

Enrolled
House Bill 2511

Sponsored by Representatives WHISNANT, BARKER, Senators DEVLIN, BOQUIST; Representatives CAMERON, ESQUIVEL, GILMAN, KRIEGER, THATCHER, Senator SCHRADER

CHAPTER

AN ACT

Relating to electronic voting system; creating new provisions; amending ORS 246.021; and declaring an emergency.

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

SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 253.

SECTION 2. (1) A long term absent elector described in ORS 253.510 (1) or (2) may cast a ballot using a facsimile machine as provided in this section. Notwithstanding ORS 254.470 (8), a ballot cast under this section shall be counted only if the ballot:

- (a) Is received in the office of the county clerk not later than 8 p.m. on the day of the election;
- (b) Is accompanied by a return identification envelope containing the signature of the elector and a signed waiver described in subsection (2) of this section; and
- (c) The signature is verified as provided in subsection (3) of this section.

(2) Each elector who casts a ballot under this section shall complete and submit using a facsimile machine a waiver described in this subsection. The elector shall attest to the information supplied on the waiver by signing the completed waiver. The Secretary of State by rule shall design the form of the waiver, which shall include all of the following:

- (a) Space for the elector to provide the elector’s full name, residence or mailing address, a phone or facsimile number where the elector may be contacted and any other necessary information.
- (b) A waiver in substantially the following form:

I, _____, acknowledge that by casting my voted ballot using a facsimile machine I have waived my right to a secret ballot.

- (c) A statement to notify the elector that the elector’s ballot will not be counted unless the elector has complied with the provisions of this section.
 - (d) Space for the elector to provide the elector’s signature to attest to the information supplied.
- (3) The county clerk shall verify the signature of each elector on the return identification envelope transmitted by facsimile machine under this section with the signature on the

elector's registration card, according to the procedure provided by rules adopted by the Secretary of State.

(4) The Secretary of State shall adopt rules to administer this section and to ensure the secrecy of ballots cast using a facsimile machine to the greatest extent possible.

SECTION 3. ORS 246.021, as amended by section 2, chapter 41, Oregon Laws 2008, is amended to read:

246.021. (1) Except as provided in ORS 247.012 and subsection (2) of this section, an election document and an accompanying payment of fees required to be filed with the Secretary of State, county clerk or other filing officer must be delivered to and actually received at the office of the designated officer not later than 5 p.m. of the day the document or fee is due or, if the day due is a Saturday, Sunday or holiday, on the next business day.

(2) If, at 5 p.m. of the day an election document is due, an individual is physically present in the office of the secretary, county clerk or other filing officer and in line waiting to deliver the document, the individual is considered to have begun the act of delivering the document and is permitted to file it.

(3) **Except as provided in section 2 of this 2009 Act**, any election document required to be filed with the filing officer other than ballots, voter registration cards or petitions requiring signatures of electors may also be filed by means of an electronic facsimile transmission machine. If an election document is required to be filed by a specified time, the entire document must be received in the office of the filing officer not later than 5 p.m. of the day the document is due or, if the day due is a Saturday, Sunday or holiday, on the next business day.

(4) Notwithstanding any provision of subsections (1) to (3) of this section, if a statement is required to be filed electronically under ORS 260.057:

(a) The statement must be received electronically at the office of the Secretary of State not later than 11:59 p.m. of the day the statement is due or, if the day due is a Saturday, Sunday or holiday, on the next business day; and

(b) The Secretary of State may not accept the filing of the statement in any form other than an electronic format.

(5) As used in this section, "election document" includes, but is not limited to, a declaration of candidacy for nomination for public or political party office, completed nominating petitions, statements and portraits for voters' pamphlets, statements of election campaign contributions and expenditures, and initiative, referendum or recall petitions.

SECTION 4. The Secretary of State or the county clerk may take any action before January 1, 2010, that is necessary to enable the secretary or clerk to exercise, on and after January 1, 2010, all the duties, functions and powers conferred on the secretary or the clerk by section 2 of this 2009 Act and the amendments to ORS 246.021 by section 3 of this 2009 Act.

SECTION 5. Section 2 of this 2009 Act and the amendments to ORS 246.021 by section 3 of this 2009 Act become operative on January 1, 2010.

SECTION 6. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by House May 22, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 9, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State