

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2095

By COMMITTEE ON RULES

May 20

1 On page 1 of the printed A-engrossed bill, line 2, after “247.302,” insert “247.307,”.

2 In line 3, delete “254.476,” and insert “254.470, 254.476, 254.480,”.

3 On page 12, after line 36, insert:

4 “**SECTION 23.** ORS 247.307, as amended by section 4, chapter 53, Oregon Laws 2008, is
5 amended to read:

6 “247.307. (1) Except as provided in subsection (2) of this section, if the county clerk receives
7 information updating the registration of an elector after the deadline in ORS 247.025:

8 “(a) The county clerk shall issue a ballot to the elector if the elector’s registration was inactive
9 prior to updating; or

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

12 “(2) If the county clerk receives a registration card updating an elector’s residence or mailing
13 address after the deadline in ORS 247.025, the county clerk shall [*issue a replacement*] **reissue a**
14 ballot to the elector if the elector’s registration was active prior to updating.

15 “(3)(a) [*Notwithstanding ORS 254.480,*] If the county clerk is required to [*issue a replacement*]
16 **reissue a** ballot under subsection (2) of this section, the county clerk shall:

17 “(A) Verify the registration of the elector and ensure that another ballot has not been returned
18 by the elector;

19 “(B) Mark the return identification envelope clearly so that it may be readily identified as a
20 [*replacement*] **reissued** ballot; and

21 “(C) [*Issue the replacement*] **Reissue the** ballot by mail or other means.

22 “(b) A [*replacement*] ballot [*issued*] **reissued** under this section must be received at the office
23 of the county clerk, a place of deposit designated by the county clerk or any location described in
24 ORS 254.472 or 254.474 not later than the end of the period determined under ORS 254.470 (1) on
25 the date of the election. Upon receiving a voted [*replacement*] ballot [*issued*] **reissued** under this
26 section, the county clerk shall process the ballot.

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

30 “**SECTION 24.** ORS 254.470, as amended by section 5, chapter 53, Oregon Laws 2008, is
31 amended to read:

32 “254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
33 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
34 dates and times the places of deposit must be open and the security requirements for the places of
35 deposit. At a minimum, the places designated under this section shall be open on the date of the

1 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
2 of deposit designated under this section, the county clerk shall prominently display a sign stating
3 that the location is an official ballot drop site.

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

9 “(b) If the county clerk determines that an active elector of the electoral district as of the 21st
10 day before the date of the election does not receive daily mail service from the United States Postal
11 Service, the county clerk shall mail by nonforwardable mail an official ballot with a return iden-
12 tification envelope and a secrecy envelope to the elector not sooner than the 20th day before the
13 date of an election and not later than the 18th day before the date of the election.

14 “(c) In the case of ballots to be mailed to addresses outside this state to electors who are not
15 long-term absent electors, the county clerk may mail the ballots not sooner than the 29th day before
16 the date of the election.

17 “(3) For an election held on the date of a primary election:

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

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

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

30 “(d) If the primary election ballot includes city, county or nonpartisan offices or measures, the
31 county clerk shall mail to each elector who is not eligible to vote for party candidates a ballot
32 limited to those offices and measures for which the elector is eligible to vote.

33 “(4) For each elector who updates a voter registration after the deadline in ORS 247.025, the
34 county clerk shall make the official ballot, the return identification envelope and the secrecy en-
35 velope available either by mail or at the county clerk’s office or at another place designated by the
36 county clerk. An elector to whom this subsection applies must request a ballot from the county
37 clerk.

38 “(5) The ballot shall contain the following warning:

39 “ _____

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

43 “ _____

44
45 “(6) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign

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

9 “(7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not
10 received by the elector. Replacement ballots shall be issued and processed as described in this
11 section and ORS [247.307 and] 254.480. The county clerk shall keep a record of each replacement
12 ballot provided under this subsection. Notwithstanding any deadline for mailing ballots in subsection
13 (2) of this section, a replacement ballot may be mailed, made available in the office of the county
14 clerk or made available at one central location in the electoral district in which the election is
15 conducted. The county clerk shall designate the central location. A replacement ballot need not be
16 mailed after the fifth day before the date of the election.

17 “(8) A ballot shall be counted only if:

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

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

20 “(c) The signature is verified as provided in subsection (9) of this section.

21 “(9) The county clerk shall verify the signature of each elector on the return identification en-
22 velope with the signature on the elector’s registration card, according to the procedure provided by
23 rules adopted by the Secretary of State. If the county clerk determines that an elector to whom a
24 replacement ballot has been issued has voted more than once, the county clerk shall count only one
25 ballot cast by that elector.

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

30 “**SECTION 25.** ORS 254.480, as amended by section 6, chapter 53, Oregon Laws 2008, is
31 amended to read:

32 “254.480. (1) An elector may obtain a replacement ballot described in ORS 254.470. [*Except as*
33 *provided in ORS 247.307,*] To vote a replacement ballot, the elector must complete and sign a re-
34 placement ballot request form. The request for a replacement ballot may be made electronically, by
35 telephone, in writing, in person or by other means designated by the Secretary of State by rule.

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

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

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

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

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

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

45 “(4) The completed and signed replacement ballot request form and the voted replacement ballot

1 must be received at the office of the county clerk, a place of deposit designated by the county clerk
2 or any location described in ORS 254.472 or 254.474 not later than the end of the period determined
3 under ORS 254.470 (1) on the date of the election.

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

10 In line 37, delete “23” and insert “26”.

11 On page 13, after line 10, insert:

12 “(8) The amendments to ORS 247.307, 254.470 and 254.480 by sections 23, 24 and 25 of this 2009
13 Act apply to elector registration updates received by the county clerk on or after the effective date
14 of this 2009 Act.”

15 In line 11, delete “24” and insert “27”.

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