

House Bill 3500

Sponsored by Representative HOYLE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides primary ballot of all major parties to nonaffiliated electors.

Permits nonaffiliated elector to vote in primary election of major political party by submitting form stating elector's intent to become affiliated with party and by returning form with completed primary ballot.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to elector affiliation with political parties; creating new provisions; amending ORS 247.203,
3 254.370 and 254.470; and declaring an emergency.

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

5 **SECTION 1.** ORS 254.470 is amended to read:

6 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
7 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
8 dates and times the places of deposit must be open and the security requirements for the places of
9 deposit. At a minimum, the places designated under this section shall be open on the date of the
10 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
11 of deposit designated under this section, the county clerk shall prominently display a sign stating
12 that the location is an official ballot drop site.

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

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

23 (c) In the case of ballots to be mailed to addresses outside this state to electors who are not
24 military or overseas electors, the county clerk may mail the ballots not sooner than the 29th day
25 before the date of the election.

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

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

30 (b) The county clerk shall mail the official ballot of a major political party to an elector not

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 affiliated with any political party if the elector has applied for the ballot as provided in this sub-
 2 section and that party has provided under ORS 254.365 for a primary election that admits electors
 3 not affiliated with any political party.

4 (c) **Except as provided in paragraph (d) of this subsection**, an elector not affiliated with any
 5 political party who wishes to vote in the primary election of a major political party shall apply to
 6 the county clerk in writing. The application shall indicate which major political party ballot the
 7 elector wishes to receive. Except for electors described in subsection (4) of this section, and subject
 8 to ORS 247.203, the application must be received by the county clerk not later than 5 p.m. of the
 9 21st day before the date of the election.

10 (d)(A) **The county clerk shall mail the official ballots of all major political parties to each**
 11 **elector not affiliated with any political party. Ballots mailed under this subparagraph must**
 12 **be accompanied by a notice and a form, designed by the Secretary of State by rule, that in-**
 13 **form the elector that the elector may vote in the primary election of a major political party**
 14 **by:**

15 (i) **Completing the form stating that the elector wishes to become affiliated with that**
 16 **political party; and**

17 (ii) **Returning the form with the completed primary ballot of the major political party.**

18 (B) **If the elector submits the form and the ballot in the manner set forth in subpara-**
 19 **graph (A) of this paragraph, the county clerk shall register the elector as being affiliated**
 20 **with the major political party identified by the elector and count the votes the elector has**
 21 **cast for candidates of the major political party.**

22 (C) **An elector who receives a ballot under this paragraph may express an intent to join**
 23 **and vote in the primary election of only one major political party. If the elector attempts to**
 24 **vote in the primary election of more than one major political party, or if the elector attempts**
 25 **to vote in the primary election of one major political party without filling out the form re-**
 26 **questing that the elector be affiliated with that political party, the county clerk may not**
 27 **register the elector as being affiliated with a major political party and may not count the**
 28 **votes the elector has cast for major political party candidates.**

29 [(d)] (e) **In addition to the materials mailed under paragraph (d) of this subsection**, if the
 30 primary election ballot includes city, county or nonpartisan offices or measures, the county clerk
 31 shall mail to each elector who is not [*eligible to vote for party candidates*] **affiliated with a political**
 32 **party** a ballot limited to [*those*] **the city, county or nonpartisan** offices and measures [*for which*
 33 *the elector is eligible to vote*].

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

39 (5) The ballot shall contain the following warning:

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 41
 42 Any person who, by use of force or other means, unduly influences an elector to vote in any
 43 particular manner or to refrain from voting is subject to a fine.

1 (6)(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
 2 the return identification envelope supplied with the ballot and comply with the instructions provided
 3 with the ballot.

4 (b) The elector may return the marked ballot to the county clerk by United States mail or by
 5 depositing the ballot at the office of the county clerk, at any place of deposit designated by the
 6 county clerk or at any location described in ORS 254.472 or 254.474.

7 (c) The ballot must be returned in the return identification envelope. If the elector returns the
 8 ballot by mail, the elector must provide the postage.

9 (d) Subject to paragraph (e) of this subsection, if a person returns a ballot for an elector, the
 10 person shall deposit the ballot in a manner described in paragraph (b) of this subsection not later
 11 than two days after receiving the ballot.

12 (e) A ballot must be received at the office of the county clerk, at the designated place of deposit
 13 or at any location described in ORS 254.472 or 254.474 not later than the end of the period deter-
 14 mined under subsection (1) of this section on the date of the election.

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

23 (8) **In addition to the requirements set forth in subsection (3) of this section**, a ballot shall
 24 be counted only if:

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

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

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

37 **SECTION 2.** ORS 247.203 is amended to read:

38 247.203. An elector who updates a registration during the period extending from the 20th day
 39 before a primary election to the date of the primary election may not, during that period:

- 40 (1) Change the elector's political party affiliation if the elector's immediate past registration
 41 record shows the elector was or is registered as affiliated with a political party.
- 42 (2) Terminate affiliation with a political party if the elector's immediate past registration record
 43 shows the elector was or is registered as affiliated with a political party.

44 (3) **Except as set forth in ORS 254.470**, adopt a political party affiliation if the elector's im-
 45 mediate past registration shows that the elector was not or is not registered as affiliated with a

1 political party.

2 **SECTION 3.** ORS 254.370 is amended to read:

3 254.370. The county clerk shall maintain:

4 (1) A monthly registration record of all electors registered as not being affiliated with any pol-
5 itical party;

6 (2) At each primary election, a record of the number of electors who voted from each major
7 political party;

8 (3) A record of all electors registered as not being affiliated with any political party who:

9 (a) Vote in a primary election of a major political party that has provided under ORS 254.365
10 for a primary election that admits electors not affiliated with any political party; **or**

11 (b) **Become affiliated with a major political party in the manner set forth in ORS 254.470;**
12 and

13 (4) A record of all electors registered as not being affiliated with any political party who vote
14 in the general election.

15 **SECTION 4.** The amendments to ORS 247.203, 254.370 and 254.470 by sections 1 to 3 of this
16 2015 Act become operative on January 1, 2016.

17 **SECTION 5.** The Secretary of State and county clerks may take any action before the
18 operative date specified in section 4 of this 2015 Act that is necessary for the secretary and
19 county clerks to exercise, on and after the operative date specified in section 4 of this 2015
20 Act, all of the duties, functions and powers conferred on the secretary and the county clerks
21 by the amendments to ORS 247.203, 254.370 and 254.470 by sections 1 to 3 of this 2015 Act.

22 **SECTION 6.** This 2015 Act being necessary for the immediate preservation of the public
23 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
24 on its passage.

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