

OFFICE OF THE SECRETARY OF STATE

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SECRETARY OF STATE

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AND TRIBAL LIAISON



ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 165
SECRETARY OF STATE
ELECTIONS DIVISION

FILED

09/26/2023 12:04 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Establishes timelines for legislative referrals to the November 5, 2024, General Election.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/22/2023 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Bob Roberts
503-986-1518
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Public Service Building
255 Capitol Street NE, Suite 126
Salem, OR 97310

Filed By:
Bob Roberts
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/21/2023

TIME: 2:00 PM - 2:30 PM

OFFICER: Bob Roberts

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 511040777

NEED FOR THE RULE(S)

This rule is needed to comply with the requirements set out in SB 28, adopted by the 82nd Oregon Legislative Assembly. Under SB 28, the Secretary of State must establish times for filing ballot titles, explanatory statements and subsequent related timelines for any measure referred to a vote of the people. This Assembly also passed HJR 16, SJR 34 and HB 2004 all of which require the legislation be referred to the people.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

SB 28 (2023), HJR 16 (2023), SJR 34 (2023), HB 2004 (2023), all available on the Oregon Legislature's website.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rule promotes racial equity. The terms of the rule promote racial equity by protecting against implicit bias and ensuring that the same timelines and procedures apply consistently to everyone.

FISCAL AND ECONOMIC IMPACT:

The proposed amendments may cause minimal fiscal or economic impact to candidates, political parties, state agencies,

local governments, or the public.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) There may be a minimal fiscal impact for the state Elections Division to implement and answer questions regarding compliance with this rule, or for other unanticipated reasons. There may be a minimal fiscal impact for the Legislative Assembly, Department of Justice or members of the public who must take action to comply with this rule.

(2) (a) Because these rules regulate the activities of the Legislative Assembly, Department of Justice and the Secretary of State, they are not expected to impact small businesses.

(b)-(c) The implementation deadlines proposed in this rule do not impact the cost of the work. The tasks being completed are not outside of regular statutory requirements, rather on a schedule implemented by this rule.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

They were not involved as this rule does not directly affect small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The fiscal impact of the proposed rule is expected to be minimal at most.

ADOPT: 165-007-2024

RULE SUMMARY: This rule is adopted to establish timelines for HJR 16, SJR 34 and HB 2004, referred to the November 5, 2024, General Election by 82nd Legislative Assembly. The rule, as directed in SB 28, establishes timelines for filing ballot titles, explanatory statements and subsequent related timelines.

CHANGES TO RULE:

165-007-2024

Timelines for the referrals to the November 5, 2024, General Election from the 2023 regular legislative session.

(1) When a document is to be filed with the Secretary of State, Elections Division under this rule, the document must be delivered to, and received in its entirety, in the office of the Secretary of State, Elections Division, not later than 5:00:00 p.m. on the designated filing deadline date. ¶

(2) The following timeline is adopted for any amendment to the Oregon Constitution or if an Act of the Eighty-second Legislative Assembly, during its 2023 regular session, is referred to the people by the Legislative Assembly under Article IV, section 1 (3)(c), of the Oregon Constitution to the statewide General Election on November 5, 2024, as directed in SB 28. ¶

(a) February 29, 2024: Last day for joint legislative committee to designate a person to file the explanatory statement and provide the Elections Division with the ORESTAR account username, first and last name, and contact information for that person. ¶

(b) March 14, 2024: ¶

(A) Last day for joint legislative committee to file final explanatory statement with the Secretary. ¶

(B) Last day for joint legislative committee to file final ballot title with the Secretary. ¶

(c) March 21, 2024: Last day for an elector dissatisfied with the explanatory statement, or ballot title to petition the Oregon Supreme Court for a different explanatory statement, or ballot title. ¶

(d) July 30, 2024: Last day for court ordered changes to ballot title, and/or explanatory statement to be filed with the Secretary. ¶

(e) August 6, 2024: Last day for the Attorney General to file the modified ballot title with the Secretary of State if the Supreme Court refers the ballot title to the Attorney General for modification. ¶

(f) August 27, 2024: ¶

(A) Last day to file measure arguments to be included in the state voters' pamphlet. ¶

(B) Last day for Legislative Assembly to submit arguments in support of the measure, as provided in ORS 251.245.¶

(g) September 3, 2024: Measure arguments become available for public inspection (ORS 251.145).¶

(h) September 5, 2024: Secretary of State certifies the ballot to the county election officials (ORS 254.085).

Statutory/Other Authority: SB 28 (2023), ORS 246.150, ORS 254.465

Statutes/Other Implemented: SB 28 (2023)