

# Enrolled Senate Bill 149

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CHAPTER .....

AN ACT

Relating to absent electors; creating new provisions; amending ORS 253.065, 253.070, 253.080, 253.500, 253.510, 253.515, 253.530, 253.540, 253.545, 253.550, 253.565, 253.575, 253.585, 253.640, 253.690, 253.700, 253.710, 254.470, 254.660, 260.665, 545.041 and 545.141; repealing ORS 253.015, 253.030, 253.045, 253.055 and 253.135; and declaring an emergency.

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

**SECTION 1.** ORS 253.065 is amended to read:

253.065. (1) For electors with mailing addresses outside this state, the county clerk shall deliver *[an absentee]* a ballot:

(a) Not later than the 45th day before the election to each *[long term absent]* **military or overseas** elector; and

(b) Not sooner than the 29th day before the election to each **absent** elector with a mailing address outside this state who is not a *[long term absent]* **military or overseas** elector.

*[(2) For electors with mailing addresses in this state, except if requested by the elector, absentee ballots delivered by mail shall be delivered:]*

*[(a) For primary elections and general elections, or any statewide special election for which a voters' pamphlet is prepared, not sooner than the date the Secretary of State first mails the voters' pamphlet under ORS 251.175; or]*

*[(b) In the case of an election for which a statewide voters' pamphlet is not required to be prepared, not sooner than the 20th day before the date of the election.]*

*[(3) The ballot may be delivered to the absent elector in the office of the clerk, by postage prepaid mail or by any other appropriate means.]*

*[(4)]* **(2)** The clerk shall deliver with the ballot instructions for marking and returning the ballot, a return identification envelope and a secrecy envelope. The back of the envelope shall include a statement to be signed by the absent elector, stating that the elector:

(a) Is qualified to vote;

(b) Unless prevented by physical disability, has personally marked the ballot; and

(c) Has not unnecessarily exhibited the marked ballot to any other person.

*[(5) Notwithstanding subsections (1) and (2) of this section, if the county clerk receives an application for an absentee ballot after the fifth day before an election, the county clerk need not mail the ballot for that election but may deliver the ballot by making it available in the office of the clerk.]*

[6] (3) An **absent** elector may obtain a replacement ballot if the ballot **delivered under this section** is destroyed, spoiled, lost or not received by the elector. The county clerk shall keep a record of each replacement ballot provided under this subsection.

[7] (4) A replacement ballot **provided under subsection (3) of this section** may be mailed or shall be made available in the office of the county clerk.

[8] (5) If the county clerk determines that an **absent** elector to whom a replacement ballot has been issued at the request of the elector has voted more than once, the county clerk shall *[not]* count *[any]* **only the first** ballot *[cast by the elector]* **received by the clerk and provide the elector's name to the Secretary of State for further review.** If the county clerk is required to reissue ballots due to a change on the ballot for any reason, that ballot shall be counted in lieu of any previous ballot issued unless:

(a) Only the original ballot was voted and returned; or

(b) The county clerk issued a supplemental ballot that is not a complete replacement of the original ballot.

**SECTION 2.** ORS 253.070 is amended to read:

253.070. *[Upon receipt of a ballot the absent elector shall mark it and comply with the instructions provided with the ballot. The absent elector may return the marked ballot to the office of the clerk, by any appropriate means. The]* A ballot **from an absent elector** must be received by a county clerk not later than 8 p.m. of the day of the election. *[If a county clerk receives a ballot for an elector who does not reside in the clerk's county, the ballot shall be forwarded to the county clerk of the county in which the elector resides not later than the eighth day after the election.]*

**SECTION 3.** ORS 253.080 is amended to read:

253.080. (1) Upon receipt of an envelope containing a marked *[absentee]* ballot **from an absent elector**, the clerk shall keep it safely in the office and, before delivering the ballot for counting, shall compare the signature of the absent elector *[which]* **that** appears on the back of the *[absentee]* ballot envelope with that upon the *[applicant's]* **elector's** registration card. If the signatures appear to be the same, the **clerk shall mark the** envelope *[shall be marked in order]* to indicate that the ballot may be counted.

(2) Except as otherwise provided in this chapter, *[the absentee]* ballots **for absent electors** shall be counted and returns shall be made, as nearly as possible, in the same manner as for other ballots cast at the election.

**SECTION 4.** ORS 253.500 is amended to read:

253.500. ORS 253.500 to 253.640 shall be liberally construed so that all *[long term absent]* **military or overseas** electors may be given an opportunity to fully exercise their voting rights.

**SECTION 5.** ORS 253.510 is amended to read:

253.510. As used in ORS 253.500 to 253.640, *["long term absent elector"]* **"military or overseas elector"** means a resident of this state absent from the place of residence and:

(1) Serving in the Armed Forces of the United States or who has been discharged from the Armed Forces of the United States for not more than 30 days;

(2) Serving in the Merchant Marine of the United States or who has been discharged from the Merchant Marine of the United States for not more than 30 days; or

(3) Temporarily living outside the territorial limits of the United States and the District of Columbia.

**SECTION 6.** ORS 253.515 is amended to read:

253.515. Except as otherwise provided in ORS 253.500 to 253.640, procedures relating to *[long term absent]* **military or overseas** electors' ballots *[and special absentee ballots]* shall be as nearly as possible the same as *[for other absentee ballots]* **procedures for other absent elector's ballots.**

**SECTION 7.** ORS 253.530 is amended to read:

253.530. (1) A spouse or dependent of a *[long term absent]* **military or overseas** elector, temporarily living outside the county or city in which is situated the last home residence in this state of the spouse or dependent, may vote in the same manner as a *[long term absent]* **military or overseas** elector.

(2) A spouse or dependent of a [*long term absent*] **military or overseas** elector, not previously a resident of this state who intends to reside in this state, shall be considered a resident of this state for voting purposes, and may vote in the same manner as a [*long term absent*] **military or overseas** elector. The spouse or dependent shall be considered to have resided for more than 30 days at the last residence of the [*long term absent*] **military or overseas** elector in this state.

**SECTION 8.** ORS 253.540 is amended to read:

253.540. (1) Any [*long term absent*] **military or overseas** elector may secure [*an absentee*] **a** ballot by submitting an application as specified in subsection (2) of this section to the clerk of the county of the [*long term absent*] **military or overseas** elector's residence, or to the Secretary of State. If the application is addressed to the Secretary of State, the secretary shall forward it to the appropriate county clerk.

(2) An application for [*an absentee*] **a** ballot by a [*long term absent*] **military or overseas** elector shall be made in the form of a written request. The application shall be valid for every subsequent election until the elector otherwise notifies the clerk or is no longer an elector of the county. The application shall be signed by the applicant and contain:

- (a) The name and current mailing address of the applicant;
- (b) A statement that the applicant is a citizen of the United States;
- (c) A statement that the applicant will be 18 years of age or older on the date of the election;
- (d) A statement that for more than 20 days preceding the election the applicant's home residence has been in this state, and giving the address of the last home residence;
- (e) A statement of the facts that qualify the applicant as a [*long term absent*] **military or overseas** elector or as the spouse or a dependent of a [*long term absent*] **military or overseas** elector;
- (f) A statement that the applicant is not requesting a ballot from any other state and is not voting in any other manner in the election except by the requested [*absentee*] ballot; and
- (g) If the applicant desires to vote in a primary election, a designation of the applicant's political party affiliation or a statement that the applicant is not affiliated with any political party. An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

**SECTION 9.** ORS 253.545 is amended to read:

253.545. (1) Upon receipt of an application made under ORS 253.540, the county clerk, without regard to whether the applicant is an elector of the county, shall mail the materials prescribed in ORS 253.065 to the applicant.

(2) Notwithstanding any provision of ORS chapter 247, the completed and signed application submitted under ORS 253.540 shall constitute a valid registration for the applicant.

(3) Notwithstanding subsection (1) of this section, if the county clerk receives an application from a [*long term absent*] **military or overseas** elector after the fifth day before an election, the county clerk need not mail the ballot for that election but may deliver the ballot by making it available in the office of the clerk.

**SECTION 10.** ORS 253.550 is amended to read:

253.550. Whenever provision is made for absentee voting by a statute of the United States, including the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff (Public Law 99-410), an application for [*an absentee*] **a** ballot made under that law may be given the same effect as an application for [*an absentee*] **a** ballot made under ORS 253.500 to 253.640.

**SECTION 11.** ORS 253.565 is amended to read:

253.565. (1) Any [*long term absent*] **military or overseas** elector may secure a special [*absentee*] ballot for a primary election or general election by making an application under this section if the elector believes that:

- (a) The elector will be residing, stationed or working outside the territorial limits of the United States and the District of Columbia; and

(b) The elector will be unable to vote and return a regular *[absentee]* ballot by normal mail delivery within the period provided for regular *[absentee ballots]* **absent electors**.

(2) A *[long term absent]* **military or overseas** elector shall make the application for a special *[absentee]* ballot in the form of a written request. The elector shall submit the application before the date of the applicable election to the clerk of the county of the *[long term absent]* **military or overseas** elector's residence or to the Secretary of State. If the application is addressed to the Secretary of State, the secretary shall forward it to the appropriate county clerk. The application shall be signed by the applicant and contain:

(a) The name and current mailing address of the applicant;

(b) A designation of the election for which the applicant requests a special *[absentee]* ballot;

(c) A statement that the applicant is a citizen of the United States;

(d) A statement that the applicant will be 18 years of age or older on the date of the election;

(e) A statement that for more than 20 days preceding the election the applicant's home residence has been in this state, and giving the address of the last home residence;

(f) A statement of the facts that qualify the applicant as a *[long term absent]* **military or overseas** elector or as the spouse or a dependent of a *[long term absent]* **military or overseas** elector;

(g) A statement of the facts that qualify the applicant to vote by means of a special *[absentee]* ballot;

(h) A statement that the applicant is not requesting a ballot from any other state and is not voting in any other manner in the election except by the requested special *[absentee]* ballot; and

(i) If the applicant requests a ballot for a primary election, a designation of the applicant's political party affiliation or a statement that the applicant is not affiliated with any political party. An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

(3) An application for a special *[absentee]* ballot shall be valid only for the election specified in the application.

(4) The county clerk shall list on the special *[absentee]* ballot the offices and measures scheduled to appear on the regular ballot, if known when the ballot is prepared, and provide space in which the elector may write in the elector's preference.

(5) The elector may write in the name of any eligible candidate for each office to be filled or for which nominations will be made at the election, and may vote on any measure submitted at the election.

**SECTION 12.** ORS 253.575 is amended to read:

253.575. (1) Upon receipt of an application made under ORS 253.565, if the applicant's residence is in the county, the county clerk, without regard to whether the applicant is an elector of the county, shall mail to the applicant a special *[absentee]* ballot, instructions for filling in and returning the ballot and an envelope to use for the return. The name, official title and office address of the clerk shall appear on the front of the envelope. On the back shall appear a statement to be signed by the absent elector, stating that the elector:

(a) Is qualified to vote;

(b) Unless prevented by physical disability, has personally marked the ballot; and

(c) Has not unnecessarily exhibited the marked ballot to any other person.

(2) The completed and signed application submitted under ORS 253.565 shall constitute a valid registration for the *[applicant]* **elector**.

(3) If the county clerk receives an application for a special *[absentee]* ballot on or after the 45th day before the election specified in the application, the county clerk shall treat the application as an application made under ORS 253.540.

(4) A *[long term absent]* **military or overseas** elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the elector. The county clerk shall keep a record of each replacement ballot provided under this subsection.

(5) Notwithstanding subsection (3) of this section, a replacement ballot may be mailed or shall be made available in the office of the county clerk.

(6) If the county clerk determines that a *[long term absent]* **military or overseas** elector to whom a replacement ballot has been issued at the request of the elector has voted more than once, the county clerk shall not count any ballot cast by the elector. If the county clerk is required to reissue ballots due to a change on the ballot for any reason, that ballot shall be counted in lieu of any previous ballot issued unless:

(a) Only the original ballot was voted and returned; or

(b) The county clerk issued a supplemental ballot that is not a complete replacement of the original ballot.

**SECTION 13.** ORS 253.585 is amended to read:

253.585. (1) The Secretary of State may receive ballots from *[long term absent]* **military or overseas** electors.

(2) If the Secretary of State receives a ballot cast by a *[long term absent]* **military or overseas** elector, the Secretary of State shall deliver the ballot to the county clerk or elections officer of the county in which the elector who cast the ballot is registered.

(3) A ballot received by the Secretary of State under this section not later than 8 p.m. of the day of the election shall be considered to have been received by the *[8 p.m. deadline specified]* **county clerk as described** in ORS 253.070.

**SECTION 14.** ORS 253.640 is amended to read:

253.640. All public officers having duties under ORS 253.500 to 253.640 shall coordinate their efforts with any federal authority to facilitate voting by *[long term absent]* **military or overseas** electors, so that these electors may cast their ballots with the least possible interference with the performance of their duties.

**SECTION 15.** ORS 253.690 is amended to read:

253.690. (1) A *[long term absent]* **military or overseas** elector described in ORS 253.510 may cast a ballot using a facsimile machine or by electronic mail as provided in this section. Notwithstanding ORS 254.470 (8), a ballot cast under this section shall be counted only if the ballot:

(a) Is received in the office of the county clerk not later than 8 p.m. on the day of the election;

(b) Is accompanied by a return identification envelope containing the signature of the elector and a signed waiver described in subsection (2) of this section; and

(c) The signature is verified as provided in subsection (4) of this section.

(2) Each elector who casts a ballot under this section shall complete and submit a waiver described in this subsection. The elector shall attest to the information supplied on the waiver by signing the completed waiver. The Secretary of State by rule shall design the form of the waiver, which shall include all of the following:

(a) Space for the elector to provide the elector's full name, residence or mailing address, an electronic mail address, phone or facsimile number where the elector may be contacted and any other necessary information.

(b) A waiver in substantially the following form:

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I, \_\_\_\_\_, acknowledge that by casting my voted ballot using a facsimile machine or by electronic mail I have waived my right to a secret ballot.

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(c) A statement to notify the elector that the elector's ballot will not be counted unless the elector has complied with the provisions of this section.

(d) Space for the elector to provide the elector's signature to attest to the information supplied.

(3)(a) If a ballot is cast under this section using a facsimile machine, the return identification envelope and waiver shall also be submitted using a facsimile machine.

(b) If a ballot is cast under this section by electronic mail, the return identification envelope and waiver shall also be submitted by electronic mail.

(4) The county clerk shall verify the signature of each elector on the return identification envelope transmitted by facsimile machine or electronic mail under this section with the signature on the elector's registration card, according to the procedure provided by rules adopted by the Secretary of State.

(5) The Secretary of State shall adopt rules to administer this section and to ensure the secrecy of ballots cast using a facsimile machine or by electronic mail to the greatest extent possible.

**SECTION 16.** ORS 253.700 is amended to read:

253.700. (1) The county clerk, an elections official or any elector shall challenge the [absentee] ballot of any person offering to vote as an absent elector whom the clerk, official or elector knows or suspects not to be qualified as an elector. The person's ballot may be challenged at any time before the ballot is removed from its return envelope for processing.

(2) A challenge to [an absentee] a ballot of a person offering to vote shall be made under oath or affirmation before the clerk and shall be in writing on a numbered challenge form. The statement shall contain the name and residence address of the challenger, the name of the person challenged and a statement of the facts upon which the challenge is based. Any elections official may administer the oath or affirmation required under this subsection.

**SECTION 17.** ORS 253.710 is amended to read:

253.710. [No person shall] **A person may not** alter any information supplied on an application for [an absentee] a ballot **for an absent elector** except:

(1) An elections officer in the performance of official duties.

(2) The applicant.

**SECTION 18.** ORS 254.470 is amended to read:

254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the designation of places of deposit for the ballots cast in an election. The rules shall also specify the dates and times the places of deposit must be open and the security requirements for the places of deposit. 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. At each place of deposit designated under this section, the county clerk shall prominently display a sign stating that the location is an official ballot drop site.

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

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

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

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

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

(b) The county clerk shall mail the official ballot of a major political party to an elector not affiliated with any political party if the elector has applied for the ballot as provided in this sub-

section and that party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

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

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

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

(5) The ballot shall contain the following warning:

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Any person who, by use of force or other means, unduly influences an elector to vote in any particular manner or to refrain from voting is subject to a fine.

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(6) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign the return identification envelope supplied with the ballot and comply with the instructions provided with the ballot. The elector may return the marked ballot to the county clerk by United States mail or by depositing the ballot at the office of the county clerk, at any place of deposit designated by the county clerk or at any location described in ORS 254.472 or 254.474. The ballot must be returned in the return identification envelope. If the elector returns the ballot by mail, the elector must provide the postage. A ballot must be received at the office of the county clerk, at the designated place of deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the period determined under subsection (1) of this section on the date of the election.

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

(8) A ballot shall be counted only if:

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

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

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

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

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

**SECTION 19.** ORS 254.660 is amended to read:

254.660. (1) Notwithstanding ORS [253.045 and] 253.065, for a special election called under ORS 254.655, [long-term absentee] ballots shall be mailed **to military or overseas electors** not later than the 30th day before the date of the election. County clerks shall make [other absentee] ballots available **to other absent electors** not later than the 28th day before the date of the special election.

(2) Notwithstanding ORS 254.545, not later than 5 p.m. of the third day after the date of the special election, the county clerk shall deliver to the Secretary of State a copy of the abstracts for the offices voted upon at the special election. The abstract for election of Governor shall be delivered separately to the secretary as provided in section 4, Article V of the Oregon Constitution.

(3) [Notwithstanding ORS 253.135,] Not later than 5 p.m. of the first day after the date of the special election, a county clerk who received a ballot originating in another county shall forward the ballot by overnight mail or delivery or by the most expeditious means available to the county clerk of the county from which the ballot originated.

(4) Notwithstanding ORS 254.555, not later than 5 p.m. of the fourth business day after the date of the special election, the Secretary of State shall issue a proclamation declaring the election of candidates to offices or shall order recounts of the votes cast as provided in ORS 258.280.

(5)(a) Notwithstanding ORS 258.161, a recount may not be conducted for any special election under this section unless the recount is required by ORS 258.280.

(b) If a recount for any special election is required by ORS 258.280, the Secretary of State shall complete the recount as expeditiously as possible to minimize disruption to the sessions of the Legislative Assembly and shall issue a proclamation declaring the election of a candidate to office upon completion of the recount.

(6) The cost of all special elections called under ORS 254.655 shall be paid by the state.

(7) The ballot at a special election described in this section may not contain:

(a) Any measure; or

(b) Any candidate other than those candidates for which a special election is necessary.

(8) If there is a vacancy in the nomination of a candidate at a special election called under ORS 254.655, the vacancy in the nomination shall be filled in the manner provided in ORS chapter 249 and the special election shall be held as scheduled.

(9) When the office of state Senator or state Representative is vacant at the beginning of a session of the Legislative Assembly due to a special election called under ORS 254.655, the vacancy may not be filled as provided in ORS 171.051 unless, before entering upon the duties of the office to which the person was elected, the person elected at the special election dies, resigns or is declared disqualified by the house to which the person was elected.

(10) The Secretary of State may adopt rules governing the procedures for conducting a special election required by ORS 254.650.

**SECTION 20.** ORS 260.665 is amended to read:

260.665. (1) As used in this section, "undue influence" means force, violence, restraint or the threat of it, inflicting injury, damage, harm, loss of employment or other loss or the threat of it, or giving or promising to give money, employment or other thing of value.

(2) A person, acting either alone or with or through any other person, may not directly or indirectly subject any person to undue influence with the intent to induce any person to:

(a) Register or vote;

(b) Refrain from registering or voting;

(c) Register or vote in any particular manner;

(d) Be or refrain from or cease being a candidate;

(e) Contribute or refrain from contributing to any candidate, political party or political committee;

(f) Render or refrain from rendering services to any candidate, political party or political committee;

(g) Challenge or refrain from challenging a person offering to vote;



(h) Apply or refrain from applying for [*an absentee ballot*] **a ballot as an absent elector**; or  
(i) Sign or refrain from signing a prospective petition or an initiative, referendum, recall or candidate nominating petition.

(3) A person may not solicit or accept money or other thing of value as an inducement to act as prohibited by subsection (2) of this section.

(4) This section does not prohibit:

(a) The employment of persons to render services to candidates, political parties or political committees;

(b) The public distribution by candidates, political parties or political committees of sample ballots or other items readily available to the public without charge, even though the distributor incurs costs in the distribution;

(c) Public or nonpromissory statements by or on behalf of a candidate of the candidate's intentions or purposes if elected;

(d) A promise by a candidate to employ any person as administrative assistant, secretary or other direct personal aide;

(e) Free custody and care of minor children of persons during the time those persons are absent from those children for voting purposes;

(f) For persons voting, free transportation to and from places designated for the deposit of ballots under ORS 254.470 or to and from locations described in ORS 254.472 or 254.474; but no means of advertising, solicitation or inducement to influence the vote of persons transported may be used with that transportation;

(g) Individuals or political committees from providing refreshments incidental to a gathering in support of or in opposition to a candidate, political committee or measure; or

(h) The public distribution of registration cards by a person approved by the Secretary of State under ORS 247.171 to print, copy or otherwise prepare and distribute registration cards, even though the distributor incurs costs in the distribution.

**SECTION 21.** ORS 545.041 is amended to read:

545.041. (1) The election shall be conducted, as nearly as practicable, in accordance with the general election laws of the state, except that the provisions of the election laws as to the form of ballot and as to the nomination of candidates shall not apply. No particular form of ballot shall be required. An absent elector may obtain [*an absentee*] **a ballot and vote**, as nearly as practicable, in the manner provided for [*absentee*] **absent** electors in ORS chapter 253.

(2)(a) Nominations for candidates for the board of directors may be made by petition, signed by at least 10 electors in the proposed district or division who are qualified to vote for the directors nominated by them. Nominations may also be made at an assembly of not less than 25 electors.

(b) Not more than one of the electors of a multiple ownership as described in ORS 545.007 (1)(a) may sign a nominating petition or vote at an assembly. Nominations by petition or by assembly shall be filed with the county assessor before they are filed with the county clerk under this subsection. If a nomination is made at an assembly, the nomination shall be filed under this paragraph with a list of the names and addresses of the electors who voted at the assembly. The county assessor shall verify that not more than one of the electors of a multiple ownership as described in ORS 545.007 (1)(a) has signed a nominating petition or voted at an assembly. The county assessor shall provide written confirmation of the assessor's verification to the person filing the nomination.

(c) Nominations by petition or by assembly shall be filed with the county clerk at least 35 days next preceding the date of election. The nomination shall be accompanied by a copy of the written confirmation of verification provided by the county assessor under this subsection.

(d) The county clerk shall have the names of all persons nominated placed on the ballots as candidates for the offices for which they have been nominated. The ballots shall have a blank line under the printed names, on which may be written the name of any candidate voted for.

(3) A nominating petition shall contain:

(a) The name by which a candidate is commonly known. The candidate may use a nickname in parentheses in connection with the candidate's full name;

- (b) The address information of the candidate;
- (c) The office for which the candidate seeks nomination;
- (d) The term of office for which the candidate seeks nomination;
- (e) A statement that the candidate is qualified for the office;
- (f) A statement that the candidate is willing to accept the nomination and, if elected, the office;
- (g) The signature of the candidate;
- (h) The printed name and address of each elector who signed the petition; and
- (i) A statement by the circulator of the petition that the circulator is personally acquainted with the electors who signed the petition and affirms that the signatures are genuine.

(4) If an elector is not shown as an owner of land on the last equalized assessment roll or is not shown as having authority to vote on behalf of an owner of land, the elector shall furnish the county clerk with written evidence, satisfactory to the county clerk, that the elector:

- (a) Is a legal representative of the owner;
- (b) Is entitled to be shown as the owner of land on the next assessment roll;
- (c) Is a purchaser of land under a written agreement of sale; or
- (d) Is authorized to sign for and on behalf of any public agency owning land.

(5) The county court shall meet on the first Monday that is at least 10 days after the election, canvass the votes cast, and enter an order declaring the result of the election. If upon the canvass it appears that at least three-fifths of the votes cast are "Irrigation District - Yes," the court shall, by an order entered on its minutes, declare the territory organized as an irrigation district under the name designated by the county court under ORS 545.033 (1), and shall declare the persons receiving, respectively, the highest number of votes for the several available director positions to be elected to those positions. The court shall cause a copy of the order, duly certified, to be immediately filed for record in the office of the county clerk of each county in which any portion of the district is situated.

(6) After the date of organization of an irrigation district, the county court of any county including any portion of the district shall not allow another district to be formed that includes any lands in the existing district, without first securing consent for the formation from the existing district.

(7) From and after the date of the filing of the order under subsection (1) of this section, the organization of the district is complete, and the directors may enter upon the duties of their offices upon qualifying as provided by law. They shall hold office until their successors are elected and qualified.

**SECTION 22.** ORS 545.141 is amended to read:

545.141. (1) Voting may commence as soon as the polls are open and may continue during all the time the polls remain open. Voting shall be conducted as nearly as practicable in accordance with the general election laws. An absent elector may obtain [*an absentee*] a ballot and vote, as nearly as practicable, in the manner provided for [*absentee*] **absent** electors in ORS chapter 253.

(2) A person who offers to vote and claims to be an elector, but fails to provide either evidence of ownership, acreage or other voting authorization, shall be allowed to vote after submitting a sworn statement in accordance with the provisions of ORS 254.407 and 254.409. However, any person voting pursuant to this section shall, in addition to the information required by ORS 254.407, include information in the elector's statement concerning the location of the claimed land and the precise acreage for which the elector is claiming ownership or voting authorization. Upon receipt of the elector's sworn statement, the secretary of the district shall attempt to verify the elector's voting qualifications under the Irrigation District Law.

(3) Any election board member or elector present at the time of voting shall challenge a person offering to vote in any election whom the board member or elector knows or believes to be unqualified as an elector. Any challenge shall be made in accordance with ORS 254.415. The elector's statement of challenge required by ORS 254.415 shall include the location of the claimed land and the precise acreage for which the elector is claiming ownership or voting authorization. Upon re-

ceipt of the elector's sworn statement, the secretary of the district shall attempt to verify the elector's voting qualifications according to the provisions of the Irrigation District Law.

(4) As soon as the polls are closed the judges shall open the ballot box and shall commence counting the votes. The ballot box may not be removed from the room in which the election is held until all ballots have been counted. The counting of the ballots shall be public. The presiding officer of the board of election or one of the judges shall take ballots from the ballot box one at a time, open them and read aloud the name of each person named on the ballot and the office for which the person is voted. If the intent of the voter is clear, the vote shall be counted and not rejected for lack of form. The judges shall keep an accurate account of the votes by tallies in duplicate and the counting shall continue without adjournment until all votes have been counted.

**SECTION 23. ORS 253.015, 253.030, 253.045, 253.055 and 253.135 are repealed.**

**SECTION 24. The amendments to ORS 253.065, 253.070, 253.080, 253.500, 253.510, 253.515, 253.530, 253.540, 253.545, 253.550, 253.565, 253.575, 253.585, 253.640, 253.690, 253.700, 253.710, 254.470, 254.660, 260.665, 545.041 and 545.141 by sections 1 to 22 of this 2013 Act and the repeal of ORS 253.015, 253.030, 253.045, 253.055 and 253.135 by section 23 of this 2013 Act apply to ballots for elections held on or after the effective date of this 2013 Act.**

**SECTION 25. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.**

Passed by Senate March 26, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 20, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

.....  
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

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Kate Brown, Secretary of State