

**Enrolled**  
**House Bill 3074**

Sponsored by Representatives HUNT, WHISNANT; Representative CAMERON

CHAPTER .....

AN ACT

Relating to an electronic voting system; creating new provisions; amending ORS 253.690; and declaring an emergency.

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

**SECTION 1.** ORS 253.690, as amended by section 5, chapter 9, Oregon Laws 2010, is amended to read:

253.690. (1) A long term absent elector described in ORS 253.510 may cast a ballot using a facsimile machine **or by electronic mail** 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)] (4) 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, **an electronic mail 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:

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I, \_\_\_\_\_, acknowledge that by casting my voted ballot using a facsimile machine **or by electronic mail** I have waived my right to a secret ballot.

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(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)(a) If a ballot is cast under this section using a facsimile machine, the return identification envelope and waiver shall also be submitted using a facsimile machine.**

**(b) If a ballot is cast under this section by electronic mail, the return identification envelope and waiver shall also be submitted by electronic mail.**

[3] (4) The county clerk shall verify the signature of each elector on the return identification envelope transmitted by facsimile machine **or electronic mail** 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] (5) The Secretary of State shall adopt rules to administer this section and to ensure the secrecy of ballots cast using a facsimile machine **or by electronic mail** to the greatest extent possible.

**SECTION 2. The Secretary of State or the county clerk may take any action before January 1, 2012, that is necessary to enable the secretary or clerk to exercise, on and after January 1, 2012, all the duties, functions and powers conferred on the secretary or the clerk by the amendments to ORS 253.690 by section 1 of this 2011 Act.**

**SECTION 3. The amendments to ORS 253.690 by section 1 of this 2011 Act become operative on January 1, 2012.**

**SECTION 4. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.**

**Passed by House April 12, 2011**

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

**Passed by Senate May 24, 2011**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2011

**Approved:**

.....M.,....., 2011

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2011

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Kate Brown, Secretary of State