

A-Engrossed
House Bill 3344

Ordered by the House June 19
Including House Amendments dated June 19

Sponsored by Representative HOYLE

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.

[Deletes provisions relating to confidentiality of challenged ballots. Directs Secretary of State to adopt rules to protect identities of persons whose ballots have been challenged. Directs county clerks to distribute, upon request and subject to rules adopted by secretary, list of persons whose ballots have been challenged.]

Extends time frame for elector to verify challenged ballot from 10 days to 14 days.

Requires that, if ballot is challenged on basis that it is returned in unsigned return identification envelope or because signature does not match signature in voter registration record, county clerk use standard form to notify elector of challenge.

Prohibits county clerk from releasing as public record any information that could be used to identify elector whose ballot is challenged until eighth day following election.

A BILL FOR AN ACT

1
2 Relating to challenged ballots; creating new provisions; and amending ORS 254.426.

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

4 **SECTION 1.** ORS 254.426 is amended to read:

5 254.426. (1) Whenever any person [*votes a challenged*] **offers to vote a ballot challenged under**
6 **ORS 254.415**, the county clerk shall ensure that the ballot offered by the person includes the number
7 of the written statement of challenge so that the ballot may be identified in any future contest of
8 the election.

9 (2) The county clerk shall examine the challenge and determine if the person is validly regis-
10 tered to vote and if the vote was properly cast. The ballot shall be counted only if the county clerk
11 determines the person is validly registered.

12 (3) The county clerk shall ensure that the information on the numbered written statement is
13 treated as confidential so that in the event of a recount of votes it cannot be determined how any
14 challenged person voted.

15 (4) The county clerk shall mail to each person [*voting under this section and*] **offering to vote**
16 **a ballot challenged under** ORS 254.415 a written statement that describes the nature of the chal-
17 lenge. If the person does not provide evidence sufficient to verify the person's registration by the
18 deadline described in subsection (5) of this section, the registration of the person shall be considered
19 inactive until the person updates or verifies the registration, the registration is canceled or the
20 county clerk determines that the person is validly registered.

21 (5) The registration of each person [*voting under this section and*] **offering to vote a ballot**
22 **challenged under** ORS 254.415 shall be verified not later than the [*10th*] **14th** calendar day after
23 the date of the election in order for the vote of the person to be counted.

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 **SECTION 2.** Section 3 of this 2013 Act is added to and made a part of ORS chapter 254.

2 **SECTION 3.** (1) If a ballot is challenged because it is returned in an unsigned return
3 identification envelope or because the signature of an elector on a return identification en-
4 velope does not match the signature in the voter registration record for the elector, the
5 county clerk shall mail to the elector a notice that describes the nature of the challenge.
6 The Secretary of State shall design a standard form to be used in all notifications sent by
7 county clerks under this subsection.

8 (2) In order for the vote of the elector to be counted, the elector must provide evidence
9 sufficient to disprove the challenge not later than the 14th calendar day after the date of the
10 election. If the elector does not provide evidence sufficient to disprove the challenge by the
11 14th calendar day after the date of the election, the registration of the elector shall be con-
12 sidered inactive.

13 (3)(a) The county clerk may not release as a public record any information that could be
14 used to identify an elector whose ballot has been challenged under this section until the
15 eighth calendar day after the date of an election.

16 (b) Following the eighth calendar day after the date of an election, the county clerk may
17 disclose as a public record under ORS 192.410 to 192.505 the following information about each
18 elector whose ballot was challenged under this section:

19 (A) The name of the elector;

20 (B) The residence addresses of the elector; and

21 (C) The reason the elector's ballot is being challenged.

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