

Senate Bill 1009

Sponsored by Senator DEMBROW; Senator GELSER, Representatives BARNHART, POWER, SANCHEZ

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**.

For counties with 35,000 or more electors, increases number of required voting booths and requires specified number of voting booth locations.

Requires each voting booth location to permit registered elector to cast ballot, update address information on elector's voter registration file and request and receive reissued or replacement ballot.

Requires each voting booth location to be open for no less than eight hours on every weekday and four hours on every weekend day during specified period before election. Requires that each voting booth location be open from 8 o'clock in morning through 8 o'clock in evening on date of election.

Permits county clerk to determine location of voting booths and lists guidelines county clerk must consider when making determination.

Appropriates moneys from General Fund to Secretary of State for purpose of hiring individuals to assist with new requirements.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to voting; creating new provisions; amending ORS 254.470 and 254.474; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 254.474 is amended to read:

6 254.474. (1) At each primary election and general election, the county clerk shall maintain vot-
7 ing booths in the county as follows:

8 (a) In each county with 35,000 or more electors in the county, the county clerk shall maintain
9 a number of voting booths equal to at least one voting booth for every [20,000] **15,000** electors in
10 the county; and

11 (b) In each county with fewer than 35,000 electors in the county, the county clerk shall maintain
12 at least one voting booth.

13 **(2) In each county with 35,000 or more electors in the county, the county clerk shall es-**
14 **tablish at least one separate location for voting booths for every 15,000 electors in the**
15 **county. Each voting booth location established under this subsection shall also permit a**
16 **registered elector to:**

17 (a) **Cast a ballot;**

18 (b) **Update the address information on the elector's voter registration file; and**

19 (c) **Request and receive a reissued or replacement ballot as described in ORS 247.307,**
20 **254.470 and 254.480.**

21 **(3)(a) Except as provided in paragraph (b) of this subsection, the voting booth locations**
22 **required under this section shall be open to the public for no less than eight hours on every**
23 **weekday and four hours on every weekend day during the period beginning 20 days before the**
24 **date of the primary election or general election and ending on the date of the primary**

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 **election or general election.**

2 **(b) On the date of the primary election or general election, the voting booth locations**
 3 **shall be open from 8 a.m. through 8 p.m.**

4 [(2)] (4) The county clerk may determine the location of the voting [booths] **booth locations**
 5 required under this section. **In making these determinations, the county clerk shall solicit**
 6 **public comments and consider:**

7 **(a) Proximity to public transportation lines and parking availability;**

8 **(b) Geographic features, such as mountain passes, that may affect access and conven-**
 9 **ience;**

10 **(c) Equitable distribution across the county, with a goal of affording maximally conven-**
 11 **ient options for electors;**

12 **(d) The existence and location of population centers;**

13 **(e) Access for persons with disabilities; and**

14 **(f) Use of public buildings that:**

15 **(A) Are well known to electors in the county; or**

16 **(B) Offer cost savings compared to other potential locations.**

17 **(5) If the county clerk determines that a private location should serve as a location for**
 18 **the voting booth locations required under this section, the county clerk shall develop a plan**
 19 **to ensure the security of voting and services conducted at the location.**

20 **SECTION 2.** ORS 254.470 is amended to read:

21 254.470. (1)(a) **Except as provided in ORS 254.474:**

22 **(A)** The Secretary of State by rule shall establish requirements and criteria for the designation
 23 of places of deposit for the ballots cast in an election.

24 **(B)** The rules shall also specify the dates and times the places of deposit must be open and the
 25 security requirements for the places of deposit.

26 **(C)** At a minimum, the places designated under this section shall be open on the date of the
 27 election for a period of eight or more hours, but must be open until at least 8 p.m.

28 **(b)** At each place of deposit designated under this section, the county clerk shall prominently
 29 display a sign stating that the location is an official ballot drop site.

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

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

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

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

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

1 the election.

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

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

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

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

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

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 21
 22 Any person who, by use of force or other means, unduly influences an elector to vote in any
 23 particular manner or to refrain from voting is subject to a fine.

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 25
 26 (6)(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
 27 the return identification envelope supplied with the ballot and comply with the instructions provided
 28 with the ballot.

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

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

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

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

40 (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not
 41 received by the elector. Replacement ballots shall be issued and processed as described in this
 42 section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided
 43 under this subsection. Notwithstanding any deadline for mailing ballots in subsection (2) of this
 44 section, a replacement ballot may be mailed, made available in the office of the county clerk **or at**
 45 **a voting booth location described in ORS 254.474** or made available at one central location in the

1 electoral district in which the election is conducted. The county clerk shall designate the central
2 location. A replacement ballot need not be mailed after the fifth day before the date of the election.

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

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

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

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

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

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

16 **SECTION 3. In addition to and not in lieu of any other appropriation, there is appropri-**
17 **ated to the Secretary of State, for the biennium beginning July 1, 2017, out of the General**
18 **Fund, the amount of \$____, to be allocated to county clerks for the purpose of hiring indi-**
19 **viduals to carry out the provisions of ORS 254.474, as amended by section 1 of this 2017 Act.**

20 **SECTION 4. This 2017 Act being necessary for the immediate preservation of the public**
21 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
22 **on its passage.**