

## HOUSE AMENDMENTS TO HOUSE BILL 2095

By COMMITTEE ON RULES

April 13

1 On page 6 of the printed bill, delete lines 44 and 45.

2 Delete page 7.

3 On page 8, delete lines 1 through 22 and insert:

4 “**SECTION 11.** ORS 254.529 is amended to read:

5 “254.529. (1) At each general election, the county clerk shall conduct a hand count of ballots  
6 as described in this section and compare the tally of votes for those ballots produced by a vote tally  
7 system with the tally of votes for those ballots produced by the hand count.

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

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

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

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

28 “(4) Not later than **5 p.m. of the third business** day after the date of the general election, the  
29 Secretary of State shall advise county clerks in writing of:

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

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

32 “(5) A county clerk shall begin the hand counts prescribed by this section not later than the  
33 [*20th*] **21st** day after the election and complete the hand counts not later than the 30th day after the  
34 election. The results of the hand counts shall be provided to the Secretary of State, who shall make  
35 the results publicly available on the Secretary of State’s website.

1       “[(6)] *The county clerk shall conduct the hand counts required by this section in the manner pro-*  
2 *vided in ORS 258.200 and 258.211.*”

3       “[(7)] **(6)** A comparison of the tally of votes produced by a vote tally system with the tally of  
4 votes produced by the hand count required by this section must show that the tally of votes  
5 produced by the vote tally system differs by no more than one-half of one percent from the tally of  
6 votes produced by the hand count.

7       “[(8)(a)] **(7)(a)** If a hand count conducted under this section results in a tally of votes for a  
8 candidate or measure that is different from the tally of votes produced by the vote tally system for  
9 that candidate or measure, and the difference for each race is equal to or less than one-half of one  
10 percent, the tally of votes produced by the vote tally system is the official tally of votes for that  
11 vote tally system.

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

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

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

28       “[(9)] **(8)** For purposes of conducting the hand counts required under this section, the county  
29 clerk shall:

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

31       “(b) Provide for security for the ballots and the information required to be collected under this  
32 subsection.

33       “[(10)] **(9)** [Subsections (1) to (9) of] This section [do] **does** not apply:

34       **“(a) To precincts that are subject to a recount under ORS 258.161, 258.280 or 258.290.**

35       **“(b) If federal law requires a post-election hand count of ballots at the general election to verify**  
36 **election results and the Secretary of State determines that the requirements of federal law are at**  
37 **least as stringent as the requirements of subsections (1) to [(9)] (8) of this section.”.**

38       On page 12, after line 29, insert:

39       **“SECTION 22a. Notwithstanding section 22 of this 2009 Act and ORS 651.030, the term**  
40 **of office of the Commissioner of the Bureau of Labor and Industries elected at the general**  
41 **election held on the first Tuesday after the first Monday in November 2012 shall be two**  
42 **years.”.**