

**Minority Report**  
**B-Engrossed**  
**House Bill 2199**

Ordered by the Senate June 25  
Including House Amendments dated April 17 and Senate Minority  
Report Amendments dated June 25

Sponsored by nonconcurring members of the Senate Committee on Rules: Senators FERRIOLI, STARR

**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.

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

**Requires county clerk to keep no more than five percent of total number of ballots mailed for use as replacement ballots.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to ballot security; amending ORS 254.074, 254.470, 254.480 and 254.483; and declaring an  
3 emergency.

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

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

6 254.074. (1)(a) Each county clerk shall file a county elections security plan with the Secretary  
7 of State not later than:

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

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

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

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

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

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

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

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

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

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

20 (H) **The number and location of all video surveillance cameras within the elections office;**

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

23 [(i)] (J) Post-election ballot security.

24 [(3)] (2) A security plan developed and filed under **subsection (1) of this section** is confidential

**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 and not subject to disclosure under ORS 192.410 to 192.505.

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

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

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

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

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

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

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

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

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

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

13 **(j) The number of ballots destroyed.**

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

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

17 254.483. [*Immediately after 8 p.m. on the day of an election:*]

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

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

21 **(1) Each county clerk is responsible for the safekeeping, disposition and security of all**  
22 **ballots.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not  
44 received by the elector. Replacement ballots shall be issued and processed as described in this  
45 section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided

1 under this subsection. Notwithstanding any deadline for mailing ballots in subsection (2) of this  
2 section, a replacement ballot may be mailed, made available in the office of the county clerk or made  
3 available at one central location in the electoral district in which the election is conducted. The  
4 county clerk shall designate the central location. A replacement ballot need not be mailed after the  
5 fifth day before the date of the election.

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

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

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

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

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

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

19 **SECTION 4.** ORS 254.480 is amended to read:

20 254.480. (1) An elector may obtain a replacement ballot described in ORS 254.470. To vote a  
21 replacement ballot, the elector must complete and sign a replacement ballot request form. The re-  
22 quest for a replacement ballot may be made electronically, by telephone, in writing, in person or by  
23 other means designated by the Secretary of State by rule.

24 (2) The replacement ballot request form shall be mailed or made available to the elector along  
25 with the replacement ballot.

26 (3) Upon receiving a request for a replacement ballot, the county clerk shall:

27 (a) Verify the registration of the elector and ensure that another ballot has not been returned  
28 by the elector;

29 (b) Note in the list of electors that the elector has requested a replacement ballot;

30 (c) Mark the return identification envelope clearly so that it may be readily identified as a re-  
31 placement ballot; and

32 (d) Issue the replacement ballot by mail or other means.

33 (4) The completed and signed replacement ballot request form and the voted replacement ballot  
34 must be received at the office of the county clerk, a place of deposit designated by the county clerk  
35 or any location described in ORS 254.472 or 254.474 not later than the end of the period determined  
36 under ORS 254.470 (1) on the date of the election.

37 (5) Upon receiving a voted replacement ballot, the county clerk shall verify that a completed  
38 and signed replacement ballot request form has been received by the county clerk or is included  
39 with the voted replacement ballot. If a request form has been completed and signed by the elector  
40 and received by the county clerk, the county clerk shall process the ballot. If the request form is  
41 not completed or signed by the elector or received by the county clerk, the county clerk may not  
42 process the ballot.

43 **(6) In order to comply with the requirements of this section, the county clerk shall keep**  
44 **no more than five percent of the total number of ballots the county clerk mailed under ORS**  
45 **254.470 to be used as potential replacement ballots.**

1        **SECTION 5. This 2013 Act being necessary for the immediate preservation of the public**  
2        **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
3        **on its passage.**

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