

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2739**

1 On page 1 of the printed bill, line 2, after “166.291” insert “246.021.”.

2 In line 3, delete “and 254.465” and insert “, 250.195, 254.470, 254.660,  
3 255.155 and 255.235”.

4 On page 9, delete lines 44 and 45.

5 On page 10, delete lines 1 through 6 and insert:

6 **“SECTION 7.** ORS 246.021 is amended to read:

7 “246.021. (1) Except as provided in ORS 247.012 and subsection (2) of this  
8 section, an election document and an accompanying payment of fees required  
9 to be filed with the Secretary of State, county clerk or other filing officer  
10 must be delivered to and actually received at the office of the designated  
11 officer not later than [5 *p.m.*] **the close of business** of the day the document  
12 or fee is due or, if the day due is a Saturday, Sunday or holiday, on the next  
13 business day.

14 “(2) If, at [5 *p.m.*] **the close of business** of the day an election document  
15 is due, an individual is physically present in the office of the secretary,  
16 county clerk or other filing officer and in line waiting to deliver the docu-  
17 ment, the individual is considered to have begun the act of delivering the  
18 document and is permitted to file it.

19 “(3) Except as provided in ORS 253.690, any election document required  
20 to be filed with the filing officer other than ballots, voter registration cards  
21 or petitions requiring signatures of electors may also be filed by means of  
22 an electronic facsimile transmission machine. If an election document is re-

1 quired to be filed by a specified time, the entire document must be received  
2 in the office of the filing officer not later than [5 p.m.] **the close of business**  
3 of the day the document is due or, if the day due is a Saturday, Sunday or  
4 holiday, on the next business day.

5 “(4) Notwithstanding any provision of subsections (1) to (3) of this sec-  
6 tion, if a statement is required to be filed electronically under ORS 260.057:

7 “(a) The statement must be received electronically at the office of the  
8 Secretary of State not later than 11:59 p.m. of the day the statement is due  
9 or, if the day due is a Saturday, Sunday or holiday, on the next business day;  
10 and

11 “(b) The Secretary of State may not accept the filing of the statement in  
12 any form other than an electronic format.

13 “(5) As used in this section, ‘election document’ includes, but is not lim-  
14 ited to, a declaration of candidacy for nomination for public or political  
15 party office, completed nominating petitions, statements and portraits for  
16 voters’ pamphlets, statements of election campaign contributions and ex-  
17 penditures, and initiative, referendum or recall petitions.

18 **“SECTION 8.** ORS 250.195 is amended to read:

19 “250.195. (1) Any elector dissatisfied with a ballot title filed with the  
20 county clerk by the district attorney or the county governing body, may pe-  
21 tition the circuit court of the judicial district in which the county is located  
22 seeking a different title and stating the reasons the title filed with the court  
23 is insufficient, not concise or unfair. The petition shall name as respondent  
24 either the district attorney or county governing body, depending on who  
25 prepared the ballot title, and must be filed not later than the seventh busi-  
26 ness day after the title is filed with the county clerk. The court shall review  
27 the title and measure to be initiated or referred, hear arguments, if any, and  
28 certify to the county clerk a title for the measure which meets the require-  
29 ments of ORS 250.035.

30 “(2) An elector filing a petition under this section shall notify the county

1 clerk in writing that the petition has been filed. The notice shall be given  
2 not later than [5 p.m.] **the close of business** on the next business day fol-  
3 lowing the day the petition is filed.

4 “(3) The review by the circuit court shall be the first and final review,  
5 and shall be conducted expeditiously to insure the orderly and timely circu-  
6 lation of the petition or conduct of the election at which the measure is to  
7 be submitted to the electors.

8 **“SECTION 9.** ORS 254.470 is amended to read:

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

18 “(2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the  
19 county clerk shall mail by nonforwardable mail an official ballot with a re-  
20 turn identification envelope and a secrecy envelope not sooner than the 18th  
21 day before the date of an election and not later than the 14th day before the  
22 date of the election, to each active elector of the electoral district as of the  
23 21st day before the date of the election.

24 “(b) If the county clerk determines that an active elector of the electoral  
25 district as of the 21st day before the date of the election does not receive  
26 daily mail service from the United States Postal Service, the county clerk  
27 shall mail by nonforwardable mail an official ballot with a return identifi-  
28 cation envelope and a secrecy envelope to the elector not sooner than the  
29 20th day before the date of an election and not later than the 18th day before  
30 the date of the election.

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

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

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

8       “(b) The county clerk shall mail the official ballot of a major political  
9 party to an elector not affiliated with any political party if the elector has  
10 applied for the ballot as provided in this subsection and that party has pro-  
11 vided under ORS 254.365 for a primary election that admits electors not af-  
12 filiated with any political party.

13       “(c) An elector not affiliated with any political party who wishes to vote  
14 in the primary election of a major political party shall apply to the county  
15 clerk in writing. The application shall indicate which major political party  
16 ballot the elector wishes to receive. Except for electors described in sub-  
17 section (4) of this section, and subject to ORS 247.203, the application must  
18 be received by the county clerk not later than [5 *p.m.*] **the close of business**  
19 of the 21st day before the date of the election.

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

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

30       “(5) The ballot shall contain the following warning:

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

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

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

28 “(8) A ballot shall be counted only if:

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

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

1 and

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

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

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

14 “**SECTION 10.** ORS 254.660 is amended to read:

15 “254.660. (1) Notwithstanding ORS 253.045 and 253.065, for a special  
16 election called under ORS 254.655, long-term absentee ballots shall be mailed  
17 not later than the 30th day before the date of the election. County clerks  
18 shall make other absentee ballots available not later than the 28th day be-  
19 fore the date of the special election.

20 “(2) Notwithstanding ORS 254.545, not later than [5 p.m.] **the close of**  
21 **business** of the third day after the date of the special election, the county  
22 clerk shall deliver to the Secretary of State a copy of the abstracts for the  
23 offices voted upon at the special election. The abstract for election of Gov-  
24 ernor shall be delivered separately to the secretary as provided in section  
25 4, Article V of the Oregon Constitution.

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

1       “(4) Notwithstanding ORS 254.555, not later than [5 *p.m.*] **the close of**  
2 **business** of the fourth business day after the date of the special election, the  
3 Secretary of State shall issue a proclamation declaring the election of can-  
4 didates to offices or shall order recounts of the votes cast as provided in ORS  
5 258.280.

6       “(5)(a) Notwithstanding ORS 258.161, a recount may not be conducted for  
7 any special election under this section unless the recount is required by ORS  
8 258.280.

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

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

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

18       “(a) Any measure; or

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

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

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

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

3 **“SECTION 11.** ORS 255.155 is amended to read:

4 “255.155. (1) Any elector dissatisfied with a ballot title filed with the  
5 elections officer by the district attorney or district elections authority may  
6 petition the circuit court of the judicial district in which the administrative  
7 office of the district is located seeking a different title and stating the rea-  
8 sons the title filed with the court is insufficient, not concise or unfair. The  
9 petition shall name as respondent the district attorney or district elections  
10 authority, depending on who prepared the ballot title, and must be filed not  
11 later than the seventh business day after the title is filed with the elections  
12 officer. The court shall review the title and measure to be initiated or re-  
13 ferred, hear arguments, if any, and certify to the elections officer a title for  
14 the measure which meets the requirements of ORS 250.035.

15 “(2) An elector filing a petition under this section shall notify the county  
16 clerk in writing that the petition has been filed. The notice shall be given  
17 not later than [5 p.m.] **the close of business** on the next business day fol-  
18 lowing the day the petition is filed.

19 “(3) The review by the circuit court shall be the first and final review,  
20 and shall be conducted expeditiously to insure the orderly and timely circu-  
21 lation of petitions or conduct of the election at which the measure is to be  
22 submitted to the electors.

23 **“SECTION 12.** ORS 255.235 is amended to read:

24 “255.235. (1) A candidate for election as a member of a district board shall  
25 be nominated by filing with the elections officer either:

26 “(a) A petition for nomination signed by at least 25 electors, or 10 percent  
27 of the electors, residing in the election district for the office, whichever  
28 number is less; or

29 “(b) A declaration of candidacy accompanied by a filing fee of \$10.

30 “(2) A petition for nomination or a declaration of candidacy shall be filed



1 with the elections officer not sooner than the 40th day before the deadline  
2 specified in paragraph (a) or (b) of this subsection and:

3 “(a) Not later than the 61st day before the date of the district election if  
4 the election is a regular district election or the first election at which  
5 members of the district board are elected.

6 “(b) Not later than the 70th day before the date of the district election  
7 if the election is held on the date of a primary election or general election.

8 “(3) A nominating petition or declaration of candidacy shall contain the  
9 information specified in ORS 249.031.

10 “(4) In a district in which a position or zone number is assigned to each  
11 office on the district board or local school committee, each petition for  
12 nomination or declaration of candidacy for election to the district board or  
13 local school committee shall state the position or zone number of the office  
14 to which the candidate seeks election.

15 “(5) The provisions of ORS 249.009 (1)(b) and 249.061 shall not apply to  
16 nominating petitions filed under this section.

17 “(6) A nominee for election to the district board may withdraw the nom-  
18 ination not later than [5 p.m.] **the close of business** of the last day specified  
19 for filing a petition or declaration under this section by filing with the  
20 elections officer a written withdrawal of candidacy. The withdrawal shall be  
21 signed by the nominee and state the reasons for withdrawal.”.

22 In line 7, delete “8” and insert “13”.

23