



NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 165
SECRETARY OF STATE
ELECTIONS DIVISION

FILED

10/31/2025 3:44 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Implements Legislative Changes and Establishes Other County Voters' Pamphlet Filing Requirements

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/26/2025 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.

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Filed By:
Coline Benson
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HEARING(S)

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

DATE: 11/18/2025

TIME: 11:00 AM - 11:30 AM

OFFICER: Coline Benson

REMOTE HEARING DETAILS

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

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 2602196096909

SPECIAL INSTRUCTIONS:

Passcode: B35Rw36w

NEED FOR THE RULE(S)

This rule implements legislative mandates found in SB 578 (2025) which requires the Secretary of State to establish by rule the date by which a candidate or agent of the candidate may file a portrait and statement for an election to fill a vacancy or any election other than a primary or general election and has been re-organized for clarity. This rule also sets forth the deadline to file measure arguments, establish the filing officer and set deadlines to file explanatory statements and to certify to other county elections officials.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

SB 578 (2025) available online at oregonlegislature.gov or from the Elections Division

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 guidelines and procedures apply consistently to all county voters' pamphlet filers.

FISCAL AND ECONOMIC IMPACT:

The proposed rule may cause minimal fiscal or economic impact to the Secretary of State, Elections Division and County Elections Officials.

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 these rules, or for other unanticipated reasons. The cost that any county elections office required to comply with this rule may be responsible for is dependent upon specific circumstances, including whether or not they produce a voters' pamphlet, and cannot readily be determined.

(2)(a) Because these rules regulate filing deadlines for the county voters' pamphlets, it is not expected to impact small businesses.

(b) The cost that any elections office required to comply with this rule may be responsible for is dependent upon specific circumstances and cannot readily be determined.

(c) Because these rules regulate filing deadlines for the county voters' pamphlets, it is not expected to impact small businesses.

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

Small businesses 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 proposed rules is expected to be minimal at most.

AMEND: 165-022-0010

RULE SUMMARY: This rule implements SB 578 (2025). The rule sets deadlines for: candidates (or their agents) to file candidate statements and photographs with the county elections official for any election other than a primary or general; filing of measure arguments; filing of explanatory statements. This rule also establishes the filing officer and certification requirement for explanatory statements.

CHANGES TO RULE:

165-022-0010

Filing Officer and Schedule for Filing Explanatory Statements, Measure Arguments and Candidate Statements ¶

~~(1)(a) If the county in which a local government election is scheduled~~ Any county, for any election, may choose to produce a county voters' pamphlet, ~~the county clerk shall be.~~ This rule applies to any county which produces a voters' pamphlet. The purpose of this rule is to establish the filing officer for ~~the candidate statements and arguments which will appear in that county's voters' pamphlet.~~ ¶

~~(b) If a local government is located in more than one county, the county clerk of the county in which the city hall of the city or the administrative office of the local government is located~~ an explanatory statement required to be filed

under ORS 251.345, establish the schedule for the explanatory statement to be filed and certified to any other county in which the district or city is located, the measure argument filing deadline for all elections, and the deadline to submit candidate statement and portrait for inclusion in any election which is not a primary or general election.

(2)(a) When a county chooses to produce a county voters' pamphlet, the county clerk is the filing officer for county, city, or special district candidates submitting candidate statements and portraits for inclusion in county voters' pamphlets and measure arguments for or against a county, city, or special district measure.

(2b) The filing deadlines for a city or special district is located in more than one county, candidate statements, and portraits, arguments and filing fees shall be based upon the final dates for filing either a nominating petition/declaration of candidacy and measure arguments for or against the measure must be filed with each county producing a voters' pamphlet for inclusion in each county's voters' pamphlet.

(3)(a) When a county chooses to produce a county voters' pamphlet, notices of measure election for a certified statement of candidates by a local government or the Department of Agriculture:

(a) For candidates who file their candidacy with the county clerk – not later than 5 p.m. on the 68th day before the election for inclusion in a county voters' pamphlet for a primary or general election, except as provided in subsection (d) and (e) of this section;

(b) For candidates who file their candidacy with the county clerk – Not later than 5 p.m. on the 57th day before referral by the applicable governing body and an accompanying explanatory statement must be filed with the county clerk of the county in which the city hall of the city or the administrative office of the county, city, or special district is located.

(b) The deadline to file a notice of measure election and an accompanying explanatory statement is 5:00 p.m. on the applicable deadline provided in ORS 254.095, ORS 254.103, or ORS 255.085.

(c) The county clerk for the county in which the notice of measure election and explanatory statement is filed shall forward the notice and explanatory statement to the county clerk of any other county in which the district or city is located.

(4)(a) ORS 251.335(3)(a) and (b) set forth the election for inclusion in a county voters' pamphlet for any election other than a deadline by which a candidate or the candidate's agent may file a candidate statement and portrait for inclusion in primary or general election, a county voters' pamphlets.

(b) Except as provided in subsection (d) and (e) of this section;

(c) F, the deadline for a candidates wh to file their a candidacy with a governing body other than the county clerk – Not later than 5:00 p.m. on the 57th day before the election.

(c) When an election to fill a vacancy is held on the same date as a primary or general election, the deadline for a candidate to file a candidate statement and portrait for inclusion in a county voters' pamphlet for any election, except as provided in subsection (d) and (e) of this section;

(d) For is not later than the dates specified in ORS 251.335(3)(a) or (b).

(d) When a vacancy occurs and the deadline for the candidates to file a vacancy when the candidate filing deadline falls after the 61st day before an election – Not later than 5 p.m. on the 61st day before the election, the deadline for a candidate to file a candidate statement and portrait for inclusion in a county voters' pamphlet is not later than the candidate filing deadline; deadline for the candidate to file a declaration of candidacy or nominating petition.

(e) For candidates on any election ballot whose names are certified to a subsequent runoff election ballot for the same office, and where the voters' pamphlet filing deadline for the subsequent runoff election falls on or before the date of the first election – not later than 5 p.m. on the second business day after the first election, the deadline for a candidate to file a candidate statement and portrait for inclusion in a county voters' pamphlet for the subsequent runoff election.

(f) For local government measures and explanatory statements – Not later than 5 p.m. on the deadline for filing a notice of measure is not later than 5 p.m. on the second business day after the first election;

(g) For arguments in support The deadline to file an argument for or opposition to any measure and filing fee or verified petition – Not later than 5 p.m. on the second business day after the deadline for filing a notice of measure election;

(h) For all The deadline to file any statements of endorsement – Not later than the deadline for filing statements and for a candidate statement or measure argument is the same date as the deadline for filing the applicable candidate statement or measure arguments.

(37) All Filings become disclosable according to the following schedule:

(a) Explanatory statements shall become public record disclosable upon filing;

(4b) The text of all candidate statements shall become public record disclosable on the fourth business day after the filing deadline;

(5c) The text of all measure arguments shall become ~~public record~~ disclosable on the fourth business day after the filing deadline.

Statutory/Other Authority: ORS 246.150, 251.305, ~~251.325~~, ORS 246.150, 251.335, SB 578 (2025)

Statutes/Other Implemented: 251.305, 251.325, ORS 246.150, 251.305, 251.325, 251.335, SB 578 (2025), 251.355