

A-Engrossed House Bill 3270

Ordered by the House June 5
Including House Amendments dated June 5

Sponsored by Representative GREENLICK; Representatives BARNHART, BUCKLEY, CANNON, CLEM, HOLVEY, MERKLEY, RILEY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs county clerk to conduct hand count of sample of ballots counted by each vote tally system in county **at each general election**. Directs clerk to conduct hand count not later than 30th day after election.

Requires county clerk to conduct second hand count of sample if result of hand count differs from count of vote tally system by more than designated margin. Specifies that if result of second hand count differs from count of vote tally system by more than designated margin, then county clerk must conduct hand count of all ballots counted by that vote tally system. Provides that result of hand count is official tally of ballots for that vote tally system.

[Creates vote count verification committee in office of Secretary of State. Sets membership requirements. Directs committee to determine designated margins to be used in reviewing hand count of votes and size of sample of ballot to be hand counted.]

Specifies that provisions requiring hand count do not apply if Secretary of State determines requirements of federal law are at least as stringent.

A BILL FOR AN ACT

1
2 Relating to elections.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 254.**

5 **SECTION 2. (1) At each general election, the county clerk shall conduct a hand count**
6 **of ballots as described in this section and compare the tally of votes for those ballots**
7 **produced by a vote tally system with the tally of votes for those ballots produced by the hand**
8 **count.**

9 **(2)(a) In the event that the unofficial tally of ballots produced by a vote tally system re-**
10 **veals that the margin of victory between the two candidates receiving the largest number**
11 **of votes in the county is less than one percent of the total votes cast in that election in the**
12 **county, the county clerk shall conduct a hand count of ballots in at least 10 percent of all**
13 **precincts or of ballots in at least 10 percent of all batches of ballots collected by the county**
14 **clerk.**

15 **(b) In the event that the unofficial tally of ballots reveals that the margin of victory be-**
16 **tween the two candidates receiving the largest number of votes in the county is greater than**
17 **or equal to one percent but less than two percent of the total votes cast in the county, the**
18 **county clerk shall conduct a hand count of ballots in at least five percent of all precincts or**
19 **of ballots in at least five percent of all batches of ballots collected by the county clerk.**

20 **(c) In the event that the unofficial tally of ballots reveals that the margin of victory be-**
21 **tween the two candidates receiving the largest number of votes in the county is greater than**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 or equal to two percent of the total votes cast in the county, the county clerk shall conduct
2 a hand count of ballots in at least three percent of all precincts or of ballots in at least three
3 percent of all batches of ballots collected by the county clerk.

4 (3) The Secretary of State shall select the precincts at random. At the general election,
5 no fewer than 150 ballots must have been cast in at least one of the precincts selected. The
6 county clerk shall conduct a hand count of ballots cast in the election contest between the
7 two candidates receiving the largest number of votes in the county, an election contest for
8 a state office and, if possible, an election contest for a state measure.

9 (4) Not later than the day after the date of the general election, the Secretary of State
10 shall advise county clerks in writing of:

11 (a) The election contests for which ballots are to be hand counted; and

12 (b) The precincts in which ballots are to be hand counted.

13 (5) A county clerk shall begin the hand counts prescribed by this section not later than
14 the 20th day after the election and complete the hand counts not later than the 30th day
15 after the election. The results of the hand counts shall be provided to the Secretary of State,
16 who shall make the results publicly available on the Secretary of State's website.

17 (6) The county clerk shall conduct the hand counts required by this section in the man-
18 ner provided in ORS 258.200 and 258.211.

19 (7) A comparison of the tally of votes produced by a vote tally system with the tally of
20 votes produced by the hand count required by this section must show that the tally of votes
21 produced by the vote tally system differs by no more than one-half of one percent from the
22 tally of votes produced by the hand count.

23 (8)(a) If a hand count conducted under this section results in a tally of votes for a can-
24 didate or measure that is different from the tally of votes produced by the vote tally system
25 for that candidate or measure, and the difference for each race is equal to or less than
26 one-half of one percent, the tally of votes produced by the vote tally system is the official
27 tally of votes for that vote tally system.

28 (b) If a hand count conducted under this section results in a tally of votes for a candidate
29 or measure that is different from the tally of votes produced by the vote tally system for
30 that candidate or measure, and the difference in any race is greater than one-half of one
31 percent, the county clerk shall conduct a second hand count of the same ballots.

32 (c) If the second hand count conducted under this subsection results in a tally of votes
33 for a candidate or measure that is different from the tally of votes produced by the vote tally
34 system for that candidate or measure, and the difference for each race is equal to or less
35 than one-half of one percent, the tally of votes produced by the vote tally system is the of-
36 ficial tally of votes for that vote tally system.

37 (d) If the second hand count conducted under this subsection results in a tally of votes
38 for a candidate or measure that is different from the tally of votes produced by the vote tally
39 system for that candidate or measure, and the difference in any race is greater than one-half
40 of one percent, the county clerk shall conduct a hand count of all ballots counted by that
41 vote tally system. The hand count is the official tally of votes for that vote tally system. If
42 the hand count is the official tally of votes, not later than the 30th day after the election,
43 the county clerk shall certify amended abstracts of votes to appropriate elections officials.

44 (9) For purposes of conducting the hand counts required under this section, the county
45 clerk shall:

1 **(a) Retain custody of the ballots; and**

2 **(b) Provide for security for the ballots and the information required to be collected under**
3 **this subsection.**

4 **(10) Subsections (1) to (9) of this section do not apply if federal law requires a post-**
5 **election hand count of ballots at the general election to verify election results and the Sec-**
6 **retary of State determines that the requirements of federal law are at least as stringent as**
7 **the requirements of subsections (1) to (9) of this section.**

8
