

Requested by Representative RAYFIELD

**PROPOSED AMENDMENTS TO
HOUSE BILL 2928**

1 On page 1 of the printed bill, line 3, delete “and 254.115” and insert “,
2 254.115, 254.365, 254.370 and 254.470”.

3 In line 12, delete the colon and lines 13 through 15 and insert “participate
4 in the primary election for the purpose of selecting the nominees of a major
5 political party:

6 (a) With which the person who registered to vote under subsection (1) of
7 this section is affiliated; and

8 (b) That has provided under ORS 254.365 for a primary election that in-
9 cludes persons affiliated with the party who will attain the age of 18 years
10 after the primary election but on or before the date of the general
11 election.”.

12 After line 20, insert:

13 **“SECTION 2.** ORS 254.365 is amended to read:

14 “254.365. (1) An elector is not qualified or permitted to vote at any pri-
15 mary election for any candidate of a major political party, and it is unlawful
16 for the elector to offer to do so, unless:

17 “(a) The elector is registered as being affiliated with one of the major
18 political parties nominating or electing its candidates for public office at the
19 primary election; or

20 “(b) The elector is registered as not being affiliated with any political
21 party and wishes to vote in the primary election of a major political party

1 that has provided under subsection (3) of this section for a primary election
2 that admits electors not affiliated with any political party.

3 “(2) Except as provided in ORS 254.470 (3), any elector offering to vote
4 at the primary election shall be given a ballot of the major political party
5 with which the elector is registered as being affiliated. The elector may not
6 be given a ballot of any other political party at that primary election. An
7 elector not affiliated with any political party and offering to vote at the
8 primary election shall be given the ballot of the major political party in
9 whose primary election the elector wishes to vote if that party has provided
10 under subsection (3) of this section for a primary election that admits elec-
11 tors not affiliated with any political party. An elector not affiliated with any
12 political party who is given a ballot of the major political party associates
13 with the party for the purpose of voting in that primary election.

14 “(3)(a) Not later than the 90th day before the date of the primary election,
15 a major political party may file with the Secretary of State a certified copy
16 of the current party rule allowing:

17 “(A) An elector not affiliated with any political party to vote in the
18 party’s primary election; or

19 “(B) **A person who is registered to vote and affiliated with the major**
20 **political party, but who will attain the age of 18 years after the pri-**
21 **mary election but on or before the date of the general election, to**
22 **participate in the primary election for the purpose of selecting the**
23 **nominees of the party.**

24 “(b) The party may not repeal the rule as filed during the 90 days before
25 the primary election. The rule shall continue to be effective after the date
26 of the primary election until the party gives written notice to the Secretary
27 of State that the rule has been repealed. Except as provided in paragraph
28 [(b)] (c) of this subsection, a party rule under this subsection may limit the
29 candidates for whom an elector who is not affiliated with any political party
30 may vote.

1 “[(b)] (c) The party rule shall allow any elector who is permitted to vote
2 for the most numerous branch of the Legislative Assembly also to vote in
3 federal legislative elections, consistent with section 2, Article I, and the
4 Seventeenth Amendment to the United States Constitution.

5 “(4) If the primary election ballot includes city, county or nonpartisan
6 offices or measures, and it is given to an elector who is not eligible to vote
7 for party candidates, the ballot shall be marked ‘non-affiliated.’”.

8 In line 21, delete “2” and insert “3”.

9 On page 2, line 6, after “247.016” insert “and 254.365”.

10 In line 15, delete “3” and insert “4”.

11 In line 40, after “provided” insert “pursuant to ORS 247.016 and
12 254.365”.

13 In line 43, delete “4” and insert “5”.

14 On page 3, line 33, after “provided” insert “pursuant to ORS 247.016 and
15 254.365”.

16 After line 38, insert:

17 “**SECTION 6.** ORS 254.370 is amended to read:

18 “254.370. The county clerk shall maintain:

19 “(1) A monthly registration record of all electors registered as not being
20 affiliated with any political party;

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

23 “**(3) A record of the number of all persons under the age of 18 who**
24 **are registered as affiliated with a major political party and who par-**
25 **ticipate in selecting the nominees of the political party at a primary**
26 **election pursuant to a rule adopted by the political party under ORS**
27 **254.365;**

28 “[(3)] (4) A record of all electors registered as not being affiliated with
29 any political party who vote in a primary election of a major political party
30 that has provided under ORS 254.365 for a primary election that admits

1 electors not affiliated with any political party; and

2 “[4] (5) A record of all electors registered as not being affiliated with
3 any political party who vote in the general election.

4 **“SECTION 7.** ORS 254.470 is amended to read:

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

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

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

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

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

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

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

9 **“(c) The county clerk shall mail the portion of the official ballot
10 of a major political party stating the information set forth in ORS
11 254.115 (1) to a person who has not attained the age of 18 years, but
12 who the party has provided under ORS 254.365 is eligible to participate
13 in the primary election for the purpose of selecting the nominees of
14 the party.**

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

22 “~~[(d)]~~ (e) If the primary election ballot includes city, county or nonparti-
23 san offices or measures, the county clerk shall mail to each elector who is
24 not eligible to vote for party candidates a ballot limited to those offices and
25 measures for which the elector is eligible to vote.

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

1 the county clerk.

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

3 “

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

7 “

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

11 “(b) The elector may return the marked ballot to the county clerk by
12 United States mail or by depositing the ballot at the office of the county
13 clerk, at any place of deposit designated by the county clerk or at any lo-
14 cation described in ORS 254.472 or 254.474.

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

17 “(d) Subject to paragraph (e) of this subsection, if a person returns a
18 ballot for an elector, the person shall deposit the ballot in a manner de-
19 scribed in paragraph (b) of this subsection not later than two days after re-
20 ceiving the ballot.

21 “(e) A ballot must be received at the office of the county clerk, at the
22 designated place of deposit or at any location described in ORS 254.472 or
23 254.474 not later than the end of the period determined under subsection (1)
24 of this section on the date of the election.

25 “(7) An elector may obtain a replacement ballot if the ballot is destroyed,
26 spoiled, lost or not received by the elector. Replacement ballots shall be
27 issued and processed as described in this section and ORS 254.480. The
28 county clerk shall keep a record of each replacement ballot provided under
29 this subsection. Notwithstanding any deadline for mailing ballots in sub-
30 section (2) of this section, a replacement ballot may be mailed, made avail-

1 able in the office of the county clerk or made available at one central
2 location in the electoral district in which the election is conducted. The
3 county clerk shall designate the central location. A replacement ballot need
4 not be mailed after the 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;
8 and

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

10 “(9) The county clerk shall verify the signature of each elector on the
11 return identification envelope with the signature on the elector’s registration
12 record, according to the procedure provided by rules adopted by the Secre-
13 tary of State. If the county clerk determines that an elector to whom a re-
14 placement ballot has been issued has voted more than once, the county clerk
15 shall count only one ballot cast by that elector.

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

21 In line 39, delete “5” and insert “8”.

22 In line 42, after “247.016” delete the rest of the line and insert “, 254.115,
23 254.365, 254.370 and 254.470 by sections 1 to 3, 6 and 7 of this 2017 Act.”.

24 Delete lines 43 through 45 and insert:

25 **“SECTION 9. The amendments to ORS 247.016, 253.540, 253.565,**
26 **254.115, 254.365, 254.370 and 254.470 by sections 1 to 7 of this 2017 Act**
27 **apply to primary elections held on or after the effective date of this**
28 **2017 Act.”.**

29 On page 4, line 1, delete “7” and insert “10”.

30