

# 2023 Legislative Summary

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## Executive Summary

The 2023 Legislative Session was one marked by transitions and the longest walkout that stopped passage of bills in the Senate for 5 weeks. Not only did we shift back to in-person for committees and meetings after the COVID pandemic, but we also saw new leadership emerge in both legislative chambers. With a new Senate President, a new Speaker of the House, twenty plus new legislative members, new legislative staffers, and all 60 members serving in newly drawn legislative districts after redistricting, there were many dynamics at hand; the agency also dealt with the resignation of Secretary Fagan in May. With such a big shift and changes, the Legislative Team at the Secretary of State's (SoS) Office led by the Legislative Director and Senior Policy Advisor navigated complicated political waters.

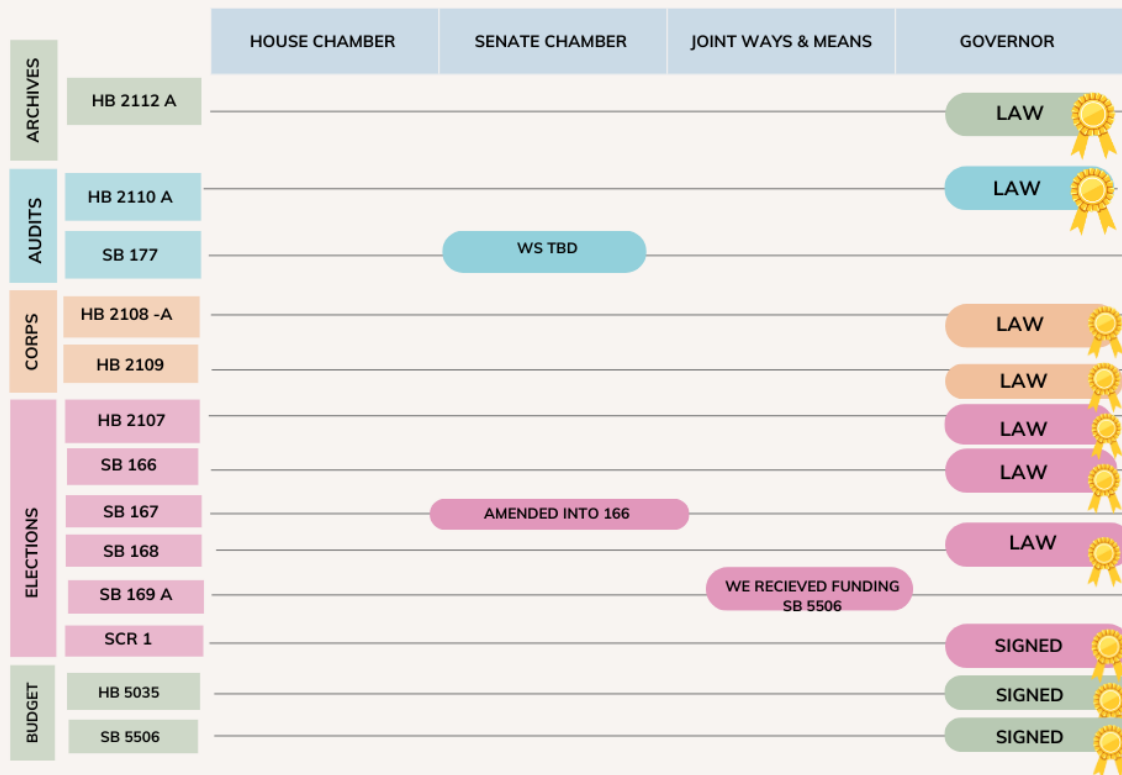
Despite these challenges, we held steadfast to our mission and reached our goal of passing a strong agency budget and legislative priorities for each division. As a state agency, we introduced 12 policies. Of those, 8 passed with some of our introduced bills getting combined into one bill during session. Those are:

- HB 2107- expanding automatic voter registration to Oregon Health Authority
- HB 2108- technical changes to business filing processes
- HB 2109- clarifying the reinstatement of corporation soles.
- HB 2110- updating municipal audits law.
- HB 2112- updating public records law and including Native voices.
- SB 166- right to a secret ballot and elections omnibus bill ([SB 167](#)- elections technical changes originally introduced became part of SB 166)
- SB 168- public employees' political speech.
- SB 169- Expands the number of most spoken languages from 5 to 10 for voter pamphlet translations and turning the LD position to permanent. While the bill did not pass, the Legislature did give us the LD position in SB 5506- End of Session Bill.
- SCR1- resolution to recognize Oregon's 36 county clerks.

In addition to policy bills, we also passed our agency budget, [HB 5035-A](#) where we received a 6% increase in General Funds compared to our current service level budget, and [SB 5506](#)- End of Session Bill that included three extra positions (two in Corporation Division and one in Elections for statewide voter pamphlet translations)

On top of passing our bills, the Legislative Team created a new structure to help track bills impacting the divisions and to increase transparency and communication among the agencies. We met weekly with Legislative Coordinators. These leaders were appointed by the divisions to work closely with the Legislative Team to track close to 500 bills. We analyzed those bills to identify how policies would impact SoS and provided information to the legislators, staff, and committees based on our analysis.

## SOS BILLS - WHERE ARE THEY?



### Below is a list of our bills in the 2023 Legislative Session by Division:

#### Corporation- Improving efficiency and good governance.

- **HB 2108- Business Filing Technical Changes.** Allows the Corporation Division to remove the 20-day period that our filing office has to withdraw an incorrect filing. The bill also allows certain filings to be accepted without a required declaration.
- **HB 2109- Addressing corporation soles.** Many thanks to Jaime Weddle and Lisa Snegireff who identified that clarification in statute around the reinstatement of corporation soles was needed for the Division to follow the original intent of the law. This wasn't a bill that we originally introduced when session began, but thankfully had a placeholder bill that was used.

#### Audits- Promoting transparency and accountability.

- **HB 2110- Updating Municipal Audits Law.** Amy John really led the effort to make improvements to how we audit our local governments and municipalities, since statute has remained relatively

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unchanged for decades. The bill increases reporting thresholds for audit exemption, replaces certain types of reporting, eliminating an ineffective withholding provision and raises fees moderately. With support from Dacia Smith, the bill also had 12 other technical changes. This was one of our first bills to pass both chambers early in the session!

- [SB 177- Accessible Audits](#). Would allow the Audits Division to access data and other records necessary to perform audits. The bill did not pass this session.

We want to give a special recognition to Kip Memmot, Ian Green, and many auditors who worked with the Legislative Team to meet with legislators and give presentations. Overall, we coordinated over 30 legislative meetings for 5 audit reports released this year. They ranged from a variety of topics: pay equity gap, water security, Measure 110 implementation, Oregon Department of Education program coordination, higher education coordination. Auditors presented to the BIPOC Legislative Caucus and following committees: Joint Legislative Audits Committee, Senate Education, House Economic Development and Small Business, House Ag. Natural Resources, Land Use & Water, House Behavioral Health & Healthcare. As a result of the Audits Division's excellent work, we have highlighted several bills that address issues mentioned in the reports at the end of this summary.

## Archives- Adding Native Voices to Public Records Law.

- [HB 2112](#)- Stephanie Clark, our State Archivist, and her team (Kris Stenson and Mary McRobinson) really led work on this bill. The goal of this bill is to clarify definitions and terminology in the sections of the public records law (ORS 192) that pertain to records retention. There are currently references to outdated technology and align ORS 192 with recent efforts to ensure tribal governments in Oregon have a voice in how tribal information is kept. Through continuous stakeholder engagement, the bill received ample testimony to support the bill and also passed early on in the session.

## Elections- Protecting our democracy 2.0

- [SB 166- Elections omnibus bill](#). The bill protects the right to vote and affirms the secret ballot and gives additional assurance to voters when mis-information around elections is at an all-time high. This is our large elections bill that also includes over 15 technical changes to update language, revise terminology, bring alignment in various statutes, and improve election security plans. Many thanks to Molly Woon, Luke Belant, Elise Hamling, Lydia Plukchi, Summer Davis, for working on this bill. These critical technical changes will allow our Elections Division to streamline translation on voter pamphlets, make changes to the requirements to provide free list to political parties, changes to timing for completing filing and verification of signatures, asking for rulemaking to adopt an electronic filing system to allow nominating petitions of

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candidacy to be declared electronically, to asking for limits on how many papers voter registration cards will be given upon request.

- **[SB 168](#)- Public employees’ political speech.** Clarifies when a public employee may express their personal political views on the job so long as it is not done in a way that leads a reasonable voter to infer they are expressing an opinion of the public agency. Alma Whalen really helped lead the effort on this bill, thank you!
- **[SB 169](#)- Translation Advisory Council.** Expands on HB 3021 (2021 Session) to expand translated languages in voter pamphlets and securing additional funding. The bill builds on the great work of our Translation Advisory Council led by Kelly Mills and was folded into the End of the Session Budget bill, SB 5506.
- **[SCR 1](#)- County Clerks resolution.** Thank you to Molly Woon who worked in collaboration with the Oregon Association of County Clerks to bring recognition to the service of Oregon’s 36 county clerks in administering our elections. We also worked on identifying several clerks with 30 plus years of public service; SCR 14- Honoring Robin Church, retired Union County Clerk, passed the Senate.
- **[HB 2107](#)- Expands automatic voter registration to Oregon Health Authority (OHA).** The bill expands voter registration to other state agencies who frequently interact with voters provides an efficient way to increase participation by reaching populations who don’t interact with the DMV. We will work with the OHA to register eligible Oregonians on the Oregon Health Plan (Medicaid) to AVR starting June 1, 2026.

## Other Bills Impacting Each Division.

The Legislative Team also monitored the following bills as they had an impact on the agency or to the customers we serve. We did not introduce these bills but will stand ready to be engaged as needed with legislators and stakeholders around their implementation.

### Audits:

- **[HB 2049](#)**- transfers Oregon Cybersecurity Advisory Council from office of Enterprise Information Services to Oregon Cybersecurity Center of Excellence
- **[HB 2159](#)**- Alters supplemental reporting requirements required to be filed by State Treasurer and specified employees in office of State Treasurer to be based on best practices for state investment funds and to be comparable in scope to disclosure required for investment advisers under federal law.
- **[HB 2513](#)**- requires Oregon Health Authority to study Measure 110 implementation. Clarifies scope of Secretary of State audits and moves due date of performance audit from December 31, 2024, to December 31, 2025.

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- [HB 2523](#)- Decreases the number of course hours required before person may sit for certified public accountant exam.
- [HB 3229](#)- Modifies federal operating permit program fees.
- [HB 3558](#)- Modifies definitions related to childcare for purposes of implementation and enforcement.

## Corporation:

- [HB 3200](#)- Authorizes credit union to invest in or lend moneys to corporation, limited liability company, or mutual association that provides goods or services associated with routine operations of credit union if investment or loan is reasonably related to credit union's use of such goods. or services.
- [HB 3332](#)- Relating to Buy America requirements for public construction projects.
- [HB 3572](#)- Authorizes contracting agencies to grant procurement preference to corporations and limited liability companies with benefit company status. Requires a majority of the benefit company workforce to operate in Oregon at the time of bidding.
- [SB 1](#)- Directs Department of Revenue to develop schedule allowing personal income taxpayers to voluntarily report taxpayers' self-identified race and ethnicity identifiers.
- [SB 543](#)- Prohibits food vendor from using polystyrene foam container in sales of prepared food.
- [SB 606](#)- Establishes 15-member Task Force on Modernizing Grant Funding and Contracting, which examines how the state's granting and public procurement practices limit the wages of employees of nonprofit organizations.
- [SB 1047](#)- Increases the contract price threshold for the procurement of small and intermediate public contracts and requires the Department of Administrative Services to promote a policy of diversity, equity, and inclusion in public contracting.

## Archives:

- [HB 2490](#)- Exempts from required public record requests sensitive information regarding cybersecurity plans, devices, and systems.
- [HB 2805](#)- Allows a governing body to convene via videoconferencing, email, and by using an intermediary to communicate among participants. Requires the Oregon Government Ethics Commission to prepare training on new requirements and grants authority to the commission to conduct investigations of violation complaints.
- [HB 2806](#)- Authorizes governing bodies to meet in executive session to discuss safety, security, and cybersecurity issues.
- [HB 3111](#)- Clarifies that the personal information of employees and volunteers of a public body is exempt from disclosure regardless of record type where information is maintained and adds an exemption for the personal information of employees and retirees maintained in another retirement system operated by a public body
- [HB 3171](#)- Makes communications from a mass transit district employee to a peer support counselor confidential and non-disclosable.

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- [SB 11](#)- Requires executive department and Senate confirmed state boards or commissions that conduct public meetings via telephone or electronic means to record and promptly publish the meeting on a publicly accessible website or hosting service
- [SB 207](#)- Authorizes the Oregon Government Ethics Commission to proceed on its own motion, as though it received a complaint, if it has reason to believe that a violation of the executive session provisions of public meetings law exists.
- [SB 510](#)- Directs the Public Records Advocate to estimate its biennial costs to carry out its duties on or before January 1 preceding the start of a biennium, and to assess those costs to public bodies in state government.

## Elections:

- [HB 2004](#)- \*Referral to voters; establishes ranked choice voting.
- [HB 2038](#)- Requires statements of economic interest to include additional information from public information or candidate, and their household.
- [HB 3073](#) – address confidentiality for public office holders and candidates.
- [HJR 16](#)- \*Referral to voters; amends Constitution to impeach Executive Officers.
- [SJR 34](#)- \*Referral to voters; proposes an amendment to the Oregon Constitution to establish the Independent Public Service Compensation Commission to determine salaries for specific public officials.
- [SB 28](#)- Creates a joint legislative committee to prepare the ballot title and explanatory statement for any amendment to the Oregon Constitution or Act referred to the ballot by the Eighty-second Legislative Assembly during the 2023 regular session.
- [SB 53](#)- Adds ballot handling to the list of tasks for which a county clerk may employ personnel during an election and adds members of the household and domestic partners of a candidate.
- [SB 585](#)- Allows qualified person to file as a precinct committeeperson upon becoming a U.S. citizen.
- [SB 1094](#)- Authorizes the Secretary of State (SOS) to secure federal grant dollars to fund a pilot project to provide a live video feed of rooms where ballots are counted.

## Implementation, MOCHA, Process and Timeline

When the session ends, the Executive Legislative team hands off bills that have become law to the appropriate Division Director. Each Division Director is expected to assign staff the appropriate bill to implement. The MOCHA below provides ownership of implementation and a high-level overview of responsibilities:

Manager	Owner	Consulted	Helpers	Approver
Division Director	Division Directors <ul style="list-style-type: none"> <li>• ID staff (<b>Rules Coordinator</b>) to implement</li> </ul>	PK Kathy Legislative Coordinators	Division Staff <ul style="list-style-type: none"> <li>• Read the bill.</li> <li>• Determine implementation</li> </ul>	Cheryl

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	<p>laws.</p> <ul style="list-style-type: none"> <li>• Create a check-in process to make sure staff are implementing laws.</li> </ul>		<p>plan.</p> <ul style="list-style-type: none"> <li>• Determine if rulemaking is necessary.</li> <li>• Create appropriate communication.</li> </ul>	
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Upon the successful passage of our Legislative Agenda, the Legislative Team will work closely with each Division and respective Rules Coordinator to review bills and provide guidance as necessary. However, it is the responsibility of division staff to read bills and implement laws passed by the legislature.

SoS Bill Number	General Work Plan	Effective Date
<a href="#">HB 2108</a> - technical changes to business filing processes	-education to staff	January 1 <sup>st</sup> , 2024
<a href="#">HB 2109</a> - clarifying the reinstatement of corporation soles	-education to staff	January 1 <sup>st</sup> , 2024
<a href="#">HB 2110</a> - updating municipal audits law	-rulemaking - continued education and communications on updated Municipal Audits website	January 1 <sup>st</sup> , 2024
<a href="#">HB 2112</a> - updating public records law	-continued stakeholder engagement	January 1 <sup>st</sup> , 2024
<a href="#">SB 166</a> - right to a secret ballot and elections omnibus bill	-rulemaking	August 4 <sup>th</sup> , 2023
<a href="#">SB 168</a> - public employees political speech	-rulemaking	January 1 <sup>st</sup> , 2024
<a href="#">SCR1</a> - County Clerks resolution	N/A	N/A
<a href="#">HB 2107</a> - expanding automatic voter registration to OHA.	-rule making	Extends automatic voter registration to Oregon Health Authority (OHA) as of June 1, 2026.

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## Oregon Administrative Rules & Implementation

Each division should consider what new rules or rule amendments it should make based on activity during the session. Remember that rulemaking might be necessary in response to SOS bills, in response to bills that address SOS divisions directly, or in response to generally applicable bills that have an effect on SOS.

To determine whether a rule is necessary, divisions should review the legislation, as amended, to see (1) whether the legislature *expressly delegated* rulemaking authority to the division (e.g., through statements such as “the Secretary of State is authorized to make rules necessary to implement this chapter”) or (2) whether implementing the legislation requires the division to make *policy choices* that will affect the public directly. If either of these circumstances is present, the division should consider making rules to inform the public how it will implement the statute.

Each division should determine what rules are necessary and assign staff who are subject matter experts to draft and notice the rule in consultation with their Division Rule Coordinator and the Chief Legal and Risk Officer, P.K. Runkles-Pearson. Because rules are formal statements of law that can provide the basis for lawsuits against the agency, it is a best practice to have legal counsel review proposed rules before the division publicly distributes them. This year, the Chief Legal and Risk Officer is planning to work with divisions to provide training and help to centralize and standardize the rulemaking process. For more information, contact P.K. Runkles-Pearson.

### Rules Coordinators by Division:

Division	Rules Coordinator
Agency Wide Rules: Executive Team	P.K. Runkles-Pearson (main point of contact)
Archives	Stephanie Clark
Audits	Julie sparks
Business Services	Steve Bergmann
Corporation	Lisa Snegireff (temporary)
Election	Alma Whalen
Human Resources	Melissa Gubbles

*For More Information, contact Jessica Ventura or Kathy Wai.*