

House Bill 3270

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 **as introduced**.

Directs county clerk to conduct hand count of sample of ballots counted by each vote tally system in county. 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.

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. Sections 2 and 3 of this 2007 Act are added to and made a part of ORS**
5 **chapter 254.**

6 **SECTION 2. (1) At each primary and general election, the county clerk shall conduct a**
7 **hand count of a statistically significant sample of ballots counted by each vote tally system**
8 **used to tally ballots in the county.**

9 **(2) Not later than the date of the primary and general elections, the Secretary of State**
10 **shall advise county clerks in writing of:**

11 **(a) The designated margins specified by the vote count verification committee under**
12 **section 3 of this 2007 Act for use in reviewing the hand count of votes; and**

13 **(b) The size of the sample of ballots to be counted by hand.**

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

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

20 **(5)(a) If a hand count conducted under this section results in a tally of votes for a can-**
21 **didate or measure that is different from the tally of votes produced by the vote tally system**
22 **for that candidate or measure, and the difference for each race is less than the designated**
23 **margin specified by the vote count verification committee under section 3 of this 2007 Act,**
24 **the tally of votes produced by the vote tally system is the official tally of votes for that vote**
25 **tally system.**

26 **(b) If a hand count conducted under this section results in a tally of votes for a candidate**

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 measure that is different from the tally of votes produced by the vote tally system for
 2 that candidate or measure, and the difference in any race is equal to or greater than the
 3 designated margin specified by the vote count verification committee under section 3 of this
 4 2007 Act, the county clerk shall conduct a second hand count of the same sample for that
 5 vote tally system.

6 (c) If the second hand count conducted under this subsection results in a tally of votes
 7 for a candidate or measure that is different from the tally of votes produced by the vote tally
 8 system for that candidate or measure, and the difference for each race is less than the des-
 9 ignated margin specified by the vote count verification committee under section 3 of this 2007
 10 Act, the tally of votes produced by the vote tally system is the official tally of votes for that
 11 vote tally system.

12 (d) If the second hand count conducted under this subsection results in a tally of votes
 13 for a candidate or measure that is different from the tally of votes produced by the vote tally
 14 system for that candidate or measure, and the difference in any race is equal to or greater
 15 than the designated margin specified by the vote count verification committee under section
 16 3 of this 2007 Act, the county clerk shall conduct a hand count of all ballots counted by that
 17 vote tally system. The hand count is the official tally of votes for that vote tally system.

18 (6) For purposes of conducting the hand counts required under this section, the county
 19 clerk shall:

- 20 (a) Retain custody of the ballots;
- 21 (b) Segregate the ballots tallied by each vote tally system;
- 22 (c) Segregate the results of the tally of votes produced by each vote tally system; and
- 23 (d) Provide for security for the ballots and the information required under this sub-
 24 section.

25 **SECTION 3.** (1) The vote count verification committee is established in the office of the
 26 Secretary of State.

27 (2) The secretary shall appoint seven members to the committee. No more than three
 28 members of the committee may be members of the same political party.

29 (3) Members of the committee must have expertise in statistics.

30 (4) An individual is not eligible to be a committee member if the individual has been af-
 31 filiated with or received any income in the preceding five years from any person or entity
 32 that provides election equipment or election services.

33 (5) Not later than 30 days before the primary and general elections, the vote count ver-
 34 ification committee shall determine:

35 (a) One or more designated margins to be used in reviewing the hand counting of votes
 36 required under section 2 of this 2007 Act; and

37 (b) The size of the sample of ballots to be hand counted under section 2 of this 2007 Act.

38 (6) The committee shall provide the determinations made under subsection (5) of this
 39 section to the Secretary of State at least 10 days before the primary election and at least 10
 40 days before the general election. The secretary shall make the determinations available on
 41 the secretary's website.

42 (7) Members of the committee serve at the pleasure of the Secretary of State. The sec-
 43 retary shall appoint an individual to fill a vacancy on the committee. Members of the com-
 44 mittee are not entitled to compensation or reimbursement of expenses and serve as
 45 volunteers on the committee.

1 **SECTION 4.** The Secretary of State shall appoint the vote count verification committee
2 and the committee shall meet for the first time not later than March 1, 2008.
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