

HOUSE AMENDMENTS TO HOUSE BILL 3270

By COMMITTEE ON ELECTIONS, ETHICS AND RULES

June 5

1 On page 1 of the printed bill, line 4, delete “Sections 2 and 3” and insert “Section 2” and delete
2 “are” and insert “is”.

3 Delete lines 6 through 26 and delete pages 2 and 3 and insert:

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

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

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

19 **“(c) In the event that the unofficial tally of ballots reveals that the margin of victory**
20 **between the two candidates receiving the largest number of votes in the county is greater**
21 **than or equal to two percent of the total votes cast in the county, the county clerk shall**
22 **conduct a hand count of ballots in at least three percent of all precincts or of ballots in at**
23 **least three percent of all batches of ballots collected by the county clerk.**

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

29 **“(4) Not later than the day after the date of the general election, the Secretary of State**
30 **shall advise county clerks in writing of:**

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

32 **“(b) The precincts in which ballots are to be hand counted.**

33 **“(5) A county clerk shall begin the hand counts prescribed by this section not later than**
34 **the 20th day after the election and complete the hand counts not later than the 30th day**
35 **after the election. The results of the hand counts shall be provided to the Secretary of State,**

1 who shall make the results publicly available on the Secretary of State's website.

2 “(6) The county clerk shall conduct the hand counts required by this section in the
3 manner provided in ORS 258.200 and 258.211.

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

8 “(8)(a) If a hand count conducted under this section results in a tally of votes for a
9 candidate or measure that is different from the tally of votes produced by the vote tally
10 system for that candidate or measure, and the difference for each race is equal to or less
11 than one-half of one percent, the tally of votes produced by the vote tally system is the of-
12 ficial tally of votes for that vote tally system.

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

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

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

29 “(9) For purposes of conducting the hand counts required under this section, the county
30 clerk shall:

31 “(a) Retain custody of the ballots; and

32 “(b) Provide for security for the ballots and the information required to be collected un-
33 der this subsection.

34 “(10) Subsections (1) to (9) of this section do not apply if federal law requires a post-
35 election hand count of ballots at the general election to verify election results and the Sec-
36 retary of State determines that the requirements of federal law are at least as stringent as
37 the requirements of subsections (1) to (9) of this section.”.