



May 22, 2013

Senate Rules Committee
Oregon State Capitol
900 Court Street NE
Salem, OR 97310

RE: Support for HB 2199, Relating to ballot security

Chair Rosenbaum and Members of the Committee,

The provisions of HB 2199 provide for much needed clean up of conflicting statutes that date back to polling place elections as well as providing for additional security measures for ballots.

Currently 254.483 requires that immediately after 8 PM on election day the County Clerk shall destroy all unused ballots in the clerks position. However, section 2 of the same statute says that the County Clerk shall provide for the security of and shall account for unused ballots. It is very difficult to provide for the security of and account for ballots that have been destroyed.

In Michaels vs. Brown (Multnomah County Circuit Court Case No. 1209-11226) Judge Youlee You agreed, stating "To "destroy" means to annihilate while to "secure" means to keep safe. The language of sections (1) and (2) is contradictory." Further she stated "The court must harmonize conflicting statutes where possible. Here, however, the statutes are so contradictory, they are impossible to reconcile."

HB 2199 eliminates this conflict by removing the requirement to destroy unused ballots at 8 PM while still requiring the County Clerk to be responsible for the safekeeping, disposition and security of all ballots.

Additionally HB 2199 provides for additional security of ballots by requiring the County Clerk to provide the location and number of security cameras throughout the Clerk's office in the Security Plan filed with the Secretary of State's office annually.

OACC urges the committee's support of HB 2199.

Sincerely,

Oregon Association of County Clerks