

House Bill 3240

Sponsored by Representative C EDWARDS, Senator PROZANSKI; Representative HOLVEY, Senator WALKER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires county to pay expense for any postage that exceeds expense of postage for mail that weighs one ounce or less for ballots returned by mail.

Directs Secretary of State to reimburse county clerk for necessary expenses relating to state offices and state measures on ballot at primary or general election.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; and amending ORS 246.012, 246.179, 253.070 and
3 254.470.

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

5 **SECTION 1.** ORS 254.470, as amended by section 5, chapter 53, Oregon Laws 2008, is amended
6 to read:

7 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
8 designation of places of deposit for the ballots cast in 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 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the county clerk shall mail
15 by nonforwardable mail an official ballot with a return identification envelope and a secrecy envel-
16 ope not sooner than the 18th day before the date of an election and not later than the 14th day
17 before the date of the election, to each active elector of the electoral district as of the 21st day
18 before the date of the election.

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

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

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

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

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

18 (5) The ballot shall contain the following warning:
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 21 Any person who, by use of force or other means, unduly influences an elector to vote in any
 22 particular manner or to refrain from voting is subject to a fine.
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 25 (6) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
 26 the return identification envelope supplied with the ballot and comply with the instructions provided
 27 with the ballot. The elector may return the marked ballot to the county clerk by United States mail
 28 or by depositing the ballot at the office of the county clerk, at any place of deposit designated by
 29 the county clerk or at any location described in ORS 254.472 or 254.474. The ballot must be returned
 30 in the return identification envelope. **Except as provided in subsection (11) of this section,** if the
 31 elector returns the ballot by mail, the elector must provide the postage. A ballot must be received
 32 at the office of the county clerk, at the designated place of deposit or at any location described in
 33 ORS 254.472 or 254.474 not later than the end of the period determined under subsection (1) of this
 34 section on the date of the election.

35 (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not
 36 received by the elector. Replacement ballots shall be issued and processed as described in this
 37 section and ORS 247.307 and 254.480. The county clerk shall keep a record of each replacement
 38 ballot provided under this subsection. Notwithstanding any deadline for mailing ballots in subsection
 39 (2) of this section, a replacement ballot may be mailed, made available in the office of the county
 40 clerk or made available at one central location in the electoral district in which the election is
 41 conducted. The county clerk shall designate the central location. A replacement ballot need not be
 42 mailed after the fifth day before the date of the election.

43 (8) A ballot shall be counted only if:

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

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

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

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

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

11 **(11) For ballots returned by mail under this section, the expense for any postage that**
 12 **exceeds the expense of postage for mail that weighs one ounce or less shall be apportioned**
 13 **between the Secretary of State and each county as a cost of the election according to the**
 14 **formula established by the Secretary of State under this subsection. The Secretary of State**
 15 **shall designate by rule a formula for apportionment of the expense of postage described in**
 16 **this subsection.**

17 **SECTION 2.** ORS 253.070 is amended to read:

18 253.070. (1) Upon receipt of a ballot the absent elector shall mark it and comply with the in-
 19 structions provided with the ballot. The absent elector may return the marked ballot to the office
 20 of the **county** clerk, by any appropriate means. The ballot must be received by a county clerk not
 21 later than 8 p.m. of the day of the election. If a county clerk receives a ballot for an elector who
 22 does not reside in the clerk’s county, the ballot shall be forwarded to the county clerk of the county
 23 in which the elector resides not later than the eighth day after the election.

24 **(2)(a) For ballots returned by mail under this section, the expense for any postage that**
 25 **exceeds the expense of postage for mail that weighs one ounce or less shall be apportioned**
 26 **between the Secretary of State and each county as a cost of the election according to the**
 27 **formula established by the Secretary of State under this subsection. The Secretary of State**
 28 **shall designate by rule a formula for apportionment of the expense of postage described in**
 29 **this subsection.**

30 **(b) This subsection does not apply to a ballot delivered to a location outside of the United**
 31 **States.**

32 **SECTION 3.** ORS 246.012 is amended to read:

33 246.012. As used in this chapter:

34 (1) “Ballot” means any material on which votes may be cast for candidates or measures.

35 (2) “County clerk” means the county clerk or the county official in charge of elections.

36 (3) “County governing body” means the county court sitting for the transaction of county busi-
 37 ness or the board of county commissioners.

38 (4) “Election” means any election held within this state.

39 (5) “Elector” means an individual qualified to vote under section 2, Article II, Oregon Consti-
 40 tution.

41 (6) “Governing body” means the governing body of any subdivision of the state.

42 (7) “Local elections official” means any person who is:

43 (a) An official of any election precinct or special district or public corporation organized for
 44 public purposes; and

45 (b) Authorized or required by law to perform functions in connection with elections held in the

1 election precinct or special district or public corporation organized for public purposes.

2 (8) "Measure" includes any of the following submitted to the people for their approval or re-
3 jection at an election:

4 (a) A proposed law.

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

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

7 (d) Local, special or municipal legislation.

8 (e) A proposition or question.

9 (9) "Precinct" means any election precinct.

10 (10) **"State office" means the office of Governor, Secretary of State, State Treasurer,**
11 **Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of**
12 **Public Instruction, judge, state Senator, state Representative or district attorney.**

13 [(10)] (11) "Vote tally system" means one or more pieces of equipment necessary to examine and
14 tally automatically the marked ballots.

15 [(11)] (12) "Voting machine" means any device that will record every vote cast on candidates
16 and measures and that will either internally or externally total all votes cast on that device.

17 **SECTION 4.** ORS 246.179 is amended to read:

18 246.179. (1) Notwithstanding ORS 246.250, the Secretary of State shall reimburse each county
19 clerk for necessary expenses of an election described in subsection (2) of this section based on a
20 claim filed by the county clerk and approved by the Secretary of State. The claim shall be made on
21 a form designed by the Secretary of State. The Secretary of State shall make the reimbursement
22 from funds made available to the Secretary of State by the Emergency Board.

23 (2) The Secretary of State shall reimburse each county clerk for necessary expenses [of]:

24 (a) **Of** a special primary election or a special election to fill a vacancy in the election or office
25 of United States Senator or Representative in Congress held on a date other than the date of the
26 primary election or the general election[; or].

27 (b) **Of** a recall election involving the holder of a state office. [*As used in this subsection, "state*
28 *office" has the meaning given that term in ORS 249.002.*]

29 (c) **Relating to state measures and state offices included on the ballot in a primary or**
30 **general election.**

31 (3) **The Secretary of State by rule may designate a formula for the apportionment of ex-**
32 **penditures under subsection (2)(c) of this section and designate categories of election expenses**
33 **that are chargeable to the secretary.**

34 **SECTION 5.** (1) **The amendments to ORS 253.070 and 254.470 by sections 1 and 2 of this**
35 **2009 Act apply to ballots delivered to electors on or after the effective date of this 2009 Act.**

36 (2) **The amendments to ORS 246.179 by section 4 of this 2009 Act apply to elections that**
37 **occur on or after the effective date of this 2009 Act.**

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