

A-Engrossed House Bill 3074

Ordered by the House April 6
Including House Amendments dated April 6

Sponsored by Representatives HUNT, WHISNANT; Representative CAMERON

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.

[Directs Secretary of State to adopt electronic voting system to allow resident who serves in Armed Forces of United States or Merchant Marine of United States to cast ballots electronically.]

Authorizes voting by electronic mail for long term absent electors. Specifies requirements for casting ballot by facsimile machine and electronic mail.

Becomes operative on January 1, 2012.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to an electronic voting system; creating new provisions; amending ORS 253.690; and de-
3 claring an emergency.

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

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

7 253.690. (1) A long term absent elector described in ORS 253.510 may cast a ballot using a fac-
8 simile machine **or by electronic mail** as provided in this section. Notwithstanding ORS 254.470 (8),
9 a ballot cast under this section shall be counted only if the ballot:

- 10 (a) Is received in the office of the county clerk not later than 8 p.m. on the day of the election;
- 11 (b) Is accompanied by a return identification envelope containing the signature of the elector
12 and a signed waiver described in subsection (2) of this section; and
- 13 (c) The signature is verified as provided in subsection [(3)] (4) of this section.

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

18 (a) Space for the elector to provide the elector's full name, residence or mailing address, **an**
19 **electronic mail address**, [a] phone or facsimile number where the elector may be contacted and
20 any other necessary information.

21 (b) A waiver in substantially the following form:
22 _____

23
24 I, _____, acknowledge that by casting my voted ballot using a facsimile machine **or by**
25 **electronic mail** I have waived my right to a secret ballot.
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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.

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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.
