

SB 1517-1
(LC 266)
2/20/12 (GMZ/ps)

**PROPOSED AMENDMENTS TO
SENATE BILL 1517**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; amending ORS 253.065, 253.070, 253.080, 253.515, 253.540,
3 253.550, 253.565, 253.575, 253.585, 253.700, 253.710, 254.074, 254.483, 254.660 and
4 260.665; repealing ORS 253.015, 253.030, 253.045, 253.055 and 253.135.”.

5 Delete lines 4 through 29 and delete page 2 and insert:

6 **“SECTION 1.** ORS 254.074 is amended to read:

7 “254.074. (1)(a) Each county clerk shall file a county elections security
8 plan with the Secretary of State not later than:

9 “[a] (A) January 31 of each calendar year; and

10 “[b] (B) One business day after any revision is made to the county
11 elections security plan.

12 “[2] (b) A county elections security plan shall include, but is not limited
13 to:

14 “[a] (A) A written security agreement entered into with any vendor
15 handling ballots;

16 “[b] (B) Security procedures for transporting ballots;

17 “[c] (C) Security procedures at official places of deposit for ballots;

18 “[d] (D) Security procedures for processing ballots;

19 “[e] (E) Security procedures governing election observers;

20 “[f] (F) Security procedures for ballots located in county elections work
21 areas, buildings and storage areas;

22 “[g] (G) Security procedures for vote tally systems, including computer

1 access to vote tally systems;

2 **“(H) The number and location of all video surveillance cameras**
3 **where ballots may be tallied;**

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

6 **“[(i)] (J) Post-election ballot security.**

7 **“(2) For each election, at the time the county clerk proclaims the**
8 **results of an election, the clerk shall submit to the Secretary of State**
9 **a record of:**

10 **“(a) The number of ballots printed.**

11 **“(b) The number of ballots mailed to voters.**

12 **“(c) The number of ballots issued to voters at the office of the**
13 **county clerk.**

14 **“(d) The number of ballots returned undeliverable.**

15 **“(e) The number of rejected ballot envelopes.**

16 **“(f) The number of tallied ballots.**

17 **“(g) The number of ballots used for duplication.**

18 **“(h) The number of test ballots.**

19 **“(i) The number of archived ballots.**

20 **“(3) A security plan developed and filed under subsection (1) of this**
21 **section is confidential and not subject to disclosure under ORS 192.410 to**
22 **192.505.**

23 **“(4) A county clerk may not scan ballots as described in ORS 254.478**
24 **unless the Secretary of State reviews and approves a security plan [under]**
25 **described in subsection (1) of this section.**

26 **“SECTION 2. ORS 254.483 is amended to read:**

27 **“254.483. [Immediately after 8 p.m. on the day of an election:]**

28 **“[(1) The county clerk shall destroy all unused absentee and regular ballots**
29 **in the county clerk’s possession.]**

30 **“[(2) Each county shall provide for the security of, and shall account for,**

1 *unused ballots.]*

2 “(1) Each county clerk is responsible for the safekeeping and dis-
3 position of ballots.

4 “(2) At the end of voting on the day of the election, the county clerk
5 shall:

6 “(a) Mark each duplicate ballot as a duplicate ballot.

7 “(b) Mark each unused ballot as an unused ballot or seal, secure
8 and account for each unused ballot.

9 “(3) As soon as practicable after the results of the election are
10 proclaimed, the county clerk shall destroy all unused ballots.

11 “**SECTION 3.** ORS 253.065 is amended to read:

12 “253.065. (1) For electors with mailing addresses outside this state, the
13 county clerk shall deliver [*an absentee*] a ballot:

14 “(a) Not later than the 45th day before the election to each long term
15 absent elector; and

16 “(b) Not sooner than the 29th day before the election to each **absent**
17 elector with a mailing address outside this state who is not a long term ab-
18 sent elector.

19 “[*(2) For electors with mailing addresses in this state, except if requested*
20 *by the elector, absentee ballots delivered by mail shall be delivered:]*]

21 “[*(a) For primary elections and general elections, or any statewide special*
22 *election for which a voters’ pamphlet is prepared, not sooner than the date the*
23 *Secretary of State first mails the voters’ pamphlet under ORS 251.175; or]*]

24 “[*(b) In the case of an election for which a statewide voters’ pamphlet is*
25 *not required to be prepared, not sooner than the 20th day before the date of the*
26 *election.]*]

27 “[*(3) The ballot may be delivered to the absent elector in the office of the*
28 *clerk, by postage prepaid mail or by any other appropriate means.]*]

29 “[~~(4)~~ (2) The clerk shall deliver, with the ballot instructions for marking
30 and returning the ballot, a return identification envelope and a secrecy en-

1 velope. The back of the envelope shall include a statement to be signed by
2 the absent elector, stating that the elector:

3 “(a) Is qualified to vote;

4 “(b) Unless prevented by physical disability, has personally marked the
5 ballot; and

6 “(c) Has not unnecessarily exhibited the marked ballot to any other per-
7 son.

8 “[~~(5)~~ *Notwithstanding subsections (1) and (2) of this section, if the county*
9 *clerk receives an application for an absentee ballot after the fifth day before*
10 *an election, the county clerk need not mail the ballot for that election but may*
11 *deliver the ballot by making it available in the office of the clerk.*]

12 “[~~(6)~~] **(3)** An **absent** elector may obtain a replacement ballot if the ballot
13 **delivered under this section** is destroyed, spoiled, lost or not received by
14 the elector. The county clerk shall keep a record of each replacement ballot
15 provided under this subsection.

16 “[~~(7)~~] **(4)** A replacement ballot **provided under subsection (3) of this**
17 **section** may be mailed or shall be made available in the office of the county
18 clerk.

19 “[~~(8)~~] **(5)** If the county clerk determines that an **absent** elector to whom
20 a replacement ballot has been issued at the request of the elector has voted
21 more than once, the county clerk shall [~~not~~] count [~~any~~] **only the first** ballot
22 [~~cast by the elector~~] **received by the clerk and provide the elector’s name**
23 **to the Secretary of State for further review.** If the county clerk is re-
24 quired to reissue ballots due to a change on the ballot for any reason, that
25 ballot shall be counted in lieu of any previous ballot issued unless:

26 “(a) Only the original ballot was voted and returned; or

27 “(b) The county clerk issued a supplemental ballot that is not a complete
28 replacement of the original ballot.

29 **“SECTION 4.** ORS 253.070 is amended to read:

30 “253.070. [*Upon receipt of a ballot the absent elector shall mark it and*

1 *comply with the instructions provided with the ballot. The absent elector may*
2 *return the marked ballot to the office of the clerk, by any appropriate means.*
3 *The] A ballot **from an absent elector** must be received by a county clerk*
4 *not later than 8 p.m. of the day of the election. [If a county clerk receives*
5 *a ballot for an elector who does not reside in the clerk's county, the ballot shall*
6 *be forwarded to the county clerk of the county in which the elector resides not*
7 *later than the eighth day after the election.]*

8 **“SECTION 5.** ORS 253.080 is amended to read:

9 “253.080. (1) Upon receipt of an envelope containing a marked [*absentee*]
10 ballot **from an absent elector**, the clerk shall keep it safely in the office
11 and, before delivering the ballot for counting, shall compare the signature
12 of the absent elector [*which*] **that** appears on the back of the [*absentee*] bal-
13 lot envelope with that upon the [*applicant's*] **elector's** registration card. If
14 the signatures appear to be the same, the **clerk shall mark the** envelope
15 [*shall be marked in order*] to indicate that the ballot may be counted.

16 “(2) Except as otherwise provided in this chapter, [*the absentee*] ballots
17 **for absent electors** shall be counted and returns shall be made, as nearly
18 as possible, in the same manner as for other ballots cast at the election.

19 **“SECTION 6.** ORS 253.515 is amended to read:

20 “253.515. Except as otherwise provided in ORS 253.500 to 253.640, proce-
21 dures relating to long term absent electors' ballots [*and special absentee*
22 *ballots*] shall be as nearly as possible the same as [*for other absentee*
23 *ballots*] **procedures for other absent electors' ballots.**

24 **“SECTION 7.** ORS 253.540 is amended to read:

25 “253.540. (1) Any long term absent elector may secure [*an absentee*] a
26 ballot by submitting an application as specified in subsection (2) of this
27 section to the clerk of the county of the long term absent elector's residence,
28 or to the Secretary of State. If the application is addressed to the Secretary
29 of State, the secretary shall forward it to the appropriate county clerk.

30 “(2) An application for [*an absentee*] a ballot by a long term absent elector

1 shall be made in the form of a written request. The application shall be valid
2 for every subsequent election until the elector otherwise notifies the clerk
3 or is no longer an elector of the county. The application shall be signed by
4 the applicant and contain:

5 “(a) The name and current mailing address of the applicant;

6 “(b) A statement that the applicant is a citizen of the United States;

7 “(c) A statement that the applicant will be 18 years of age or older on the
8 date of the election;

9 “(d) A statement that for more than 20 days preceding the election the
10 applicant’s home residence has been in this state, and giving the address of
11 the last home residence;

12 “(e) A statement of the facts that qualify the applicant as a long term
13 absent elector or as the spouse or a dependent of a long term absent elector;

14 “(f) A statement that the applicant is not requesting a ballot from any
15 other state and is not voting in any other manner in the election except by
16 the requested [*absentee*] ballot; and

17 “(g) If the applicant desires to vote in a primary election, a designation
18 of the applicant’s political party affiliation or a statement that the applicant
19 is not affiliated with any political party. An applicant not affiliated with any
20 political party may request a ballot for a major political party. The applicant
21 shall be sent the ballot for the political party that the applicant requested
22 if that political party has provided under ORS 254.365 for a primary election
23 that admits electors not affiliated with any political party.

24 “**SECTION 8.** ORS 253.550 is amended to read:

25 “253.550. Whenever provision is made for absentee voting by a statute of
26 the United States, including the Uniformed and Overseas Citizens Absentee
27 Voting Act, 42 U.S.C. 1973ff (Public Law 99-410), an application for [*an ab-*
28 *sentee*] a ballot made under that law may be given the same effect as an
29 application for [*an absentee*] a ballot made under ORS 253.500 to 253.640.

30 “**SECTION 9.** ORS 253.565 is amended to read:

1 “253.565. (1) Any long term absent elector may secure a special
2 [absentee] ballot for a primary election or general election by making an
3 application under this section if the elector believes that:

4 “(a) The elector will be residing, stationed or working outside the terri-
5 torial limits of the United States and the District of Columbia; and

6 “(b) The elector will be unable to vote and return a regular [absentee]
7 ballot by normal mail delivery within the period provided for regular [ab-
8 sentee ballots] **absent electors**.

9 “(2) A long term absent elector shall make the application for a special
10 [absentee] ballot in the form of a written request. The elector shall submit
11 the application before the date of the applicable election to the clerk of the
12 county of the long term absent elector’s residence or to the Secretary of
13 State. If the application is addressed to the Secretary of State, the secretary
14 shall forward it to the appropriate county clerk. The application shall be
15 signed by the applicant and contain:

16 “(a) The name and current mailing address of the applicant;

17 “(b) A designation of the election for which the applicant requests a
18 special [absentee] ballot;

19 “(c) A statement that the applicant is a citizen of the United States;

20 “(d) A statement that the applicant will be 18 years of age or older on the
21 date of the election;

22 “(e) A statement that for more than 20 days preceding the election the
23 applicant’s home residence has been in this state, and giving the address of
24 the last home residence;

25 “(f) A statement of the facts that qualify the applicant as a long term
26 absent elector or as the spouse or a dependent of a long term absent elector;

27 “(g) A statement of the facts that qualify the applicant to vote by means
28 of a special [absentee] ballot;

29 “(h) A statement that the applicant is not requesting a ballot from any
30 other state and is not voting in any other manner in the election except by

1 the requested special [*absentee*] ballot; and

2 “(i) If the applicant requests a ballot for a primary election, a designation
3 of the applicant’s political party affiliation or a statement that the applicant
4 is not affiliated with any political party. An applicant not affiliated with any
5 political party may request a ballot for a major political party. The appli-
6 cant shall be sent the ballot for the political party that the applicant re-
7 quested if that political party has provided under ORS 254.365 for a primary
8 election that admits electors not affiliated with any political party.

9 “(3) An application for a special [*absentee*] ballot shall be valid only for
10 the election specified in the application.

11 “(4) The county clerk shall list on the special [*absentee*] ballot the offices
12 and measures scheduled to appear on the regular ballot, if known when the
13 ballot is prepared, and provide space in which the elector may write in the
14 elector’s preference.

15 “(5) The elector may write in the name of any eligible candidate for each
16 office to be filled or for which nominations will be made at the election, and
17 may vote on any measure submitted at the election.

18 **“SECTION 10.** ORS 253.575 is amended to read:

19 “253.575. (1) Upon receipt of an application made under ORS 253.565, if
20 the applicant’s residence is in the county, the county clerk, without regard
21 to whether the applicant is an elector of the county, shall mail to the ap-
22 plicant a special [*absentee*] ballot, instructions for filling in and returning
23 the ballot and an envelope to use for the return. The name, official title and
24 office address of the clerk shall appear on the front of the envelope. On the
25 back shall appear a statement to be signed by the absent elector, stating that
26 the elector:

27 “(a) Is qualified to vote;

28 “(b) Unless prevented by physical disability, has personally marked the
29 ballot; and

30 “(c) Has not unnecessarily exhibited the marked ballot to any other per-

1 son.

2 “(2) The completed and signed application submitted under ORS 253.565
3 shall constitute a valid registration for the applicant.

4 “(3) If the county clerk receives an application for a special [*absentee*]
5 ballot on or after the 45th day before the election specified in the applica-
6 tion, the county clerk shall treat the application as an application made
7 under ORS 253.540.

8 “(4) A long term absent elector may obtain a replacement ballot if the
9 ballot **delivered under this section** is destroyed, spoiled, lost or not re-
10 ceived by the elector. The county clerk shall keep a record of each replace-
11 ment ballot provided under this subsection.

12 “(5) Notwithstanding subsection (3) of this section, a replacement ballot
13 **provided under subsection (4) of this section** may be mailed or shall be
14 made available in the office of the county clerk.

15 “(6) If the county clerk determines that a long term absent elector to
16 whom a replacement ballot has been issued at the request of the elector has
17 voted more than once, the county clerk shall [*not*] count [*any*] **only the first**
18 ballot [*cast by the elector*] **received by the clerk and provide the elector’s**
19 **name to the Secretary of State for further review.** If the county clerk
20 is required to reissue ballots due to a change on the ballot for any reason,
21 that ballot shall be counted in lieu of any previous ballot issued unless:

22 “(a) Only the original ballot was voted and returned; or

23 “(b) The county clerk issued a supplemental ballot that is not a complete
24 replacement of the original ballot.

25 **“SECTION 11.** ORS 253.585 is amended to read:

26 “253.585. (1) The Secretary of State may receive ballots from long term
27 absent electors.

28 “(2) If the Secretary of State receives a ballot cast by a long term absent
29 elector, the Secretary of State shall deliver the ballot to the county clerk
30 or elections officer of the county in which the elector who cast the ballot

1 is registered.

2 “(3) A ballot received by the Secretary of State under this section not
3 later than 8 p.m. of the day of the election shall be considered to have been
4 received by the [8 p.m. deadline specified] **county clerk as described** in ORS
5 253.070.

6 **“SECTION 12.** ORS 253.700 is amended to read:

7 “253.700. (1) The county clerk, an elections official or any elector shall
8 challenge the [absentee] ballot of any person offering to vote as an absent
9 elector whom the clerk, official or elector knows or suspects not to be
10 qualified as an elector. The person’s ballot may be challenged at any time
11 before the ballot is removed from its return envelope for processing.

12 “(2) A challenge to [an absentee] a ballot of a person offering to vote shall
13 be made under oath or affirmation before the clerk and shall be in writing
14 on a numbered challenge form. The statement shall contain the name and
15 residence address of the challenger, the name of the person challenged and
16 a statement of the facts upon which the challenge is based. Any elections
17 official may administer the oath or affirmation required under this sub-
18 section.

19 **“SECTION 13.** ORS 253.710 is amended to read:

20 “253.710. [No person shall] **A person may not** alter any information
21 supplied on an application for [an absentee] **a ballot for an absent elector**
22 **except:**

23 “(1) An elections officer in the performance of official duties.

24 “(2) [The applicant] **The person who supplies the information on the**
25 **application for a ballot for the purpose of voting as an absent elector.**

26 **“SECTION 14.** ORS 254.660 is amended to read:

27 “254.660. (1) Notwithstanding ORS [253.045 and] 253.065, for a special
28 election called under ORS 254.655, [long-term absentee] ballots shall be mailed
29 **to long term absent electors** not later than the 30th day before the date
30 of the election. County clerks shall make [other absentee] ballots available

1 **to other absent electors** not later than the 28th day before the date of the
2 special election.

3 “(2) Notwithstanding ORS 254.545, not later than 5 p.m. of the third day
4 after the date of the special election, the county clerk shall deliver to the
5 Secretary of State a copy of the abstracts for the offices voted upon at the
6 special election. The abstract for election of Governor shall be delivered
7 separately to the secretary as provided in section 4, Article V of the Oregon
8 Constitution.

9 “(3) [*Notwithstanding ORS 253.135,*] Not later than 5 p.m. of the first day
10 after the date of the special election, a county clerk who received a ballot
11 originating in another county shall forward the ballot by overnight mail or
12 delivery or by the most expeditious means available to the county clerk of
13 the county from which the ballot originated.

14 “(4) Notwithstanding ORS 254.555, not later than 5 p.m. of the fourth
15 business day after the date of the special election, the Secretary of State
16 shall issue a proclamation declaring the election of candidates to offices or
17 shall order recounts of the votes cast as provided in ORS 258.280.

18 “(5)(a) Notwithstanding ORS 258.161, a recount may not be conducted for
19 any special election under this section unless the recount is required by ORS
20 258.280.

21 “(b) If a recount for any special election is required by ORS 258.280, the
22 Secretary of State shall complete the recount as expeditiously as possible to
23 minimize disruption to the sessions of the Legislative Assembly and shall
24 issue a proclamation declaring the election of a candidate to office upon
25 completion of the recount.

26 “(6) The cost of all special elections called under ORS 254.655 shall be
27 paid by the state.

28 “(7) The ballot at a special election described in this section may not
29 contain:

30 “(a) Any measure; or

1 “(b) Any candidate other than those candidates for which a special
2 election is necessary.

3 “(8) If there is a vacancy in the nomination of a candidate at a special
4 election called under ORS 254.655, the vacancy in the nomination shall be
5 filled in the manner provided in ORS chapter 249 and the special election
6 shall be held as scheduled.

7 “(9) When the office of state Senator or state Representative is vacant
8 at the beginning of a session of the Legislative Assembly due to a special
9 election called under ORS 254.655, the vacancy may not be filled as provided
10 in ORS 171.051 unless, before entering upon the duties of the office to which
11 the person was elected, the person elected at the special election dies, resigns
12 or is declared disqualified by the house to which the person was elected.

13 “(10) The Secretary of State may adopt rules governing the procedures for
14 conducting a special election required by ORS 254.650.

15 **“SECTION 15.** ORS 260.665 is amended to read:

16 “260.665. (1) As used in this section, ‘undue influence’ means force, vi-
17 olence, restraint or the threat of it, inflicting injury, damage, harm, loss of
18 employment or other loss or the threat of it, or giving or promising to give
19 money, employment or other thing of value.

20 “(2) A person, acting either alone or with or through any other person,
21 may not directly or indirectly subject any person to undue influence with the
22 intent to induce any person to:

23 “(a) Register or vote;

24 “(b) Refrain from registering or voting;

25 “(c) Register or vote in any particular manner;

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

27 “(e) Contribute or refrain from contributing to any candidate, political
28 party or political committee;

29 “(f) Render or refrain from rendering services to any candidate, political
30 party or political committee;

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

2 “(h) Apply or refrain from applying for [*an absentee ballot*] **a ballot as**

3 **an absent elector;** or

4 “(i) Sign or refrain from signing a prospective petition or an initiative,

5 referendum, recall or candidate nominating petition.

6 “(3) A person may not solicit or accept money or other thing of value as

7 an inducement to act as prohibited by subsection (2) of this section.

8 “(4) This section does not prohibit:

9 “(a) The employment of persons to render services to candidates, political

10 parties or political committees;

11 “(b) The public distribution by candidates, political parties or political

12 committees of sample ballots or other items readily available to the public

13 without charge, even though the distributor incurs costs in the distribution;

14 “(c) Public or nonpromissory statements by or on behalf of a candidate

15 of the candidate’s intentions or purposes if elected;

16 “(d) A promise by a candidate to employ any person as administrative

17 assistant, secretary or other direct personal aide;

18 “(e) Free custody and care of minor children of persons during the time

19 those persons are absent from those children for voting purposes;

20 “(f) For persons voting, free transportation to and from places designated

21 for the deposit of ballots under ORS 254.470 or to and from locations de-

22 scribed in ORS 254.472 or 254.474; but no means of advertising, solicitation

23 or inducement to influence the vote of persons transported may be used with

24 that transportation;

25 “(g) Individuals or political committees from providing refreshments in-

26 cidental to a gathering in support of or in opposition to a candidate, political

27 committee or measure; or

28 “(h) The public distribution of registration cards by a person approved

29 by the Secretary of State under ORS 247.171 to print, copy or otherwise

30 prepare and distribute registration cards, even though the distributor incurs

1 costs in the distribution.

2 **“SECTION 16. ORS 253.015, 253.030, 253.045, 253.055 and 253.135 are**
3 **repealed.**

4 **“SECTION 17. The amendments to ORS 253.065, 253.070, 253.080,**
5 **253.515, 253.540, 253.550, 253.565, 253.575, 253.585, 253.700, 253.710, 254.074,**
6 **254.483, 254.660 and 260.665 by sections 1 to 15 of this 2012 Act and the**
7 **repeal of ORS 253.015, 253.030, 253.045, 253.055 and 253.135 by section 16**
8 **of this 2012 Act apply to ballots for elections held on or after the ef-**
9 **fective date of this 2012 Act.**

10 **“SECTION 18. This 2012 Act being necessary for the immediate**
11 **preservation of the public peace, health and safety, an emergency is**
12 **declared to exist, and this 2012 Act takes effect on its passage.”.**

13
