

**TESTIMONY ON HB SB 1564:
DEFECTIVE BALLOT BOARDS, DESTRUCTION OF UNUSED
BALLOTS, AND STUDY OF BALLOT COLLECTORS**

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I support this bill as a means to resolve the longstanding issues about ballot enhancement and destroying unused ballots. I also suggest some improvements.

Defective Ballot Boards

I would prefer to have some representation on the Defective Ballot Boards apart from members of major parties. If the presence of major party members on the boards is necessary to protect the interests of those parties, then the same is true for the minor parties. For example, the continued existence of 5 of Oregon's minor parties depends upon the number of votes earned by their candidates at the general election.

I suggest an amendment to require appointment of a minor party member to a Defective Ballot Board, upon the request of the minor party.

I suggest an amendment to forbid the duplication or enhancement of any ballot by any person, other than by order of a Defective Ballot Board. Restricting the functions of ballot duplication or enhancement to a Defective Ballot Board appears to be the intent of SB 1564 but is not stated therein.

I also suggest that the work of each Defective Ballot Board be video recorded. Digital video cameras are very cheap, as are digital storage media. Knowledge of the video recording would be an extremely powerful deterrent to misconduct.

Destroying Unused Ballots

The experience of Clackamas County in 2012, leading to a prison term for an elections worker, shows that having blank or partially blank ballots at the place where votes are counted can result in fraud that is hard to detect.

SB 1564 limits the county clerk to keeping "a number of ballots that does not exceed five percent of the total number of ballots that the county clerk mailed under ORS 254.470 to be used as potential replacement ballots." But the bill does not state at what time that restriction occurs. Does the restriction go into effect immediately upon the mailing of the ballots? Some other time? It should be specified.

Also, the bill as written does not actually limit the number of blank ballots that the clerk can keep. The 5% limit applies only to ballots "to be used as potential replacement ballots." The existing language would allow the clerk to retain an unlimited number of blank ballots for other purposes, such as duplication and enhancement. The restriction should be rewritten so that it applies to all blank ballots, no matter for what purpose those blank ballots might be used.

The bill should also be amended so that each voter's last-issued ballot is the one that counts. Under vote-by-mail, a voter can be coerced into voting for certain candidates or measures by an employer, relative, or other person exercising influence over the voter. People can be forced to show how they have voted or even be forced to turn over their blank ballots (with the envelope pre-signed by the voter) to the oppressor. Faced with such coercion, a voter should be able to obtain a replacement ballot and vote it, with the last-issued ballot the one that counts (cancelling the earlier-issued ballot). Currently, it is the first-voted ballot that counts.