

2-24-12

ATTENTION: SENATE RULES CHAIR & COMMITTEE MEMBERS  
RE: SB 1517-1

PLEASE DO NOT SUPPORT THE AMENDMENT TO  
THIS BILL, WHICH SEEKS TO AMEND CRS 254.483

CRS 254.483 IS A VITAL SAFEGUARD MANDATE  
IN THE ELECTORAL PROCESS, WHICH REQUIRES  
ALL UNUSED BALLOTS TO BE DESTROYED  
IMMEDIATELY AFTER 9.00 PM ON ELECTION DAY.

WE FIND NO JUSTIFICATION FOR RETAINING  
UNUSED BALLOTS BEYOND THAT TIME.

CRS 254.483 WAS IMPOSED AFTER VOTE BY  
MAIL WAS THE SYSTEM, IT IN NO WAY  
CONTRADICTS THE 1979 CRS. 253.045 WHICH  
PERTAINED TO THE SYSTEM OF VOTING IN  
POLLING PLACES. AT THAT TIME THE  
MAJORITY OF UNUSED BALLOTS WEREN'T  
EVEN AT THESE ELECTION OFFICES. PLEASE  
RETAIN CRS. 254.483 - AND VOTE AGAINST  
THE AMENDMENT THAT HAS BEEN STUFFED  
INTO SB 1517-1.

Ruth Bendl 10980 SW Muirwood Dr. PFD 97225

2-24-2012

For SB 1517-1

WE SUPPORT THE TESTIMONY FROM  
RUTH BENDL,

Joey Davina  
Paula Davina  
Kati Jander  
Paul H. Faulkner  
Janice Dyringer

2.24.12

ATTENTION: House & Senate Rules Committee Members

RE: SB 1517-1 amendment pertaining to ORS 254.483

State Elections Director Steve Trout, responded to my testimony at the Senate Rules by denying that state election officials had instructed county election officials NOT to comply with the mandate to destroy unused ballots IMMEDIATELY after 8.00 p.m on election day.

So I've attached the letter I received from Mr. Hobernicht the Washington County Elections director. Please note it is a JPG image file not pdf.

I received this letter in response to 4 written requests that I made to the Washington County Commissioners, back in October 2011. Those requests were then repeated at a subsequent County Commissioners meeting.

With regard to ORS 254.483, I had heard that state election officials were instructing county clerks NOT to comply with the mandate in the above referred ORS.

Which is why my 4th request to the Commissioners was, to instruct the county elections staff to comply with the mandate for destroying the unused ballots.

As you can see in the reply from Mr. Hobernicht, the matter was brought to the attention of the state elections officials, and the instruction was NOT to comply, and that legislation would be sought in the January 2012 to amend ORS 254.483

Please note that this is the second attempt to repeal/amend this statute, and I sincerely hope it can be blocked.

I regard the urgency to amend this statute as nothing more than an effort to remove an embarrassment for the Secretary of State, who is running for re-election in November, and whose staff have been instructing county elections officials NOT to comply with a law that is a mandate.

Ruth Bendl Washington County Republicans Voter Integrity Chair



November 2, 2011

Ms. Ruth Bendl  
10980 SW Muirwood Drive  
Portland OR 97225

RE: October 25th, 2011 Inquiry at the Washington County Board of Commissioners Meeting

Ms. Bendl:

Assessment and Taxation has reviewed the election process comments that you raised during the Washington County Board of Commissioners meeting on October 25th, 2011. The process comments were:

1. Do not mail ballots to HAVA-non-compliance for the January 31<sup>st</sup> special federal election.  
  
Protect the secrecy of ballot contents by requiring ballots to remain in sealed secrecy envelopes until election day morning.
3. Consider moving ballot drop-sites into government buildings, and having an employee assigned to help count ballots and sign for the numbers of ballots picked up. Also consider having the last pick-up from the drop-sites at 6:00 p.m. so that all ballots can be at the elections office by 8:00 p.m.
4. Please instruct the elections manager to comply with ORS 254.483 by having all unused ballots destroyed immediately after 8:00 p.m. on election day.

**Response to comment 1:** Under Oregon Revised Statutes (ORS) 247.012(4) "If a registration card is legible, accurate and contains, at a minimum, the registrant's name, residence address, date of birth and signature, the county clerk shall register the person." Through various discussions and conferences, the Secretary of State concluded a person could vote for state and local issues with the minimum requirements, but must provide the HAVA identification requirements if they wish to have a complete ballot for any Federal issue. Since the voter is registered, the Elections Office mails the ballot to the registered voter per ORS 254.470(2). The Federal issue will be counted if the voter meets HAVA identification requirements by 8.P.M on Election Day per federal law.

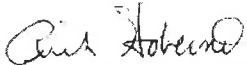
**Response to comment 2:** According to ORS 254.478(1a), no sooner than seven days before the election, opening boards can open the secrecy envelope and remove the ballot. The secrecy of the ballot is maintained when the ballot is removed from the secrecy envelope. In accordance with a security plan approved by the Secretary of State under 254.074, the county clerk can begin scanning ballots into a vote tally system. Trend information cannot be developed. Additionally, under ORS 260.705, "A person may not make public the results of the tally of votes from any precinct until after 8 p.m. on the date of the election."

**Response to comment 3:** The Elections Office follows the process outlined in the Oregon State Vote by Mail Procedures Manual. At staffed locations, such as libraries, city halls, etc., the official ballot drop box must be locked or sealed and accessible only by authorized personnel or deputized staff. The box may be exchanged for locked or sealed empty box on a predetermined schedule or it may be re-locked or re-sealed when emptied by authorized personnel. The official ballot dropsite must be in view of on-site staff and transported only by election or deputized staff to the Elections Office on a predetermined schedule or as needed. For outdoor mailboxes the official ballot dropsite is accessible only by key in possession of authorized personnel. The Elections Office can establish a predetermined schedule (or more frequently if necessary) to empty the dropsite. Ballots are to be transferred in a locked or sealed ballot box, bag or pouch to the Elections Office. At a minimum, the places designated under this section shall be open on the date of the election for a period of eight or more hours, but must be open until at least 8 p.m. (ORS 254.470(1)).

**Response to comment 4:** According to the Secretary of State's office, there are contradictions in statute regarding this issue that stem from language dating back before vote-by-mail was implemented. They are seeking to resolve the contradictions in the next legislative session. For this November's election, we were advised by the Secretary of State to maintain the security and accounting of all ballots until the election is certified, per ORS 254.483(2). This is consistent with our current practice, and Washington County Counsel concurs with this advice.

Thank you for your continued interest in the elections process. If you have further questions about the elections process, please contact Mickie Kawai, Elections Division Manager, at 503-846-5800.

Sincerely,

  
Rich Hobernicht  
Director

Cc: Board of Commissioners  
Robert Davis / Sia Lindstrom