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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 165
SECRETARY OF STATE
ELECTIONS DIVISION

FILED
04/06/2021 9:21 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Clarifies the process for administratively discontinuing political committees and petition committees.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/28/2021 4:00 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
bob.roberts@oregon.gov

255 Capitol St. NE, Suite 501
Salem, OR 97310

Filed By:
Alma Whalen
Rules Coordinator

HEARING(S)

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

DATE: 05/27/2021

TIME: 3:30 PM - 4:30 PM

OFFICER: Bob Roberts

ADDRESS: Secretary of State,
Elections Division

255 Capitol St. NE, Suite 501
Salem, OR 97310

SPECIAL INSTRUCTIONS:

This hearing will be conducted virtually via Teams. The link to the meeting may be found on the Elections Division's website. Please contact the Elections Division if accommodations are needed at 503-986-1518 or elections.sos@oregon.gov

NEED FOR THE RULE(S):

This rule proposes amendments to the process used to administratively discontinue political committees and petition committees. These amendments are necessary to make the process more efficient and to create a mechanism for the agency to administratively discontinue political committees or petition committees when the individual(s) responsible for the committee are deceased.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None

FISCAL AND ECONOMIC IMPACT:

The proposed amendments may cause minimal fiscal or economic impact to state agencies, 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 Elections Division to implement and answer questions regarding compliance with this rule, or for other unanticipated reasons. However, because these amendments will create efficiencies for the Elections Division, it may reduce the overall cost of the rule implementation. There may be a minimal fiscal impact for members of the public who must take action to comply with this rule. Because this will be administered solely by the Elections Division, there is no fiscal impact for local governments.

(2)(a) There may be a minimal fiscal impact for an unknown number of businesses involved in activities which would require them to comply with Oregon campaign finance regulation and who will need to follow these rules.

(b) The cost to any business, required to comply with Oregon campaign finance regulations, may be responsible for is dependent upon specific circumstances and cannot readily be determined.

(c) The cost to any business, required to comply with Oregon campaign finance regulations, may be responsible for is dependent upon specific circumstances and cannot readily be determined.

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

They were not, as the impact of this rule is expected to be minimal at most.

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

The proposed amendments are administrative and the fiscal impact of this rule is expected to be minimal at most.

AMEND: 165-012-0240

RULE SUMMARY: The proposed amendments clarify the process for administratively discontinuing political committees and petition committees.

CHANGES TO RULE:

165-012-0240

Administrative Discontinuation of a Political Committee ¶

(1) The Elections Division may administratively discontinue a political or petition committee when:¶

(a) The committee has not filed any transactions under ORS 260.057 for one calendar year; and¶

(b) The committee's ending cash balance reflected on ORESTAR is not more than \$3,500.00 and the committee's ORESTAR Account Summary is between \$3,500.00 and negative \$3,500.00; and¶

(c) The committee's balance deficit reflected on the committee's ORESTAR Account Summary is between

\$3,500.00 and negative \$3,500.

(2) Not later than 30 days before administratively discontinuing a committee under this section, the Elections Division shall attempt to inform the committee of the proposed discontinuation.

(a) For a candidate committee:

(A) By first class mail sent to the mailing address reported on the most recent Statement of Organization for the candidate and by first class mail to the most recent mailing address for the candidate reported in the Oregon Centralized Voter Registration System. If both addresses are the same, only one letter shall be sent; and

(B) ~~If the treasurer is someone other than the candidate,~~ by first class mail to the mailing address reported on the most recent Statement of Organization for the treasurer, ~~if applicable.~~

(b) For a political committee notice will be sent by first class mail sent to the mailing address reported on the most recent Statement of Organization for the treasurer and by first class mail to the most recent mailing address for the treasurer reported in the Oregon Centralized Voter Registration System. If both addresses are the same, only one letter shall be sent.

(c) For a petition committee:

(A) By first class mail sent to the mailing address reported on the most recent Statement of Organization for the chief petitioner(s) and by first class mail to the most recent address for the chief petitioner(s) in the Oregon Centralized Voter Registration System. If both addresses are the same, only one letter shall be sent; and

(B) ~~If the treasurer is someone other than the chief petitioner(s),~~ by first class mail to the mailing address reported on the most recent Statement of Organization for the treasurer, ~~if applicable.~~

(3) In lieu of sending the notification by first class mail under (2), the Elections Division may choose to send the notification via email to the email address reported on the most recent statement of organization for each person.

(4) The notice shall inform the committee that it will be discontinued by the Elections Division unless the committee notifies the Elections Division of reasons why the committee does not meet the criteria of this rule for administrative discontinuation; notification from the committee must be received not later than 20 days after the service date of the letter. "Notification" means contact in writing, via mail, email, fax transmission, or making contact with the Elections Division by phone. The written notice from the Elections Division shall also include:

(a) Notification that the statement of organization will be administratively discontinued 30 days from the date of the letter; and

(b) The applicable reasons for discontinuation listed in subsection (1) of this section.

(5) If the candidate of a candidate committee, the treasurer of a political action committee, or if all of the chief petitioners of a petition committee are identified as deceased in the Oregon Centralized Voter Registration System, the Division shall administratively discontinue the committee without attempting to inform the committee of the proposed discontinuation.

Statutory/Other Authority: ORS 246.150, ORS 260.046

Statutes/Other Implemented: ORS 260.046