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*Oregon Public Records Advisory Council*

RE: LC 1828 DRAFT and SB 417

Good Day Respected Members,

The following is a concern that may be of issue:

**Pg 2 Line 30 Pg 2 Line 11 "within 5 business days"**

Under Election Laws, the Recall of an Elected Officials is given 5 days from the date of Notice of Recall filing with the local governing body to file a Rebuttal Statement with SOS. In some instances, the delay of Notice to the Elected being Recalled could be up to 24 hours after the local governing received from the county clerk. This single 24-hour delay now places the Elected on a 4-day Rebuttal filing and if the Notice of Recall is sent to the Elected at the close of the business day on a Friday, the Rebuttal Time has now dwindled down to 24 hours at best to make the Rebuttal. If the local governing body is allowed under this type of instance, 5 business days to acknowledge those Requested Records by the Elected, the local governing body has affectively taken away the appeal process from the Elected. There may be other short time frames that are unknown at this time; the Council may want to consider an Exception like:

***Insert at Pg 6 / Pg 4:***

***Amend Line 28 / Line 18 to include and Chapter 249*** after 247.973

***Insert at Line 29 / Line 19***

***[9][a]*** In the events of Recall and the Elected Official being Recalled makes a Records Requests to the local governing body for the Recall Petition, the local governing body shall acknowledge, reply, and produce those requested documents within 24 hours or at the start of the next business day.

***[9][b]*** If Notice of Recall is sent to the Elected at the close of Friday or at the beginning of a holiday weekend, a member of the administrative staff shall verbally notify via telephone and provide the Elected Official with the opportunity to complete a formalized Records Request prior to a normal weekend and or holiday weekend. A member of the administrative shall remain at the office to receive the completed formalized Records Request and to produce those documents being requested. Except for verbal notification, the receipt of the Notice of Recall Petition, the formalized Records Request and receipt of those requested documents shall be issued electronically via email. There shall be no charges or fees assessed with the fulfillment of the records requested.

Respectfully,

/s/ Jo A. Barker  
A public member