

D R A F T

SUMMARY

Prohibits name of Secretary of State, county clerk or filing officer from appearing in official capacity on voters' pamphlet, return identification envelope, secrecy envelope or other ballot information provided to electors if secretary, county clerk or filing officer is on ballot.

A BILL FOR AN ACT

1
2 Relating to information provided to voters; amending ORS 251.026, 251.315,
3 254.408, 254.458 and 254.470.

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

5 **SECTION 1.** ORS 251.026 is amended to read:

6 251.026. (1) The Secretary of State shall prepare and have printed in the
7 voters' pamphlet for the state primary election, the general election and any
8 special election described in ORS 251.022 a statement containing, if applica-
9 ble:

10 (a) Requirements for a citizen to qualify as an elector.

11 (b) When an elector is required to register or update a registration.

12 (c) In the voters' pamphlet for the primary election, a statement of the
13 duties and responsibilities of a precinct committeeperson to be elected at the
14 primary election.

15 (d) Any other information the Secretary of State considers relevant to the
16 conduct of the election.

17 (2) The [*Secretary of State*] **cover of the voters' pamphlet** shall include
18 a statement [*on the cover of the voters' pamphlet*] that the pamphlet may be
19 used to assist electors in voting.

20 (3) The Secretary of State may include in the voters' pamphlet the fol-

1 lowing information:

2 (a) Maps showing the boundaries of senatorial and representative dis-
3 tricts.

4 (b) Voter registration forms.

5 (c) Elector instructions, including the right of an elector to request a
6 second ballot if the first ballot is spoiled and the right of an elector to seek
7 assistance in marking the ballot.

8 **(4)(a) The name of the Secretary of State may not appear in the**
9 **voters' pamphlet in the secretary's official capacity if the secretary is**
10 **a candidate in the election for which the voters' pamphlet is printed.**

11 **(b) The name of the county clerk or other filing officer may not**
12 **appear in the voters' pamphlet in the county clerk's or filing officer's**
13 **official capacity if the county clerk or filing officer is a candidate in**
14 **the election for which the voters' pamphlet is printed.**

15 **(c) As used in this subsection, "filing officer" has the meaning given**
16 **that term in ORS 254.165.**

17 **SECTION 2.** ORS 251.315 is amended to read:

18 251.315. (1) If a county produces a county voters' pamphlet, the county
19 voters' pamphlet shall include, when applicable, at least the following in-
20 formation:

21 (a) Requirements for a citizen to qualify as an elector.

22 (b) Requirements for registration and updates of registration.

23 (c) Elector instructions, including the right of an elector to request a
24 second ballot if the first ballot is spoiled and the right of an elector to seek
25 assistance in marking the ballot.

26 (d) The hours and locations of places designated under ORS 254.470 for
27 deposit of official ballots.

28 (e) Any portraits and statements relating to candidates submitted in ac-
29 cordance with the provisions of ORS 251.305 to 251.435.

30 (f) Any ballot titles, explanatory statements and arguments submitted in
31 accordance with the provisions of ORS 251.305 to 251.435.

1 (g) Such other information as the county clerk considers to be appropriate
2 or necessary to inform the voters.

3 (2) The county clerk shall mail or otherwise distribute the county voters'
4 pamphlet not later than the last day for mailing ballots to electors as pro-
5 vided in ORS 254.470.

6 **(3)(a) The name of the county clerk or other filing officer may not**
7 **appear in the county voters' pamphlet in the county clerk's or filing**
8 **officer's official capacity if the county clerk or filing officer is a can-**
9 **didate in the election for which the voters' pamphlet is printed.**

10 **(b) As used in this subsection, "filing officer" has the meaning**
11 **given that term in ORS 254.165.**

12 **SECTION 3.** ORS 254.470, as amended by section 4, chapter 70, Oregon
13 Laws 2018, is amended to read:

14 254.470. (1) The Secretary of State by rule shall establish requirements
15 and criteria for the designation of places of deposit for the ballots cast in
16 an election. The rules shall also specify the dates and times the places of
17 deposit must be open and the security requirements for the places of deposit.
18 At a minimum, the places designated under this section shall be open on the
19 date of the election for a period of eight or more hours, but must be open
20 until at least 8 p.m. At each place of deposit designated under this section,
21 the county clerk shall prominently display a sign stating that the location
22 is an official ballot drop site.

23 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the
24 county clerk shall mail by nonforwardable mail an official ballot with a re-
25 turn identification envelope and a secrecy envelope not sooner than the 20th
26 day before the date of an election and not later than the 14th day before the
27 date of the election, to each active elector of the electoral district as of the
28 21st day before the date of the election.

29 (b) If the county clerk determines that an active elector of the electoral
30 district as of the 21st day before the date of the election does not receive
31 daily mail service from the United States Postal Service, the county clerk

1 shall mail by nonforwardable mail an official ballot with a return identifi-
2 cation envelope and a secrecy envelope to the elector not sooner than the
3 20th day before the date of an election and not later than the 18th day before
4 the date of the election.

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

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

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

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

17 (c) An elector not affiliated with any political party who wishes to vote
18 in the primary election of a major political party shall apply to the county
19 clerk in writing. The application must be completed, signed and submitted
20 by the elector electronically, in person or by mail, in a manner determined
21 by the secretary by rule and must indicate which major political party ballot
22 the elector wishes to receive. Except for electors described in subsection (4)
23 of this section, and subject to ORS 247.203, the application must be received
24 by the county clerk not later than 5 p.m. of the 21st day before the date of
25 the election.

26 (d) If the primary election ballot includes city, county or nonpartisan of-
27 fices or measures, the county clerk shall mail to each elector who is not el-
28 igible to vote for party candidates a ballot limited to those offices and
29 measures for which the elector is eligible to vote.

30 (4) For each elector who updates a voter registration after the deadline
31 in ORS 247.025, the county clerk shall make the official ballot, the return

1 identification envelope and the secrecy envelope available either by mail or
2 at the county clerk's office or at another place designated by the county
3 clerk. An elector to whom this subsection applies must request a ballot from
4 the county clerk.

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

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

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

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

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

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

24 (e) A ballot must be received at the office of the county clerk, at the
25 designated place of deposit or at any location described in ORS 254.472 or
26 254.474 not later than the end of the period determined under subsection (1)
27 of this section on the date of the election.

28 (7) An elector may obtain a replacement ballot if the ballot is destroyed,
29 spoiled, lost or not received by the elector. Replacement ballots shall be
30 issued and processed as described in this section and ORS 254.480. The
31 county clerk shall keep a record of each replacement ballot provided under

1 this subsection. Notwithstanding any deadline for mailing ballots in sub-
2 section (2) of this section, a replacement ballot may be mailed, made avail-
3 able in the office of the county clerk or made available at one central
4 location in the electoral district in which the election is conducted. The
5 county clerk shall designate the central location. A replacement ballot need
6 not be mailed after the fifth day before the date of the election.

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

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

9 (b) The envelope is signed by the elector to whom the ballot is issued,
10 unless a certified statement is submitted under ORS 254.431; and

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

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

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

23 **(11)(a) The name of the Secretary of State may not appear in the**
24 **secretary's official capacity on the return identification envelope, se-**
25 **crecy envelope or on any instructions or materials included with the**
26 **ballot if the secretary is a candidate in the election for which the**
27 **ballot is printed.**

28 **(b) The name of the county clerk or other filing officer may not**
29 **appear in the official capacity of the county clerk or filing officer on**
30 **the return identification envelope, secrecy envelope or on any in-**
31 **structions or materials included with the ballot if the county clerk or**

1 **filing officer is a candidate in the election for which the ballot is**
2 **printed.**

3 **(c) As used in this subsection, “filing officer” has the meaning given**
4 **that term in ORS 254.165.**

5 **SECTION 4.** ORS 254.408 is amended to read:

6 254.408. (1) A person offering to vote and who claims to be an elector, but
7 for whom no evidence of active or inactive registration can be found, shall
8 be granted the right to vote in the manner provided in this section.

9 (2) Whenever an elector updates a registration at a county clerk’s office
10 after the ballots have been mailed under ORS 254.470, the elector shall vote
11 in that election in the manner provided in this section.

12 (3) An elector voting under this section shall complete and sign a regis-
13 tration card.

14 (4)(a) The elector shall insert the ballot into a small envelope provided
15 by the county clerk and then insert the small envelope into a larger envel-
16 ope. The larger envelope shall be delivered to the county clerk and shall be
17 segregated and not counted until the registration of the elector is verified
18 under this section.

19 **(b) An envelope provided under this subsection must comply with**
20 **the prohibitions set forth in ORS 254.470 (11).**

21 (5) The county clerk shall determine if the elector is validly registered
22 to vote and if the vote was properly cast. The ballot shall be counted only
23 if the county clerk determines the registration of the elector is considered
24 active or inactive.

25 (6) A vote shall be counted only if the elector is qualified to vote for the
26 particular office or on the measure.

27 **SECTION 5.** ORS 254.458 is amended to read:

28 254.458. (1) Notwithstanding any provision of ORS 254.470:

29 [(1)] (a) A county clerk may apply to the Secretary of State for approval
30 of any procedure to be used in lieu of the envelope procedures described in
31 ORS 254.470; and

1 [(2)] (b) Upon receiving an application under subsection (1) of this sec-
2 tion, the secretary may approve a procedure to be used in lieu of the envel-
3 ope procedures described in ORS 254.470 if the secretary determines that the
4 procedure will provide substantially the same degree of secrecy as ORS
5 254.470.

6 **(2) A procedure approved by the secretary under this section must**
7 **comply with the prohibitions set forth in ORS 254.470 (1).**

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