

Senate Bill 74

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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**.

Eliminates requirement that electors provide postage to mail election ballot to county clerk. Requires state to reimburse United States Postal Service for cost of delivering ballot mailed without sufficient postage.

A BILL FOR AN ACT

1
2 Relating to postage for election ballots; creating new provisions; and amending ORS 254.470.

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

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

5 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
6 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
7 dates and times the places of deposit must be open and the security requirements for the places of
8 deposit. At a minimum, the places designated under this section shall be open on the date of the
9 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
10 of deposit designated under this section, the county clerk shall prominently display a sign stating
11 that the location is an official ballot drop site.

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

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

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

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

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

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

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

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

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

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

16 (5) The ballot shall contain the following warning:
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 19 Any person who, by use of force or other means, unduly influences an elector to vote in any
 20 particular manner or to refrain from voting is subject to a fine.
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 23 (6)(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
 24 the return identification envelope supplied with the ballot and comply with the instructions provided
 25 with the ballot.

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

29 (c) The ballot must be returned in the return identification envelope. *[If the elector returns the*
 30 *ballot by mail, the elector must provide the postage.]*

31 **(d) If the elector returns the ballot to the county clerk by United States mail and does**
 32 **not provide sufficient postage, the United States Postal Service may present the Secretary**
 33 **of State with an invoice for the cost of any unpaid postage. The secretary shall transmit the**
 34 **invoice to the state. The state shall be responsible for reimbursing the United States Postal**
 35 **Service for the cost of any unpaid postage.**

36 [(d)] (e) Subject to paragraph [(e)] (f) of this subsection, if a person returns a ballot for an
 37 elector, the person shall deposit the ballot in a manner described in paragraph (b) of this subsection
 38 not later than two days after receiving the ballot.

39 [(e)] (f) A ballot must be received at the office of the county clerk, at the designated place of
 40 deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the period
 41 determined under subsection (1) of this section on the date of the election.

42 (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not
 43 received by the elector. Replacement ballots shall be issued and processed as described in this
 44 section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided
 45 under this subsection. Notwithstanding any deadline for mailing ballots in subsection (2) of this

1 section, a replacement ballot may be mailed, made available in the office of the county clerk or made
 2 available at one central location in the electoral district in which the election is conducted. The
 3 county clerk shall designate the central location. A replacement ballot need not be mailed after the
 4 fifth day before the date of the election.

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

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

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

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

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

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

18 **SECTION 2. The amendments to ORS 254.470 by section 1 of this 2015 Act first apply to**
 19 **elections held after the effective date of this 2015 Act.**

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