

House Bill 2199

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Secretary of State Kate Brown)

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**.

Requires elections officials to follow certain security procedures relating to ballots. Specifies time within which person must deliver elector's ballot.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to ballot security; amending ORS 254.074, 254.470 and 254.483; and declaring an emergency.

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

3 **SECTION 1.** ORS 254.074 is amended to read:

4 254.074. (1)(a) Each county clerk shall file a county elections security plan with the Secretary
5 of State not later than:

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

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

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

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

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

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

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

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

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

16 [(g)] (G) Security procedures for vote tally systems, including computer access to vote tally
17 systems;

18 [(h)] (H) **The number and location of all video surveillance cameras where ballots may be tal-**
19 **lied;**

20 [(i)] (I) Security procedures for scanning ballots into a vote tally system before the date of the
21 election, if applicable; and

22 [(j)] (J) Post-election ballot security.

23 [(3)] (2) A security plan developed and filed under **subsection (1) of** this section is confidential
24 and not subject to disclosure under ORS 192.410 to 192.505.

25 (3) **For each election, at the time the county clerk certifies the results of an election, the**
26 **clerk shall submit to the Secretary of State a record of:**

27 (a) **The number of ballots printed.**

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

29 (c) **The number of ballots issued to voters at the office of the county clerk.**
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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **(d) The number of ballots returned undeliverable.**

2 **(e) The number of rejected ballot envelopes.**

3 **(f) The number of tallied ballots.**

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

5 **(h) The number of test ballots.**

6 **(i) The number of archived ballots.**

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

9 **SECTION 2.** ORS 254.483 is amended to read:

10 254.483. *[Immediately after 8 p.m. on the day of an election:]*

11 *[(1) The county clerk shall destroy all unused absentee and regular ballots in the county clerk's*
12 *possession.]*

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

14 **(1) Each county clerk is responsible for the safekeeping and disposition of ballots.**

15 **(2) At the end of voting on the day of the election, the county clerk shall:**

16 **(a) Mark each duplicate ballot as a duplicate ballot.**

17 **(b) Mark each unused ballot as an unused ballot or seal, secure and account for each**
18 **unused ballot.**

19 **(3) As soon as practicable after the final day permitted for a contest of the election or**
20 **for filing a demand for a recount, the county clerk shall destroy all unused ballots.**

21 **SECTION 3.** ORS 254.470 is amended to read:

22 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
23 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
24 dates and times the places of deposit must be open and the security requirements for the places of
25 deposit. At a minimum, the places designated under this section shall be open on the date of the
26 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
27 of deposit designated under this section, the county clerk shall prominently display a sign stating
28 that the location is an official ballot drop site.

29 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the county clerk shall mail
30 by nonforwardable mail an official ballot with a return identification envelope and a secrecy envel-
31 ope not sooner than the 18th day before the date of an election and not later than the 14th day
32 before the date of the election, to each active elector of the electoral district as of the 21st day
33 before the date of the election.

34 (b) If the county clerk determines that an active elector of the electoral district as of the 21st
35 day before the date of the election does not receive daily mail service from the United States Postal
36 Service, the county clerk shall mail by nonforwardable mail an official ballot with a return iden-
37 tification envelope and a secrecy envelope to the elector not sooner than the 20th day before the
38 date of an election and not later than the 18th day before the date of the election.

39 (c) In the case of ballots to be mailed to addresses outside this state to electors who are not
40 long-term absent electors, the county clerk may mail the ballots not sooner than the 29th day before
41 the date of the election.

42 (3) For an election held on the date of a primary election:

43 (a) The county clerk shall mail the official ballot of a major political party to each elector who
44 is registered as being affiliated with the major political party as of the 21st day before the date of
45 the election.

1 (b) The county clerk shall mail the official ballot of a major political party to an elector not
 2 affiliated with any political party if the elector has applied for the ballot as provided in this sub-
 3 section and that party has provided under ORS 254.365 for a primary election that admits electors
 4 not affiliated with any political party.

5 (c) An elector not affiliated with any political party who wishes to vote in the primary election
 6 of a major political party shall apply to the county clerk in writing. The application shall indicate
 7 which major political party ballot the elector wishes to receive. Except for electors described in
 8 subsection (4) of this section, and subject to ORS 247.203, the application must be received by the
 9 county clerk not later than 5 p.m. of the 21st day before the date of the election.

10 (d) If the primary election ballot includes city, county or nonpartisan offices or measures, the
 11 county clerk shall mail to each elector who is not eligible to vote for party candidates a ballot
 12 limited to those offices and measures for which the elector is eligible to vote.

13 (4) For each elector who updates a voter registration after the deadline in ORS 247.025, the
 14 county clerk shall make the official ballot, the return identification envelope and the secrecy en-
 15 velope available either by mail or at the county clerk's office or at another place designated by the
 16 county clerk. An elector to whom this subsection applies must request a ballot from the county
 17 clerk.

18 (5) The ballot shall contain the following warning:
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 21 Any person who, by use of force or other means, unduly influences an elector to vote in any
 22 particular manner or to refrain from voting is subject to a fine.
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24
 25 (6)(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
 26 the return identification envelope supplied with the ballot and comply with the instructions provided
 27 with the ballot.

28 (b) The elector may return the marked ballot to the county clerk by United States mail or by
 29 depositing the ballot at the office of the county clerk, at any place of deposit designated by the
 30 county clerk or at any location described in ORS 254.472 or 254.474.

31 (c) The ballot must be returned in the return identification envelope. If the elector returns the
 32 ballot by mail, the elector must provide the postage.

33 **(d) Subject to paragraph (e) of this subsection, if a person returns a ballot for an elector,**
 34 **the person shall deposit the ballot in a manner described in paragraph (b) of this subsection**
 35 **not later than two days after receiving the ballot.**

36 (e) A ballot must be received at the office of the county clerk, at the designated place of deposit
 37 or at any location described in ORS 254.472 or 254.474 not later than the end of the period deter-
 38 mined under subsection (1) of this section on the date of the election.

39 (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not
 40 received by the elector. Replacement ballots shall be issued and processed as described in this
 41 section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided
 42 under this subsection. Notwithstanding any deadline for mailing ballots in subsection (2) of this
 43 section, a replacement ballot may be mailed, made available in the office of the county clerk or made
 44 available at one central location in the electoral district in which the election is conducted. The
 45 county clerk shall designate the central location. A replacement ballot need not be mailed after the

1 fifth day before the date of the election.

2 (8) A ballot shall be counted only if:

3 (a) It is returned in the return identification envelope;

4 (b) The envelope is signed by the elector to whom the ballot is issued; and

5 (c) The signature is verified as provided in subsection (9) of this section.

6 (9) The county clerk shall verify the signature of each elector on the return identification en-
7 velope with the signature on the elector's registration card, according to the procedure provided by
8 rules adopted by the Secretary of State. If the county clerk determines that an elector to whom a
9 replacement ballot has been issued has voted more than once, the county clerk shall count only one
10 ballot cast by that elector.

11 (10) At 8 p.m. on election day, electors who are at the county clerk's office, a place of deposit
12 designated under subsection (1) of this section or any location described in ORS 254.472 or 254.474
13 and who are in line waiting to vote or deposit a voted ballot shall be considered to have begun the
14 act of voting.

15 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
16 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
17 **on its passage.**

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