

# House Bill 3506

Sponsored by Representative THOMPSON; Representatives ESQUIVEL, FREEMAN, KRIEGER, THATCHER, WEIDNER, WINGARD (at the request of Americans for Prosperity Marion/Polk County Branch)

## 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**.

Modifies and repeals laws relating to elections conducted by mail. Directs county clerks to conduct elections at polling places.

Becomes operative on January 1, 2012.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to elections; creating new provisions; amending ORS 192.842, 195.210, 222.130, 246.012,  
3 246.025, 246.160, 246.200, 246.250, 247.965, 249.078, 249.091, 250.037, 250.038, 251.175, 251.315,  
4 253.005, 253.045, 253.055, 253.135, 253.690, 253.700, 254.005, 254.035, 254.071, 254.074, 254.076,  
5 254.115, 254.125, 254.135, 254.145, 254.155, 254.165, 254.175, 254.185, 254.195, 254.235, 254.321,  
6 254.365, 254.408, 254.411, 254.415, 254.445, 254.458, 254.465, 254.483, 254.495, 254.505, 254.525,  
7 254.535, 255.055, 255.215, 255.288, 260.665, 260.675, 260.695, 260.715, 261.060, 370.031 and 476.330;  
8 repealing ORS 247.307, 254.458, 254.470, 254.471, 254.472, 254.474, 254.478, 254.480 and 254.482;  
9 and declaring an emergency.

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

11 **SECTION 1.** ORS 254.465 is amended to read:

12 254.465. (1) County clerks shall conduct all elections in this state [*by mail*] **at polling places.**

13 (2) The Secretary of State shall adopt rules to:

14 (a) Provide for uniformity in the conduct of state elections [*by mail*] **at polling places;** and

15 (b) Govern the procedures for conducting elections [*by mail*] **at polling places.**

16 **SECTION 2.** Sections 3 to 7 of this 2011 Act are added to and made a part of ORS chapter  
17 **246.**

18 **SECTION 3.** (1) **Not later than the 30th day before the primary election:**

19 (a) **The county clerk shall appoint persons to serve on election boards. There shall be at**  
20 **least one election board for each polling place.**

21 (b) **The county clerk may appoint more than one election board for any precinct in which**  
22 **100 or more ballots were cast at the last general election or in which there are more than**  
23 **200 electors.**

24 (2) **The election board shall consist of a day board to issue ballots and may include a**  
25 **counting board to count ballots. A day board shall consist of three or more clerks. A**  
26 **counting board shall consist of four or more clerks. An election board clerk may not serve**  
27 **on the day board and the counting board at the same time. The county clerk shall designate**  
28 **one clerk of each day board and one clerk of each counting board as chairperson.**

29 (3) **The county clerk shall appoint the election board clerks for a term of two years. The**  
30 **county clerk may withdraw the appointment of a clerk at any time. Clerks may be reap-**

**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 pointed for more than one term.

2 (4) Except as provided in this subsection, an election board clerk shall be an elector of  
 3 the county, shall be able to read, write and speak English and may not serve at a polling  
 4 place in an electoral district in which the election board clerk is a candidate for any office,  
 5 except precinct committeeperson, to be voted on in that election. The clerks of a day board  
 6 or a counting board may not all be members of the same political party. The Secretary of  
 7 State shall adopt by rule standards under which county clerks may employ persons to serve  
 8 as election board clerks who are not electors of the county but who are residents of the  
 9 county and who are at least 16 years of age. A person who is the spouse, child, son-in-law,  
 10 daughter-in-law, parent, mother-in-law, father-in-law, sibling, brother-in-law, sister-in-law,  
 11 aunt, uncle, niece, nephew, stepparent or stepchild of a candidate on the ballot at an election  
 12 may not serve as election board clerk at a polling place where the candidate may be voted  
 13 on, unless the candidate is a candidate for precinct committeeperson and is the only such  
 14 relative who is a candidate on the ballot in the same election. The county clerk shall appoint  
 15 board clerks who have the necessary capacity and ability to carry out their functions with  
 16 sufficient skill and dispatch.

17 (5) In the event of a vacancy in the office of board clerk, the county clerk shall appoint  
 18 a qualified person to fill the vacancy.

19 **SECTION 4.** (1) Immediately after the appointment of election board clerks as provided  
 20 in section 3 of this 2011 Act, the county clerk shall:

21 (a) Make and certify a list of the persons appointed for each precinct, make the list  
 22 available for public inspection in the office for five days and provide a copy of the list to each  
 23 political party within the county that is affiliated with a major political party as qualified  
 24 under ORS 248.006.

25 (b) Notify by mail each person appointed of the appointment, and keep a record of all  
 26 notifications.

27 (2) Not later than the fifth day after the list of appointees is available to the public, any  
 28 elector may file with the county clerk, without charge, any objection or suggestion respect-  
 29 ing the appointments. The county clerk shall consider all objections and suggestions so filed.

30 (3) If the county clerk revises the list because of objections or suggestions filed under  
 31 subsection (2) of this section, notification of these additions or deletions shall be delivered  
 32 to each political party within the county that is affiliated with a major political party.

33 **SECTION 5.** (1) Each election board clerk shall be compensated at a rate not less than  
 34 the federal or state minimum wage, whichever is higher. The specific compensation shall be  
 35 fixed and allowed by the county governing body and paid out of the county treasury.

36 (2) Nothing in subsection (1) of this section is intended to prohibit an election board clerk  
 37 from volunteering to serve and serving without compensation.

38 **SECTION 6.** (1) Each county clerk shall meet at a convenient place at least once each  
 39 biennium with the election board clerks. At the meeting, the county clerk shall advise and  
 40 instruct the board clerks concerning the proper election and voting procedures to be followed  
 41 by them. The county clerk's advice and instruction shall conform to applicable rules, direc-  
 42 tives and instructions of the Secretary of State.

43 (2) The Secretary of State may require a county clerk to conduct a meeting in addition  
 44 to the meeting required by subsection (1) of this section.

45 **SECTION 7.** (1) Not later than the 10th day before any election conducted at polling

1 places as provided in ORS chapter 254, the county clerk shall designate one polling place for  
 2 each precinct. The county clerk shall take into account the desirability that a polling place  
 3 have adequate parking and lighting facilities and be accessible to individuals with disabilities  
 4 in accordance with rules adopted under ORS 447.231. The county clerk may designate as a  
 5 polling place any public building, including any schoolhouse, owned or leased by the state or  
 6 any political subdivision thereof, and the public building may be used as a polling place  
 7 without expense to the county. The official in charge of the public building may not refuse  
 8 its use as a polling place. If the public building has an entrance free of architectural barriers  
 9 as defined by rules adopted under ORS 447.231, that entrance shall be kept unlocked during  
 10 the hours the polls are open and its location clearly indicated at the main entrance of the  
 11 building. More than one polling place may be designated in the same building.

12 (2) Any published list of polling places for use by electors shall indicate by a uniform,  
 13 nationally recognized symbol those polling places that are accessible to electors with disa-  
 14 bilities.

15 **SECTION 8.** Sections 9 and 10 of this 2011 Act are added to and made a part of ORS  
 16 chapter 247.

17 **SECTION 9.** Notwithstanding ORS 247.025:

18 (1) If a county clerk receives information updating the registration of an elector after  
 19 the deadline in ORS 247.025 and not later than the eighth day before an election, and the  
 20 registration of the elector has not been canceled, the county clerk may include the elector's  
 21 updated registration information in the poll book. If the elector's updated registration in-  
 22 formation is not in the poll book, the clerk shall provide the elector a certificate of regis-  
 23 tration allowing the elector to vote at the elector's new polling place. A person issued a  
 24 certificate of registration who desires to vote must give the certificate to the election board  
 25 of the precinct before the elector is given a ballot.

26 (2) An elector who updates a registration after the eighth day before an election may  
 27 vote at any polling place or at a county elections office.

28 (3) Notwithstanding subsection (1) of this section, the county clerk need not issue a  
 29 certificate of registration to an elector who is voting by absentee ballot.

30 **SECTION 10.** (1) An elector or member of an election board may question an entry in the  
 31 poll book. The question shall be noted in the remarks column following the name stating the  
 32 reason, such as "died," "moved" or "incorrect address."

33 (2) Not later than the 60th day after each election, the county clerk shall send the notice  
 34 described in ORS 247.563 to electors questioned under subsection (1) of this section.

35 **SECTION 11.** Sections 12 to 17 of this 2011 Act are added to and made a part of ORS  
 36 chapter 253.

37 **SECTION 12.** The clerk shall deliver valid absentee ballots to the proper election board  
 38 before closing of the polls or to a special counting board appointed under section 13 of this  
 39 2011 Act.

40 **SECTION 13.** (1) The county clerk shall appoint as many special counting boards as may  
 41 be necessary to conduct the count of absentee ballots not delivered to the election boards.  
 42 Each member of a special counting board shall be an elector of the county, but no member  
 43 shall be a candidate for any office at the election. The members of a special counting board  
 44 may not all be members of the same political party. Each member of a special counting board  
 45 shall be compensated at not less than the rate of a member of a regular election board at

1 the election.

2 (2) The special counting boards may begin to process the absentee ballots as soon as the  
3 poll books used at the election are delivered to the counting board.

4 (3) Absentee ballots may be counted by the special counting boards or by use of an au-  
5 tomated vote tally system. The count of absentee ballots shall be completed not later than  
6 the third day after the date of the election.

7 **SECTION 14.** (1) The election board or special counting board shall verify the legality of  
8 each absentee ballot delivered to the board for counting by determining if the envelope has  
9 been marked as provided in ORS 253.080 and by examining the poll book to see that the ab-  
10 sent elector has not voted in person.

11 (2) If the envelope delivered to an election board or special counting board is not marked  
12 as provided in ORS 253.080, the envelope shall be returned unopened to the clerk who shall  
13 determine if the ballot should be counted. If the clerk determines that the ballot should be  
14 counted, the envelope shall be returned to the board with appropriate instructions.

15 **SECTION 15.** If an absentee ballot is not counted, the person who determines that the  
16 ballot should not be counted shall mark “rejected” across the front of the envelope. The en-  
17 velope may not be opened. The envelope and ballot shall be retained in the same manner as  
18 defective regular ballots voted at the election.

19 **SECTION 16.** When the election board or special counting board has verified the legality  
20 of the absentee ballot, a member of the board, without unfolding or permitting the ballot to  
21 be opened or examined, shall remove the ballot from the envelope, detach the stub and pro-  
22 cess the stub and ballot in the same manner as other ballots cast at the election. A member  
23 of the board shall write in the poll book that the absent elector voted at the election with  
24 an absentee ballot.

25 **SECTION 17.** An elector may vote in person even though an absentee ballot has been  
26 delivered to the elector, if the elector has not voted and returned the absentee ballot. If the  
27 elector returns the ballot to the election board, the election board shall mark the envelope  
28 “canceled” and place it in the ballot box with other ballots cast at the election.

29 **SECTION 18.** Sections 19 to 39 of this 2011 Act are added to and made a part of ORS  
30 chapter 254.

31 **SECTION 19.** (1) The county clerk shall produce a facsimile, except as to size, of the  
32 ballot in a manner described in this section. For any primary election, a facsimile of the  
33 ballot shall include the ballot of each major political party.

34 (2) The facsimile shall be:

35 (a) Published or inserted in one or more newspapers as described in subsection (3) of this  
36 section; or

37 (b) Distributed to each residential postal mailing address within the electoral district for  
38 which the election is being held.

39 (3) If the facsimile is published or inserted in a newspaper:

40 (a) The facsimile shall be published or inserted not later than the fourth day nor earlier  
41 than the 15th day before the election.

42 (b) The facsimile shall be published or inserted in at least one issue of one newspaper in  
43 each county with a population of less than 10,000, or in each county in which no more than  
44 one newspaper is published. The facsimile shall be published or inserted in at least one issue  
45 of two newspapers in each county with a population of 10,000 or more in which more than

1 one newspaper is published. The county governing body, at the first regular meeting each  
 2 year, shall select the newspaper or newspapers of general circulation in the county in which  
 3 the facsimile shall be published or inserted and shall notify the county clerk of the selection.

4 (c) The county governing body may require publication or insertion of the facsimile in  
 5 additional newspapers and shall select the newspapers at the same time as provided in par-  
 6 agraph (b) of this subsection. The county governing body shall notify the county clerk of any  
 7 additional selections.

8 (d) The facsimile may not be published in any newspaper unless the newspaper agrees  
 9 that no paid political advertisement shall be placed on the same page as the facsimile or on  
 10 the page facing the facsimile. If a newspaper selected under paragraph (b) or (c) of this  
 11 subsection does not so agree, the county governing body shall select another newspaper in  
 12 the county with as nearly as possible the same qualifications for the publication of the fac-  
 13 simile.

14 (4) A facsimile distributed to each residential postal mailing address within the electoral  
 15 district for which the election is being held shall have postage prepaid and shall be considered  
 16 to give notice when mailed. Facsimile ballots mailed under this subsection shall be mailed  
 17 not sooner than the 15th day nor later than the 10th day before the election. Proof of mailing  
 18 shall be by affidavit of the county clerk.

19 (5) A facsimile printed in a county voters' pamphlet prepared and distributed in accord-  
 20 ance with ORS chapter 251 shall be considered to satisfy the requirements of this section.

21 (6) As used in this section, "electoral district" means a county, city or district.

22 **SECTION 20.** (1) The county clerk shall provide each precinct with at least as many of-  
 23 ficial ballots as there are electors listed in the poll books of the precinct, and as many addi-  
 24 tional ballots as may be expected to be required. The county clerk shall provide as many  
 25 sample ballots as the county clerk considers necessary to supply persons requesting them  
 26 at polling places and to distribute to the public.

27 (2) The county clerk, at the request of any person, candidate, political party or political  
 28 committee, shall furnish to them sample ballots. The county clerk may collect from the re-  
 29 questing person the cost of the sample ballots furnished.

30 **SECTION 21.** (1) The county clerk shall prepare the poll book of each precinct. The poll  
 31 book shall list alphabetically the electors in the precinct, and the residence address and pol-  
 32 itical affiliation of each. The poll book shall indicate clearly each electoral district in which  
 33 the elector is eligible to vote.

34 (2) If a person registers before the 20th day before the election, the person's name shall  
 35 be listed in the poll book of the person's precinct.

36 (3) The poll book shall be ruled so that in a column for ballot numbers sufficient space  
 37 appears for inserting the number of the ballot given to the elector.

38 (4) The county clerk shall have attached to, or printed in, the poll book blank oaths of  
 39 office for the election board clerks.

40 **SECTION 22.** In sufficient time before the election, the county clerk shall secure and  
 41 take possession of the places designated as polling places. The county clerk shall provide  
 42 suitable compartments, shelves or tables at which electors are to mark or punch their bal-  
 43 lots. The arrangement shall ensure that the ballot boxes, compartments, shelves or tables,  
 44 and the electors while marking or punching their ballots, may not be hidden from view of the  
 45 election board clerks, yet they shall be so arranged that the elector may conveniently mark

1 or punch the ballot with absolute secrecy. There shall be provided in each polling place not  
 2 less than one compartment, shelf or table for every 120 electors to vote at that polling place.  
 3 A polling place shall have at least three compartments, shelves or tables.

4 **SECTION 23.** (1) In sufficient time before opening of the polls, the county clerk shall  
 5 deliver to each election board the poll book, tally and return sheets, ballots, ballot boxes and  
 6 other equipment necessary for conduct of the election. The county clerk also shall deliver  
 7 to the election board a notice specifying where the board is to return the equipment.

8 (2) The county clerk may provide a flag of the United States for each polling place. In this  
 9 event, the election board shall display the flag at the polling place during voting hours.

10 (3) The county clerk shall keep a record of, and prepare a receipt for, the equipment  
 11 delivered. The election board clerk who receives the equipment shall sign the receipt. The  
 12 receipt immediately shall be returned to the county clerk.

13 **SECTION 24.** Before beginning their duties, the election board clerks shall take the oath  
 14 of office included in the poll book. The oath shall be administered by any officer authorized  
 15 to administer oaths or by the board chairperson. If these persons are not present, any clerk  
 16 may administer the oaths.

17 **SECTION 25.** If an election board clerk is not present when required, the other clerks  
 18 shall elect a qualified person to act as clerk until the absent clerk arrives, and if the absent  
 19 clerk does not arrive within one-half hour, to serve in that clerk's place. The substitute clerk  
 20 need not be of the same political affiliation as the absent clerk, unless all clerks of the board  
 21 would have the same political affiliation. The substitute clerk shall take the official oath  
 22 before acting. Compensation that would have been paid to the absent clerk for the period  
 23 served by the substitute clerk shall be paid to the substitute clerk and deducted from the  
 24 pay of the absent clerk.

25 **SECTION 26.** The election board clerks, when preparing a voting machine before the polls  
 26 open, shall:

27 (1) Place the voting machine where it can be conveniently attended by the clerks and  
 28 conveniently operated by the electors and where the ballot labels on the machine can be  
 29 plainly seen by the clerks and the public when the machine is not in use.

30 (2) Place a model of a portion of the face of a voting machine where an elector can con-  
 31 veniently operate it and receive instructions on the manner of voting before proceeding to  
 32 the voting compartment, shelf or table.

33 (3) Determine that the ballot labels are in the proper places on the machine.

34 (4) Certify the performance of these duties in the poll book.

35 **SECTION 27.** (1) The polls shall be open from 7 a.m. to 8 p.m. of the same day except  
 36 that if federal law or regulations require a particular hour for poll closure, the polls, for any  
 37 election, shall close at that hour.

38 (2) The first election board shall meet not later than 6:30 a.m. at the polling place on  
 39 election day. It shall act until the count and tally of ballots is completed, until the polls are  
 40 closed and the ballots removed for counting, or until relieved by an additional board. While  
 41 the polls are open, no more than one board clerk shall be out of the presence of the others.

42 (3) The election board, immediately before the opening of the polls, shall insure that the  
 43 ballot boxes are empty. The boxes may not be reopened except to count the ballots.

44 (4) At 7 a.m. the board chairperson shall publicly announce the opening of the polls.  
 45 Thirty minutes before closing the polls the chairperson shall publicly announce that the polls

1 will be closed in half an hour.

2 (5) The ballot boxes, poll book, ballot stubs, return sheets and tally sheets shall be con-  
 3 stantly kept together in view of the board clerks and other persons permitted to be present  
 4 from the opening of the polls until the clerks complete their duties.

5 (6) If an elector attempts to vote at the wrong polling place, the board shall assist the  
 6 elector in locating the proper polling place.

7 (7) When the polls close, electors who are at the polling place waiting to vote shall be  
 8 considered to have begun the act of voting.

9 SECTION 28. If voting machines are used, the board clerks occasionally shall examine  
 10 the face of the machine and the ballot labels to determine that the machine or labels have  
 11 not been tampered with or damaged.

12 SECTION 29. (1) If a voting machine becomes inoperative, an election board clerk im-  
 13 mediately shall notify the county clerk.

14 (2) If possible, the county clerk shall repair the voting machine at once or substitute  
 15 another machine.

16 (3) If no other machine can be procured and the inoperative machine cannot be repaired  
 17 in time for further use at the election, or when in the discretion of a majority of the election  
 18 board it is impracticable to use the machine, the board clerks shall permit the electors to  
 19 use paper ballots. The paper ballots shall be furnished by the county clerk. The ballots may  
 20 not be tallied and returned by the board clerks. Instead, these ballots shall be delivered to  
 21 the county clerk for tally and canvass.

22 SECTION 30. The election board shall write, and certify as correct, in the poll book the  
 23 number of ballots initially delivered and the number of ballots thereafter delivered to the  
 24 precinct.

25 SECTION 31. In a district where circuit judges are elected at large and not for depart-  
 26 ments or positions, an elector may vote for as many candidates as there are offices to be  
 27 filled.

28 SECTION 32. (1) An elector before receiving a ballot shall sign the poll book following the  
 29 elector's name.

30 (2) If the residence address of a person in the poll book is not correct because of an error  
 31 in preparation of the poll book, the chairperson of the election board shall ascertain the  
 32 correct address from the person by a statement made under oath or affirmation before the  
 33 election board. Thereafter a correction shall be made in the poll book.

34 SECTION 33. (1) For purposes of ensuring that electors do not vote more than once at  
 35 the same election, the county clerk shall identify electors who applied for an absentee ballot  
 36 or whose applications as absent electors remain valid under ORS 253.030 (5). Electors de-  
 37 scribed in this subsection shall be identified in poll books or in another manner specified by  
 38 the Secretary of State by rule.

39 (2) If an elector offers to vote at a polling place and the elector is identified in the poll  
 40 book or in another manner under subsection (1) of this section as having applied for an ab-  
 41 sentee ballot for that election or as an elector whose application as an absent elector re-  
 42 mains valid under ORS 253.030 (5), the elector may cast a ballot but the ballot may not be  
 43 counted until the county clerk determines whether the elector has voted more than once at  
 44 the same election. The Secretary of State shall adopt rules specifying procedures for the  
 45 handling of ballots cast under this subsection. This subsection shall operate in each county

1 at the discretion of the county clerk.

2 (3) If an elector applies for an absentee ballot after the poll book is printed, any absentee  
3 ballot cast by the elector at the election may not be opened and counted until the county  
4 clerk determines whether the elector cast a ballot at a polling place.

5 **SECTION 34.** (1) The stub number of each official ballot given an elector shall be recorded  
6 in the poll book opposite the name of the elector or on the registration certificate of the  
7 elector.

8 (2) If an elector is permitted to vote only on certain offices or measures, the chairperson  
9 of the election board shall determine on which offices or measures the elector is qualified  
10 to vote, and shall note the determination on the ballot and in the poll book or on the regis-  
11 tration certificate of the elector.

12 (3) An election board clerk shall enter in the poll book the name and residence address  
13 of an elector who is permitted to vote but is not listed in the poll book and is not voting  
14 under a registration certificate.

15 (4) If an elector votes under a registration certificate, the elector shall sign the certif-  
16 icate in view of the board clerk. The signed certificate shall be considered part of the poll  
17 book.

18 **SECTION 35.** (1) On receiving a ballot, the elector shall retire to a compartment, shelf  
19 or table provided and mark or punch the ballot. Except as provided in ORS 254.445, not more  
20 than one person at one time shall be permitted to occupy a compartment, shelf or table. An  
21 elector may not occupy the compartment, shelf or table longer than five minutes. If the  
22 elector refuses to leave at the end of that time, the board clerks may remove the elector.  
23 However, the clerks may grant the elector a longer time.

24 (2) An elector may not place on the ballot a sticker bearing the name of a person, or use  
25 any other method or device, except writing, to vote for a person whose name is not printed  
26 on the ballot.

27 (3) The elector, without exposing the contents of the ballot, shall deliver the ballot to a  
28 board clerk. The ballot shall be deposited in the ballot box by a clerk in the presence of the  
29 elector or by the elector.

30 (4) The ballot stub shall be removed from the ballot by a board clerk at any time after  
31 the stub number of the ballot is recorded in the poll book and before the ballot is deposited  
32 in the ballot box.

33 **SECTION 36.** The election board, if requested, shall permit authorized persons to be at  
34 the polling place to challenge persons offering to vote and to watch the receiving and  
35 counting of votes. The authorization shall be in writing, shall be signed by an officer or its  
36 county affiliate of a political party, a candidate or the county clerk and shall be filed with  
37 the board. The board shall permit only so many persons as challengers or watchers under  
38 this subsection as will not interfere with an orderly procedure at the polling place.

39 **SECTION 37.** (1) An election board clerk or elector present shall challenge any person  
40 offering to vote whom the clerk or elector knows or suspects not to be qualified as an elec-  
41 tor. The person's right to vote may be challenged at any time before the ballot is actually  
42 deposited in the ballot box.

43 (2) A person offering to vote under subsection (1) of this section shall complete and sign  
44 a written statement containing the name, residence address and mailing address of the per-  
45 son and the oath or affirmation required by this subsection. The statement shall be printed



1 on the larger envelope described in this section.

2 (3) The oath or affirmation shall be signed before any member of the election board and  
 3 shall state that the person is registered and qualified to vote and that the person has not  
 4 already voted at the same election. If the person signs the statement, the person shall be  
 5 permitted to vote, subject to ORS 254.426. If the person does not sign the statement, the  
 6 person may not be permitted to vote.

7 (4) A person voting a ballot challenged under this section shall insert the ballot into a  
 8 small envelope provided by the election board and then insert the small envelope into a larger  
 9 envelope. The written statement of challenge shall be attached to the larger envelope. The  
 10 larger envelope shall be deposited in the ballot box. When the ballot box is opened, the larger  
 11 envelopes shall be segregated and not counted until the registration of the person is verified.

12 **SECTION 38.** (1) Subject to ORS 254.485, a person may not take an official ballot from the  
 13 polling place, except that a board clerk may take a ballot to an elector with a disability who  
 14 is offering to vote immediately outside the polling place.

15 (2) An elector who does not vote the ballot before leaving the polling place shall return  
 16 the ballot to a board clerk. The clerk shall write on the stub "Not voted" and initial the stub.  
 17 The clerk then shall treat the stub and the ballot as a spoiled ballot. The clerk shall draw a  
 18 line with pen and ink in the poll book across the signature of the elector and write the words  
 19 "Not voted."

20 **SECTION 39.** If an elector by accident or mistake spoils a ballot, the elector, on return-  
 21 ing the spoiled ballot, shall receive another. If the elector spoils three ballots, it shall be  
 22 conclusive evidence that the elector is unable to prepare a ballot without assistance. When  
 23 the elector spoils a ballot and returns it, a board clerk shall immediately destroy the spoiled  
 24 ballot without anyone inspecting its contents. The clerk then shall issue another ballot to the  
 25 elector, and write the number of the spoiled ballot on the stub of the new ballot. A notation  
 26 of spoiling of a ballot shall be made in the poll book following the name of the elector.

27 **SECTION 40.** Sections 41 to 43 of this 2011 Act are added to and made a part of ORS  
 28 chapter 255.

29 **SECTION 41.** (1) Notice of any district election shall be published once in a newspaper  
 30 of general circulation in the district.

31 (2) Not later than the day of the election nor sooner than the 15th day before the  
 32 election, the elections officer shall publish a facsimile, except as to size, of the sample ballot,  
 33 a list of the polling places and the hours the polls are to be open. The information shall be  
 34 published once in the newspaper in which the notice was published under subsection (1) of  
 35 this section, at the current published local display advertising rate.

36 (3) The Secretary of State by rule may establish the procedure for preparing election  
 37 notices for publication in a newspaper.

38 **SECTION 42.** The county clerk, when practical, shall use the same election notices,  
 39 election boards, polling places, official and sample ballots, poll books, equipment and mate-  
 40 rials necessary for the conduct of the elections.

41 **SECTION 43.** The county clerk may combine precincts for any district election not later  
 42 than the 30th day before the election.

43 **SECTION 44.** ORS 192.842 is amended to read:

44 192.842. (1) A county clerk or other elections official shall use the actual address of a program  
 45 participant for voter registration purposes. Except as provided in ORS 192.820 to 192.868, a county

1 clerk or other elections official may not disclose the actual address.

2 [(2) A county clerk or other elections official shall use the substitute address of the program par-  
3 ticipant for purposes of mailing a ballot to an elector under ORS 254.470.]

4 [(3)] (2) A school district shall use the actual address of a program participant for any purpose  
5 related to admission or assignment. The school district shall take such measures as necessary to  
6 protect the confidentiality of the actual address of the program participant. Student records created  
7 under ORS 326.565 and 326.580 shall use the substitute address of the program participant.

8 [(4)] (3) A county clerk shall accept the substitute address of the program participant as the  
9 address of the applicant for the purpose of issuing a marriage license under ORS 106.041 or regis-  
10 tering a Declaration of Domestic Partnership under ORS 106.325.

11 **SECTION 45.** ORS 195.210 is amended to read:

12 195.210. (1) The statement summarizing the measure and its major effect in the ballot title of a  
13 proposal for adoption of an annexation plan shall contain a general description of the boundaries  
14 of each territory proposed to be annexed. The description shall use streets and other generally re-  
15 cognized features. Notwithstanding ORS 250.035, the statement summarizing the measure and its  
16 major effect may not exceed 150 words.

17 (2) The notice of an annexation plan election shall be given as provided in ORS 254.095 **and**  
18 **section 19 of this 2011 Act**, except that in addition the notice shall contain a map indicating the  
19 boundaries of each territory proposed to be annexed.

20 **SECTION 46.** ORS 222.130 is amended to read:

21 222.130. (1) The statement summarizing the measure and its major effect in the ballot title for  
22 a proposal for annexation shall contain a general description of the boundaries of each territory  
23 proposed to be annexed. The description shall use streets and other generally recognized features.  
24 Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect may not  
25 exceed 150 words.

26 (2) The notice of an annexation election shall be given as provided in ORS 254.095 **and section**  
27 **19 of this 2011 Act**, except that in addition the notice shall contain a map indicating the boundaries  
28 of each territory proposed to be annexed.

29 (3) Whenever simultaneous elections are held in a city and the territory to be annexed, the same  
30 notice and publication shall fulfill the requirements of publication for the city election and the  
31 election held in the territory.

32 **SECTION 47.** ORS 370.031 is amended to read:

33 370.031. (1) This section establishes the procedure for determining whether a county shall issue  
34 bonds under ORS 370.010. The question shall be decided by election. The county court:

35 (a) May order the election on its own resolution; or

36 (b) Shall order the election when a petition is filed as provided in this section.

37 (2) The requirements for preparing, circulating and filing a petition under this section shall be  
38 as provided for an initiative petition in ORS 250.165 to 250.235.

39 (3) Notwithstanding subsection (2) of this section, if ORS 250.155 makes ORS 250.165 to 250.235  
40 inapplicable to a county, the requirements for preparing, circulating and filing a petition under this  
41 section shall be as provided for an initiative petition under the county charter or an ordinance  
42 adopted under the county charter.

43 (4) The order of the county court calling the election:

44 (a) Shall specify the amount of the bonds proposed to be issued, the length of time they shall  
45 run and the maximum rate of interest they shall bear; and

1 (b) May specify each road within the county to be built or improved by the money raised, the  
 2 minimum amount to be expended on each road and the location of each road within the county,  
 3 giving its beginning and terminus.

4 (5) Not later than the fourth day nor before the 15th day before an election under this section,  
 5 the county court shall publish a notice of the election in a newspaper or newspapers designated  
 6 [by the county court] **under section 19 of this 2011 Act.** The notice shall state the date of the  
 7 election, a ballot title and the information included in the order under subsection (4) of this section.  
 8 The notice shall be published in at least one issue of the newspaper or newspapers. **A notice under**  
 9 **this section is in addition to the facsimile published under section 19 of this 2011 Act.**

10 (6) Only one election under this section may be held in a 12-month period.

11 **SECTION 48.** ORS 246.012 is amended to read:

12 246.012. As used in this chapter:

13 (1) "Ballot" means any material on which votes may be cast for candidates or measures.

14 (2) "County clerk" means the county clerk or the county official in charge of elections.

15 (3) "County governing body" means the county court sitting for the transaction of county busi-  
 16 ness or the board of county commissioners.

17 (4) "Election" means any election held within this state.

18 (5) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-  
 19 tution.

20 (6) "Governing body" means the governing body of any subdivision of the state.

21 (7) "Local elections official" means any person who is:

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

24 (b) Authorized or required by law to perform (b) functions in connection with elections held in the  
 25 election precinct or special district or public corporation organized for public purposes.

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

28 (a) A proposed law.

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

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

31 (d) Local, special or municipal legislation.

32 (e) A proposition or question.

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

34 (10) "Vote tally system" means one or more pieces of equipment necessary to examine and tally  
 35 automatically the marked **or punched** ballots.

36 (11) "Voting machine" means:

37 (a) Any device that will record every vote cast on candidates and measures and that will either  
 38 internally or externally total all votes cast on that device.

39 (b) **Any device into which a ballot may be inserted and which is so designed and con-**  
 40 **structed that the vote for any candidate or measure may be indicated by marking or**  
 41 **punching the ballot.**

42 **SECTION 49.** ORS 246.025 is amended to read:

43 246.025. (1) A person with a disability who is unable because of the disability to sign any  
 44 election document, including a voter registration card, [or] ballot return envelope **or poll book**, may  
 45 use a signature stamp or other indicator of the person's signature, as specified by the Secretary of

1 State by rule, whenever the signature of the person is required under any election law.

2 (2) A person who desires to use a signature stamp or other indicator of the person's signature  
 3 as described in subsection (1) of this section shall attest that the person needs to use the stamp or  
 4 indicator due to a disability. The attestation shall be made at the time the person registers to vote  
 5 or updates a registration and shall be made on a form designed and supplied by the Secretary of  
 6 State.

7 **SECTION 50.** ORS 246.160 is amended to read:

8 246.160. The Secretary of State shall:

9 (1) Prepare and print, in appropriate and convenient form, periodic compilations and digests of  
 10 the state election statutes.

11 (2) Distribute in appropriate quantities to the county clerks for use by the county clerks **and**  
 12 **by election boards** copies of the compilations and digests and any supplies and materials necessary  
 13 to the conduct of elections as the Secretary of State considers appropriate.

14 (3) Make the compilations and digests available for distribution, free or at cost, to interested  
 15 persons.

16 **SECTION 51.** ORS 246.200 is amended to read:

17 246.200. (1) Except as otherwise provided by law, the county clerk is the only elections officer  
 18 who may conduct an election in this state. For purposes of this section, the conduct of an election  
 19 includes, but is not limited to, establishing precincts **and polling places**, preparing ballots and  
 20 sample ballots, and receiving and processing votes.

21 (2) Notwithstanding subsection (1) of this section:

22 (a) The county clerk is not the only elections officer who may accept and verify a filing for  
 23 nomination or filing of a petition, prepare a voters' pamphlet or ballot title, or prepare or publish  
 24 an election notice; and

25 (b) The Secretary of State may receive ballots as provided in ORS 253.585.

26 **SECTION 52.** ORS 246.250 is amended to read:

27 246.250. (1) The county clerk may employ personnel and procure equipment, supplies, materials,  
 28 books, papers, records and facilities of every kind as the clerk considers necessary to facilitate and  
 29 assist in administering the election laws.

30 (2) The necessary expenses incurred by the county clerk in administering the election laws,  
 31 **including reasonable rental for polling places**, shall be allowed by the county governing body and  
 32 paid out of the county treasury.

33 (3) The county clerk and deputies may administer oaths and affirmations in connection with the  
 34 performance of their functions in administering the election laws.

35 **SECTION 53.** ORS 247.965 is amended to read:

36 247.965. (1) Any elector may request the county clerk to keep the residence address of the  
 37 elector exempt from disclosure as a public record under ORS 192.410 to 192.505.

38 (2) The county clerk shall keep the residence address of an elector exempt from disclosure as  
 39 a public record under ORS 192.410 to 192.505 if the elector making the request demonstrates to the  
 40 satisfaction of the county clerk that the elector's personal safety or the safety of any family member  
 41 residing with the elector is in danger if the elector's address remains available for public inspection.

42 *[(3) The county clerk shall automatically mail a ballot to an elector whose residence address is*  
 43 *exempt from disclosure under this section.]*

44 *[(4)]* (3) An exemption from disclosure granted under this section shall remain in effect until the  
 45 elector requests termination of the exemption or the elector is required to update the elector's

1 registration. If the elector is required to update the elector's registration, the elector may apply for  
 2 another exemption from disclosure.

3 [(5)] (4) An exemption from disclosure granted under this section includes an exemption from  
 4 disclosure of the residence address of an elector under ORS 247.940 or 247.945.

5 [(6)] (5) A county clerk shall not be held liable for:

6 (a) Granting or denying an exemption from disclosure under this section; or

7 (b) Any unauthorized release of a residence address granted an exemption from disclosure under  
 8 this section.

9 **SECTION 54.** ORS 249.078 is amended to read:

10 249.078. (1) The name of a candidate for a major political party nomination for President of the  
 11 United States shall be printed on the ballot **or ballot label** only:

12 (a) By direction of the Secretary of State who in the secretary's sole discretion has determined  
 13 that the candidate's candidacy is generally advocated or is recognized in national news media; or

14 (b) By nominating petition described in this section and filed with the Secretary of State.

15 (2) A petition nominating a candidate under this section shall contain from each congressional  
 16 district the signatures of at least 1,000 electors who are registered in the district and who are  
 17 members of the major political party of the candidate. The electors in each congressional district  
 18 shall include electors registered in at least five percent of the precincts in each of at least one-  
 19 fourth of the counties in the congressional district. The petition shall contain the printed name,  
 20 residence or mailing address and name or number of the precinct, if known, of each elector whose  
 21 signature appears on the petition. The signatures shall be certified for genuineness by the county  
 22 clerks under ORS 249.008.

23 (3) Before circulating the nominating petition, the chief sponsor shall file with the Secretary of  
 24 State a signed copy of the prospective petition. The chief sponsor shall include with the prospective  
 25 petition a statement declaring whether one or more persons will be paid money or other valuable  
 26 consideration for obtaining signatures of electors on the petition. After the prospective petition is  
 27 filed, the chief sponsor shall notify the Secretary of State not later than the 10th day after the chief  
 28 sponsor first has knowledge or should have had knowledge that:

29 (a) Any person is being paid for obtaining signatures, when the statement included with the  
 30 prospective petition declared that no such person would be paid.

31 (b) No person is being paid for obtaining signatures, when the statement included with the pro-  
 32 spective petition declared that one or more such persons would be paid.

33 **SECTION 55.** ORS 249.091 is amended to read:

34 249.091. Unless otherwise provided by a home rule charter, if a nominating petition or declara-  
 35 tion of candidacy is filed by no more than two candidates for the office of sheriff, the office of  
 36 county treasurer or the office of county clerk or by no more than two candidates to fill a vacancy  
 37 in a nonpartisan office:

38 (1) The candidate or candidates shall be the nominee or nominees for the office; and

39 (2) The name or names of the candidate or candidates may not be printed on the ballot **or ballot**  
 40 **label** at the nominating election.

41 **SECTION 56.** ORS 250.037 is amended to read:

42 250.037. (1) The ballot title of any measure requesting elector approval of bonds, the principal  
 43 and interest on which will be payable from taxes imposed on property or property ownership that  
 44 are not subject to the limitations of sections 11 and 11b, Article XI of the Oregon Constitution, shall  
 45 contain, in addition to the matters required by ORS 250.035, the following statement immediately

1 after the ballot title question and appearing with it, in this manner:

2 \_\_\_\_\_  
 3  
 4 Question: (herein the question is stated) If the bonds are approved, they will be payable from  
 5 taxes on property or property ownership that are not subject to the limits of sections 11 and 11b,  
 6 Article XI of the Oregon Constitution.  
 7 \_\_\_\_\_

8  
 9 (2) The words of the statement required by subsection (1) of this section are not counted for  
 10 purposes of ORS 250.035.

11 (3) The ballot title statement for any measure requesting elector approval of bonds, the principal  
 12 and interest on which is to be payable from taxes imposed on property or property ownership that  
 13 are not subject to the limitations of sections 11 and 11b, Article XI of the Oregon Constitution, shall  
 14 contain, in addition to the other requirements of ORS 250.035 and this section, a reasonably detailed,  
 15 simple and understandable description of the use of proceeds.

16 [(4) *The front of the outer envelope in which the ballot title is delivered shall state, clearly and*  
 17 *boldly printed in red, "CONTAINS VOTE ON PROPOSED TAX INCREASE."*]

18 **SECTION 57.** ORS 250.038 is amended to read:

19 250.038. [(1)] In addition to meeting other applicable requirements of this chapter:

20 [(a)] (1) The ballot title for a measure authorizing the imposition of local option taxes shall  
 21 contain the statement required by ORS 280.070 (4) and the information required by ORS 280.070 (5);  
 22 **and**

23 [(b)] (2) The ballot title for a measure authorizing the establishment of a permanent rate limi-  
 24 tation shall contain the information required by ORS 280.070 (6)[; and].

25 [(c) *Except as provided in subsection (2) of this section, the front of the outer envelope in which the*  
 26 *ballot title is delivered shall state, clearly and boldly printed in red, one of the following statements:]*

27 [(A) *For a measure authorizing the imposition of local option taxes, "CONTAINS VOTE ON*  
 28 *PROPOSED TAX INCREASE"; or]*

29 [(B) *For a measure authorizing a renewal of current local option taxes, "CONTAINS VOTE ON*  
 30 *RENEWAL OF CURRENT LOCAL OPTION TAXES."*]

31 [(2) *If a ballot contains a measure authorizing the imposition of local option taxes and a measure*  
 32 *authorizing the renewal of a current local option tax, the front of the outer envelope in which the ballot*  
 33 *is delivered shall state, clearly and boldly printed in red, "CONTAINS VOTE ON PROPOSED TAX*  
 34 *INCREASE."*]

35 **SECTION 58.** ORS 251.175 is amended to read:

36 251.175. (1) Except as provided in subsection (2) of this section, not later than the 20th day be-  
 37 fore a primary election, general election or special election for which a voters' pamphlet has been  
 38 prepared, the Secretary of State shall cause the voters' pamphlet to be mailed to each post-office  
 39 mailing address in Oregon, and shall use any additional means of distribution necessary to make the  
 40 pamphlet available to electors.

41 (2) For any special election described in ORS 251.022 that is not held statewide, or for any other  
 42 state special election that is not held statewide, the Secretary of State by rule may prescribe  
 43 methods for distributing the voters' pamphlet prepared for the election. The rule shall require the  
 44 secretary to mail the pamphlet to at least each elector whose registration is determined to be active  
 45 on the 21st day before the date of the election and who is eligible to vote in the election. The rule

1 may specify other methods of distribution. *[Voters' pamphlets prepared for the election shall be mailed*  
 2 *not later than the date ballots are mailed to electors as provided in ORS 254.470.]*

3 **SECTION 59.** ORS 251.315 is amended to read:

4 251.315. (1) If a county produces a county voters' pamphlet, the county voters' pamphlet shall  
 5 include, when applicable, at least the following information:

6 (a) Requirements for a citizen to qualify as an elector.

7 (b) Requirements for registration and updates of registration.

8 (c) Elector instructions, including the right of an elector to request a second ballot if the first  
 9 ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

10 **(d) A statement that the voters' pamphlet may be used to assist electors at the polls.**

11 *[(d)] (e) The hours that the county elections office and other polling places are open [and*  
 12 *locations of places designated under ORS 254.470 for deposit of official ballots].*

13 *[(e)] (f) Any portraits and statements relating to candidates submitted in accordance with the*  
 14 *provisions of ORS 251.305 to 251.435.*

15 *[(f)] (g) Any ballot titles, explanatory statements and arguments submitted in accordance with*  
 16 *the provisions of ORS 251.305 to 251.435.*

17 **(h) A sample ballot containing the names of candidates for all offices appearing on the**  
 18 **ballot, and the ballot titles of all measures appearing on the ballot in the county.**

19 **(i) A list of polling places.**

20 *[(g)] (j) Such other information as the county clerk considers to be appropriate or necessary to*  
 21 *inform the voters.*

22 (2) The county clerk shall mail or otherwise distribute the county voters' pamphlet not later  
 23 than **the seventh day before the election** *[the last day for mailing ballots to electors as provided*  
 24 *in ORS 254.470].*

25 **SECTION 60.** ORS 253.005 is amended to read:

26 253.005. As used in this chapter:

27 (1) "Clerk" means the county clerk.

28 (2) "County clerk" means the county clerk or the county official in charge of elections.

29 (3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-  
 30 tution.

31 (4) "Absent elector" means a person to whom the county clerk has issued a ballot prior to **8**  
 32 **p.m. the day of the election** *[the date that ballots are mailed to electors as provided in ORS 254.470*  
 33 *(2)(a) or (b)].*

34 **SECTION 61.** ORS 253.045 is amended to read:

35 253.045. (1) The clerk shall print as many absentee ballots as may be necessary as soon as pos-  
 36 sible after receiving the information concerning candidates and measures to be voted on at an  
 37 election, but not later than the 45th day before the election.

38 **(2) The initials of the clerk may be placed on each ballot to identify it as an absentee**  
 39 **ballot.**

40 **(3) The ballot stubs of each set of ballot forms containing the same information may be**  
 41 **numbered consecutively.**

42 *[(2)] (4) The clerk is responsible for the safekeeping and disposition of the ballots, and shall*  
 43 *destroy all unused ballots as soon as practicable after the election.*

44 **SECTION 61a.** ORS 253.055 is amended to read:

45 253.055. (1) Absentee ballots may be the regular ballots used at the election or special ballots

1 and, except as provided in [subsection (2)] **subsections (2) and (3)** of this section, shall be in sub-  
2 stantially the same form as the regular ballots used at the election.

3 (2) In counties in which voting machines are used, paper ballots may be used as absentee ballots.

4 **(3) Ballot stubs are not required on absentee ballots.**

5 [(3)] (4) The ballot delivered to each absent elector shall contain the names and other informa-  
6 tion concerning all candidates and the information concerning all measures for which the absent  
7 elector is entitled to vote. In lieu of the names and other information concerning candidates for  
8 precinct committeeperson, blank spaces shall be provided on the ballot, in which the absent elector  
9 may write the name of a candidate for that office.

10 **SECTION 62.** ORS 253.135 is amended to read:

11 253.135. (1) An elector who, on the day of an election, will be absent from the county in which  
12 the elector is registered may vote at the elections office of any county clerk **or at any polling place**  
13 **in this state.**

14 (2) An elector voting under this section shall complete and sign a voter registration card.

15 **(3) The elector shall insert the ballot into a small envelope provided by the election board**  
16 **and then shall insert the small envelope into a larger envelope. The larger envelope shall be**  
17 **deposited into the ballot box.**

18 [(3)] (4) A ballot cast under this section shall be forwarded to the county clerk of the county in  
19 which the elector resides not later than the eighth day after the election. The ballot shall be  
20 counted in the county in which the elector resides if the elector is qualified to vote in that county.  
21 A vote shall be counted only if the elector is qualified to vote for the particular office or on the  
22 measure.

23 [(4)] (5) This section does not apply to persons registered under ORS 247.410 and 247.420.

24 **SECTION 63.** ORS 253.690, as amended by section 5, chapter 9, Oregon Laws 2010, is amended  
25 to read:

26 253.690. (1) A long term absent elector described in ORS 253.510 may cast a ballot using a fac-  
27 simile machine as provided in this section. [Notwithstanding ORS 254.470 (8),] A ballot cast under  
28 this section shall be counted only if the ballot:

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

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

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

40 \_\_\_\_\_  
41  
42 I, \_\_\_\_\_, acknowledge that by casting my voted ballot using a facsimile machine I have  
43 waived my right to a secret ballot.  
44 \_\_\_\_\_  
45



1 (c) A statement to notify the elector that the elector's ballot will not be counted unless the  
2 elector has complied with the provisions of this section.

3 (d) Space for the elector to provide the elector's signature to attest to the information supplied.

4 (3) The county clerk shall verify the signature of each elector on the return identification en-  
5 velope transmitted by facsimile machine under this section with the signature on the elector's reg-  
6 istration card, according to the procedure provided by rules adopted by the Secretary of State.

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

9 **SECTION 64.** ORS 253.700 is amended to read:

10 253.700. (1) The county clerk, **a member of the election board or special counting board**, an  
11 elections official or any elector shall challenge the absentee ballot of any person offering to vote  
12 as an absent elector whom the clerk, **member**, official or elector knows or suspects not to be  
13 qualified as an elector. The person's ballot may be challenged at any time before the ballot is re-  
14 moved from its return envelope for processing.

15 (2) A challenge to an absentee ballot of a person offering to vote shall be made under oath or  
16 affirmation before the clerk **or a member of the election board or special counting board** and  
17 shall be in writing on a numbered challenge form. The statement shall contain the name and resi-  
18 dence address of the challenger, the name of the person challenged and a statement of the facts  
19 upon which the challenge is based. Any elections official **or member of the election board or**  
20 **special counting board** may administer the oath or affirmation required under this subsection.

21 **SECTION 65.** ORS 254.005, as amended by section 3, chapter 18, Oregon Laws 2010, is amended  
22 to read:

23 254.005. As used in this chapter:

24 (1) "Ballot" means any material on which votes may be cast for candidates or measures. [*In the*  
25 *case of a recall election, "ballot" includes material posted in a voting compartment or delivered to an*  
26 *elector by mail.*]

27 (2) **"Ballot label" means the material containing the names of candidates or the measures**  
28 **to be voted on.**

29 [(2)] (3) "Chief elections officer" means the:

30 (a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the  
31 state at large or in a congressional district, or a measure to be voted on in the state at large.

32 (b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a  
33 county only.

34 (c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be  
35 voted on in a city only.

36 [(3)] (4) "County clerk" means the county clerk or the county official in charge of elections.

37 [(4)] (5) "Elector" means an individual qualified to vote under section 2, Article II, Oregon  
38 Constitution.

39 [(5)] (6) "Major political party" means a political party that has qualified as a major political  
40 party under ORS 248.006.

41 [(6)] (7) "Measure" includes any of the following submitted to the people for their approval or  
42 rejection at an election:

43 (a) A proposed law.

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

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

1 (d) Local, special or municipal legislation.

2 (e) A proposition or question.

3 [(7)] (8) “Minor political party” means a political party that has qualified as a minor political  
4 party under ORS 248.008.

5 [(8)] (9) “Nonpartisan office” means the office of judge of the Supreme Court, Court of Appeals,  
6 circuit court or the Oregon Tax Court, Superintendent of Public Instruction, Commissioner of the  
7 Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS  
8 chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer,  
9 county judge who exercises judicial functions, sheriff, district attorney or any office designated  
10 nonpartisan by a home rule charter.

11 [(9)] (10) “Prospective petition” means the information, except signatures and other identifica-  
12 tion of petition signers, required to be contained in a completed petition.

13 [(10)] (11) “Regular district election” means the election held each year for the purpose of  
14 electing members of a district board as defined in ORS 255.005 (2).

15 [(11)] (12) “Vote tally system” means one or more pieces of equipment necessary to examine and  
16 tally automatically the marked **or punched** ballots.

17 [(12)] (13) “Voting machine” means:

18 (a) Any device that will record every vote cast on candidates and measures and that will either  
19 internally or externally total all votes cast on that device.

20 (b) **Any device into which a ballot may be inserted and which is so designed and con-**  
21 **structed that the vote for any candidate or measure may be indicated by marking or**  
22 **punching the ballot.**

23 **SECTION 66.** ORS 254.035 is amended to read:

24 254.035. (1) It is the intention of the Legislative Assembly to carry out the provisions of section  
25 14a, Article II, Oregon Constitution.

26 (2) All elections for city officers shall be held at the same time and place as elections for state  
27 and county officers. **The election boards for state and county elections shall be the election**  
28 **boards for the city elections.** Unless a city charter or ordinance provides otherwise, the ballots  
29 **and ballot labels** used for state and county elections, if the county clerk considers it practicable,  
30 shall be arranged to include city offices and measures.

31 **SECTION 67.** ORS 254.071 is amended to read:

32 254.071. Prior to each election, the county clerk shall make every reasonable effort to acquaint  
33 electors with the ballot format to be used in the election and the methods used to mark **or punch**  
34 ballots to cast a valid vote.

35 **SECTION 68.** ORS 254.074 is amended to read:

36 254.074. (1) Each county clerk shall file a county elections security plan with the Secretary of  
37 State not later than:

38 (a) January 31 of each calendar year; and

39 (b) One business day after any revision is made to the county elections security plan.

40 (2) A county elections security plan shall include, but is not limited to:

41 (a) A written security agreement entered into with any vendor handling ballots;

42 (b) Security procedures for transporting ballots;

43 (c) Security procedures at official places of deposit for ballots;

44 (d) Security procedures for processing ballots;

45 (e) Security procedures governing election observers;

1 (f) Security procedures for ballots located in county elections work areas, buildings and storage  
2 areas;

3 (g) Security procedures for vote tally systems, including computer access to vote tally systems;

4 (h) Security procedures for scanning ballots into a vote tally system before the date of the  
5 election, if applicable; and

6 (i) Post-election ballot security.

7 (3) A security plan developed and filed under this section is confidential and not subject to dis-  
8 closure under ORS 192.410 to 192.505.

9 *[(4) A county clerk may not scan ballots as described in ORS 254.478 unless the Secretary of State  
10 reviews and approves a security plan under this section.]*

11 **SECTION 69.** ORS 254.076 is amended to read:

12 254.076. The chief elections officer shall keep a register of candidates for nomination at the  
13 primary election. The register, if applicable, shall contain for each major political party:

14 (1) The title of each office for which the major political party will nominate candidates at the  
15 primary election.

16 (2) The name and mailing address of each candidate for nomination at the primary election.

17 (3) The name of the major political party with which the candidate is registered as affiliated.

18 (4) The date of filing of the prospective petition for nomination of the candidate.

19 (5) The date of filing of the completed petition for nomination of the candidate, the number of  
20 valid signatures contained and the number of signatures required.

21 (6) The date of filing of the declaration of candidacy of the candidate.

22 (7) Such other information as may aid the chief elections officer in arranging the official ballot  
23 **or ballot label** for the primary election.

24 **SECTION 70.** ORS 254.115 is amended to read:

25 254.115. (1) The official primary election ballot **or ballot label** shall be styled "Official Primary  
26 Nominating Ballot for the \_\_\_\_\_ Party." and shall state:

27 (a) The name of the county for which it is intended.

28 (b) The date of the primary election.

29 (c) The names of all candidates for nomination at the primary election whose nominating pe-  
30 titions or declarations of candidacy have been made and filed, and who have not died, withdrawn  
31 or become disqualified.

32 (d) The names of candidates for election as precinct committeeperson.

33 (e) The names of candidates for the party nomination for President of the United States who  
34 qualified for the ballot under ORS 249.078.

35 **(2) The ballot shall also state the number or name of the precinct for which it is in-  
36 tended.**

37 *[(2)]* **(3)** The primary election ballot may include any city, county or nonpartisan office or the  
38 number, ballot title and financial estimates under ORS 250.125 of any measure.

39 *[(3)]* **(4)** The ballot may not contain the name of any person other than those referred to in  
40 subsections (1) and *[(2)]* **(3)** of this section. The name of each candidate for whom a nominating pe-  
41 tition or declaration of candidacy has been filed shall be printed on the ballot in but one place. In  
42 the event that two or more candidates for the same nomination or office have the same or similar  
43 surnames, the location of their places of residence shall be printed opposite their names to distin-  
44 guish one from another.

45 **SECTION 71.** ORS 254.125 is amended to read:

1 254.125. (1) The names of candidates for a nonpartisan office at a nominating election held on  
 2 the date of the primary election shall be listed without political party designation on a nominating  
 3 ballot **or ballot label** under the title, and department or position number if any, of the office.

4 (2) At the primary election or general election:

5 (a) The names of candidates who are opposed for nomination or election to the Supreme Court,  
 6 Court of Appeals, Oregon Tax Court and circuit court shall be printed on the ballot before the  
 7 names of candidates for those offices who are unopposed; and

8 (b) The word "incumbent" shall follow the name of each candidate for the Supreme Court, Court  
 9 of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Secretary  
 10 of State under ORS 254.085.

11 **SECTION 72.** ORS 254.135 is amended to read:

12 254.135. (1) The official general or special election ballot **or ballot label** shall be styled "Official  
 13 Ballot" and shall state:

14 (a) The name of the county for which it is intended.

15 (b) The date of the election.

16 (c) The names of all candidates for offices to be filled at the election whose nominations have  
 17 been made and accepted and who have not died, withdrawn or become disqualified. The ballot may  
 18 not contain the name of any other person.

19 (d) The number, ballot title and financial estimates under ORS 250.125 of any measure to be  
 20 voted on at the election.

21 **(2) The ballot shall also state the number or name of the precinct for which it is in-**  
 22 **tended.**

23 [(2)] **(3)** The names of candidates for President and Vice President of the United States shall be  
 24 printed in groups together, under their political party designations. The names of the electors may  
 25 not be printed on the general election ballot. A vote for the candidates for President and Vice  
 26 President is a vote for the group of presidential electors supporting those candidates and selected  
 27 as provided by law. The general election ballot shall state that electors of President and Vice  
 28 President are being elected and that a vote for the candidates for President and Vice President shall  
 29 be a vote for the electors supporting those candidates.

30 [(3)(a)] **(4)(a)** The name of each candidate nominated shall be printed upon the ballot **or ballot**  
 31 **label** in but one place, without regard to how many times the candidate may have been nominated.  
 32 The name of a political party, or names of political parties, shall be added opposite the name of a  
 33 candidate for other than nonpartisan office according to the following rules:

34 (A) For a candidate not affiliated with a political party who is nominated by a minor political  
 35 party, the name of the minor political party shall be added opposite the name of the candidate;

36 (B) For a candidate not affiliated with a political party who is nominated by more than one  
 37 minor political party, the names of not more than three minor political parties selected by the can-  
 38 didate shall be added opposite the name of the candidate;

39 (C) For a candidate who is a member of a political party who is nominated by a political party  
 40 of which the candidate is not a member, the name of the political party that nominated the candi-  
 41 date shall be added opposite the name of the candidate;

42 (D) For a candidate who is a member of a political party who is nominated by more than one  
 43 political party of which the candidate is not a member, the names of not more than three political  
 44 parties selected by the candidate shall be added opposite the name of the candidate;

45 (E) For a candidate who is nominated only by a political party of which the candidate is a

1 member, the name of the political party of which the candidate is a member shall be added opposite  
 2 the name of the candidate; and

3 (F) For a candidate who is nominated by a political party of which the candidate is a member  
 4 and by any political party or parties of which the candidate is not a member, the name of the poli-  
 5 tical party of which the candidate is a member and the names of not more than two other political  
 6 parties selected by the candidate shall be added opposite the name of the candidate.

7 (b) If a candidate is required to select the name of a political party to be added on the ballot  
 8 under paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection  
 9 not later than the 61st day before the day of the election.

10 (c) The word “incumbent” shall follow the name of each candidate for the Supreme Court, Court  
 11 of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Secretary  
 12 of State under ORS 254.085.

13 (d) The word “nonaffiliated” shall follow the name of each candidate who is not affiliated with  
 14 a political party and who is nominated by an assembly of electors or individual electors.

15 (e) If two or more candidates for the same office have the same or similar surnames, the location  
 16 of their places of residence shall be printed opposite their names to distinguish one from another.

17 **SECTION 73.** ORS 254.145 is amended to read:

18 254.145. (1)(a) Except as provided in paragraph (b) of this subsection, the names of candidates  
 19 for nomination for or election to each office shall be arranged on the ballot **or ballot label** in the  
 20 order determined under ORS 254.155.

21 (b) The names of candidates for the offices of President and Vice President of the United States  
 22 shall be arranged in groups.

23 (2) Except as provided in ORS 254.125 and 254.135 and this section, no information about the  
 24 candidate, including any title or designation, other than the candidate’s name, may appear on the  
 25 ballot.

26 (3) Spaces shall be provided for any offices appearing on the ballot in which the elector may  
 27 write the name of any person not printed on the ballot. If a voting machine is used, spaces shall be  
 28 provided on the ballot, or on separate material delivered to the elector with the ballot, in which the  
 29 elector may write or enter the names of persons for any offices appearing on the ballot.

30 (4) On the left margin of the ballot **or ballot label**, the name of each group or candidate may  
 31 be numbered. The blank spaces may not be numbered. A particular number may not be used to  
 32 designate more than one candidate at any election.

33 (5) The names of all candidates for the same office shall be listed in the same column on the  
 34 ballot **or ballot label**. If more than one column is needed to list names of all candidates for that  
 35 office, the names may be arranged in one or more columns in block form. The block shall be set  
 36 apart by rulings under the title of the office. If a blank space follows the list of candidates, the space  
 37 shall be in the same column as the names of candidates for that office. If blocks of columns are used,  
 38 blank spaces shall be included within the ruled block.

39 (6) [*The ballot*] **In precincts using voting machines, the ballot label** shall be clearly marked  
 40 to indicate when names of candidates for the office are continued on the following page.

41 (7) When a measure is submitted to the people, the number, ballot title and financial estimates  
 42 under ORS 250.125 of each measure shall be printed after the list of candidates. A measure referred  
 43 by the Legislative Assembly shall be designated “Referred to the People by the Legislative Assem-  
 44 bly.” A state measure referred by petition shall be designated “Referendum Order by Petition of the  
 45 People.” A state measure proposed by initiative petition shall be designated “Proposed by Initiative

1 Petition.”

2 (8) The ballot shall be printed to give the elector a clear opportunity to designate the elector’s  
 3 choice for candidates and approval or rejection of measures submitted. If a voting machine is not  
 4 used, the elector shall indicate a preference by making a cross or check mark inside a voting square  
 5 corresponding to the candidate or answer for which the elector wishes to vote. A voting square may  
 6 be printed on the blank, write-in vote spaces. However, the elector is not required to place a mark  
 7 in the voting square corresponding to a name written in a blank space. Words shall be printed on  
 8 the ballot **or ballot label** to aid the elector, such as “Vote for one,” “Vote for three,” and regarding  
 9 measures, “Yes” and “No.”

10 (9) **Each official ballot shall have a removable stub. The stub on the ballots for a precinct**  
 11 **shall be numbered consecutively.**

12 **SECTION 74.** ORS 254.155 is amended to read:

13 254.155. (1) Not later than the 69th day before the date of any election the Secretary of State  
 14 shall complete a random ordering of the letters of the alphabet.

15 (2) Not later than the 68th day before the date of any election the Secretary of State shall mail  
 16 or deliver to each county clerk a copy of the random ordering of the letters of the alphabet.

17 (3) The county clerk shall arrange by surname the names of the candidates on the ballot **or**  
 18 **ballot label** in the random order of the letters of the alphabet completed by the Secretary of State  
 19 under subsection (1) of this section.

20 **SECTION 75.** ORS 254.165 is amended to read:

21 254.165. (1) If the filing officer determines that a candidate has died, withdrawn or become dis-  
 22 qualified, or that the candidate will not qualify in time for the office if elected, the name of the  
 23 candidate may not be printed on the ballots **or ballot labels** or, if they have already been printed,  
 24 shall be erased or canceled before the ballots are delivered to the electors. The name of a candidate  
 25 nominated to fill a vacancy in nomination or office shall be printed on the ballots **or ballot labels**  
 26 or, if they have already been printed, the county clerk shall cause the name to appear on the ballots  
 27 **or ballot labels** before the ballots are delivered to the electors. A filing officer, other than the  
 28 Secretary of State, shall notify the Secretary of State of any action taken under this section.

29 (2) Subsection (1) of this section does not apply if the filing officer makes the determination  
 30 under subsection (1) of this section on or after the 47th day before the date of the election.

31 (3) As used in this section:

32 (a) “District” means a district defined in ORS 255.012.

33 (b) “Filing officer” means the:

34 (A) Secretary of State, regarding a candidate for a state office or an office to be voted on in the  
 35 state at large or in a congressional district.

36 (B) County clerk, regarding a candidate for a county office.

37 (C) County clerk of the county in which the administrative office of the district is located, re-  
 38 garding a candidate for a district office to be voted on in a district located in more than one county.

39 (D) County clerk, regarding a candidate for a district office to be voted on in a district situated  
 40 wholly within the county.

41 (E) City clerk, auditor or recorder, regarding a candidate for a city office.

42 **SECTION 76.** ORS 254.175 is amended to read:

43 254.175. (1) In lieu of printing the complete ballot title of any measure, other than a state  
 44 measure, the county clerk may print the caption and the question of the ballot title and the measure  
 45 number on the ballot **or ballot label. If the complete ballot title is omitted from the ballots or**

1 **ballot labels, the complete ballot title shall be printed in 14-point type or larger and posted**  
 2 **in each voting compartment within view of the elector.**

3 (2) In lieu of printing the complete ballot title and financial estimates of any state measure to  
 4 be initiated or referred, the county clerk may print the caption of the ballot title, the statements  
 5 described in ORS 250.035 (2)(b) and (c) and the measure number on the ballot **or ballot label. If the**  
 6 **complete ballot title and financial statements are omitted from the ballots or ballot labels,**  
 7 **they shall be printed in 14-point type or larger and posted in each voting compartment within**  
 8 **view of the elector.**

9 [(3) *In the case of a recall election, the following shall be printed on the ballot:*]

10 [(a) *The statements described in section 18, Article II of the Oregon Constitution, and ORS 249.877;*  
 11 *and]*

12 [(b) *The question “Do you vote to recall \_\_\_\_\_ from the office of \_\_\_\_\_?”, with the name*  
 13 *of the person against whom a recall petition has been filed printed in the first blank space and the*  
 14 *public office held by the person printed in the second blank space.]*

15 **(3) In the case of a recall election:**

16 **(a) The statements described in section 18, Article II of the Oregon Constitution, and**  
 17 **ORS 249.877 may be posted in each voting compartment within view of the elector; and**

18 **(b) The question shall appear on the ballot, “Do you vote to recall \_\_\_\_\_ from the**  
 19 **office of \_\_\_\_\_?”, with the name of the person against whom a recall petition has been**  
 20 **filed printed in the first blank space and the public office held by the person printed in the**  
 21 **second blank space.**

22 (4) The complete text of each ballot title and any financial estimates shall be included with  
 23 *[each]* **any absentee official ballot.**

24 **(5) Sample ballots and the publication of any facsimile sample ballots shall include the full**  
 25 **text of the ballot title and any financial estimates.**

26 **SECTION 77.** ORS 254.185 is amended to read:

27 254.185. The county clerk shall print or furnish all the required ballots **and ballot labels** and  
 28 shall provide them for use by electors in the county. Only ballots **and ballot labels** printed or fur-  
 29 nished under this section may be used in an election.

30 **SECTION 78.** ORS 254.195 is amended to read:

31 254.195. (1) Official ballots **and ballot labels** shall be printed in black ink upon good quality  
 32 material. The primary election ballots **or ballot labels** shall be of different colors for the major  
 33 political parties.

34 **(2) Sample ballots shall be prepared for the information of the elector. The sample ballot**  
 35 **shall contain the offices, candidates, measures and other information on the ballots or ballot**  
 36 **labels of the precincts for which the sample ballot is issued. The sample ballot need not**  
 37 **contain the office of, or candidates for, precinct committeeperson. The sample ballots shall**  
 38 **be identified as such, and printed on cheaper, colored paper to distinguish them from official**  
 39 **ballots. A sample ballot may not be voted or counted.**

40 [(2)] (3) The governing body of a city, county or district may mail sample ballots to all electors  
 41 within the city, county or district to assist the electors’ preparation for voting.

42 **SECTION 79.** ORS 254.235 is amended to read:

43 254.235. (1) Not later than seven days before an election in which voting machines or vote tally  
 44 systems are used, the county clerk shall:

45 (a) Conduct a preparatory test of the machine and system for logic and accuracy to ensure that

1 each ballot format, where appropriate, correctly tallies ballots in each electoral contest by precinct;  
 2 and

3 (b) Conduct a public certification test for the vote tally system using a selection of precincts,  
 4 ballot formats and electoral districts from the preparatory test conducted under this subsection.

5 (2) Prior to the public certification test under subsection (1)(b) of this section, the county clerk  
 6 shall mail to each affiliate of a major or minor political party within the county that has notified  
 7 the clerk that notice is desired, a notice of the time and place where the vote tally system will be  
 8 publicly tested. One representative of each party is entitled to be present to ensure that the testing  
 9 is done properly. In nonpartisan elections each candidate may designate one representative who has  
 10 the same powers as the political party representatives. The party and candidate representatives  
 11 shall certify that they have witnessed the testing. The certificates shall be filed with the county  
 12 clerk.

13 **(3) In an election where voting machines are used, the count clerk shall prepare a cer-**  
 14 **tificate that the ballot labels have been properly placed in the machine.**

15 **SECTION 80.** ORS 254.321 is amended to read:

16 254.321. At any election in which the question of establishing or changing the exterior bounda-  
 17 ries of a county or city is submitted to a vote, the county clerk shall:

18 **(1) Post in each voting compartment a map indicating the proposed boundaries;**

19 *[(1)]* **(2)** Include with every mailed ballot a map indicating the proposed boundaries; or

20 *[(2)]* **(3)** Print in a voters' pamphlet prepared for the election a map indicating the proposed  
 21 boundaries.

22 **SECTION 81.** ORS 254.365 is amended to read:

23 254.365. (1) An elector is not qualified or permitted to vote at any primary election for any  
 24 candidate of a major political party, and it is unlawful for the elector to offer to do so, unless:

25 (a) The elector is registered as being affiliated with one of the major political parties nominating  
 26 or electing its candidates for public office at the primary election; or

27 (b) The elector is registered as not being affiliated with any political party and wishes to vote  
 28 in the primary election of a major political party that has provided under subsection (3) of this  
 29 section for a primary election that admits electors not affiliated with any political party.

30 (2) *[Except as provided in ORS 254.470 (3),]* Any elector offering to vote at the primary election  
 31 shall be given a ballot of the major political party with which the elector is registered as being af-  
 32 filiated. The elector may not be given a ballot of any other political party at that primary election.  
 33 An elector not affiliated with any political party and offering to vote at the primary election shall  
 34 be given the ballot of the major political party in whose primary election the elector wishes to vote  
 35 if that party has provided under subsection (3) of this section for a primary election that admits  
 36 electors not affiliated with any political party. An elector not affiliated with any political party who  
 37 is given a ballot of the major political party associates with the party for the purpose of voting in  
 38 that primary election.

39 (3)(a) Not later than the 90th day before the date of the primary election, a major political party  
 40 may file with the Secretary of State a certified copy of the current party rule allowing an elector  
 41 not affiliated with any political party to vote in the party's primary election. The party may not  
 42 repeal the rule as filed during the 90 days before the primary election. The rule shall continue to  
 43 be effective after the date of the primary election until the party gives written notice to the Secre-  
 44 tary of State that the rule has been repealed. Except as provided in paragraph (b) of this subsection,  
 45 a party rule under this subsection may limit the candidates for whom an elector who is not affiliated



1 with any political party may vote.

2 (b) The party rule shall allow any elector who is permitted to vote for the most numerous  
 3 branch of the Legislative Assembly also to vote in federal legislative elections, consistent with sec-  
 4 tion 2, Article I, and the Seventeenth Amendment to the United States Constitution.

5 (4) If the primary election ballot includes city, county or nonpartisan offices or measures, and  
 6 it is given to an elector who is not eligible to vote for party candidates, the ballot shall be marked  
 7 “non-affiliated.”

8 **SECTION 82.** ORS 254.408 is amended to read:

9 254.408. (1) A person offering to vote and who claims to be an elector, but for whom no evidence  
 10 of active or inactive registration can be found, shall be granted the right to vote in the manner  
 11 provided in this section.

12 [(2) Whenever an elector updates a registration at a county clerk’s office after the ballots have been  
 13 mailed under ORS 254.470, the elector shall vote in that election in the manner provided in this  
 14 section.]

15 **(2) Whenever an elector updates a registration at a polling place on the date of the**  
 16 **election, the elector shall vote in that election in the manner provided in this section.**

17 (3) An elector voting under this section shall complete and sign a registration card.

18 (4) The elector shall insert the ballot into a small envelope provided by the [county clerk]  
 19 **election board** and then insert the small envelope into a larger envelope. The larger envelope shall  
 20 be [delivered to the county clerk and] **deposited in the ballot box. When the ballot box is opened,**  
 21 **the larger envelopes** shall be segregated and not counted until the registration of the elector is  
 22 verified under this section.

23 (5) The county clerk shall determine if the elector is validly registered to vote and if the vote  
 24 was properly cast. The ballot shall be counted only if the county clerk determines the registration  
 25 of the elector is considered active or inactive.

26 (6) A vote shall be counted only if the elector is qualified to vote for the particular office or  
 27 on the measure.

28 **SECTION 83.** ORS 254.411 is amended to read:

29 254.411. (1) Any elector whose name has been changed may vote once in the [county] **precinct**  
 30 in which the elector is registered under the elector’s former name.

31 **(2) The election board clerk shall enter into the poll book the fact that the elector’s name**  
 32 **has changed.**

33 [(2)] (3) Following the election, the registration of the elector shall be considered inactive.

34 [(3)] (4) In order to vote at subsequent elections the elector whose name has changed must up-  
 35 date the elector’s registration.

36 **SECTION 84.** ORS 254.415 is amended to read:

37 254.415. (1) The county clerk, **a member of an election board**, an elections official or any  
 38 elector shall challenge the ballot of any person offering to vote whom the clerk, **member**, official  
 39 or elector knows or suspects not to be qualified as an elector.

40 (2) The clerk, **member**, official or elector challenging the ballot shall make, under oath or af-  
 41 firmation before a county clerk, **member of an election board** or other elections official, a written  
 42 and numbered statement of challenge. The statement shall contain the name and residence address  
 43 of the challenger, the name of the person challenged and a statement of the facts upon which the  
 44 challenge is based.

45 [(3) A person’s ballot may be challenged at any time before the ballot is removed from its return

1 *envelope for processing.]*

2 **SECTION 85.** ORS 254.445 is amended to read:

3 254.445. (1) If an elector is within the county and, because of a physical disability or an inability  
4 to read or write, is unable to mark **or punch** the ballot, the elector may request and shall receive  
5 the assistance of two persons of different parties provided by the clerk or of some other person  
6 chosen by the elector in marking **or punching** the ballot. The persons assisting the elector shall  
7 ascertain the wishes of the elector and assist the elector in voting the ballot accordingly, and  
8 thereafter may give no information regarding the vote.

9 (2) A person may not assist an elector under subsection (1) of this section if the person:

10 (a) Is an employer of the elector or an agent of the employer; or

11 (b) Is an officer or agent of the union of which the elector is a member.

12 **(3) The election board chairperson may require a declaration of disability to be made by**  
13 **the elector under oath. Whenever an elector receives assistance in this manner, a clerk shall**  
14 **make a notation of it in the poll book following the name of the elector.**

15 **(4) When any elector, because of a physical disability or an inability to read or write, is**  
16 **unable to sign the poll book, a clerk, under supervision of the chairperson, shall enter the**  
17 **words “unable to sign” in the place provided for the elector’s signature.**

18 *[(3)]* **(5)** In preparing the ballot, an elector may use or copy a sample ballot, which may be  
19 marked in advance to assist the elector in marking **or punching** the official ballot.

20 **SECTION 85a.** ORS 254.458 is amended to read:

21 254.458. Notwithstanding any provision of *[ORS 254.470]* **section 37 of this 2011 Act:**

22 (1) A county clerk may apply to the Secretary of State for approval of any procedure to be used  
23 in lieu of the envelope procedures described in *[ORS 254.470]* **section 37 of this 2011 Act;** and

24 (2) Upon receiving an application under subsection (1) of this section, the secretary may approve  
25 a procedure to be used in lieu of the envelope procedures described in *[ORS 254.470]* **section 37**  
26 **of this 2011 Act** if the secretary determines that the procedure will provide substantially the same  
27 degree of secrecy as *[ORS 254.470]* **section 37 of this 2011 Act.**

28 **SECTION 86.** ORS 254.483 is amended to read:

29 254.483. Immediately after 8 p.m. on the day of an election:

30 **(1) The names of electors who voted shall be counted and the number written in the poll**  
31 **book.**

32 **(2) If the election board has unused ballots in its custody that can be used for another**  
33 **election:**

34 **(a) The board, by an examination of the poll book, shall determine the number of ballots**  
35 **voted and the number of ballots spoiled. These totals shall be written in the poll book; and**

36 **(b) The board shall count the unused ballots in its custody and shall write this number**  
37 **in the poll book.**

38 **(3) The election board shall destroy all unused ballots that are printed or identified for**  
39 **a particular election.**

40 **(4) The board chairperson and clerks shall certify the accounting as written in the poll**  
41 **book by signing the poll book.**

42 **(5) At a polling place in which ballot labels are used, the election board shall seal the**  
43 **ballot labels closed.**

44 *[(1)]* **(6)** The county clerk shall destroy all unused absentee and regular ballots in the county  
45 clerk’s possession.

[2] (7) Each county shall provide for the security of, and shall account for, unused ballots.

**SECTION 87.** ORS 254.495 is amended to read:

254.495. (1) **The election board**, to tally ballots by hand, [*the counting board*] shall use the tally sheets and two copies of the return sheet.

(2) The completed tally and return sheets shall contain:

(a) The offices on the ballot;

(b) The number and name of each candidate who received a vote;

(c) The total number of votes cast for each candidate and each measure voted upon; and

(d) The total number of votes cast for and against the measure.

(3) The tally and return sheets, when completed, shall be certified correct by the [*counting*] **election board** that kept them.

**SECTION 88.** ORS 254.505 is amended to read:

254.505. (1) Only official ballots may be counted. Any vote from which it is impossible to determine the elector's choice for the office or measure may not be counted. An elector may not place on the ballot a sticker bearing the name of a person or use any other method or device, except writing or using a voting machine, to vote for a person whose name is not printed on the ballot. Any ballot that has a sticker or other device is void and may not be counted. Counting board clerks shall disregard misspelling or abbreviations of the names of candidates if it can be ascertained from the ballot for whom the vote was intended.

(2) When ballots are counted by counting boards, the board chairperson, using ink, immediately shall initial the back of the wholly or partially void ballot and write on it "Not counted for \_\_\_\_\_" (stating the office or measure). The [*counting*] **election board** shall seal the wholly void ballots in an envelope.

**SECTION 89.** ORS 254.525 is amended to read:

254.525. (1) **Immediately after the tally of votes:**

(a) **The board chairperson shall count the regular and absentee ballots either tallied or rejected, and write the number in the poll book. The number shall be certified as correct by board members.**

(b) **If all votes cast at the polling place are tallied there, the election board shall post one copy of the return sheet in a prominent location outside the polling place.**

(c) **The election board shall deliver under seal to the county clerk one copy of the return sheet, the tally sheet, ballots, ballot boxes, ballot stubs and written challenge statements. The board also shall deliver the other equipment to the county clerk.**

(2) If a vote tally system is used, the county clerk shall repeat the public certification test described under ORS 254.235 (1) for the vote tally system used to conduct the election. The test shall be conducted after all the ballots are tallied but before the final results of the election are certified or before the vote tally system is shut down. The test may be observed by persons described in ORS 254.235 (2). The county clerk shall certify the results of the test.

**SECTION 90.** ORS 254.535 is amended to read:

254.535. (1) Except as provided in subsection (3) of this section, each **poll book**, tally sheet, return sheet and ballot return identification envelope shall be preserved for two years after the election to which it relates.

(2) Except as provided in subsection (3) of this section, the county clerk shall destroy the ballots, **ballot stubs** and written challenge statements not sooner than the 90th day after the final day permitted for a contest of the election, unless otherwise ordered by the court.

1 (3) In accordance with 42 U.S.C. 1974, any ballot, voter registration records and any other ma-  
 2 terials relating to any election at which a candidate is nominated or elected to federal office shall  
 3 be retained for not less than 22 months following the date of the election.

4 **SECTION 91.** ORS 255.055 is amended to read:

5 255.055. The elections officer may delegate to the district elections authority at the request of  
 6 the district elections authority any responsibility to conduct the district election, in whole or in  
 7 part, **except the designation of polling places**, if the elections officer determines that:

8 (1) The election will be conducted in accordance with this chapter; *[and]*

9 **(2) The polling places designated by the elections officer for the election will be the only**  
 10 **polling places used by the district for that election; and**

11 *[(2)]* (3) No inconvenience for electors of the district will result.

12 **SECTION 92.** ORS 255.215 is amended to read:

13 255.215. In lieu of or in addition to publication of notice under ORS 255.085 **or section 41 of**  
 14 **this 2011 Act**, if it is expedient to do so the elections officer may give notice by mail to each elector  
 15 of the district. The notice shall have postage prepaid and shall be considered given when mailed.  
 16 Mailed notice of a district election under ORS 255.085 shall be made not later than three days after  
 17 receipt of the ballot title. Proof of mailing shall be by affidavit of the elections officer. The affidavit  
 18 shall state the time and place the notice was mailed.

19 **SECTION 93.** ORS 255.288 is amended to read:

20 255.288. At any election in which the question of establishing or changing the exterior bounda-  
 21 ries of a district or the question of establishing or changing boundaries of electoral zones or sub-  
 22 districts within a district is submitted to a vote, the elections officer shall provide a map indicating  
 23 the proposed boundaries. The elections officer shall provide the map by:

24 **(1) Posting the map in each voting compartment or by each shelf or table, within view**  
 25 **of the elector; or**

26 *[(1)]* **(2) Printing the map in any voters' pamphlet prepared for the district election and making**  
 27 **the voters' pamphlet available at each polling place.;** *or]*

28 *[(2) Including the map with the ballot.]*

29 **SECTION 94.** ORS 260.665 is amended to read:

30 260.665. (1) As used in this section, "undue influence" means force, violence, restraint or the  
 31 threat of it, inflicting injury, damage, harm, loss of employment or other loss or the threat of it, or  
 32 giving or promising to give money, employment or other thing of value.

33 (2) A person, acting either alone or with or through any other person, may not directly or in-  
 34 directly subject any person to undue influence with the intent to induce any person to:

35 (a) Register or vote;

36 (b) Refrain from registering or voting;

37 (c) Register or vote in any particular manner;

38 (d) Be or refrain from or cease being a candidate;

39 (e) Contribute or refrain from contributing to any candidate, political party or political com-  
 40 mittee;

41 (f) Render or refrain from rendering services to any candidate, political party or political com-  
 42 mittee;

43 (g) Challenge or refrain from challenging a person offering to vote;

44 (h) Apply or refrain from applying for an absentee ballot; or

45 (i) Sign or refrain from signing a prospective petition or an initiative, referendum, recall or

1 candidate nominating petition.

2 (3) A person may not solicit or accept money or other thing of value as an inducement to act  
3 as prohibited by subsection (2) of this section.

4 (4) This section does not prohibit:

5 (a) The employment of persons to render services to candidates, political parties or political  
6 committees;

7 (b) The public distribution by candidates, political parties or political committees of sample  
8 ballots or other items readily available to the public without charge, even though the distributor  
9 incurs costs in the distribution;

10 (c) Public or nonpromissory statements by or on behalf of a candidate of the candidate's in-  
11 tentions or purposes if elected;

12 (d) A promise by a candidate to employ any person as administrative assistant, secretary or  
13 other direct personal aide;

14 (e) Free custody and care of minor children of persons during the time those persons are absent  
15 from those children for voting purposes;

16 (f) For persons voting, free transportation to and from [*places designated for the deposit of ballots*  
17 *under ORS 254.470 or to and from locations described in ORS 254.472 or 254.474;*] **polling places**,  
18 but no means of advertising, solicitation or inducement to influence the vote of persons transported  
19 may be used with that transportation;

20 (g) Individuals or political committees from providing refreshments incidental to a gathering in  
21 support of or in opposition to a candidate, political committee or measure; or

22 (h) The public distribution of registration cards by a person approved by the Secretary of State  
23 under ORS 247.171 to print, copy or otherwise prepare and distribute registration cards, even though  
24 the distributor incurs costs in the distribution.

25 **SECTION 95.** ORS 260.675 is amended to read:

26 260.675. (1) A person employed or authorized to print official ballots **or ballot labels** may not  
27 give, deliver or knowingly permit any of the ballots **or ballot labels** to be taken by any person other  
28 than the official under whose direction the ballots **or ballot labels** are printed.

29 (2) A person may not knowingly print, cause or permit to be printed any ballot **or ballot label**  
30 in any other form, with any other names, with names spelled or names of the candidates arranged  
31 in any other way than that directed by the official under whose direction the ballots **or ballot labels**  
32 are printed.

33 (3) An official having the duty of distributing ballots **or ballot labels**, and any persons acting  
34 for that official, may not knowingly distribute or cause to be distributed any ballots **or ballot labels**  
35 in any other manner than as provided under the election laws.

36 **SECTION 96.** ORS 260.695, as amended by section 1, chapter 35, Oregon Laws 2010, is amended  
37 to read:

38 260.695. (1)(a) If a person prints or circulates an imitation of the ballot or sample ballot:

39 (A) The imitation ballot or sample ballot and the back of any return envelope enclosed with the  
40 ballot or sample ballot shall state the following: "THIS IS NOT A REAL BALLOT. DO NOT USE  
41 TO VOTE." The statement on the imitation ballot or sample ballot shall be in bold print that is at  
42 least two times as large as the majority of the text on the ballot or sample ballot or 20-point type,  
43 whichever is larger. The statement on the back of a return envelope shall be in bold print that is  
44 at least 36-point type.

45 (B) The word "UNOFFICIAL" must be superimposed on the imitation ballot or sample ballot so

1 that the word extends diagonally across the ballot from one margin of the text to the other. The  
 2 superimposed word may be printed in lighter ink than other text on the ballot or sample ballot.

3 (b) For purposes of this subsection, an imitation of the ballot or sample ballot includes an imi-  
 4 tation of a portion of the ballot or sample ballot.

5 (2) A person may not do any electioneering, including circulating any cards or handbills, or so-  
 6 liciting of signatures to any petition, within any building in which [*any state or local government*  
 7 *elections office designated for the deposit of ballots under ORS 254.470*] **a polling place** is located,  
 8 or within 100 feet measured radially from any entrance to the building. A person may not do any  
 9 electioneering by public address system located more than 100 feet from an entrance to the building  
 10 if the person is capable of being understood within 100 feet of the building. The electioneering need  
 11 not relate to the election being conducted. [*This subsection applies during the period beginning on*  
 12 *the date that ballots are mailed to electors as provided in ORS 254.470 and ending on election day at*  
 13 *8 p.m. or when all persons waiting in line at the building who began the act of voting as described in*  
 14 *ORS 254.470 (10) by 8 p.m. have finished voting.*]

15 (3) **A person may not obstruct an entrance to a building in which a polling place is lo-**  
 16 **cated.** [*A person may not obstruct an entrance of a building in which ballots are issued or a place*  
 17 *designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS*  
 18 *254.474 is located. This subsection applies during the period beginning on the date that ballots are*  
 19 *mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all persons*  
 20 *waiting in line at the building or location who began the act of voting as described in ORS 254.470 (10)*  
 21 *by 8 p.m. have finished voting.*]

22 (4) A person may not vote or offer to vote in any election knowing the person is not entitled  
 23 to vote.

24 (5) A person may not make a false statement about the person's inability to mark **or punch** a  
 25 ballot.

26 (6) A person, except an elections official in performance of duties or another person providing  
 27 assistance to an elector as described in ORS 254.445, may not ask a person at any **polling** place  
 28 [*designated for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472*  
 29 *or 254.474*] for whom that person intends to vote, or examine or attempt to examine the person's  
 30 ballot.

31 (7) A person may not show the person's own marked **or punched** ballot to another person to  
 32 reveal how it was marked **or punched**.

33 (8) An elections official, other than in the performance of duties, may not disclose to any person  
 34 any information by which it can be ascertained for whom any elector has voted.

35 (9) A person, except an elections official in performance of duties, may not do anything to a  
 36 ballot to permit identification of the person who voted.

37 (10) An elector may not willfully leave at any **polling** place [*designated for the deposit of ballots*  
 38 *under ORS 254.470 or at any location described in ORS 254.472 or 254.474*] anything that will show  
 39 how the elector's ballot was marked **or punched**.

40 [(11) A person, except an elections official in performance of duties, may not remove a ballot from  
 41 any place designated for the deposit of ballots under ORS 254.470 or any location described in ORS  
 42 254.472 or 254.474.]

43 (11) **No person at a polling place, other than an elections official in performance of duties,**  
 44 **may deliver a ballot to an elector.**

45 (12) A person, except an elections official in performance of duties or a person authorized by

1 that official, may not willfully deface, remove, alter or destroy a posted election notice.

2 (13) A person, except an elections official in performance of duties, may not willfully remove,  
3 alter or destroy election equipment or supplies, or break the seal or open any sealed package con-  
4 taining election supplies.

5 (14) **An elector at a polling place may not knowingly receive a ballot from any person**  
6 **other than an elections official in performance of duties.**

7 (15) **An elector at a polling place may not deliver a ballot to an elections official except**  
8 **the ballot the elector received from an elections official. Nothing in this subsection prohibits**  
9 **a person from delivering any absentee ballot or ballots to an elections official.**

10 (16) **A person at a polling place, except an elections official, may not receive from an**  
11 **elector other than an absent elector a marked or punched ballot.**

12 *[(14) A person, except an elections official in performance of duties, may not provide elections ad-*  
13 *vice or attempt to collect voted ballots within any building in which any state or local government*  
14 *elections office designated for the deposit of ballots under ORS 254.470 is located, or within 100 feet*  
15 *measured radially from any entrance to the building.]*

16 *[(15) A person, except an elections official in performance of duties, may not establish a location*  
17 *to collect ballots voted by electors unless:]*

18 *[(a) The person prominently displays at the location a sign stating: "NOT AN OFFICIAL BAL-*  
19 *LOT DROP SITE"; and]*

20 *[(b) The sign is printed in all capital letters in bold 50-point type.]*

21 **SECTION 97.** ORS 260.715 is amended to read:

22 260.715. (1) A person may not knowingly make a false statement, oath or affidavit when a  
23 statement, oath or affidavit is required under the election laws.

24 (2) A person may not request a ballot in a name other than the person's own name.

25 (3) A person may not vote or attempt to vote more than once at any election held on the same  
26 date.

27 (4) A person may not vote or attempt to vote both in an election held in this state and in an-  
28 other state on the same date.

29 (5) A person, except an elections official in performance of duties, may not willfully alter or  
30 destroy a ballot cast at an election or the returns of an election.

31 (6) A person may not willfully place a fraudulent ballot among the genuine ballots.

32 (7) A person may not falsely write anything purporting to be written by an elections official **or**  
33 **an election board member** in performance of duties on the ballot **or ballot stub.**

34 (8) A person may not commit theft of a ballot or tally or return sheet, or willfully hinder or  
35 delay the delivery of the tally or return sheet to the county clerk, or fraudulently break open a  
36 sealed tally or return sheet of the election.

37 (9) A person may not manufacture or knowingly use a fraudulent ballot return identification  
38 envelope or secrecy envelope or sell, offer to sell, purchase or offer to purchase, for money or other  
39 valuable consideration, any official ballot, replacement ballot, ballot return identification envelope  
40 or secrecy envelope. As used in this subsection, "ballot return identification envelope" and "secrecy  
41 envelope" mean those envelopes used to return ballots to the county clerk **by absent electors.**

42 **SECTION 97a.** ORS 261.060 is amended to read:

43 261.060. Except as otherwise specifically provided in this chapter, every district election shall  
44 be conducted in accordance with ORS 255.005 to 255.035, 255.055, 255.075, 255.085, 255.215 to 255.288  
45 and 255.295 to 255.345 **and section 41 of this 2011 Act.**

1        **SECTION 98.** ORS 476.330 is amended to read:

2        476.330. (1) The county court or board of county commissioners of any county may prevent and  
 3 control fire occurring within the limits of zone 2 in such county, and may for such purposes estab-  
 4 lish and maintain fire fighting and fire control facilities and contract with existing fire control  
 5 agencies, either individuals, associations, corporations, cities or rural fire protection districts. The  
 6 State Fire Marshal, upon the request of any county court or board of county commissioners, shall  
 7 meet with and advise such county court or board of county commissioners as to the establishment  
 8 and maintenance of fire fighting and fire protection equipment and facilities.

9        (2) If the court or board establishes fire fighting and fire protection equipment and facilities, it  
 10 shall not discontinue such equipment and facilities until at least three years after notice of its in-  
 11 tention to do so has been first published in a newspaper considered by the board to be of general  
 12 circulation in the county. The notice shall be published by four insertions in the newspaper and 12  
 13 months shall elapse between each insertion.

14        (3) While the county court or board of county commissioners of any county is maintaining fire  
 15 fighting and fire protection equipment and facilities, the court or board annually shall levy a tax  
 16 upon the taxable property lying within zone 2 in the county, not to exceed one-fourth of one percent  
 17 (0.0025) of the real market value of all taxable property within the zone, computed in accordance  
 18 with ORS 308.207, for the purpose of furnishing such fire protection.

19        (4) The court or board of county commissioners, upon approval of the majority of the electors  
 20 of zone 2 voting at a special election called for such a purpose, **after notice as provided by section**  
 21 **41 of this 2011 Act**, may levy a special tax of not to exceed one-fourth of one percent (0.0025) of  
 22 the real market value of all taxable property within the zone, computed in accordance with ORS  
 23 308.207. This special levy may be in addition to the regular levy under subsection (3) of this section.

24        (5) To carry into effect any of the powers granted under this section, the court or board, when  
 25 authorized by a majority of the votes cast by the electors of the zone voting at an election called  
 26 for that purpose by the court or board, **after notice as provided by section 41 of this 2011 Act**,  
 27 may borrow money and sell and dispose of general obligation bonds, which bonds shall never in the  
 28 aggregate exceed one and one-fourth of one percent (0.0125) of the real market value of all taxable  
 29 property within the zone, computed in accordance with ORS 308.207.

30        (6) The tax limitations provided in subsections (3) and (4) of this section do not apply to taxes  
 31 levied to pay principal or interest on outstanding bonds.

32        **SECTION 99. ORS 247.307, 254.458, 254.470, 254.471, 254.472, 254.474, 254.478, 254.480 and**  
 33 **254.482 are repealed.**

34        **SECTION 100.** (1) **Nothing in this 2011 Act is intended to affect any action, proceeding**  
 35 **or prosecution begun before and pending on January 1, 2012. The action, proceeding or**  
 36 **prosecution may be conducted and completed in the same manner and under the same terms**  
 37 **and conditions and with the same effect as though it had been undertaken and completed**  
 38 **before January 1, 2012.**

39        (2) **Nothing in this 2011 Act relieves a person of an obligation with respect to a fine or**  
 40 **other charge, penalty or other liability, duty or obligation arising prior to January 1, 2012.**  
 41 **Collection and enforcement of any such fine, charge, penalty or other liability, duty or obli-**  
 42 **gation may be conducted and completed in the same manner and under the same terms and**  
 43 **conditions and with the same effect as though it had been undertaken and completed before**  
 44 **January 1, 2012.**

45        **SECTION 101. Sections 2 to 43 of this 2011 Act, the amendments to ORS 192.842, 195.210,**



1 222.130, 246.012, 246.025, 246.160, 246.200, 246.250, 247.965, 249.078, 249.091, 250.037, 250.038,  
2 251.175, 251.315, 253.005, 253.045, 253.055, 253.135, 253.690, 253.700, 254.005, 254.035, 254.071,  
3 254.074, 254.076, 254.115, 254.125, 254.135, 254.145, 254.155, 254.165, 254.175, 254.185, 254.195,  
4 254.235, 254.321, 254.365, 254.408, 254.411, 254.415, 254.445, 254.458, 254.465, 254.483, 254.495,  
5 254.505, 254.525, 254.535, 255.055, 255.215, 255.288, 260.665, 260.675, 260.695, 260.715, 261.060,  
6 370.031 and 476.330 by sections 1 and 44 to 98 of this 2011 Act and the repeal of ORS 247.307,  
7 254.458, 254.470, 254.471, 254.472, 254.474, 254.478, 254.480 and 254.482 by section 99 of this 2011  
8 Act become operative on January 1, 2012.

9 **SECTION 102.** The Secretary of State or any county clerk may take any action before  
10 January 1, 2012, that is necessary to enable the secretary or clerk to exercise, on and after  
11 January 1, 2012, all the duties, functions and powers conferred upon the secretary or clerk  
12 by sections 2 to 43 of this 2011 Act, the amendments to ORS 192.842, 195.210, 222.130, 246.012,  
13 246.025, 246.160, 246.200, 246.250, 247.965, 249.078, 249.091, 250.037, 250.038, 251.175, 251.315,  
14 253.005, 253.045, 253.055, 253.135, 253.690, 253.700, 254.005, 254.035, 254.071, 254.074, 254.076,  
15 254.115, 254.125, 254.135, 254.145, 254.155, 254.165, 254.175, 254.185, 254.195, 254.235, 254.321,  
16 254.365, 254.408, 254.411, 254.415, 254.445, 254.458, 254.465, 254.483, 254.495, 254.505, 254.525,  
17 254.535, 255.055, 255.215, 255.288, 260.665, 260.675, 260.695, 260.715, 261.060, 370.031 and 476.330  
18 by sections 1 and 44 to 98 of this 2011 Act and the repeal of ORS 247.307, 254.458, 254.470,  
19 254.471, 254.472, 254.474, 254.478, 254.480 and 254.482 by section 99 of this 2011 Act.

20 **SECTION 103.** This 2011 Act being necessary for the immediate preservation of the public  
21 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
22 on its passage.

23