

Enrolled Senate Bill 74

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CHAPTER

AN ACT

Relating to elections conducted at polling places; creating new provisions; amending ORS 195.210, 202.180, 222.130, 246.025, 246.160, 246.200, 246.250, 247.290, 247.307, 249.078, 249.091, 250.037, 250.038, 251.175, 251.315, 253.005, 253.045, 253.055, 253.135, 253.700, 254.005, 254.035, 254.071, 254.076, 254.115, 254.125, 254.135, 254.145, 254.155, 254.165, 254.175, 254.185, 254.195, 254.235, 254.321, 254.365, 254.408, 254.411, 254.415, 254.445, 254.458, 254.465, 254.470, 254.474, 254.480, 254.483, 254.485, 254.495, 254.505, 254.525, 254.535, 254.655, 255.055, 255.215, 255.288, 260.665, 260.675, 260.695, 260.705, 260.715, 261.060, 370.031, 476.330, 545.139, 545.141 and 545.163; and repealing ORS 246.015, 246.310, 246.320, 246.330, 246.335, 246.420, 247.304, 247.550, 253.007, 253.082, 253.085, 253.090, 253.095, 253.100, 253.120, 254.007, 254.205, 254.215, 254.226, 254.245, 254.265, 254.275, 254.295, 254.315, 254.325, 254.335, 254.345, 254.355, 254.375, 254.385, 254.390, 254.395, 254.405, 254.413, 254.419, 254.435, 254.455, 254.462, 255.095, 255.275 and 255.285.

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

SECTION 1. ORS 254.465 is amended to read:

254.465. *[The following rules apply to elections conducted by mail:]*

[(1) An election held on the date of the primary or general election shall be conducted by mail.]

[(2) A state election not described in subsection (1) of this section may be conducted by mail. The Secretary of State by rule shall direct that a state election authorized to be conducted by mail under this subsection be conducted uniformly by mail or at polling places.]

[(3) A county clerk may conduct an election not described in subsections (1) and (2) of this section by mail in the county, in a city or in a district defined in ORS 255.012, under the supervision of the Secretary of State. In deciding to conduct an election by mail, the county clerk may consider requests from the governing body of the county, city or district and shall consider whether conducting the election by mail will be economically and administratively feasible.]

(1) County clerks shall conduct all elections in this state by mail.

[(4)] **(2) The Secretary of State shall adopt rules to:**

(a) [To] Provide for uniformity in the conduct of state elections by mail; and

(b) Govern the procedures for conducting elections by mail.

SECTION 2. ORS 246.025 is amended to read:

246.025. (1) A person with a disability who is unable because of the disability to sign any election document, including a voter registration card[, or ballot return envelope *[or poll book]*, may use a signature stamp or other indicator of the person's signature, as specified by the Secretary of State by rule, whenever the signature of the person is required under any election law.

(2) A person who desires to use a signature stamp or other indicator of the person's signature as described in subsection (1) of this section shall attest that the person needs to use the stamp or indicator due to a disability. The attestation shall be made at the time the person registers to vote or updates a registration and shall be made on a form designed and supplied by the Secretary of State.

SECTION 3. ORS 246.160 is amended to read:

246.160. The Secretary of State shall:

(1) Prepare and print, in appropriate and convenient form, periodic compilations and digests of the state election statutes.

(2) Distribute in appropriate quantities to the county clerks for use by the county clerks *[and by election boards,]* copies of *[such]* **the** compilations and digests and *[such]* **any** supplies and materials necessary to the conduct of elections as the Secretary of State considers appropriate.

(3) Make the compilations and digests available for distribution, free or at cost, to interested persons.

SECTION 4. ORS 246.200 is amended to read:

246.200. (1) Except as *[specifically provided otherwise in the statute laws of this state]* **otherwise provided by law**, the county clerk *[shall be]* **is** the only elections officer *[to]* **who may** conduct *[any]* **an** election in this state. For *[the purpose]* **purposes** of this section, the conduct of an election includes, but is not limited to, establishing precincts *[and polling places]*, preparing ballots and sample ballots, and receiving and processing votes.

(2) Notwithstanding subsection (1) of this section:

(a) The county clerk is not the only elections officer who may accept and verify a filing for nomination or filing of a petition, prepare a voters' pamphlet or ballot title, or prepare or publish an election notice; and

(b) The Secretary of State may receive ballots as provided in ORS 253.585.

SECTION 5. ORS 246.250 is amended to read:

246.250. (1) The county clerk may employ personnel and procure equipment, supplies, materials, books, papers, records and facilities of every kind as the clerk considers necessary to facilitate and assist in administering the election laws.

(2) The necessary expenses incurred by the county clerk in administering the election laws, *including reasonable rental for polling places,* shall be allowed by the county governing body and paid out of the county treasury.

(3) The county clerk and deputies may administer oaths and affirmations in connection with the performance of their functions in administering the election laws.

SECTION 6. ORS 247.290 is amended to read:

247.290. (1) An elector shall update a registration if:

(a) The residence address of the elector is changed for any reason within the county in which the elector is registered, except as provided in subsection (3) of this section[.];

(b) The elector desires to change or adopt a political party affiliation[.];

(c) The mailing address of the elector is changed, except as provided in subsection (3) of this section[.]; **or**

(d) The name of the elector is changed, except as provided in ORS 254.411.

(2) A registration may be updated by an elector in the same manner as an original registration or by the county clerk as provided in this chapter.

[(3) Notwithstanding subsection (1) of this section:]

[(a)] **(3)** An elector need not update a registration if:

[(A)] **(a)** The United States Postal Service or a city or county changes the residence or mailing address of the elector and the residence of the elector has not been relocated; or

[(B)] **(b)** The registration of the elector has been updated by the county clerk under ORS 247.292 or 247.296.

[(b) An elector whose mailing address has changed but whose residence address has not changed, and whose registration has not been canceled, may vote once in the precinct in which the elector is registered. The following apply:]

[(A) The election board clerk shall enter into the poll book the fact that the elector's mailing address has changed. Following the election, the county clerk shall send the elector the notice described in ORS 247.563 and the registration of the elector shall be considered inactive.]

[(B) The registration of an elector whose mailing address has changed must be updated in order for the elector to vote in any subsequent election.]

SECTION 7. ORS 247.307 is amended to read:

247.307. (1) *[In an election conducted by mail as provided in ORS chapter 254,]* If the county clerk receives information updating the registration of an elector after the deadline in ORS 247.025:

(a) The county clerk shall issue a ballot to the elector if the elector's registration was inactive prior to updating[.]; **or**

(b) The county clerk shall issue a replacement ballot upon request from the elector if the elector's registration was active prior to updating.

(2) Ballots issued under this section need not be mailed **to electors** after the fifth day before the date of the election and may be obtained **by the elector** in person from the county clerk up until and including the date of the election.

SECTION 8. ORS 249.078 is amended to read:

249.078. (1) The name of a candidate for a major political party nomination for President of the United States shall be printed on the ballot *[or ballot label]* only:

(a) By direction of the Secretary of State who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or

(b) By nominating petition described in this section and filed with the Secretary of State.

(2) A petition nominating a candidate under this section shall contain from each congressional district the signatures of at least 1,000 electors who are registered in the district and who are members of the major political party of the candidate. The electors in each congressional district shall include electors registered in at least five percent of the precincts in each of at least one-fourth of the counties in the congressional district. The petition shall contain the printed name, residence address and name or number of the precinct, if known, of each elector whose signature appears on the petition. The signatures shall be certified for genuineness by the county clerks under ORS 249.008.

(3) Before circulating the **nominating** petition, the chief sponsor shall file with the Secretary of State a signed copy of the prospective petition. The chief sponsor shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the Secretary of State not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

SECTION 9. ORS 249.091 is amended to read:

249.091. Unless otherwise provided by a home rule charter, *[when]* **if** a nominating petition or declaration of candidacy is filed by no more than two candidates for the office of sheriff, the office of county treasurer or the office of county clerk or by no more than two candidates to fill a vacancy in a nonpartisan office[.];

(1) The candidate or candidates shall be the nominee or nominees for the office; and

(2) The name or names of the candidate or candidates *[shall]* **may** not be printed on the ballot *[or ballot label]* at the nominating election.

SECTION 10. ORS 250.037 is amended to read:

250.037. (1) The ballot title of any measure requesting elector approval of bonds, the principal and interest on which will be payable from taxes imposed on property or property ownership that are not subject to the limitations of sections 11 and 11b, Article XI of the Oregon Constitution, shall contain, in addition to the matters required by ORS 250.035, the following statement immediately after the ballot title question and appearing with it, in this manner:

Question: (herein the question is stated) If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

(2) The words of the statement required by subsection (1) of this section [*shall not be*] **are not** counted for purposes of ORS 250.035.

(3) The ballot title statement for any measure requesting elector approval of bonds, the principal and interest on which is to be payable from taxes imposed on property or property ownership that are not subject to the limitations of sections 11 and 11b, Article XI of the Oregon Constitution, shall contain, in addition to the other requirements of ORS 250.035 and this section, a reasonably detailed, simple and understandable description of the use of proceeds.

(4) [*If the election for a measure to which this section applies is to be conducted by mail,*] The front of the outer envelope in which the ballot title is [*mailed*] **delivered** shall state, clearly and boldly printed in red, "CONTAINS VOTE ON PROPOSED TAX INCREASE."

SECTION 11. ORS 250.038 is amended to read:

250.038. In addition to meeting other applicable requirements of this chapter:

(1) The ballot title for a measure authorizing the imposition of local option taxes shall contain the statement required by ORS 280.070 (4)(a) and the information required by ORS 280.070 (5);

(2) The ballot title for a measure authorizing the establishment of a permanent rate limitation shall contain the information required by ORS 280.070 (6); and

(3) [*If the election on a measure authorizing the imposition of local option taxes or the establishment of a permanent rate limitation is to be conducted by mail,*] The front of the outer envelope in which the ballot title is [*mailed*] **delivered** shall state, clearly and boldly printed in red, "CONTAINS VOTE ON PROPOSED TAX INCREASE."

SECTION 12. ORS 251.175 is amended to read:

251.175. (1) Except as provided in subsection (2) of this section, not later than the 20th day before a primary election, general election or special election for which a voters' pamphlet has been prepared, the Secretary of State shall cause the voters' pamphlet to be mailed to each post-office mailing address in Oregon, and shall use any additional means of distribution necessary to make the pamphlet available to electors.

(2) For any special election described in ORS 251.022 that is not held statewide, or for any other state special election that is not held statewide, the Secretary of State by rule may prescribe methods for distributing the voters' pamphlet prepared for the election. The rule shall require the secretary to mail the pamphlet to at least each elector whose registration is determined to be active on the 21st day before the date of the election and who is eligible to vote in the election. The rule may specify other methods of distribution. [*If the special election is conducted by mail,*] Voters' pamphlets prepared for the election shall be mailed not later than the date ballots are mailed to electors as provided in ORS 254.470.

SECTION 13. ORS 251.315 is amended to read:

251.315. (1) If a county produces a county voters' pamphlet, the county voters' pamphlet shall include, when applicable, at least the following information:

[(a) If the election is conducted at polling places under ORS chapter 254, a sample ballot containing the names of candidates for all offices appearing on the ballot, and the ballot titles of all measures appearing on the ballot in the county.]

[(b)] (a) Requirements for a citizen to qualify as an elector.

[(c)] (b) Requirements for registration and updates of registration.

[(d)] (c) Elector instructions, including the right of an elector to request a second ballot if the first ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

[(e)] (d) The hours and locations of *[sites]* **places** designated under ORS 254.470 [(2)] for deposit of official ballots.

[(f)] (e) Any portraits and statements relating to candidates submitted in accordance with the provisions of ORS 251.305 to 251.435.

[(g)] (f) Any ballot titles, explanatory statements and arguments submitted in accordance with the provisions of ORS 251.305 to 251.435.

[(h) If the election is to be at the polls, a listing of the polling places.]

[(i)] (g) Such other information as the county clerk considers to be appropriate or necessary to inform the voters.

(2) The county clerk shall mail or otherwise distribute the county voters' pamphlet not later than *[the seventh day before the election or the last day for mailing ballots if the election is conducted by mail]* **the last day for mailing ballots to electors as provided in ORS 254.470.**

SECTION 14. ORS 253.005 is amended to read:

253.005. As used in this chapter:

(1) "Clerk" means the county clerk.

(2) "County clerk" means the county clerk or the county official in charge of elections.

(3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

(4) "Absent elector" means a person to whom the county clerk has issued a ballot prior to *[8 p.m. the day of the election in the case of an election conducted at polling places, or prior to the mailing of ballots under ORS 254.470 (3)(a) for an election conducted by mail]* **the date that ballots are mailed to electors as provided in ORS 254.470 (2)(a) or (b).**

SECTION 15. ORS 253.045 is amended to read:

253.045. (1) The clerk shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, but not later than the 45th day before the election.

[(2) For an election conducted at polling places as provided in ORS chapter 254:]

[(a) The initials of the clerk may be placed on each ballot stub to identify it as an absentee ballot.]

[(b) The ballot stubs of each set of ballot forms containing the same information may be numbered consecutively.]

[(3)] (2) The clerk *[shall be]* **is** responsible for the safekeeping and disposition of the ballots, and shall destroy all unused ballots as soon as practicable after the election.

SECTION 16. ORS 253.055 is amended to read:

253.055. (1) Absentee ballots may be the regular ballots used at the election or special ballots and, except as provided in *[subsections (2) and (3)]* **subsection (2)** of this section, shall be in substantially the same form as the regular ballots used at the election.

(2) In counties in which voting machines are used, paper ballots may be used as absentee ballots.

[(3) Ballot stubs are not required on absentee ballots.]

[(4)] (3) The ballot delivered to each absent elector shall contain the names and other information concerning all candidates and the information concerning all measures for which the absent elector is entitled to vote. In lieu of the names and other information concerning candidates for precinct committeeperson, blank spaces shall be provided on the ballot, in which the absent elector may write the name of a candidate for that office.

SECTION 17. ORS 253.135 is amended to read:

253.135. (1) An elector who, on the day of an election, will be absent from the county in which the elector is registered may vote at the elections office of any county clerk *[or at any polling site in this state]*.

(2) An elector voting under this section shall complete and sign a voter registration card.

[(3) The elector shall insert the ballot into a small envelope provided by the election board and then shall insert the small envelope into a larger envelope. The larger envelope shall be deposited into the ballot box.]

[(4) (3) A ballot cast under this section shall be forwarded to the county clerk of the county in which the elector resides not later than the eighth day after the election. The ballot shall be counted in the county in which the elector resides if the elector is qualified to vote in that county. A vote shall be counted only if the elector is qualified to vote for the particular office or on the measure.

[(5) (4) This section does not apply to persons registered under ORS 247.410 and 247.420.

SECTION 18. ORS 253.700 is amended to read:

253.700. (1) The county clerk, *[a member of the election board or special counting board]* **an elections official** or any elector shall challenge the absentee ballot of any person offering to vote as an absent elector whom the clerk, *[member]* **official** or elector knows or suspects not to be qualified as an elector. The person's ballot may be challenged at any time before the ballot is removed from its return envelope for processing.

(2) A challenge to an absentee ballot of a person offering to vote shall be made~~,~~ under oath or affirmation before the clerk~~,~~ *[a member of the election board or special counting board,]* and shall be in writing on a numbered challenge form. The statement shall contain the name and residence address of the challenger, the name of the person challenged and a statement of the facts upon which the challenge is based. Any elections official *[or member of an election board or special counting board]* may administer the oath or affirmation required under this subsection.

SECTION 19. ORS 254.005 is amended to read:

254.005. As used in this chapter:

(1) "Ballot" means any material on which votes may be cast for candidates or measures. In the case of a recall election, "ballot" includes material posted in a voting compartment or delivered to an elector by mail.

[(2) "Ballot label" means the material containing the names of candidates or the measures to be voted on.]

[(3) (2) "Chief elections officer" means the:

(a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the state at large or in a congressional district, or a measure to be voted on in the state at large.

(b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a county only.

(c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be voted on in a city only.

[(4) (3) "County clerk" means the county clerk or the county official in charge of elections.

[(5) (4) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

[(6) (5) "Major political party" means a political party that has qualified as a major political party under ORS 248.006.

[(7) (6) "Measure" includes any of the following submitted to the people for their approval or rejection at an election:

(a) A proposed law.

(b) An Act or part of an Act of the Legislative Assembly.

(c) A revision of or amendment to the Oregon Constitution.

(d) Local, special or municipal legislation.

(e) A proposition or question.

[(8)] (7) “Minor political party” means a political party that has qualified as a minor political party under ORS 248.008.

[(9)] (8) “Nonpartisan office” means the office of judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court, Superintendent of Public Instruction, Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer, county judge who exercises judicial functions, sheriff, district attorney or any office designated nonpartisan by a home rule charter.

[(10)] (9) “Prospective petition” means the information, except signatures and other identification of petition signers, required to be contained in a completed petition.

[(11)] (10) “Regular district election” means the election held each year for the purpose of electing members of a district board as defined in ORS 255.005 (2).

[(12)] (11) “Vote tally system” means one or more pieces of equipment necessary to examine and tally automatically the marked ballots.

[(13)] (12) “Voting machine” means any device that will record every vote cast on candidates and measures and that will either internally or externally total all votes cast on that device.

SECTION 20. ORS 254.035 is amended to read:

254.035. (1) It is the intention of the [legislature] **Legislative Assembly** to carry out the provisions of section 14a, Article II, Oregon Constitution.

(2) All elections for city officers shall be held at the same time and place as elections for state and county officers. [*The election boards for state and county elections shall be the election boards for the city elections.*] Unless a city charter or ordinance provides otherwise, the ballots [*and ballot labels*] used for state and county elections, if the county clerk considers it practicable, shall be arranged to include city offices and measures.

SECTION 21. ORS 254.071 is amended to read:

254.071. Prior to each election, the county clerk shall make every reasonable effort to acquaint electors with the ballot format to be used in the election and the methods used to mark [*or punch*] ballots to cast a valid vote.

SECTION 22. ORS 254.076 is amended to read:

254.076. The chief elections officer shall keep a register of candidates for nomination at the primary election. The register, if applicable, shall contain for each major political party:

(1) The title of each office for which the major political party will nominate candidates at the primary election.

(2) The name and mailing address of each candidate for nomination at the primary election.

(3) The name of the major political party with which the candidate is registered as affiliated.

(4) The date of filing of the prospective petition for nomination of the candidate.

(5) The date of filing of the completed petition for nomination of the candidate, the number of valid signatures contained and the number of signatures required.

(6) The date of filing of the declaration of candidacy of the candidate.

(7) Such other information as may aid the chief elections officer in arranging the official ballot [*or ballot label*] for the primary election.

SECTION 23. ORS 254.115 is amended to read:

254.115. (1) The official primary election ballot [*or ballot label*] shall be styled “Official Primary Nominating Ballot for the _____ Party.” and shall state:

(a) The name of the county for which it is intended.

(b) The date of the primary election.

(c) The names of all candidates for nomination at the primary election whose nominating petitions or declarations of candidacy have been made and filed, and who have not died, withdrawn or become disqualified.

(d) The names of candidates for election as precinct committeeperson.

(e) The names of candidates for the party nomination for President of the United States who qualified for the ballot under ORS 249.078.

[(2) If the election is conducted at polling places as provided in this chapter, any ballot to be issued at a polling place shall also state the number or name of the precinct for which it is intended.]

[(3)] (2) The primary election ballot may include any city, county or nonpartisan office or the number, ballot title and financial estimates under ORS 250.125 of any measure.

[(4)] (3) The ballot *[shall]* **may** not contain the name of any person other than those referred to in subsections (1) and *[(3)] (2)* of this section. The name of each candidate for whom a nominating petition or declaration of candidacy has been filed shall be printed on the ballot in but one place. In the event that two or more candidates for the same nomination or office have the same or similar surnames, the location of their places of residence shall be printed opposite their names to distinguish one from another.

SECTION 24. ORS 254.125 is amended to read:

254.125. (1) The names of candidates for a nonpartisan office at a nominating election held on the date of the primary election shall be listed without political party designation on a nominating ballot *[or ballot label]* under the title, and department or position number if any, of the office.

(2) At the primary election or general election:

(a) The names of candidates who are opposed for nomination or election to the Supreme Court, Court of Appeals, Oregon Tax Court and circuit court shall be printed on the ballot before the names of candidates for those offices who are unopposed; and

(b) The word “incumbent” shall follow the name of each candidate for the Supreme Court, Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Secretary of State under ORS 254.085.

SECTION 25. ORS 254.135 is amended to read:

254.135. (1) The official general or special election ballot *[or ballot label]* shall be styled “Official Ballot” and shall state:

(a) The name of the county for which it is intended.

(b) The date of the election.

(c) The names of all candidates for offices to be filled at the election whose nominations have been made and accepted and who have not died, withdrawn or become disqualified. The ballot *[or ballot label]* may not contain the name of any other person.

(d) The number, ballot title and financial estimates under ORS 250.125 of any measure to be voted on at the election.

[(2) If the election is conducted at polling places as provided in this chapter, any ballot to be issued at a polling place shall also state the number or name of the precinct for which it is intended.]

[(3)] (2) The names of candidates for President and Vice President of the United States shall be printed in groups together, under their political party designations. The names of the electors may not be printed on the general election ballot. A vote for the candidates for President and Vice President *[shall be]* **is** a vote for the group of presidential electors supporting those candidates and selected as provided by law. The general election ballot shall state that electors of President and Vice President are being elected and that a vote for the candidates for President and Vice President shall be a vote for the electors supporting those candidates.

[(4)(a)] (3)(a) The name of each candidate nominated shall be printed upon the ballot *[or ballot label]* in but one place, without regard to how many times the candidate may have been nominated. The name of a political party shall be added opposite the name of a candidate for other than nonpartisan office according to the following rules:

(A) For a candidate not affiliated with a political party who is nominated by a minor political party, the name of the minor political party shall be added opposite the name of the candidate;

(B) For a candidate not affiliated with a political party who is nominated by more than one minor political party, the name of the minor political party selected by the candidate shall be added opposite the name of the candidate;

(C) For a candidate who is a member of a political party who is nominated by a political party of which the candidate is not a member, the name of the political party that nominated the candidate shall be added opposite the name of the candidate;

(D) For a candidate who is a member of a political party who is nominated by more than one political party of which the candidate is not a member, the name of the political party selected by the candidate shall be added opposite the name of the candidate; and

(E) For a candidate who is nominated by a political party of which the candidate is a member, the name of the political party of which the candidate is a member shall be added opposite the name of the candidate.

(b) If a candidate is required to select the name of a political party to be added on the ballot under paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection not later than the 61st day before the day of the election.

(c) The word “incumbent” shall follow the name of each candidate for the Supreme Court, Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Secretary of State under ORS 254.085.

(d) The word “nonaffiliated” shall follow the name of each candidate who is not affiliated with a political party and who is nominated by an assembly of electors or individual electors.

(e) If two or more candidates for the same office have the same or similar surnames, the location of their places of residence shall be printed opposite their names to distinguish one from another.

SECTION 26. ORS 254.145 is amended to read:

254.145. (1) **(a) Except as provided in paragraph (b) of this subsection,** the names of candidates for nomination for or election to each office shall be arranged on the ballot [*or ballot label*] in the order determined under ORS 254.155.

(b) The names of candidates for the offices of President and Vice President of the United States[, *however,*] shall be arranged in groups.

(2) Except as provided in ORS 254.125[,] and 254.135 and this section, no information about the candidate, including any title or designation, other than the candidate’s name, [*shall*] **may** appear on the ballot. [*In a precinct in which voting machines are used, spaces shall be provided, either on the ballot or on separate material delivered to the elector with the ballot, in which the elector may write the names of persons for any offices appearing on the ballot label. In other precincts, at the end of the list of candidates for each office shall be a blank space in which the elector may write the name of any person not printed on the ballot.*]

(3) Spaces shall be provided for any offices appearing on the ballot in which the elector may write the name of any person not printed on the ballot. If a voting machine is used, spaces shall be provided on the ballot, or on separate material delivered to the elector with the ballot, in which the elector may write or enter the names of persons for any offices appearing on the ballot.

(4) On the left margin of the ballot, [*or ballot label*] the name of each group or candidate may be numbered. The blank spaces [*shall*] **may** not be numbered. A particular number [*shall*] **may** not be used to designate more than one candidate at any election.

[(2)] **(5)** The names of all candidates for the same office shall be listed in the same column on the ballot [*or ballot label*]. If more than one column is needed to list names of all candidates for that office, the names may be arranged in one or more columns in block form. The block shall be set apart by rulings under the title of the office. If a blank space follows the list of candidates, the space shall be in the same column as the names of candidates for that office. If blocks of columns are used, blank spaces shall be included within the ruled block.

[(3)] **(6)** [*In precincts using voting machines, the ballot label*] **The ballot** shall be clearly marked to indicate when names of candidates for the office are continued on the following page.

[(4)] **(7)** When a measure is submitted to the people, the number, ballot title and financial estimates under ORS 250.125 of each measure shall be printed after the list of candidates. A measure referred by the Legislative Assembly shall be designated “Referred to the People by the Legislative Assembly.” A state measure referred by petition shall be designated “Referendum Order by Petition of the People.” A state measure proposed by initiative petition shall be designated “Proposed by Initiative Petition.”

[5] For an election conducted at polling places under this chapter, each official ballot shall have a removable stub. The stub on the ballots for a precinct shall be numbered consecutively.]

[6] (8) The ballot shall be printed to give the elector a clear opportunity to designate the elector's choice for candidates and approval or rejection of measures submitted. [In precincts not using voting machines] **If a voting machine is not used**, the elector shall indicate a preference by making a cross or check mark inside a voting square corresponding to the candidate or answer for which the elector wishes to vote. A voting square may be printed on the blank, write-in vote spaces. However, the elector is not required to place a mark in the voting square corresponding to a name written in a blank space. [On the ballot or ballot label shall be printed words] **Words shall be printed on the ballot** to aid the elector, such as "Vote for one," "Vote for three," and regarding measures, "Yes" and "No."

SECTION 27. ORS 254.155 is amended to read:

254.155. [(1) This section governs the procedure for determining the order on the ballot of names of candidates for nomination for or election to all offices at any election.]

[(2)] (1) Not later than the 69th day before the date of any election the Secretary of State shall complete a random ordering of the letters of the alphabet.

[(3)] (2) Not later than the 68th day before the date of any election the Secretary of State shall mail **or deliver** to each county clerk a copy of the random ordering of the letters of the alphabet.

[(4)] (3) The county clerk shall arrange by surname the names of the candidates on the ballot [or ballot label] in the random order of the letters of the alphabet completed by the Secretary of State under subsection [(2)] (1) of this section.

SECTION 28. ORS 254.165 is amended to read:

254.165. (1) If the filing officer determines that a candidate has died, withdrawn[,] **or** become disqualified, or that the candidate will not qualify in time for the office if elected, the name of the candidate [shall] **may** not be printed on the ballots [or ballot labels] or, if they have already been printed, shall be erased or canceled before the ballots are [given] **delivered** to the electors. The name of a candidate nominated to fill a vacancy in nomination or office shall be printed on the ballots [or ballot labels] or, if they have already been printed, the county clerk shall cause the name to appear on the ballots [or ballot labels] before the ballots are [given] **delivered** to the electors. A filing officer, other than the Secretary of State, shall notify the Secretary of State of any action taken under this section.

(2) Subsection (1) of this section does not apply if the filing officer makes the determination under subsection (1) of this section on or after the 30th day before the date of the election.

(3) As used in this section:

(a) "District" means a district defined in ORS 255.012.

(b) "Filing officer" means the:

(A) Secretary of State, regarding a candidate for a state office or an office to be voted on in the state at large or in a congressional district.

(B) County clerk, regarding a candidate for a county office.

(C) County clerk of the county in which the administrative office of the district is located, regarding a candidate for a district office to be voted on in a district located in more than one county.

(D) County clerk, regarding a candidate for a district office to be voted on in a district situated wholly within the county.

(E) City clerk, auditor or recorder, regarding a candidate for a city office.

SECTION 29. ORS 254.175 is amended to read:

254.175. (1) In lieu of printing the complete ballot title of any measure, other than a state measure, the county clerk may print the caption and the question of the ballot title and the measure number on the ballot. [or ballot label. If the complete ballot title is omitted from the ballots or ballot labels and the election is conducted at polling places, the complete ballot title shall be printed in 14-point type or larger and posted in each voting compartment within view of the elector.]

(2) In lieu of printing the complete ballot title and financial estimates of any state measure to be initiated or referred, the county clerk may print the caption of the ballot title, the statements

described in ORS 250.035 (2)(b) and (c) and the measure number on the ballot. *[or ballot label. If the complete ballot title and financial estimates are omitted from the ballots or ballot labels and the election is conducted at polling places, they shall be printed in 14-point type or larger and posted in each voting compartment within view of the elector.]*

[(3) In the case of a recall election:]

[(a) If the election is conducted at polling places, the statements described in section 18, Article II of the Oregon Constitution, and ORS 249.877 may be posted in each voting compartment within view of the elector; and]

*[(b)] (3) [If the ballot is delivered by mail,] **In the case of a recall election,** the statements described in section 18, Article II of the Oregon Constitution, and ORS 249.877 shall be *[included with material delivered to the elector]* **printed on the ballot.***

(4) The complete text of each ballot title and any financial estimates shall be included with *[any absentee or mailed]* **each** official ballot.

[(5) Sample ballots and the publication of any facsimile sample ballots shall include the full text of the ballot title and any financial estimates.]

SECTION 30. ORS 254.185 is amended to read:

254.185. The county clerk shall print **or furnish** all the required ballots *[and ballot labels]* and shall *[furnish]* **provide** them for use by electors in the county. Only *[these ballots and ballot labels shall]* **ballots printed or furnished under this section may** be used in an election.

SECTION 31. ORS 254.195 is amended to read:

254.195. (1) Official ballots *[and ballot labels]* shall be printed in black ink upon good quality material. The primary election ballots *[or ballot labels]* shall be of different colors for the major political parties.

[(2) If the election is conducted at polling places, sample ballots shall be prepared for the information of the elector. The sample ballot shall contain the offices, candidates, measures and other information on the ballots or ballot labels of the precincts for which the sample ballot is issued. The sample ballot need not contain the office of, or candidates for, precinct committeeperson. The sample ballots shall be identified as such, and printed on cheaper, colored paper to distinguish them from official ballots. A sample ballot shall not be voted or counted.]

[(3)] (2) The governing body of a city, county or district may mail sample ballots to all electors within the city, county or district to assist the electors' preparation for voting.

SECTION 32. ORS 254.235 is amended to read:

254.235. (1) Not later than five business days before an election in which voting machines or vote tally systems are used, the county clerk shall:

(a) Conduct a preparatory test of the machine and system for logic and accuracy to ensure that each ballot format, where appropriate, correctly tallies ballots in each electoral contest by precinct; and

(b) Conduct a public certification test for the vote tally system using a selection of precincts, ballot formats and electoral districts from the preparatory test conducted under this subsection.

(2) Prior to the public certification test under subsection (1)(b) of this section, the county clerk shall mail to each affiliate of a major or minor political party within the county that has notified the clerk that notice is desired, a notice of the time and place where the vote tally system will be publicly tested. One representative of each party is entitled to be present to ensure that the testing is done properly. In nonpartisan elections each candidate may designate one representative who has the same powers as the political party representatives. The party and candidate representatives shall certify that they have witnessed the testing. The certificates shall be filed with the county clerk.

[(3) In an election where voting machines are used, the county clerk shall prepare a certificate that the ballot labels have been properly placed in the machine.]

SECTION 33. ORS 254.321 is amended to read:

254.321. At any election in which the question of establishing or changing the exterior boundaries of a county or city is submitted to a vote, the county clerk shall:

- [1] *Post in each voting compartment a map indicating the proposed boundaries;*
[2] (1) Include with *[any]* **every** mailed ballot a map indicating the proposed boundaries; or
[3] (2) Print in a voters' pamphlet prepared for the election a map indicating the proposed boundaries.

SECTION 34. ORS 254.365 is amended to read:

254.365. (1) An elector *[shall not be]* **is not** qualified or permitted to vote at any primary election for any candidate of a major political party, and it *[shall be]* **is** unlawful for the elector to offer to do so, unless:

(a) The elector is registered as being affiliated with one of the major political parties nominating or electing its candidates for public office at the primary election; or

(b) The elector is registered as not being affiliated with any political party and wishes to vote in the primary election of a major political party that has provided under subsection (3) of this section for a primary election that admits electors not affiliated with any political party.

(2) Except as provided in ORS 254.470 *[(4)]* (3), any elector offering to vote at the primary election shall be given a ballot of the major political party with which the elector is registered as being affiliated. The elector *[shall]* **may** not be given a ballot of any other political party at that primary election. An elector not affiliated with any political party and offering to vote at the primary election shall be given the ballot of the major political party in whose primary election the elector wishes to vote if that party has provided under subsection (3) of this section for a primary election that admits electors not affiliated with any political party. An elector not affiliated with any political party who is given a ballot of the major political party associates with the party for the purpose of voting in that primary election.

(3)(a) Not later than the 90th day before the date of the primary election, a major political party may file with the Secretary of State a certified copy of the current party rule allowing an elector not affiliated with any political party to vote in the party's primary election. The party *[shall]* **may** not repeal the rule as filed during the 90 days before the primary election. The rule shall continue to be effective after the date of the primary election until the party gives written notice to the Secretary of State that the rule has been repealed. **Except as provided in paragraph (b) of this subsection,** a party rule under this subsection may limit the candidates for whom an elector who is not affiliated with any political party may vote.

(b) The party rule shall, *however,* allow any elector who is permitted to vote for the most numerous branch of the Legislative Assembly *[to]* also **to** vote in federal legislative elections, consistent with section 2, Article I, and the Seventeenth Amendment to the United States Constitution.

(4) If the primary election ballot includes city, county or nonpartisan offices or measures, and it is given to an elector who is not eligible to vote for party candidates, the ballot shall be marked "*[limited]* **non-affiliated.**"

SECTION 35. ORS 254.408 is amended to read:

254.408. (1) A person offering to vote and who claims to be an elector, but for whom no evidence of active or inactive registration can be found, shall be granted the right to vote in the manner provided in this section.

(2) Whenever an elector updates a registration at a *[polling place on the date of the election]* **county clerk's office after the ballots have been mailed under ORS 254.470,** the elector shall vote **in that election** in the manner provided in this section.

(3) An elector voting under this section shall complete and sign a registration card.

(4) The elector shall insert the ballot into a small envelope provided by the *[election board]* **county clerk** and then insert the small envelope into a larger envelope. The larger envelope shall be *[deposited in the ballot box]* **delivered to the county clerk and** *[. When the ballot box is opened, the larger envelopes]* shall be segregated and not counted until the registration of the elector is verified under this section.

(5) The county clerk shall determine if the elector is validly registered to vote and if the vote was properly cast. The ballot shall be counted only if the county clerk determines the registration of the elector is considered active or inactive.

(6) A vote shall be counted only if the elector is qualified to vote for the particular office or on the measure.

SECTION 36. ORS 254.411 is amended to read:

254.411. (1) Any elector whose name has been changed may vote once in the [precinct] county in which the elector is registered under the elector's former name.

[(2) *If the elector votes at a polling place, the election board clerk shall enter into the poll book the fact that the elector's name has changed.*]

[(3)] (2) Following the election, the registration of the elector shall be considered inactive.

[(4)] (3) In order to vote at subsequent elections the elector whose name has changed must update the elector's registration.

SECTION 37. ORS 254.415 is amended to read:

254.415. (1) The county clerk, [a member of an election board] **an elections official** or any elector shall challenge the ballot of any person offering to vote whom the clerk, [member] **official** or elector knows or suspects not to be qualified as an elector.

(2) The clerk, [member] **official** or elector challenging the ballot shall make, under oath or affirmation before a county clerk or [member of an election board] **other elections official**, a written and numbered statement of challenge. The statement shall contain the name and residence address of the challenger, the name of the person challenged and a statement of the facts upon which the challenge is based.

(3) [For an election conducted by mail,] A person's ballot may be challenged at any time before the ballot is removed from its return envelope for processing.

SECTION 38. ORS 254.445 is amended to read:

254.445. (1) [Any elector who] **If an elector** is within the county and, because of a physical disability or an inability to read or write, is unable to mark [or punch] the ballot, [upon] **the elector may request,** and shall receive the assistance of two persons of different parties provided by the clerk or of some other person chosen by the elector in marking [or punching] the ballot. The persons assisting the elector shall ascertain the wishes of the elector and assist the elector in voting the ballot accordingly, and thereafter [shall] **may** give no information regarding the vote.

(2) A person may not assist an elector under subsection (1) of this section if the person:

(a) Is an employer of the elector or an agent of the employer; or

(b) Is an officer or agent of the union of which the elector is a member.

[(3) *If the election is conducted at polling places:*]

[(a) *The board chairperson may require a declaration of disability to be made by the elector under oath. Whenever an elector receives assistance in this manner, a clerk shall make a notation of it in the poll book following the name of the elector.*]

[(b) *When any elector, because of a physical disability or an inability to read or write, is unable to sign the poll book, a clerk, under supervision of the chairperson, shall enter the words "unable to sign" in the place provided for the elector's signature.*]

[(4)] (3) In preparing the ballot, an elector may use or copy a sample ballot, which may be marked in advance to assist the elector in marking [or punching] the official ballot.

SECTION 39. ORS 254.458 is amended to read:

254.458. Notwithstanding any provision of ORS [254.419 or] 254.470:

(1) A county clerk may apply to the Secretary of State for approval of any procedure to be used in lieu of the envelope procedures described in ORS [254.419 or] 254.470; and

(2) [The Secretary of State,] Upon receiving an application under subsection (1) of this section, **the secretary** may approve a procedure to be used in lieu of the envelope procedures described in ORS [254.419 or] 254.470 if the secretary [of State] determines that the procedure will provide substantially the same degree of secrecy as ORS [254.419 or] 254.470.

SECTION 40. ORS 254.470 is amended to read:

254.470. [(1) *An election by mail shall be conducted as provided in this section. The Secretary of State may adopt rules governing the procedures for conducting an election by mail.*]

[(2)] (1) The Secretary of State by rule shall establish requirements and criteria for the designation of places of deposit for the ballots cast in [the] an election. The rules shall also specify the dates and times the places of deposit must be open and the security requirements for the places of deposit. At a minimum, the places designated under this section shall be open on the date of the election for a period of eight or more hours, but must be open until at least 8 p.m. At each place of deposit designated under this section, the county clerk shall prominently display a sign stating that the location is an official ballot drop site.

[(3)(a)] (2)(a) Except as provided in paragraphs [(b), (c) and (d)] (b) and (c) of this subsection, the county clerk shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope not sooner than the 18th day before the date of an election [conducted by mail] and not later than the 14th day before the date of the election, to each active elector of the electoral district as of the 21st day before the date of the election.

(b) [Notwithstanding paragraph (a) of this subsection,] If the county clerk determines that an active elector of the electoral district as of the 21st day before the date of the election does not receive daily mail service from the United States Postal Service, the county clerk shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope to the elector not sooner than the 20th day before the date of an election [conducted by mail] and not later than the 18th day before the date of the election.

[(c) Notwithstanding paragraph (a) of this subsection, the Secretary of State by rule shall specify the date on which all ballots shall be mailed for any state election conducted by mail under ORS 254.465 (2).]

[(d)] (c) [Notwithstanding paragraph (a) of this subsection,] In the case of ballots to be mailed to addresses outside this state to electors who are not long-term absent electors, the county clerk may mail the ballots not sooner than the 29th day before the date of the election.

[(4)] (3) For an election held on the date of a primary election:

(a) The county clerk shall mail the official ballot of a major political party to each elector who is registered as being affiliated with the major political party as of the 21st day before the date of the election.

(b) The county clerk shall mail the official ballot of a major political party to an elector not affiliated with any political party if the elector has applied for the ballot as provided in this subsection and that party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

(c) An elector not affiliated with any political party who wishes to vote in the primary election of a major political party shall apply to the county clerk in writing. The application shall indicate which major political party ballot the elector wishes to receive. Except for electors described in subsection [(5)] (4) of this section, and subject to ORS 247.203, the application must be received by the county clerk not later than 5 p.m. of the 21st day before the date of the election.

(d) If the primary election ballot includes city, county or nonpartisan offices or measures, **the county clerk shall mail to each** [an] elector **who is** not eligible to vote for party candidates [shall be mailed] a ballot limited to those offices and measures for which the elector is eligible to vote.

[(5)] (4) For each elector who updates a voter registration after the deadline in ORS 247.025, the county clerk shall make the official ballot, the return identification envelope and the secrecy envelope available either by mail or at the county clerk's office or at another place designated by the county clerk. An elector to whom this subsection applies must request a ballot from the county clerk.

[(6)] (5) The ballot [or ballot label] shall contain the following warning:

Any person who, by use of force or other means, unduly influences an elector to vote in any particular manner or to refrain from voting is subject to a fine.

[(7)] (6) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign the return identification envelope supplied with the ballot and comply with the instructions provided with the ballot. The elector may return the marked ballot to the county clerk by United States mail or by depositing the ballot at the office of the county clerk, at any place of deposit designated by the county clerk or at any location described in ORS 254.472 or 254.474. The ballot must be returned in the return identification envelope. If the elector returns the ballot by mail, the elector must provide the postage. A ballot must be received at the office of the county clerk, the designated place of deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the period determined under subsection [(2)] (1) of this section on the date of the election.

[(8)] (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the elector. Replacement ballots shall be issued and processed as described in this section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided under this subsection. Notwithstanding any deadline for mailing ballots in subsection [(3) or (4)] (2) or (3) of this section, a replacement ballot may be mailed, made available in the office of the county clerk or made available at one central location in the electoral district in which the election is conducted. The county clerk shall designate the central location. A replacement ballot need not be mailed after the fifth day before the date of the election.

[(9)] (8) A ballot shall be counted only if:

- (a) It is returned in the return identification envelope;
- (b) The envelope is signed by the elector to whom the ballot is issued; and
- (c) The signature is verified as provided in subsection [(10)] (9) of this section.

[(10)] (9) The county clerk shall verify the signature of each elector on the return identification envelope with the signature on the elector's registration card, according to the procedure provided by rules adopted by the Secretary of State. If the county clerk determines that an elector to whom a replacement ballot has been issued has voted more than once, the county clerk shall count only one ballot cast by that elector.

[(11)] (10) At 8 p.m. on election day, electors who are at the county clerk's office, a [site] **place of deposit** designated under subsection [(2)] (1) of this section or any location described in ORS 254.472 or 254.474 and who are in line waiting to vote or deposit a voted ballot shall be considered to have begun the act of voting.

SECTION 40a. If Senate Bill 84 becomes law, section 40 of this 2007 Act (amending ORS 254.470) is repealed and ORS 254.470, as amended by section 78, chapter 71, Oregon Laws 2007 (Enrolled Senate Bill 84), is amended to read:

254.470. [(1) *An election by mail shall be conducted as provided in this section. The Secretary of State may adopt rules governing the procedures for conducting an election by mail.*]

[(2)] (1) The Secretary of State by rule shall establish requirements and criteria for the designation of places of deposit for the ballots cast in [the] **an** election. The rules shall also specify the dates and times the places of deposit must be open and the security requirements for the places of deposit. At a minimum, the places designated under this section shall be open on the date of the election for a period of eight or more hours, but must be open until at least 8 p.m. At each place of deposit designated under this section, the county clerk shall prominently display a sign stating that the location is an official ballot drop site.

[(3)(a)] (2)(a) Except as provided in paragraphs [(b), (c) and (d)] (b) and (c) of this subsection, the county clerk shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope not sooner than the 18th day before the date of an election [conducted by mail] and not later than the 14th day before the date of the election, to each active elector of the electoral district as of the 21st day before the date of the election.

(b) [Notwithstanding paragraph (a) of this subsection,] If the county clerk determines that an active elector of the electoral district as of the 21st day before the date of the election does not receive daily mail service from the United States Postal Service, the county clerk shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope

to the elector not sooner than the 20th day before the date of an election [conducted by mail] and not later than the 18th day before the date of the election.

[(c) Notwithstanding paragraph (a) of this subsection, the Secretary of State by rule shall specify the date on which all ballots shall be mailed for any state election conducted by mail under ORS 254.465 (2).]

[(d)] (c) [Notwithstanding paragraph (a) of this subsection,] In the case of ballots to be mailed to addresses outside this state to electors who are not long-term absent electors, the county clerk may mail the ballots not sooner than the 29th day before the date of the election.

[(4)] (3) For an election held on the date of a primary election:

(a) The county clerk shall mail the official ballot of a major political party to each elector who is registered as being affiliated with the major political party as of the 21st day before the date of the election.

(b) The county clerk shall mail the official ballot of a major political party to an elector not affiliated with any political party if the elector has applied for the ballot as provided in this subsection and that party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

(c) An elector not affiliated with any political party who wishes to vote in the primary election of a major political party shall apply to the county clerk in writing. The application shall indicate which major political party ballot the elector wishes to receive. Except for electors described in subsection [(5)] (4) of this section, and subject to ORS 247.203, the application must be received by the county clerk not later than 5 p.m. of the 21st day before the date of the election.

(d) If the primary election ballot includes city, county or nonpartisan offices or measures, **the county clerk shall mail to each** [an] elector **who is** not eligible to vote for party candidates [shall be mailed] a ballot limited to those offices and measures for which the elector is eligible to vote.

[(5)] (4) For each elector who updates a voter registration after the deadline in ORS 247.025, the county clerk shall make the official ballot, the return identification envelope and the secrecy envelope available either by mail or at the county clerk's office or at another place designated by the county clerk. An elector to whom this subsection applies must request a ballot from the county clerk.

[(6)] (5) The ballot [or ballot label] shall contain the following warning:

Any person who, by use of force or other means, unduly influences an elector to vote in any particular manner or to refrain from voting is subject to a fine.

[(7)] (6) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign the return identification envelope supplied with the ballot and comply with the instructions provided with the ballot. The elector may return the marked ballot to the county clerk by United States mail or by depositing the ballot at the office of the county clerk, at any place of deposit designated by the county clerk or at any location described in ORS 254.472 or 254.474. The ballot must be returned in the return identification envelope. If the elector returns the ballot by mail, the elector must provide the postage. A ballot must be received at the office of the county clerk, at the designated place of deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the period determined under subsection [(2)] (1) of this section on the date of the election.

[(8)] (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the elector. Replacement ballots shall be issued and processed as described in this section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided under this subsection. Notwithstanding any deadline for mailing ballots in subsection [(3)] (2) of this section, a replacement ballot may be mailed, made available in the office of the county clerk or made available at one central location in the electoral district in which the election is conducted.

The county clerk shall designate the central location. A replacement ballot need not be mailed after the fifth day before the date of the election.

[(9)] (8) A ballot shall be counted only if:

- (a) It is returned in the return identification envelope;
- (b) The envelope is signed by the elector to whom the ballot is issued; and
- (c) The signature is verified as provided in subsection [(10)] (9) of this section.

[(10)] (9) The county clerk shall verify the signature of each elector on the return identification envelope with the signature on the elector's registration card, according to the procedure provided by rules adopted by the Secretary of State. If the county clerk determines that an elector to whom a replacement ballot has been issued has voted more than once, the county clerk shall count only one ballot cast by that elector.

[(11)] (10) At 8 p.m. on election day, electors who are at the county clerk's office, a *[site]* **place of deposit** designated under subsection [(2)] (1) of this section or any location described in ORS 254.472 or 254.474 and who are in line waiting to vote or deposit a voted ballot shall be considered to have begun the act of voting.

SECTION 41. ORS 254.474 is amended to read:

254.474. (1) [*Notwithstanding ORS 254.465 (1),*] At each primary election and general election, the county clerk shall maintain voting booths in the county as follows:

(a) In each county with 35,000 or more electors in the county, the county clerk shall maintain a number of voting booths equal to at least one voting booth for every 20,000 electors in the county; and

(b) In each county with fewer than 35,000 electors in the county, the county clerk shall maintain at least one voting booth.

(2) The county clerk may determine the location of the voting booths required under this section.

SECTION 42. ORS 254.480 is amended to read:

254.480. (1) [*In an election conducted by mail,*] An elector may obtain a replacement ballot described in ORS 254.470 [(8)]. To vote a replacement ballot, the elector must complete and sign a replacement ballot request form. The request for a replacement ballot may be made electronically, by telephone, in writing, in person or by other means designated by the Secretary of State by rule.

(2) The replacement ballot request form shall be mailed or made available to the elector along with the replacement ballot.

(3) Upon receiving a request for a replacement ballot, the county clerk shall:

(a) Verify the registration of the elector and ensure that another ballot has not been returned by the elector;

(b) Note in the list of electors that the elector has requested a replacement ballot;

(c) Mark the return identification envelope clearly so that it may be readily identified as a replacement ballot; and

(d) Issue the replacement ballot by mail or other means.

(4) The completed and signed replacement ballot request form and the voted replacement ballot must be received at the office of the county clerk, a place of deposit designated by the county clerk or at any location described in ORS 254.472 or 254.474 not later than the end of the period determined under ORS 254.470 [(2)] (1) on the date of the election.

(5) Upon receiving a voted replacement ballot, the county clerk shall verify that a completed and signed replacement ballot request form has been received by the county clerk or is included with the voted replacement ballot. If a request form has been completed and signed by the elector and received by the county clerk, the county clerk shall process the ballot. If the request form is not completed or signed by the elector or received by the county clerk, the county clerk may not process the ballot.

SECTION 43. ORS 254.483 is amended to read:

254.483. Immediately after [*the close of the polls*] **8 p.m. on the day of an election:**

[(1) *The names of electors who voted shall be counted and the number written in the poll book.*]

(2) If the election board has unused ballots in its custody that can be used for another election:]
[(a) The board, by an examination of the poll book, shall determine the number of ballots voted and the number of ballots spoiled. These totals shall be written in the poll book; and]

[(b) The board shall count the unused ballots in its custody and shall write this number in the poll book.]

[(3) The election board shall destroy all unused ballots which are printed or identified for a particular election.]

[(4) The board chairperson and clerks shall certify the accounting as written in the poll book by signing the poll book.]

[(5) At a polling place in which ballot labels are used, the election board shall seal the ballot labels closed.]

[(6)] (1) The county clerk shall destroy all unused absentee and regular ballots in the county clerk's possession.

[(7)] (2) Each county shall provide for the security of, and shall account for, unused ballots.

SECTION 44. ORS 254.485 is amended to read:

254.485. (1) Ballots may be tallied by a vote tally system or by a counting board. A counting board may tally ballots at the precinct or in the office of the county clerk. In any event, the ballots shall be tallied and returned by precinct.

(2) If a vote tally system is used, the county clerk shall repeat the public certification test described under ORS 254.235 (1). The test shall be conducted on the date of the election and prior to beginning the tally of ballots. The test may be observed by persons described in ORS 254.235 (2). The county clerk shall certify the results of the test.

(3) If a vote tally system is used or if a counting board has been appointed, the tally of ballots may begin *[before the polls close]* **on the date of the election.**

(4)(a) If ballots are tallied by a counting board, after the tally has begun it shall continue until completed. **Except as provided in paragraph (b) of this subsection,** a counting board shall tally without adjournment and in the presence of the clerks and persons authorized to attend. *[However, the]*

(b) A counting board may be relieved by another board if the tally is not completed after 12 hours.

(5) A counting board shall audibly announce the tally as it proceeds. The board shall use only pen and ink to tally.

(6) For ballots cast using a voting machine, the county clerk shall:

(a) Enter the ballots cast using the machine into the vote tally system; and

(b) In the event of a recount, provide the paper record copy recorded by the machine to the counting board.

(7) A person other than the county clerk, a member of a counting board or any other elections official designated by the county clerk may not tally ballots under this chapter.

SECTION 45. ORS 254.495 is amended to read:

254.495. (1) *[The election board,]* To tally ballots[,], **by hand, the counting board** shall use the tally sheets and two copies of the return sheet.

(2) The completed **tally and return** sheets shall contain:

(a) The offices on the ballot[,];

(b) The number and name of each candidate who received a vote[,];

(c) The total number of votes cast for each candidate and each measure voted upon[,]; and

(d) The total number of votes cast for and against the measure.

(3) The tally and return sheets, when completed, shall be certified correct by the *[election]* **counting board** *[which]* **that** kept them.

SECTION 46. ORS 254.505 is amended to read:

254.505. (1) Only official ballots *[shall]* **may** be counted. Any vote from which it is impossible to determine the elector's choice for the office or measure *[shall]* **may** not be counted. **An elector may not place on the ballot a sticker bearing the name of a person or use any other method**

or device, except writing or using a voting machine, to vote for a person whose name is not printed on the ballot. Any ballot that has a sticker or other device *[in violation of ORS 254.405 (2) shall be]* is void and *[shall]* **may** not be counted. Counting board clerks shall disregard misspelling or abbreviations of the names of candidates if it can be ascertained from the ballot for whom the vote was intended.

(2) When ballots are counted by counting boards, the board chairperson, using ink, immediately shall initial the back of the wholly or partially void ballot and write on it "Not counted for _____" (stating the office or measure). The *[election]* **counting** board shall seal the wholly void ballots in an envelope.

SECTION 47. ORS 254.525 is amended to read:

254.525. *[(1) Immediately after the tally of votes:]*

[(a) The board chairperson shall count the regular and absentee ballots either tallied or rejected, and write the number in the poll book. The number shall be certified as correct by board members.]

[(b) If all votes cast at the polling place are tallied there, the election board shall post one copy of the return sheet in a prominent location outside the polling place.]

[(c) The election board shall deliver under seal to the county clerk one copy of the return sheet, the tally sheet, ballots, ballot stubs, ballot boxes and written challenge statements. The board also shall deliver the other equipment to the county clerk.]

[(2)] If a vote tally system is used, the county clerk shall repeat the public certification test described under ORS 254.235 (1) **for the vote tally system used to conduct the election.** The test shall be conducted after all the ballots are tallied but before the final results of the election are certified or before the vote tally system is shut down. The test may be observed by persons described in ORS 254.235 (2). The county clerk shall certify the results of the test.

SECTION 48. ORS 254.535 is amended to read:

254.535. (1) Except as provided in subsection (3) of this section, each *[poll book,]* tally sheet, return sheet and ballot return identification envelope shall be preserved for two years after the election to which it relates.

(2) Except as provided in subsection (3) of this section, the county clerk shall destroy the ballots*[, ballot stubs]* and written challenge statements not sooner than the 90th day after the final day permitted for a contest of the election, unless otherwise ordered by the court.

(3) In accordance with 42 U.S.C. 1974, any ballot, voter registration records and any other materials relating to any election at which a candidate is nominated or elected to federal office shall be retained for not less than 22 months following the date of the election.

SECTION 49. ORS 254.655 is amended to read:

254.655. (1) If the Secretary of State determines that a special election is necessary under ORS 254.650, the secretary shall issue an order calling the election. The secretary shall issue the order not later than the fifth business day after the date of the general election.

(2) The date of the special election shall be determined by the Secretary of State by rule. The special election shall be held not sooner than January 2 of the odd-numbered year following the date of the general election and not later than the Friday before the second Monday in January of the odd-numbered year.

[(3) Notwithstanding ORS 254.465, the special election shall be held by mail as provided in ORS 254.470.]

[(4)] **(3)** *[There shall be no]* A state voters' pamphlet **may not be prepared** for any special election called under this section.

SECTION 50. ORS 255.055 is amended to read:

255.055. The elections officer may delegate to the district elections authority at the request of the district elections authority any responsibility to conduct the district election, in whole or in part, *[except the designation of polling places,]* if the elections officer determines that:

(1) The election will be conducted in accordance with this chapter; **and**

[(2) The polling places designated by the elections officer for the election will be the only polling places used by the district for that election; and]

[(3)] (2) No inconvenience for electors of the district will result.

SECTION 51. ORS 255.215 is amended to read:

255.215. In lieu of or in addition to publication of notice under ORS 255.085 [and 255.095], if it is expedient to do so the elections officer may give notice by mail to each elector of the district. The notice shall have postage prepaid[,] and shall be considered given when mailed. Mailed notice of a district election under ORS 255.085 shall be made not later than three days after receipt of the ballot title. Proof of mailing shall be by affidavit of the elections officer. The affidavit shall state the time and place the notice was mailed.

SECTION 52. ORS 255.288 is amended to read:

255.288. At any election in which the question of establishing or changing the exterior boundaries of a district or the question of establishing or changing boundaries of electoral zones or sub-districts within a district is submitted to a vote, the elections officer shall provide a map indicating the proposed boundaries. The elections officer shall provide the map by:

[(1) Posting the map in each voting compartment or by each shelf or table, within view of the elector;]

[(2)] (1) Printing the map in any voters' pamphlet prepared for the district election [and making the voters' pamphlet available at each polling place]; or

[(3)] (2) [Mailing] **Including** the map with the ballot [in an election conducted by mail if the county does not produce a voters' pamphlet for the election].

SECTION 53. ORS 260.665 is amended to read:

260.665. (1) As used in this section, "undue influence" means force, violence, restraint or the threat of it, inflicting injury, damage, harm, loss of employment or other loss or the threat of it, or giving or promising to give money, employment or other thing of value.

(2) [No] **A** person, acting either alone or with or through any other person, [shall] **may not** directly or indirectly subject any person to undue influence with the intent to induce any person to:

(a) Register or vote;

(b) Refrain from registering or voting;

(c) Register or vote in any particular manner;

(d) Be or refrain from or cease being a candidate;

(e) Contribute or refrain from contributing to any candidate, political party or political committee;

(f) Render or refrain from rendering services to any candidate, political party or political committee;

(g) Challenge or refrain from challenging a person offering to vote; or

(h) Apply or refrain from applying for an absentee ballot.

(3) [No] **A** person [shall] **may not** solicit or accept money or other thing of value as an inducement to act as prohibited by subsection (2) of this section.

(4) This section does not prohibit:

(a) The employment of persons to render services to candidates, political parties or political committees;

(b) The public distribution by candidates, political parties or political committees of sample ballots or other items readily available to the public without charge, even though the distributor incurs costs in the distribution;

(c) Public or nonpromissory statements by or on behalf of a candidate of the candidate's intentions or purposes if elected;

(d) A promise by a candidate to employ any person as administrative assistant, secretary or other direct personal aide;

(e) Free custody and care of minor children of persons during the time those persons are absent from those children for voting purposes;

(f) **For persons voting**, free transportation to and from [the polls for persons voting] **places designated for the deposit of ballots under ORS 254.470 or to and from locations described in**

ORS 254.472 or 254.474; but no means of advertising, solicitation or inducement to influence the vote of persons transported *[shall]* **may** be used with that transportation;

(g) Individuals or political committees from providing refreshments incidental to a gathering in support of or in opposition to a candidate, political committee or measure; or

(h) The public distribution of registration cards by a person approved by the Secretary of State under ORS 247.171 to print, copy or otherwise prepare and distribute registration cards, even though the distributor incurs costs in the distribution.

SECTION 54. ORS 260.675 is amended to read:

260.675. (1) *[No]* **A** person employed or authorized to print official ballots *[or ballot labels shall]* **may not** give, deliver or knowingly permit any of the ballots *[or ballot labels]* to be taken by any person other than the official under whose direction the ballots *[or ballot labels]* are printed.

(2) *[No]* **A** person *[shall]* **may not** knowingly print, cause or permit to be printed any ballot *[or ballot label]* in any other form, with any other names, with names spelled or names of the candidates arranged in any other way than that directed by *[such official]* **the official under whose direction the ballots are printed.**

(3) *[No]* **An** official having the duty of distributing ballots, **and** *[or ballot labels, nor]* any persons acting for that official, *[shall]* **may not** knowingly distribute or cause to be distributed any ballots *[or ballot labels]* in any other manner than as provided under the election *[law]* **laws.**

SECTION 55. ORS 260.695 is amended to read:

260.695. (1) *[No]* **A** person *[shall]* **may not** print or circulate an imitation of the ballot or sample ballot, or a portion of the ballot or sample ballot, which contains information which will not appear, or deletes information which will appear, on the ballot or sample ballot, or that portion of the ballot or sample ballot, unless the imitation of the ballot or sample ballot, or portion of the ballot or sample ballot, contains the following statement in bold type: "NOT FOR OFFICIAL USE." This subsection does not prohibit the printing or circulation of an imitation of a ballot which illustrates the manner in which a candidate's name may be written in for an office.

(2) *[No person, within any building in which a polling place is located or, in an election conducted by mail, after the date that ballots are mailed as provided in ORS 254.470, within any building in which ballots are issued, or within 100 feet measured radially from any entrance to the building, shall]* **A person may not** do any electioneering, including circulating any cards or *[hand bills,]* **handbills** or soliciting signatures to any petition, **within any building in which ballots are issued, or within 100 feet measured radially from any entrance to the building.** *[No]* **A** person *[shall]* **may not** do any electioneering by public address system located more than 100 feet from an entrance to the building but capable of being understood within 100 feet of the building. The electioneering need not relate to the election being conducted. **This subsection applies during the period beginning on the date that ballots are mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all persons in line as described in ORS 254.470 (10) have finished the act of voting.**

(3) *[No person shall obstruct an entrance of a building in which a polling place is located. In an election conducted by mail, from the date that ballots are mailed as provided in ORS 254.470 until the time designated by the county clerk for closure of the building on election day, no person shall]* **A person may not** obstruct an entrance of a building in which a place designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS 254.474 is located.

(4) *[No person shall]* **A person may not** vote or offer to vote in any election knowing the person is not entitled to vote.

[(5) No person at a polling place, other than an election board member, shall deliver a ballot to an elector.]

[(6) No elector at a polling place shall knowingly receive a ballot from any other person than an election board member.]

[(7)] **(5)** *[No person shall]* **A person may not** make a false statement about the person's inability to mark a ballot.

[(8)] (6) [No] A person, except an elections official in performance of duties or other person providing assistance to an elector as described in ORS 254.445, [shall] **may not** ask a person at [the polling place] **any place designated for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472 or 254.474** for whom that person intends to vote, or examine or attempt to examine the person's ballot.

[(9)] (7) [No person shall] A **person may not** show the person's own marked [or punched] ballot to another person to reveal how it was marked [or punched].

[(10)] (8) [No] An elections official, other than in the performance of duties, [shall] **may not** disclose to any person any information by which it can be ascertained for whom any elector has voted.

[(11)] (9) [No] A person, except an elections official in performance of duties, [shall] **may not** do anything to a ballot to permit identification of the person who voted.

[(12)] No elector at a polling place shall deliver a ballot to an election board member except the ballot the elector received from an election board member. Nothing in this subsection shall prohibit a person from delivering any absentee ballot or ballots to an election board member.]

[(13)] No person at a polling place, except an election board member, shall receive from an elector other than an absent elector a marked or punched ballot.]

[(14)] (10) [No elector shall willfully leave in the polling place anything that will show how the elector's ballot was marked or punched. In an election conducted by mail, no elector shall] An **elector may not** willfully leave at any place designated for the deposit of ballots under ORS 254.470 or [in any voting booth maintained under] **at any location described in ORS 254.472 or 254.474,** anything that will show how the elector's ballot was marked [or punched].

[(15)] (11) [No] A person, except an elections official in performance of duties, [shall] **may not** remove a ballot from any [polling place, any] place designated for the deposit of ballots under ORS 254.470 or any [voting booth maintained under] **location described in ORS 254.472 or 254.474.**

[(16)] (12) [No] A person, except an elections official in performance of duties or a person authorized by that official, [shall] **may not** willfully deface, remove, alter or destroy a posted election notice.

[(17)] (13) [No] A person, except an elections official in performance of duties, [shall] **may not** willfully remove, alter or destroy election equipment or supplies, or break the seal or open any sealed package containing election supplies.

[(18)] (14) [No person other than] A **person, except** an elections official [shall] **in performance of duties, may not** attempt to collect voted ballots within 100 feet measured radially from a location designated for deposit of ballots under ORS 254.470.

[(19)] (15) [No] A person, except an elections official in performance of duties, [in an election conducted by mail, shall] **may not** establish a location to collect ballots voted by electors unless the person prominently displays at the location a sign stating: "NOT AN OFFICIAL BALLOT DROP SITE."

SECTION 56. ORS 260.705 is amended to read:

260.705. [No] A person [shall] **may not** make public the results of the tally of votes from any precinct until after [the time for the close of all the polls in the state] **8 p.m. on the date of the election.**

SECTION 57. ORS 260.715 is amended to read:

260.715. (1) A person may not knowingly make a false statement, oath or affidavit when a statement, oath or affidavit is required under the election laws.

(2) A person may not request a ballot in a name other than the person's own name.

(3) A person may not vote or attempt to vote more than once at any election held on the same date.

(4) A person, except an elections official in performance of duties, may not willfully alter or destroy a ballot cast at an election or the returns of an election.

(5) A person may not willfully place a fraudulent ballot among the genuine ballots.

(6) A person may not falsely write anything purporting to be written by an [election board member] **elections official in performance of duties** on the ballot [or ballot stub].

(7) A person may not commit theft of a ballot or tally or return sheet, or willfully hinder or delay the delivery of the tally or return sheet to the county clerk, or fraudulently break open a sealed tally or return sheet of the election.

(8) A person may not manufacture or knowingly use a fraudulent ballot return identification envelope or secrecy envelope or sell, offer to sell, purchase or offer to purchase, for money or other valuable consideration, any official ballot, replacement ballot, ballot return identification envelope or secrecy envelope. As used in this subsection, “ballot return identification envelope” and “secrecy envelope” mean those envelopes used to return ballots to the county clerk [by absent electors or in elections conducted by mail].

SECTION 58. ORS 195.210 is amended to read:

195.210. (1) The statement summarizing the measure and its major effect in the ballot title of a proposal for adoption of an annexation plan shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect [shall] **may** not exceed 150 words.

(2) The notice of an annexation plan election shall be given as provided in ORS 254.095 [and 254.205], except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.

SECTION 59. ORS 202.180 is amended to read:

202.180. (1) The county court of a new county shall:

(a) Cause all the registration cards of electors living in the new county to be segregated from the [electors'] registration cards on file in the counties from which the new county is created[, and];

(b) **Cause the registration** to be delivered to the county clerk of the new county [who shall arrange and install the same in the manner provided by law for keeping such registration. Thereafter such registration cards and records shall constitute registration of the electors whose names appear thereon in the new county.]; **and**

[2] (c) [In like manner the county court shall] Provide for the transfer **to the county clerk of the new county a list of electors** [of all poll books, electors lists] and other election records, relating only to precincts and electors within the new county.

(2) **The county clerk of the new county shall arrange and install the registration cards received under subsection (1) of this section in the manner provided by law. The registration cards and records constitute registration of the electors whose names appear thereon in the new county.**

(3) [Such electors lists, poll books] **The list of electors** and other [electors] registration and election records [shall thereupon be] **are** records of the new county.

SECTION 60. ORS 222.130 is amended to read:

222.130. (1) The statement summarizing the measure and its major effect in the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect [shall] **may** not exceed 150 words.

(2) The notice of an annexation election shall be given as provided in ORS 254.095 [and 254.205], except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.

(3) Whenever simultaneous elections are held in a city and the territory to be annexed, the same notice and publication shall fulfill the requirements of publication for the city election and the election held in the territory.

SECTION 61. ORS 261.060 is amended to read:

261.060. Except as otherwise specifically provided in this chapter, every district election shall be conducted in accordance with ORS 255.005 to 255.035, 255.055, 255.075 [to 255.095], **255.085**, 255.215 to 255.288 and 255.295 to 255.345.

SECTION 62. ORS 370.031 is amended to read:

370.031. (1) This section establishes the procedure for determining whether a county shall issue bonds under ORS 370.010. The question shall be decided by election. The county court:

(a) May order the election on its own resolution; or

(b) Shall order the election when a petition is filed as provided in this section.

(2) The requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition in ORS 250.165 to 250.235.

(3) Notwithstanding subsection (2) of this section, if ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county charter or an ordinance adopted under the county charter.

(4) The order of the county court calling the election:

(a) Shall specify the amount of the bonds proposed to be issued, the length of time they shall run and the maximum rate of interest they shall bear; and

(b) May specify each road within the county to be built or improved by the money raised, the minimum amount to be expended on each road and the location of each road within the county, giving its beginning and terminus.

(5) Not later than the fourth day nor before the 15th day before an election under this section, the county court shall publish a notice of the election in [*the*] a newspaper or newspapers designated [*under ORS 254.205*] **by the county court**. The notice shall state the date of the election, a ballot title and the information included in the order under subsection (4) of this section. The notice shall be published in at least one issue of the newspaper or newspapers. [*A notice under this section is in addition to the facsimile published under ORS 254.205.*]

(6) Only one election under this section may be held in a 12-month period.

SECTION 63. ORS 476.330 is amended to read:

476.330. (1) The county court or board of county commissioners of any county may prevent and control fire occurring within the limits of zone 2 in such county, and may for such purposes establish and maintain fire fighting and fire control facilities and contract with existing fire control agencies, either individuals, associations, corporations, cities or rural fire protection districts. The State Fire Marshal, upon the request of any county court or board of county commissioners, shall meet with and advise such county court or board of county commissioners as to the establishment and maintenance of fire fighting and fire protection equipment and facilities.

(2) If the court or board establishes fire fighting and fire protection equipment and facilities, it shall not discontinue such equipment and facilities until at least three years after notice of its intention to do so has been first published in a newspaper considered by the board to be of general circulation in the county. The notice shall be published by four insertions in the newspaper and 12 months shall elapse between each insertion.

(3) While the county court or board of county commissioners of any county is maintaining fire fighting and fire protection equipment and facilities, the court or board annually shall levy a tax upon the taxable property lying within zone 2 in the county, not to exceed one-fourth of one percent (0.0025) of the real market value of all taxable property within the zone, computed in accordance with ORS 308.207, for the purpose of furnishing such fire protection.

(4) The court or board of county commissioners, upon approval of the majority of the electors of zone 2 voting at a special election called for such a purpose[, *after notice as provided by ORS 255.095*], may levy a special tax of not to exceed one-fourth of one percent (0.0025) of the real market value of all taxable property within the zone, computed in accordance with ORS 308.207. This special levy may be in addition to the regular levy under subsection (3) of this section.

(5) To carry into effect any of the powers granted under this section, the court or board, when authorized by a majority of the votes cast by the electors of the zone voting at an election called

for that purpose by the court or board [*after notice, as provided by ORS 255.095*], may borrow money and sell and dispose of general obligation bonds, which bonds shall never in the aggregate exceed one and one-fourth of one percent (0.0125) of the real market value of all taxable property within the zone, computed in accordance with ORS 308.207.

(6) The tax limitations provided in subsections (3) and (4) of this section [*shall*] **do** not apply to taxes levied to pay principal or interest on outstanding bonds.

SECTION 64. ORS 545.139 is amended to read:

545.139. (1) The judges who constitute the board of election for a precinct shall elect a presiding officer for the board who may administer all oaths required in the progress of an election. If during the progress of an election any judge fails to act, the presiding officer may appoint additional judges. Any member of the board of election may administer and certify oaths required to be administered during the progress of election. Before opening the polls each member of the board must take and subscribe an oath faithfully to perform the duties imposed by law. Any elector of the precinct may administer and certify such oath.

(2) The polls shall be open on the day of the election [*during the hours fixed by ORS 254.325*] **from 7 a.m. to 8 p.m.**

(3) The provisions of the general election laws of this state concerning the form of ballot [*shall*] **do** not apply to the elections held under the Irrigation District Law.

SECTION 65. ORS 545.141 is amended to read:

545.141. (1) Voting may commence as soon as the polls are open and may continue during all the time the polls remain open. Voting shall be conducted as nearly as practicable in accordance with the general election laws. An absent elector may obtain an absentee ballot and vote, as nearly as practicable, in the manner provided for absentee electors in ORS chapter 253.

(2) A person who offers to vote and claims to be an elector, but fails to provide either evidence of ownership, acreage or other voting authorization, shall be allowed to vote after submitting a sworn statement in accordance with the provisions of ORS 254.407 and 254.409. However, any person voting pursuant to this section shall, in addition to the information required by ORS 254.407, include information in the elector's statement concerning the location of the claimed land and the precise acreage for which the elector is claiming ownership or voting authorization. Upon receipt of the elector's sworn statement, the secretary of the district shall attempt to verify the elector's voting qualifications under the Irrigation District Law.

(3) Any election board member or elector present at the time of voting shall challenge a person offering to vote in any election whom the board member or elector knows or believes to be unqualified as an elector. Any challenge shall be made in accordance with ORS [*254.419*] **254.415**. The elector's statement **of challenge** required by ORS [*254.419*] **254.415** shall include the location of the claimed land and the precise acreage for which the elector is claiming ownership or voting authorization. Upon receipt of the elector's sworn statement, the secretary of the district shall attempt to verify the elector's voting qualifications according to the provisions of the Irrigation District Law.

(4) As soon as the polls are closed the judges shall open the ballot box and shall commence counting the votes. The ballot box [*shall*] **may** not be removed from the room in which the election is held until all ballots have been counted. The counting of the ballots shall be public. The presiding officer of the board of election or one of the judges shall take ballots from the ballot box one at a time, open them and read aloud the name of each person named on the ballot and the office for which the person is voted. If the intent of the voter is clear, the vote shall be counted and not rejected for lack of form. The judges shall keep an accurate account of the votes by tallies in duplicate and the counting shall continue without adjournment until all votes have been counted.

SECTION 66. ORS 545.163 is amended to read:

545.163. (1) An irrigation district may conduct a district election by mail. The board of directors of the district shall designate by resolution, not later than the 50th day before any election, that an election will be conducted by mail.

(2) At an election by mail held for the purpose of electing a person to the board of directors, the qualifications for a director [*shall be*] **are** those set forth in ORS 545.043.

(3) An election by mail shall be conducted within the district or divisions within a district according to, as nearly as is practicable, the general provisions of ORS 545.137, 545.139, 545.141, 545.145, 545.149 and 545.153. However, the judges of election appointed under ORS 545.137 (2) *[shall]* **are not [be] required to be in attendance until after [the poll closing time designated in ORS 254.325] 8 p.m. on the day of the election.**

(4) The secretary of the board of directors for the district shall mail an official ballot with a return identification envelope and a secrecy envelope to an elector, not sooner than the 20th day before the date of the election to be conducted by mail and not later than the 14th day before the election. The secretary shall cause to be placed in or on each return identification envelope a statement to be completed by the elector that says that the elector, under penalty of perjury, swears and affirms that the elector is the sole elector authorized to cast the ballot. In addition, the secretary shall verify that, according to the records of the district as of the 21st day before the election, the elector is entitled to vote.

(5) When a ballot is mailed to a corporate landowner, a person authorized to act in a representative capacity or landowners under multiple ownership, the secretary shall enclose voting instructions advising the elector that the voting rights of electors for corporate, representative or multiple ownerships are as described in ORS 545.002.

(6) The secretary of the board of directors *[shall]* **may** not mail voting materials to an elector who actually acquires ownership of land within the district after the 21st day before the date of an election. When an elector has acquired ownership of land within the district after the 21st day before the date of an election, the secretary shall make voting materials available, and the elector *[shall]* **may** vote, only at the district office or at another place designated by the board.

(7) When the elector is an elector described in subsection (6) of this section, the secretary of the board of directors shall, before making voting materials available, require that the elector file with the district a copy of a recorded deed or a memorandum of contract demonstrating the acquisition of land by the elector within the district. The secretary shall then allow the elector to mark the ballot, sign the return identification envelope and return the ballot in the return identification envelope to the secretary.

(8) An elector may obtain a replacement ballot if the original ballot is destroyed, spoiled, lost or not received by the elector. The secretary shall keep a record of each replacement ballot provided to an elector. An elector may obtain a replacement ballot and may vote at the district office or another place within the district designated by the board of directors on the actual date of the election, during the hours designated in ORS *[254.325]* **545.139.**

(9) Until the time for the close of the polls, an elector may obtain a replacement ballot from the secretary of the board of directors, at a place designated by the board, if the original ballot is destroyed, spoiled, lost or not received by the elector.

(10) When an elector receives vote by mail materials, the elector shall comply with all written instructions provided, mark the ballot, sign both the return identification envelope and the sworn statement of entitlement to vote and return the marked ballot to the district by placing the ballot in the return identification envelope and either depositing the envelope in the United States mail or delivering the sealed envelope to the district office or another place designated by the district. If the elector returns the ballot by mail, the elector shall provide the postage.

(11) A completed ballot must be received by the district, at the proper place designated by the district, no later than *[the poll closing time designated in ORS 254.325]* **8 p.m. on the day of the election.**

(12) A ballot shall be counted only if:

- (a) The ballot was returned in the sealed return identification envelope provided by the district;
- (b) The elector signed the return identification envelope; and

(c) The secretary of the board of directors has verified the name of the elector and the elector's ownership of land within the district.

(13) Using the records of the district, the secretary shall verify the name and land ownership of each elector. If the secretary determines that an elector to whom a replacement ballot has been issued has voted more than once, the secretary [shall] may not count any ballot cast by that elector.

SECTION 67. ORS 246.015, 246.310, 246.320, 246.330, 246.335, 246.420, 247.304, 247.550, 253.007, 253.082, 253.085, 253.090, 253.095, 253.100, 253.120, 254.007, 254.205, 254.215, 254.226, 254.245, 254.265, 254.275, 254.295, 254.315, 254.325, 254.335, 254.345, 254.355, 254.375, 254.385, 254.390, 254.395, 254.405, 254.413, 254.419, 254.435, 254.455, 254.462, 255.095, 255.275 and 255.285 are repealed.

SECTION 67a. Notwithstanding section 58, chapter 70, Oregon Laws 2007 (Enrolled Senate Bill 83) (amending ORS 254.435), if Senate Bill 83 becomes law, ORS 254.435 is repealed.

SECTION 68. (1) Any proceeding, action, prosecution or other business or matter undertaken or commenced before the effective date of this 2007 Act by the Secretary of State or Attorney General under any provision of ORS chapters 246 to 260 and still pending on the effective date of this 2007 Act may be conducted and completed by the secretary or Attorney General in the same manner, under the same terms and conditions and with the same effect as though undertaken, conducted or completed before the effective date of this 2007 Act.

(2) Nothing in the amendments to ORS 195.210, 202.180, 222.130, 246.025, 246.160, 246.200, 246.250, 247.290, 247.307, 249.078, 249.091, 250.037, 250.038, 251.175, 251.315, 253.005, 253.045, 253.055, 253.135, 253.700, 254.005, 254.035, 254.071, 254.076, 254.115, 254.125, 254.135, 254.145, 254.155, 254.165, 254.175, 254.185, 254.195, 254.235, 254.321, 254.365, 254.408, 254.411, 254.415, 254.445, 254.458, 254.465, 254.470, 254.474, 254.480, 254.483, 254.485, 254.495, 254.505, 254.525, 254.535, 254.655, 255.055, 255.215, 255.288, 260.665, 260.675, 260.695, 260.705, 260.715, 261.060, 370.031, 476.330, 545.139, 545.141 and 545.163 by sections 1 to 66 of this 2007 Act or the repeal of ORS 246.015, 246.310, 246.320, 246.330, 246.335, 246.420, 247.304, 247.550, 253.007, 253.082, 253.085, 253.090, 253.095, 253.100, 253.120, 254.007, 254.205, 254.215, 254.226, 254.245, 254.265, 254.275, 254.295, 254.315, 254.325, 254.335, 254.345, 254.355, 254.375, 254.385, 254.390, 254.395, 254.405, 254.413, 254.419, 254.435, 254.455, 254.462, 255.095, 255.275 and 255.285 by section 67 of this 2007 Act relieves any person of any obligation with respect to any tax, fee, fine, civil penalty or other charge, interest, penalty, forfeiture or other liability, duty or obligation.

Passed by Senate April 16, 2007

Received by Governor:

Repassed by Senate May 16, 2007

.....M.,....., 2007

Approved:

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Secretary of Senate

.....M.,....., 2007

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President of Senate

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Governor

Passed by House May 10, 2007

Filed in Office of Secretary of State:

.....M.,....., 2007

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Speaker of House

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Secretary of State