

# Senate Bill 161

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Rules and Executive Appointments)

## 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**.

Updates laws related to ballots for absent electors.  
Adjusts terminology related to military or overseas electors.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to ballots; creating new provisions; amending ORS 253.065, 253.070, 253.080, 253.500,  
3 253.510, 253.515, 253.530, 253.540, 253.545, 253.550, 253.565, 253.575, 253.585, 253.640, 253.690,  
4 253.700, 253.710, 254.470, 254.660, 260.665, 545.041 and 545.141; repealing ORS 253.015, 253.030,  
5 253.045, 253.055 and 253.135; and declaring an emergency.

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

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

8 253.065. (1) For electors with mailing addresses outside this state, the county clerk shall deliver  
9 *[an absentee]* a ballot:

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

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

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

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

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

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

23 *[(4)]* **(2)** The clerk shall deliver with the ballot instructions for marking and returning the ballot,  
24 a return identification envelope and a secrecy envelope. The back of the envelope shall include a  
25 statement to be signed by the absent elector, stating that the elector:

26 (a) Is qualified to vote;

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

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

29 *[(5) Notwithstanding subsections (1) and (2) of this section, if the county clerk receives an applica-*  
30 *tion for an absentee ballot after the fifth day before an election, the county clerk need not mail the*

**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 *ballot for that election but may deliver the ballot by making it available in the office of the clerk.]*

2 [(6)] (3) An **absent** elector may obtain a replacement ballot if the ballot **delivered under this**  
 3 **section** is destroyed, spoiled, lost or not received by the elector. The county clerk shall keep a re-  
 4 cord of each replacement ballot provided under this subsection.

5 [(7)] (4) A replacement ballot **provided under subsection (3) of this section** may be mailed or  
 6 shall be made available in the office of the county clerk.

7 [(8)] (5) If the county clerk determines that an **absent** elector to whom a replacement ballot has  
 8 been issued at the request of the elector has voted more than once, the county clerk shall [*not*]  
 9 count [*any*] **only the first** ballot [*cast by the elector*] **received by the clerk and provide the**  
 10 **elector's name to the Secretary of State for further review.** If the county clerk is required to  
 11 reissue ballots due to a change on the ballot for any reason, that ballot shall be counted in lieu of  
 12 any previous ballot issued unless:

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

14 (b) The county clerk issued a supplemental ballot that is not a complete replacement of the or-  
 15 iginal ballot.

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

17 253.070. [*Upon receipt of a ballot the absent elector shall mark it and comply with the instructions*  
 18 *provided with the ballot. The absent elector may return the marked ballot to the office of the clerk,*  
 19 *by any appropriate means. The]* A ballot **from an absent elector** must be received by a county clerk  
 20 not later than 8 p.m. of the day of the election. [*If a county clerk receives a ballot for an elector who*  
 21 *does not reside in the clerk's county, the ballot shall be forwarded to the county clerk of the county in*  
 22 *which the elector resides not later than the eighth day after the election.]*

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

24 253.080. (1) Upon receipt of an envelope containing a marked [*absentee*] ballot **from an absent**  
 25 **elector**, the clerk shall keep it safely in the office and, before delivering the ballot for counting,  
 26 shall compare the signature of the absent elector [*which*] **that** appears on the back of the  
 27 [*absentee*] ballot envelope with that upon the [*applicant's*] **elector's** registration card. If the signa-  
 28 tures appear to be the same, the **clerk shall mark the** envelope [*shall be marked in order*] to indi-  
 29 cate that the ballot may be counted.

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

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

34 253.500. ORS 253.500 to 253.640 shall be liberally construed so that all [*long term absent*] **mili-**  
 35 **tary or overseas** electors may be given an opportunity to fully exercise their voting rights.

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

37 253.510. As used in ORS 253.500 to 253.640, [*long term absent elector*] "**military or overseas**  
 38 **elector**" means a resident of this state absent from the place of residence and:

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

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

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

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

1 253.515. Except as otherwise provided in ORS 253.500 to 253.640, procedures relating to [*long*  
2 *term absent*] **military or overseas** electors' ballots [*and special absentee ballots*] shall be as nearly  
3 as possible the same as [*for other absentee ballots*] **procedures for other absent elector's ballots**.

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

5 253.530. (1) A spouse or dependent of a [*long term absent*] **military or overseas** elector, tempo-  
6 rarily living outside the county or city in which is situated the last home residence in this state of  
7 the spouse or dependent, may vote in the same manner as a [*long term absent*] **military or overseas**  
8 elector.

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

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

15 253.540. (1) Any [*long term absent*] **military or overseas** elector may secure [*an absentee*] **a**  
16 ballot by submitting an application as specified in subsection (2) of this section to the clerk of the  
17 county of the [*long term absent*] **military or overseas** elector's residence, or to the Secretary of  
18 State. If the application is addressed to the Secretary of State, the secretary shall forward it to the  
19 appropriate county clerk.

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

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

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

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

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

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

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

34 (g) If the applicant desires to vote in a primary election, a designation of the applicant's political  
35 party affiliation or a statement that the applicant is not affiliated with any political party. An ap-  
36 plicant not affiliated with any political party may request a ballot for a major political party. The  
37 applicant shall be sent the ballot for the political party that the applicant requested if that political  
38 party has provided under ORS 254.365 for a primary election that admits electors not affiliated with  
39 any political party.

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

41 253.545. (1) Upon receipt of an application made under ORS 253.540, the county clerk, without  
42 regard to whether the applicant is an elector of the county, shall mail the materials prescribed in  
43 ORS 253.065 to the applicant.

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

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

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

6 253.550. Whenever provision is made for absentee voting by a statute of the United States, in-  
 7 cluding the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff (Public Law  
 8 99-410), an application for [*an absentee*] a ballot made under that law may be given the same effect  
 9 as an application for [*an absentee*] a ballot made under ORS 253.500 to 253.640.

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

11 253.565. (1) Any [*long term absent*] **military or overseas** elector may secure a special  
 12 [*absentee*] ballot for a primary election or general election by making an application under this  
 13 section if the elector believes that:

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (4) The county clerk shall list on the special [*absentee*] ballot the offices and measures scheduled  
 45 to appear on the regular ballot, if known when the ballot is prepared, and provide space in which

1 the elector may write in the elector's preference.

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

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

6 253.575. (1) Upon receipt of an application made under ORS 253.565, if the applicant's residence  
7 is in the county, the county clerk, without regard to whether the applicant is an elector of the  
8 county, shall mail to the applicant a special [*absentee*] ballot, instructions for filling in and returning  
9 the ballot and an envelope to use for the return. The name, official title and office address of the  
10 clerk shall appear on the front of the envelope. On the back shall appear a statement to be signed  
11 by the absent elector, stating that the elector:

12 (a) Is qualified to vote;

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

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

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

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

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

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

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

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

31 (b) The county clerk issued a supplemental ballot that is not a complete replacement of the or-  
32 iginal ballot.

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

34 253.585. (1) The Secretary of State may receive ballots from [*long term absent*] **military or**  
35 **overseas** electors.

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

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

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

43 253.640. All public officers having duties under ORS 253.500 to 253.640 shall coordinate their  
44 efforts with any federal authority to facilitate voting by [*long term absent*] **military or overseas**  
45 electors, so that these electors may cast their ballots with the least possible interference with the

1 performance of their duties.

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

3 253.690. (1) A [*long term absent*] **military or overseas** elector described in ORS 253.510 may cast  
4 a ballot using a facsimile machine or by electronic mail as provided in this section. Notwithstanding  
5 ORS 254.470 (8), a ballot cast under this section shall be counted only if the ballot:

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

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

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

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

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

17 (b) A waiver in substantially the following form:

18 \_\_\_\_\_  
19  
20 I, \_\_\_\_\_, acknowledge that by casting my voted ballot using a facsimile machine or by  
21 electronic mail I have waived my right to a secret ballot.  
22 \_\_\_\_\_

23  
24 (c) A statement to notify the elector that the elector's ballot will not be counted unless the  
25 elector has complied with the provisions of this section.

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

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

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

31 (4) The county clerk shall verify the signature of each elector on the return identification en-  
32 velope transmitted by facsimile machine or electronic mail under this section with the signature on  
33 the elector's registration card, according to the procedure provided by rules adopted by the Secre-  
34 tary of State.

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

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

38 253.700. (1) The county clerk, an elections official or any elector shall challenge the [*absentee*]  
39 ballot of any person offering to vote as an absent elector whom the clerk, official or elector knows  
40 or suspects not to be qualified as an elector. The person's ballot may be challenged at any time  
41 before the ballot is removed from its return envelope for processing.

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

1 ter the oath or affirmation required under this subsection.

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

3 253.710. [*No person shall*] **A person may not** alter any information supplied on an application  
4 for [*an absentee*] **a ballot for an absent elector** except:

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

6 (2) [*The applicant*] **The person who supplies the information on the application for a ballot**  
7 **for the purpose of voting as an absent elector.**

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

9 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the  
10 designation of places of deposit for the ballots cast in an election. The rules shall also specify the  
11 dates and times the places of deposit must be open and the security requirements for the places of  
12 deposit. At a minimum, the places designated under this section shall be open on the date of the  
13 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place  
14 of deposit designated under this section, the county clerk shall prominently display a sign stating  
15 that the location is an official ballot drop site.

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

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

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

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

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

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

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

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

45 (4) For each elector who updates a voter registration after the deadline in ORS 247.025, the

1 county clerk shall make the official ballot, the return identification envelope and the secrecy en-  
 2 velope available either by mail or at the county clerk's office or at another place designated by the  
 3 county clerk. An elector to whom this subsection applies must request a ballot from the county  
 4 clerk.

5 (5) The ballot shall contain the following warning:  
 6 \_\_\_\_\_  
 7

8 Any person who, by use of force or other means, unduly influences an elector to vote in any  
 9 particular manner or to refrain from voting is subject to a fine.  
 10 \_\_\_\_\_  
 11

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

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

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

- 30 (a) It is returned in the return identification envelope;
- 31 (b) The envelope is signed by the elector to whom the ballot is issued; and
- 32 (c) The signature is verified as provided in subsection (9) of this section.

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

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

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

43 254.660. (1) Notwithstanding ORS [253.045 and] 253.065, for a special election called under ORS  
 44 254.655, [long-term absentee] ballots shall be mailed **to military or overseas electors** not later than  
 45 the 30th day before the date of the election. County clerks shall make [other absentee] ballots



1 available **to other absent electors** not later than the 28th day before the date of the special  
 2 election.

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

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

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

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

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

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

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

22 (a) Any measure; or

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

24 (8) If there is a vacancy in the nomination of a candidate at a special election called under ORS  
 25 254.655, the vacancy in the nomination shall be filled in the manner provided in ORS chapter 249  
 26 and the special election shall be held as scheduled.

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

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

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

35 260.665. (1) As used in this section, “undue influence” means force, violence, restraint or the  
 36 threat of it, inflicting injury, damage, harm, loss of employment or other loss or the threat of it, or  
 37 giving or promising to give money, employment or other thing of value.

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

40 (a) Register or vote;

41 (b) Refrain from registering or voting;

42 (c) Register or vote in any particular manner;

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

44 (e) Contribute or refrain from contributing to any candidate, political party or political com-  
 45 mittee;

1 (f) Render or refrain from rendering services to any candidate, political party or political com-  
 2 mittee;

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

4 (h) Apply or refrain from applying for [*an absentee ballot*] **a ballot as an absent elector**; or

5 (i) Sign or refrain from signing a prospective petition or an initiative, referendum, recall or  
 6 candidate nominating petition.

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

9 (4) This section does not prohibit:

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

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

15 (c) Public or nonpromissory statements by or on behalf of a candidate of the candidate's in-  
 16 tentions or purposes if elected;

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

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

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

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

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

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

31 545.041. (1) The election shall be conducted, as nearly as practicable, in accordance with the  
 32 general election laws of the state, except that the provisions of the election laws as to the form of  
 33 ballot and as to the nomination of candidates shall not apply. No particular form of ballot shall be  
 34 required. An absent elector may obtain [*an absentee*] **a ballot** and vote, as nearly as practicable, in  
 35 the manner provided for [*absentee*] **absent** electors in ORS chapter 253.

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

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

1 written confirmation of the assessor's verification to the person filing the nomination.

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

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

8 (3) A nominating petition shall contain:

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

11 (b) The address information of the candidate;

12 (c) The office for which the candidate seeks nomination;

13 (d) The term of office for which the candidate seeks nomination;

14 (e) A statement that the candidate is qualified for the office;

15 (f) A statement that the candidate is willing to accept the nomination and, if elected, the office;

16 (g) The signature of the candidate;

17 (h) The printed name and address of each elector who signed the petition; and

18 (i) A statement by the circulator of the petition that the circulator is personally acquainted with  
19 the electors who signed the petition and affirms that the signatures are genuine.

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

23 (a) Is a legal representative of the owner;

24 (b) Is entitled to be shown as the owner of land on the next assessment roll;

25 (c) Is a purchaser of land under a written agreement of sale; or

26 (d) Is authorized to sign for and on behalf of any public agency owning land.

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

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

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

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

45 545.141. (1) Voting may commence as soon as the polls are open and may continue during all the

1 time the polls remain open. Voting shall be conducted as nearly as practicable in accordance with  
 2 the general election laws. An absent elector may obtain [*an absentee*] a ballot and vote, as nearly  
 3 as practicable, in the manner provided for [*absentee*] **absent** electors in ORS chapter 253.

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

12 (3) Any election board member or elector present at the time of voting shall challenge a person  
 13 offering to vote in any election whom the board member or elector knows or believes to be un-  
 14 qualified as an elector. Any challenge shall be made in accordance with ORS 254.415. The elector's  
 15 statement of challenge required by ORS 254.415 shall include the location of the claimed land and  
 16 the precise acreage for which the elector is claiming ownership or voting authorization. Upon re-  
 17 ceipt of the elector's sworn statement, the secretary of the district shall attempt to verify the  
 18 elector's voting qualifications according to the provisions of the Irrigation District Law.

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

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

28 **SECTION 24. The amendments to ORS 253.065, 253.070, 253.080, 253.500, 253.510, 253.515,**  
 29 **253.530, 253.540, 253.545, 253.550, 253.565, 253.575, 253.585, 253.640, 253.690, 253.700, 253.710,**  
 30 **254.470, 254.660, 260.665, 545.041 and 545.141 by sections 1 to 22 of this 2013 Act and the repeal**  
 31 **of ORS 253.015, 253.030, 253.045, 253.055 and 253.135 by section 23 of this 2013 Act apply to**  
 32 **ballots for elections held on or after the effective date of this 2013 Act.**

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