SB 313 ✗ Would have allowed the state central party to designate additional individuals as voting members.
- SB 343 ✗ Would have allowed ranked-choice voting to be used for all county elections.

Elections, cont'd

- SB 571 A ✗ Would have removed voting restrictions for incarcerated individuals and allowed those individuals to register to vote in their county of residence prior to incarceration.
- SB 691 A ✗ Would have required the Secretary of State to ensure that county election officials conduct election recounts for federal offices, statewide offices, and statewide measures in manner that is consistent, transparent, accurate, and pursuant to all applicable laws. Would have required county clerks to notify the Secretary of State recount about the date, time, and location of the recount and information about all aspects of the process. Would have clarified certain aspects of the recount process.
- SB 776 ✗ 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.
- SB 785 ✗ Would have changed the primary election date in even-numbered years in which a presidential election also falls to the first Tuesday in March and changed the start date of the regular legislative session in those same years to May 1.
- SB 791 ✗ Would have established ranked-choice voting for all nonpartisan statewide and local government offices, and for winner of nomination by major political parties for federal and state political offices, beginning after January 1, 2023.
- SJR 25 ✗ Proposed an amendment to the Oregon Constitution to lower the voting age from 18 years old to 16 years old.
- HB 2226 ✗ Would have required ballots returned by mail to be postmarked not later than date of election.
- HB 2323 ✓ Prohibits knowingly communicating a materially false statement, including by electronic or telephonic means, with intent to mislead electors about elections and voter registration.
- HB 2366 ✗ Would have allowed persons convicted of felony to register to vote, update voter registration, and vote in elections while incarcerated.
- HB 2499 A ✗ Would have updated voter registration provisions to improve voter address information and allow additional electronic voter registrations.
- HB 2679 ✗ Would have permitted person who will be 17 years old on date of primary election and 18 years old on date of general election to vote at primary election for candidates of major political party with which person is affiliated.
- HB 2681 ✓ Prohibits moving voter to inactive status due to voter not voting or updating voter registration for any period of time.

Elections, cont'd

- HB 2687 ✗ Would have required ballots returned by mail to be postmarked not later than date of election.
- HB 2745 ✗ Would have required voter registration cards and electronic voter registration system to include option for person to identify race, ethnicity, and preferred language of person.
- HB 3021 ✓ Requires Secretary of State (SOS) to ensure that each state and county voters' pamphlet mailed to county residents is also translated into the most common languages spoken in the state and each county, other than English, and is made available on the SOS and applicable county websites.
- HB 3291 ✓ Requires ballots returned by mail to have postal indicator showing ballot was mailed not later than date of election and be received by county clerk not later than seven days after date of election.
- HJR 11 ✗ Would have proposed amendment to Oregon Constitution providing for same-day voter registration.

Ethics

- SB 60 ✓ Extends Oregon Government Ethics Commission Preliminary Review Phase period after receiving a complaint from 30 calendar days to 60 calendar days.
- SB 61 ✓ Expands the topics under Oregon Government Ethics Commission authority for it to provide written commission advisory opinions, written staff opinions, and oral and written staff advice, whether actual or hypothetical, related to government ethics laws, to include the executive session provisions of Oregon's public meetings laws.
- SB 62 ✓ Prohibits current or former public officials from soliciting, receiving, or using public moneys from a public body to pay or make payments on civil penalties imposed by the Oregon Government Ethics Commission for violation government ethics laws.
- SB 63 ✓ Extends term limit for members serving on the Oregon Government Ethics Commission from one full four-year term to two full four-year terms.
- SB 463 ✗ Would have established a "gift" exception in current ethics laws for food and beverage consumed by members of the Legislative Assembly or candidates for office as members of the Legislative Assembly at a meal or reception.

Gaming and Lottery

- SB 165 ✓ Establishes annual payments to be made by race meet operators that conduct mutuel wagering on previously held horse races. Requires mutuel wagers on historical animal races to be placed from a licensed physical race course and prohibits such wagers from being placed on electronic devices, unless owned or leased by the race course operator. Prohibits placing or accepting mutuel wagers on historical animal races by mobile phone, personal computer, or other personal electronic device.
- HB 3078 ✗ Would have prohibited the Oregon State Lottery from offering games playable on a mobile phone, personal computer, or other personal electronic device.
- HB 3173 ✗ Would have removed the requirement that net proceeds allocated to the County Fair Account from the Oregon State Lottery not exceed \$1.53 million annually.
- HB 3394 ✗ Would have established State Gambling Task Force.

General Government

- SB 29 ✗ Would have transferred responsibility for State Capitol State Park from Oregon Parks and Recreation Department to Department of Administrative Services (DAS) operative January 1, 2022. Would have appropriated \$3,500,000 from General Fund to DAS for biennium beginning July 1, 2021.
- SB 500 ✓ Establishes the Public Records Advocate as an independent office within the executive branch.
- SB 636 ✓ Requires state agencies to send mailed notices to a post office box if that is the last address on file, or the recipient has requested mailed notices be sent there.
- SB 666 ✗ Would have required labor negotiations to be conducted in open meetings and required public notice of such meetings. Required that notice of executive session include time and place of meeting.
- SB 845 ✗ Would have added a ninth voting member to the Public Employees' Benefit Board who must have experience in administering health benefit plans.
- SB 859 ✗ Would have raised the limit that the State Marine Board may deposit and retain in the Salvaged Vessel Subaccount within the Boating Safety, Law Enforcement, and Facility Account each biennium from \$150,000 to \$1 million.
- SB 863 ✓ Authorizes a Rural Fire Protection District to acquire real property or an easement to establish fire evacuation routes.

General Government, cont'd

- SB 866 ✓ Permits a municipality or Department of Consumer and Business Services to contract with a person to administer and enforce a building inspection program and act as a building official, while addressing the legal safeguards discussed in a 2019 opinion by the Attorney General .
- HB 2030 ✓ Modifies advocacy commission provisions.
- HB 2064 ✓ Modifies quorum requirement for the Energy Facility Siting Council.
- HB 2156 ✗ Would have granted comprehensive authority to the Attorney General in procurement.
- HB 2158 ✓ Clarifies role of the Oregon State Treasurer in the administration of unclaimed property and escheated estates.
- HB 2167 ✓ Creates the Racial Justice Council in the Office of Governor.
- HB 2168 ✓ Establishes Juneteenth as legal state holiday.
- HB 2174 ✓ Requires Oregon Department of Administrative Services, upon request of county governing body, to credit forest reserve moneys that would otherwise be credited to county road fund to be credited to certain public bodies who serve the entire county.
- HB 2214 ✓ Requires Oregon public universities to report annually to the Attorney General on the use of outside counsel for legal matters.
- HB 2221 A ✗ Would have required an appointing authority employing a person in state service to not compensate the person at a rate higher than executives under the compensation plan for state employees.
- HB 2329 ✗ Would have directed the Secretary of State to create a public process to replace "Oregon, My Oregon" as the state song.
- HB 2415 ✓ Requires Department of Consumer and Business Services to establish minimum standards for reviewing building plans, issuing permits, and performing field inspections electronically. Requires cities and counties to use the department's electronic building permit system or an equivalent system.
- HB 2486 ✗ Would have required officials of public bodies to grant news media representatives access to scenes of emergencies or emergency police activity otherwise closed to the public.
- HB 2526 ✓ Designates the second Monday of October of each year as Indigenous Peoples' Day.

General Government, cont'd

- HB 2560 ✓ Requires governing body of public body, to extent reasonably possible, to make all meetings accessible remotely through technological means and provide opportunity for members of general public to remotely submit oral and written testimony.
- HB 2605 ✓ Imposes tsunami design standards for certain buildings and other structures.
- HB 2788 A ✗ Would have prohibited the Department of Justice from charging officers and agencies of state government for assistance rendered or from entering into or renewing a collective bargaining agreement that permits job classification or performance evaluations of attorneys based on hours billed by the attorney.
- HB 2914 ✓ Designates April of each year as Arab-American Heritage Month.
- HB 2985 ✓ Directs the Oregon Department of Transportation to ensure that membership in advisory committees reflects the racial, ethnic, and ability composition of Oregon as determined by the most recent American Community Survey from the U.S. Census Bureau.
- HB 2992 ✓ Modifies amount of compensation paid to members of state boards and commissions.
- HB 3104 ✓ Revises statutes to maintain accuracy.
- HB 3157 ✗ Would have required a state agency that enters into an interagency agreement with a public body, another state agency, or a unit of local government to evaluate the performance of the other party against minimum evaluation criteria, and to annually report those results to the Joint Legislative Audit Committee.
- HB 3307 ✓ Authorizes intergovernmental entity created by written agreement to seek benefits from any public or private entity that an individual local government or American Indian tribe, as a party to the same agreement, may also seek to obtain.
- HCR 11 ✓ Modifies lyrics to state song "Oregon, My Oregon" to reflect cultural, historical, economic, and societal evolution of State of Oregon.

Legislative Assembly

- SB 261 ✗ Would have prohibited members of the Legislative Assembly from soliciting or using contributions to pay fines or legal expenses, replace salary, defray expenses, or otherwise compensate members for monetary losses incurred as result of unexcused absences.

Legislative Assembly, cont'd

- SB 262 ✗ Would have enacted monetary penalties for unexcused absences in the Legislative Assembly and prohibited the use of certain contributions to pay related fines, legal fees, and/or expenses.

- SB 527 ✗ Would have added a disqualifying factor for membership on the Joint Committee on Ways and Means and the Emergency Board by prohibiting a member of the Legislative Assembly from serving on either body if the member, a relative of the member, or business with which the member or relative is associated, enters into contracts with the State of Oregon to provide goods or services to the state, including capital construction projects.

- SB 827 ✗ Would have required the Secretary of State, by November 1 of each odd-numbered year, to submit a list of prospective statewide initiative petitions that have been filed for the upcoming general election to be reviewed by legislative leadership prior to being submitted for analysis to determine whether the state would benefit from public hearings on the petitions during the even-numbered year legislative session.

- SCR 9 ✗ Would have added a rule to each set of chamber rules for the 81st Legislative Assembly, requiring all committees and subcommittees in each chamber to accept remote testimony given by telephonic or electronic means.

- SJR 3 ✗ 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.

- SJR 4 ✗ Would have modified the portion of members required to reach a quorum to a majority.

- HB 2944 ✗ Would have required Legislative Assembly to provide translator and interpreter services free of charge to facilitate witness participation in hearings or informal meetings with members of Legislative Assembly.

- HB 2991 ✗ Would have required Legislative Policy and Research Director or chief sponsor of measure to prepare a racial and ethnic impact statement.

- HB 3144 ✗ Would have established the annual salary of members of Legislative Assembly at the annual mean occupational employment and wage estimate for Oregon.

- HB 3264 ✗ Would have required the Legislative Assembly to provide translator and interpreter services free of charge to facilitate witness participation in hearings or informal meetings with members of Legislative Assembly and for each member to develop a language access plan.

Memorials, Resolutions, and Referrals

- SCR 1 ✓ In memoriam: Sarah Cohen-Doherty.
- SCR 3 ✓ Recognizes and honors Representative Merwyn Ronald “Mitch” Greenlick.
- SCR 7 ✗ Would have recognized and honored former Secretary of State and former state Representative Dennis Michael Richardson, 1949-2019.
- SCR 8 ✗ Would have recognized and honored former Secretary of State, Superintendent of Public Instruction, and state Representative Norma Jean Paulus, 1933-2019.
- SCR 10 ✓ Honors and celebrates the remarkable life and achievements of Senator Jackie Winters and expresses gratitude for her service to the Legislative Assembly and all Oregonians.
- SCR 11 ✗ Would have recognized and honored Deputy Douglas Eugene Smith for his service to this state.
- SCR 14 ✗ Would have extended congratulations and best wishes to Gladys Moat Pate on the remarkable milestone of her centennial birthday.
- SCR 16 ✓ In memoriam: Martin Davis "Marty" Myers, 1952-2020.
- SCR 20 ✓ Designates April 7, 2022 as Action for Peace Day to commemorate Edward Reginald “Ed” Epley’s legacy of mercy, peacemaking, generosity, and action to end war.
- SCR 22 ✓ Requests that the Oregon Court of Appeals and the Oregon Supreme Court vacate their decisions affirming the initial order of the Oregon Government Ethics Commission and requests that the Oregon Supreme Court vacate its initial decision, and orders Robert Parker’s admission into the Oregon State Bar.
- SCR 23 ✗ Would have recognized and honored the Oregon National Guard service members, who can always be counted on to help Oregonians, and who live by the motto: “Always Ready, Always There!”
- SCR 24 ✓ Adjourns sine die the 2021 regular sessions of the Eighty-First Legislative Assembly.
- SCR 25 ✓ Establishes limitations and deadlines for legislative measures for 2022 regular session of Eighty-first Legislative Assembly. Provides that certain labor negotiations are not legislative deliberations and are to be conducted in executive session in conformance with ORS 192.660 (2)(d) and ORS 192.660 (3).

Memorials, Resolutions, and Referrals, cont'd

- HCR 4 ✓ Recognizes and honors Oregon State Police Trooper Burrell Milo Baucom (1902-1933) for his service to this state.
- HCR 5 ✗ Would have declared intent to develop statewide strategy involving behavioral health mobile crisis response teams.
- HCR 6 ✓ In memoriam: Michael A. Gibbons, 1943-2020.
- HCR 7 ✓ Recognizes and honors Oregon State Police Lieutenant Harold R. Berg (1937-1975) for his service to this state.
- HCR 12 ✓ Recognizes and honors Medal of Honor recipient Specialist Four Larry Gilbert Dahl (1949-1971) for his service to his country.
- HCR 13 ✓ In memoriam: George Ira Fenton Jr., 1931-2019.
- HCR 20 ✓ Recognizes and honors Oregon State Police Trooper Dale Benjamin "Bennie" Courtney (1925-1950) for his service to this state.
- HCR 24 ✓ Commemorates 50th anniversary of Oregon Bottle Bill.
- HCR 29 ✓ Honors Salem Elks Lodge for its community involvement and charitable contributions.
- HCR 30 ✓ In memoriam: Beverly Cleary, 1916-2021.
- HCR 32 ✓ Honors the life and accomplishments of former state Representative William Edwin "Bill" Markham and expresses gratitude for his contributions to the people of this state.
- HJM 2 ✗ Would have urged Congress to enact law to provide for the treatment of servicemembers who were exposed to radiation during cleanup of the Enewetak Atoll.
- HJM 3 ✓ Urges the United States Congress to pass, and the President to sign, legislation promoting cooperative fuel measurement and management on federal and state lands, and legislation that is based on the Emergency Wildfire and Public Safety Act of 2020, with certain stated exclusions.
- HJM 6 ✗ Would have urged the United States Congress to pass, and the President to sign, legislation promoting cooperative fuel load measurement and management on federal and state lands.

Public Contracting

- SB 420 ✓ Allows contracting agency to designate a public improvement contract as a "community benefit contract" which may include apprentice, health care, and other requirements to benefit workers.
- SB 493 ✓ Provides that the prevailing wage for a trade or occupation is the wage established in a collective bargaining agreement for that locality.
- SB 576 ✗ Would have established apprentice and minority recruitment requirements for bidders on certain public improvement contracts.
- SB 577 ✗ Would have established apprentice and minority recruitment requirements for bidders on certain school and higher education public improvement contracts.
- SB 639 ✗ Would have increased the threshold below which public works project are exempt from the prevailing wage.
- HB 2597 ✗ Would have reduced the number of prevailing wage rate regions from 14 to five.
- HB 2682 ✓ Requires a person renting a utility vehicle to a public contracting agency to provide, upon request, specified records and an affidavit attesting compliance with safety standards and vehicle inspections. The provisions apply to persons who received less than \$100,000 in income from renting utility vehicles in the prior calendar year.
- HB 2694 ✗ Would have allowed business owned by individual who is lesbian, gay, bisexual, or transgender to certify business as a business owned by a "minority individual" for purposes of public contracting opportunities.
- HB 3082 ✓ Raises price from \$5,000 to \$10,000 at which public improvement contract solicitations are exempt from competitive bidding requirements.
- HB 3083 ✗ Would have required specifications for public improvement contracts or contracts for public work to include adherence to seismic safety and seismic rehabilitation standards.

Public Employee Benefits

- SB 111 ✓ Enacts fixes to address implementation of SB 1049 (2019), amends the definition of "salary," and increases spousal death benefit for members who die after earliest retirement date.
- SB 112 ✓ Aligns definition of "employee" with the Federal Insurance Contributions Act, which includes common law employees.



Public Employee Benefits, cont'd

- SB 113 ✓ Grants Public Employees Retirement System Board express authority to charge participating public employer accrued earnings for the late payment of contributions to an Oregon Public Service Retirement Plan member account.
- SB 425 ✓ Finds and declares that telecommunicators are first responders.
- SB 426 ✗ Would have allowed telecommunicators to seek retirement credit for prior service to a non-Public Employees Retirement System employer and purchase increased benefits.
- HB 2875 ✓ Makes multiple changes to Public Employees Retirement System statutes regarding employees of State Fire Marshal, forfeited retirement credit in 2020, and tax remedy payments.
- HB 2906 ✓ Increases the monthly salary threshold from \$2,500 to \$3,333 that triggers a portion of a Public Employees Retirement System member's salary to be redirected from their Individual Account Program to their pension stability account. As per existing statute, the monthly salary threshold will be adjusted annually to reflect the impact of inflation.
- HB 3130 ✗ Would have provided that substitute teachers shall be considered employees of the school district and eligible for retirement and health benefits; would have applied retroactively to 2017-2018 school year.
- HB 3396 ✗ Would have granted authority to Public Employees Retirement Board to waive or alter certain statutory requirements during state of emergency.


Public Records

- SB 315 ✓ Exempts from public records law any information that would create a competitive disadvantage for owners or users of an unmanned aircraft systems test range.
- SB 792 ✓ Exempts from disclosure as public record personally identifiable information about child under 16 years of age that is submitted to State Fish and Wildlife Commission or agent of commission to obtain license, tag, or permit under wildlife laws.
- HB 2478 ✗ Would have indefinitely maintained the exemption from required disclosure of public records that are subject to lawyer-client privilege and public records exemption for privileged information.

Public Records, cont'd

- HB 2485  Would have required state agencies to reduce public records request fees by 50 percent if request is made in public interest and required state agencies to entirely waive fees if public records request is in public interest and narrowly tailored.
- HB 2487  Would have modified public records provisions about public safety officers.

Redistricting

- SB 259  Modifies statutory deadlines for congressional redistricting and judicial review for the 2021 redistricting cycle and filing deadlines for the May 2022 primary.