

House Bill 3049

Sponsored by Representative FAHEY

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**.

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, 254.408, 254.458 and
3 254.470.

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 voters' pamphlet for
7 the state primary election, the general election and any special election described in ORS 251.022
8 a statement containing, if applicable:

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

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

11 (c) In the voters' pamphlet for the primary election, a statement of the duties and responsibil-
12 ities of a precinct committeeperson to be elected at the primary election.

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

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

17 (3) The Secretary of State may include in the voters' pamphlet the following information:

18 (a) Maps showing the boundaries of senatorial and representative districts.

19 (b) Voter registration forms.

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

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

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

28 (c) **As used in this subsection, "filing officer" has the meaning given that term in ORS**
29 **254.165.**

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

31 251.315. (1) If a county produces a county voters' pamphlet, the county voters' pamphlet shall

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 include, when applicable, at least the following information:

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

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

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

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

7 (e) Any portraits and statements relating to candidates submitted in accordance with the pro-
8 visions of ORS 251.305 to 251.435.

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

11 (g) Such other information as the county clerk considers to be appropriate or necessary to in-
12 form the voters.

13 (2) The county clerk shall mail or otherwise distribute the county voters' pamphlet not later
14 than the last day for mailing ballots to electors as provided in ORS 254.470.

15 **(3)(a) The name of the county clerk or other filing officer may not appear in the county
16 voters' pamphlet in the county clerk's or filing officer's official capacity if the county clerk
17 or filing officer is a candidate in the election for which the voters' pamphlet is printed.**

18 **(b) As used in this subsection, "filing officer" has the meaning given that term in ORS
19 254.165.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (b) The envelope is signed by the elector to whom the ballot is issued, unless a certified state-
 7 ment is submitted under ORS 254.431; 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 record, according to the procedure provided
 11 by rules adopted by the Secretary of State. If the county clerk determines that an elector to whom
 12 a replacement ballot has been issued has voted more than once, the county clerk shall count only
 13 one 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 **(11)(a) The name of the Secretary of State may not appear in the secretary's official ca-**
 19 **capacity on the return identification envelope, secrecy envelope or on any instructions or ma-**
 20 **terials included with the ballot if the secretary is a candidate in the election for which the**
 21 **ballot is printed.**

22 **(b) The name of the county clerk or other filing officer may not appear in the official**
 23 **capacity of the county clerk or filing officer on the return identification envelope, secrecy**
 24 **envelope or on any instructions or materials included with the ballot if the county clerk or**
 25 **filing officer is a candidate in the election for which the ballot is printed.**

26 **(c) As used in this subsection, "filing officer" has the meaning given that term in ORS**
 27 **254.165.**

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

29 254.408. (1) A person offering to vote and who claims to be an elector, but for whom no evidence
 30 of active or inactive registration can be found, shall be granted the right to vote in the manner
 31 provided in this section.

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

35 (3) An elector voting under this section shall complete and sign a registration card.

36 (4)(a) The elector shall insert the ballot into a small envelope provided by the county clerk and
 37 then insert the small envelope into a larger envelope. The larger envelope shall be delivered to the
 38 county clerk and shall be segregated and not counted until the registration of the elector is verified
 39 under this section.

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

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

45 (6) A vote shall be counted only if the elector is qualified to vote for the particular office or

1 on the measure.

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

3 254.458. (1) Notwithstanding any provision of ORS 254.470:

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

6 [(2)] (b) Upon receiving an application under subsection (1) of this section, the secretary may
7 approve a procedure to be used in lieu of the envelope procedures described in ORS 254.470 if the
8 secretary determines that the procedure will provide substantially the same degree of secrecy as
9 ORS 254.470.

10 (2) A procedure approved by the secretary under this section must comply with the pro-
11 hibitions set forth in ORS 254.470 (11).

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