

## HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO SENATE BILL 74

By COMMITTEE ON ELECTIONS, ETHICS AND RULES

May 7

1 On page 17 of the printed bill, after line 26, insert:

2 “**SECTION 40a. If Senate Bill 84 becomes law, section 40 of this 2007 Act (amending ORS**  
3 **254.470) is repealed and ORS 254.470, as amended by section 78, chapter \_\_, Oregon Laws 2007**  
4 **(Enrolled Senate Bill 84), is amended to read:**

5 “254.470. *[(1) An election by mail shall be conducted as provided in this section. The Secretary of*  
6 *State may adopt rules governing the procedures for conducting an election by mail.]*

7 “[2] (1) The Secretary of State by rule shall establish requirements and criteria for the desig-  
8 nation of places of deposit for the ballots cast in *[the]* **an** election. The rules shall also specify the  
9 dates and times the places of deposit must be open and the security requirements for the places of  
10 deposit. At a minimum, the places designated under this section shall be open on the date of the  
11 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place  
12 of deposit designated under this section, the county clerk shall prominently display a sign stating  
13 that the location is an official ballot drop site.

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

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

25 “[c] *Notwithstanding paragraph (a) of this subsection, the Secretary of State by rule shall specify*  
26 *the date on which all ballots shall be mailed for any state election conducted by mail under ORS*  
27 *254.465 (2).]*

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

31 “[4] (3) For an election held on the date of a primary election:

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

35 “(b) The county clerk shall mail the official ballot of a major political party to an elector not

1 affiliated with any political party if the elector has applied for the ballot as provided in this sub-  
2 section and that party has provided under ORS 254.365 for a primary election that admits electors  
3 not affiliated with any political party.

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

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

12 “[5] (4) For each elector who updates a voter registration after the deadline in ORS 247.025,  
13 the county clerk shall make the official ballot, the return identification envelope and the secrecy  
14 envelope available either by mail or at the county clerk’s office or at another place designated by  
15 the county clerk. An elector to whom this subsection applies must request a ballot from the county  
16 clerk.

17 “[6] (5) The ballot [or ballot label] shall contain the following warning:

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

22 “

23  
24 “[7] (6) Upon receipt of any ballot described in this section, the elector shall mark the ballot,  
25 sign the return identification envelope supplied with the ballot and comply with the instructions  
26 provided with the ballot. The elector may return the marked ballot to the county clerk by United  
27 States mail or by depositing the ballot at the office of the county clerk, at any place of deposit  
28 designated by the county clerk or at any location described in ORS 254.472 or 254.474. The ballot  
29 must be returned in the return identification envelope. If the elector returns the ballot by mail, the  
30 elector must provide the postage. A ballot must be received at the office of the county clerk, at the  
31 designated place of deposit or at any location described in ORS 254.472 or 254.474 not later than the  
32 end of the period determined under subsection [(2)] (1) of this section on the date of the election.

33 “[8] (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or  
34 not received by the elector. Replacement ballots shall be issued and processed as described in this  
35 section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided  
36 under this subsection. Notwithstanding any deadline for mailing ballots in subsection [(3)] (2) of this  
37 section, a replacement ballot may be mailed, made available in the office of the county clerk or made  
38 available at one central location in the electoral district in which the election is conducted. The  
39 county clerk shall designate the central location. A replacement ballot need not be mailed after the  
40 fifth day before the date of the election.

41 “[9] (8) A ballot shall be counted only if:

42 “(a) It is returned in the return identification envelope;

43 “(b) The envelope is signed by the elector to whom the ballot is issued; and

44 “(c) The signature is verified as provided in subsection [(10)] (9) of this section.

45 “[10] (9) The county clerk shall verify the signature of each elector on the return identification

1 envelope with the signature on the elector's registration card, according to the procedure provided  
2 by rules adopted by the Secretary of State. If the county clerk determines that an elector to whom  
3 a replacement ballot has been issued has voted more than once, the county clerk shall count only  
4 one ballot cast by that elector.

5 “[~~(11)~~] (10) At 8 p.m. on election day, electors who are at the county clerk's office, a [~~site~~] **place**  
6 **of deposit** designated under subsection [(2)] (1) of this section or any location described in ORS  
7 254.472 or 254.474 and who are in line waiting to vote or deposit a voted ballot shall be considered  
8 to have begun the act of voting.”

9 On page 28, after line 38, insert:

10 “**SECTION 67a. Notwithstanding section 58, chapter \_\_, Oregon Laws 2007 (Enrolled**  
11 **Senate Bill 83) (amending ORS 254.435), if Senate Bill 83 becomes law, ORS 254.435 is re-**  
12 **pealed.”.**

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