

# Senate Bill 691

Sponsored by Senators FAGAN, MANNING JR

## 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**.

Requires ballots returned by mail to be postmarked not later than Saturday before date of election. Requires county clerks to announce status of tally of ballots received after election date on third and eighth calendar days after date of election.

Applies to elections held on or after January 1, 2020.

## A BILL FOR AN ACT

1  
2 Relating to mailing ballots; creating new provisions; and amending ORS 253.065, 253.070, 253.690,  
3 254.470, 254.485, 254.529, 254.545, 254.546, 254.548, 254.555, 255.295, 260.695 and 545.163.

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

5 **SECTION 1.** ORS 254.470, as amended by section 4, chapter 70, Oregon Laws 2018, is amended  
6 to read:

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

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

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

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

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

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

**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 (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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 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] **If the elector deposits the ballot at the office of the county clerk, at any place of**  
 39 **deposit designated by the county clerk or at any location described in ORS 254.472 or 254.474,**  
 40 **the** ballot must be received at the office of the county clerk, at the designated place of deposit or  
 41 at any location described in ORS 254.472 or 254.474 not later than the end of the period determined  
 42 under subsection (1) of this section on the date of the election. **If the elector returns the ballot**  
 43 **by mail:**

44 **(A) The ballot must be received at the office of the county clerk not later than the end**  
 45 **of the period determined under subsection (1) of this section on the date of the election; or**

1       **(B) The ballot must be postmarked not later than the Saturday before the date of the**  
 2 **election and received at the office of the county clerk not later than seven calendar days**  
 3 **after the date of the election.**

4       **(7) The following shall appear on the return identification envelope:**

5       **(a) Space for the elector to sign the envelope.**

6       **(b) A notice, printed in red, stating: “ALL BALLOTS POSTMARKED BY SATURDAY**  
 7 **[DATE OF THE SATURDAY BEFORE THE DATE OF THE ELECTION] WILL BE DEEMED**  
 8 **RECEIVED BY THE CLOSE OF THE ELECTION.” The statement shall be printed on the**  
 9 **front of the envelope.**

10       **(c) Space for the elector to indicate the date the ballot was voted.**

11       **(d) A summary of the applicable penalties for knowingly making a false statement, oath**  
 12 **or affidavit under the election laws. The summary shall be printed immediately adjacent to**  
 13 **the space for the elector’s signature.**

14       **(8)(a) If the elector returns the ballot by mail, and the postmark is not present or legible,**  
 15 **the ballot shall be considered to be postmarked on the date the ballot was voted as indicated**  
 16 **by the elector on the return identification envelope.**

17       **(b) If a ballot is received by the county clerk by mail after the date of the election, the**  
 18 **ballot may not be counted if:**

19       **(A) The postmark is not present or legible; and**

20       **(B) The elector has not indicated on the return identification envelope the date the ballot**  
 21 **was voted.**

22       **(c) The Secretary of State may adopt rules necessary to implement this subsection.**

23       **[(7)] (9) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or**  
 24 **not received by the elector. Replacement ballots shall be issued and processed as described in this**  
 25 **section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided**  
 26 **under this subsection. Notwithstanding any deadline for mailing ballots in subsection (2) of this**  
 27 **section, a replacement ballot may be mailed, made available in the office of the county clerk or made**  
 28 **available at one central location in the electoral district in which the election is conducted. The**  
 29 **county clerk shall designate the central location. A replacement ballot need not be mailed after the**  
 30 **fifth day before the date of the election.**

31       **[(8)] (10) A ballot shall be counted only if:**

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

33       **(b) The envelope is signed by the elector to whom the ballot is issued, unless a certified state-**  
 34 **ment is submitted under ORS 254.431; and**

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

36       **[(9)] (11) The county clerk shall verify the signature of each elector on the return identification**  
 37 **envelope with the signature on the elector’s registration record, according to the procedure provided**  
 38 **by rules adopted by the Secretary of State. If the county clerk determines that an elector to whom**  
 39 **a replacement ballot has been issued has voted more than once, the county clerk shall count only**  
 40 **one ballot cast by that elector.**

41       **[(10)] (12) At 8 p.m. on election day, electors who are at the county clerk’s office, a place of**  
 42 **deposit designated under subsection (1) of this section or any location described in ORS 254.472 or**  
 43 **254.474 and who are in line waiting to vote or deposit a voted ballot shall be considered to have**  
 44 **begun the act of voting.**

45       **SECTION 2. ORS 253.065 is amended to read:**

1 253.065. (1) For electors with mailing addresses outside this state, the county clerk shall deliver  
 2 a ballot:

3 (a) Not later than the 45th day before the election to each military or overseas elector; and

4 (b) Not sooner than the 29th day before the election to each absent elector with a mailing ad-  
 5 dress outside this state who is not a military or overseas elector.

6 (2) The clerk shall deliver with the ballot instructions for marking and returning the ballot, a  
 7 return identification envelope and a secrecy envelope. The *[back of the envelope shall include]* **return**  
 8 **identification envelope must contain:**

9 (a) **Space for the elector to sign the envelope.**

10 (b) **A notice, printed in red, stating: "ALL BALLOTS POSTMARKED BY SATURDAY**  
 11 **[DATE OF THE SATURDAY BEFORE THE DATE OF THE ELECTION] WILL BE DEEMED**  
 12 **RECEIVED BY THE CLOSE OF THE ELECTION."** The statement must be printed on the  
 13 front of the envelope. This paragraph does not apply to ballots mailed to military or overseas  
 14 electors as defined in ORS 253.510.

15 (c) **Space for the elector to indicate the date the ballot was voted.**

16 (d) **A summary of the applicable penalties for knowingly making a false statement, oath**  
 17 **or affidavit under the election laws. The summary shall be printed immediately adjacent to**  
 18 **the space for the elector's signature.**

19 (e) A statement to be signed by the absent elector, stating that the elector:

20 [(a)] (A) Is qualified to vote;

21 [(b)] (B) Unless prevented by physical disability, has personally marked the ballot; and

22 [(c)] (C) Has not unnecessarily exhibited the marked ballot to any other person.

23 (3) An absent elector may obtain a replacement ballot if the ballot delivered under this section  
 24 is destroyed, spoiled, lost or not received by the elector. The county clerk shall keep a record of  
 25 each replacement ballot provided under this subsection.

26 (4) A replacement ballot provided under subsection (3) of this section may be mailed or shall be  
 27 made available in the office of the county clerk.

28 (5) If the county clerk determines that an absent elector to whom a replacement ballot has been  
 29 issued at the request of the elector has voted more than once, the county clerk shall count only the  
 30 first ballot received by the clerk and provide the elector's name to the Secretary of State for further  
 31 review. If the county clerk is required to reissue ballots due to a change on the ballot for any rea-  
 32 son, that ballot shall be counted in lieu of any previous ballot issued unless:

33 (a) Only the original ballot was voted and returned; or

34 (b) The county clerk issued a supplemental ballot that is not a complete replacement of the or-  
 35 iginal ballot.

36 **SECTION 3.** ORS 253.070 is amended to read:

37 253.070. (1) *[A ballot from an absent elector must be received by a county clerk not later than 8*  
 38 *p.m. of the day of the election.]* **Upon receipt of a ballot, the absent elector shall mark it and**  
 39 **comply with the instructions provided with the ballot. The absent elector may return the**  
 40 **marked ballot to the office of the county clerk, by any appropriate means.**

41 (2) **If the absent elector returns the marked ballot by any means other than by mail, the**  
 42 **ballot must be received by a county clerk not later than 8 p.m. of the day of the election.**

43 (3) **If the absent elector returns the marked ballot by mail:**

44 (a) **The ballot must be received by a county clerk not later than 8 p.m. of the day of the**  
 45 **election; or**

1       **(b) The ballot must be postmarked not later than the Saturday before the date of the**  
 2 **election and received by a county clerk not later than seven calendar days after the date of**  
 3 **the election. The postmark requirement of this paragraph does not apply to ballots returned**  
 4 **by military or overseas electors as defined in ORS 253.510.**

5       **(4)(a) If the elector returns the marked ballot by mail, and the postmark is not present**  
 6 **or legible, the ballot shall be considered to be postmarked on the date the ballot was voted**  
 7 **as indicated by the elector on the return identification envelope.**

8       **(b) If a ballot is received by the county clerk by mail after the date of the election, the**  
 9 **ballot may not be counted if:**

10       **(A) The postmark is not present or legible; and**

11       **(B) The elector has not indicated on the return identification envelope the date that the**  
 12 **ballot was voted.**

13       **(c) The Secretary of State may adopt rules necessary to implement this subsection.**

14       **(5) If a county clerk receives a marked ballot for an elector who does not reside in the**  
 15 **clerk's county, the ballot shall be forwarded to the county clerk of the county in which the**  
 16 **elector resides not later than the eighth day after the election.**

17       **SECTION 4.** ORS 254.485 is amended to read:

18       254.485. (1) Ballots may be tallied by a vote tally system or by a counting board. A counting  
 19 board may tally ballots at the precinct or in the office of the county clerk. In any event, the ballots  
 20 shall be tallied and returned by precinct.

21       (2) If a vote tally system is used, the county clerk shall repeat the public certification test de-  
 22 scribed under ORS 254.235 (1). The test shall be conducted immediately prior to scanning any bal-  
 23 lots. The test may be observed by persons described in ORS 254.235 (2). The county clerk shall  
 24 certify the results of the test.

25       (3) If a counting board has been appointed, the tally of ballots may begin on the date of the  
 26 election.

27       (4)(a) If ballots are tallied by a counting board, after the tally has begun it shall continue until  
 28 completed. Except as provided in paragraph (b) of this subsection, a counting board shall tally  
 29 without adjournment and in the presence of the clerks and persons authorized to attend.

30       (b) A counting board may be relieved by another board if the tally is not completed after 12  
 31 hours.

32       (5) A counting board shall audibly announce the tally as it proceeds. The board shall use only  
 33 pen and ink to tally.

34       (6) For ballots cast using a voting machine, the county clerk shall:

35       (a) Enter the ballots cast using the machine into the vote tally system; and

36       (b) In the event of a recount, provide the paper record copy recorded by the machine to the  
 37 counting board.

38       (7) A person other than the county clerk, a member of a counting board or any other elections  
 39 official designated by the county clerk may not tally ballots under this chapter.

40       **(8) If ballots are received after the date of the election, the county clerk shall announce**  
 41 **the status of the tally of the ballots received after the date of the election on the third and**  
 42 **eighth calendar days after the date of the election.**

43       **SECTION 5.** ORS 254.545 is amended to read:

44       254.545. Subject to ORS 254.548, the county clerk:

45       (1) As soon as possible after any election, shall prepare abstracts of votes. The abstract for

1 election of Governor shall be on a sheet separate from the abstracts for other offices and measures.

2 (2) On completion of the abstracts, shall record a complete summary of votes cast in the county  
3 for each office, candidate for office and measure. The county clerk shall sign and certify this record.

4 (3) Not later than the [20th] **27th** day after the election, shall deliver a copy of the abstracts for  
5 other than county offices to the appropriate elections officials. The abstract for election of Governor  
6 shall be delivered separately to the Secretary of State as provided in section 4, Article V, Oregon  
7 Constitution.

8 (4) Not later than the [30th] **35th** day after the election, shall proclaim which county measure  
9 is paramount, if two or more approved county measures contain conflicting provisions.

10 (5) Shall prepare and deliver a certificate of nomination or election to each candidate having  
11 the most votes for nomination for or election to county or precinct offices.

12 (6) Shall prepare, and file with the county governing body, a certificate stating the compensation  
13 to which the board clerks are entitled. The county governing body shall order the compensation paid  
14 by county funds.

15 (7) As soon as possible after any election, shall send electronically the results of the election  
16 in each precinct to the Secretary of State.

17 **SECTION 6.** ORS 254.546 is amended to read:

18 254.546. (1) In the case of a recall election held on a date other than the date of the primary  
19 election or general election, the county clerk shall prepare an abstract of the votes and deliver it  
20 to the elections official authorized to order the recall election not later than the [20th] **27th** day  
21 after the election.

22 (2) Except as provided in subsection (3) of this section, for purposes of section 18, Article II,  
23 Oregon Constitution, the result of the recall election referred to in subsection (1) of this section  
24 shall be considered officially declared on the date the abstract of the votes is delivered.

25 (3) If the elections official authorized to order the recall election is the Secretary of State, the  
26 Secretary of State shall officially declare the result of the election not later than the [30th] **35th**  
27 day after the election.

28 **SECTION 7.** ORS 254.555 is amended to read:

29 254.555. (1) Except as provided in ORS 254.548, not later than the [30th] **35th** day after any  
30 election, the Secretary of State, regarding offices for which the secretary receives filings for nomi-  
31 nation, shall:

32 (a) Canvass the votes for the offices, except the office of Governor after the general election.

33 (b) Enter in a register of nominations after the primary election the name and, if applicable,  
34 major political party of each candidate nominated, the office for which the candidate is nominated  
35 and the date of entry.

36 (c) Prepare and deliver a certificate of nomination or election to each candidate having the most  
37 votes for nomination for or election to the office. The Secretary of State shall sign the certificate  
38 under the seal of the state.

39 (d) Issue a proclamation declaring the election of candidates to the offices.

40 (2) Not later than the [30th] **35th** day after the election:

41 (a) The Secretary of State, regarding measures for which the secretary is the filing officer, shall  
42 canvass the votes for each measure.

43 (b) The Governor shall issue a proclamation giving the number of votes cast for or against each  
44 such measure, and declaring the approved measures as the law on the effective date of the measure.  
45 If two or more approved measures contain conflicting provisions, the Governor shall proclaim which

1 is paramount.

2 **SECTION 8.** ORS 254.529 is amended to read:

3 254.529. (1) At each general election, the county clerk shall conduct a hand count of ballots as  
 4 described in this section and compare the tally of votes for those ballots produced by a vote tally  
 5 system with the tally of votes for those ballots produced by the hand count.

6 (2)(a) In the event that the unofficial tally of ballots produced by a vote tally system reveals that  
 7 the margin of victory between the two candidates receiving the largest number of votes in the  
 8 county is less than one percent of the total votes cast in that election in the county, the county  
 9 clerk shall conduct a hand count of ballots in at least 10 percent of all precincts or of ballots in  
 10 at least 10 percent of all batches of ballots collected by the county clerk.

11 (b) In the event that the unofficial tally of ballots reveals that the margin of victory between  
 12 the two candidates receiving the largest number of votes in the county is greater than or equal to  
 13 one percent but less than two percent of the total votes cast in the county, the county clerk shall  
 14 conduct a hand count of ballots in at least five percent of all precincts or of ballots in at least five  
 15 percent of all batches of ballots collected by the county clerk.

16 (c) In the event that the unofficial tally of ballots reveals that the margin of victory between  
 17 the two candidates receiving the largest number of votes in the county is greater than or equal to  
 18 two percent of the total votes cast in the county, the county clerk shall conduct a hand count of  
 19 ballots in at least three percent of all precincts or of ballots in at least three percent of all batches  
 20 of ballots collected by the county clerk.

21 (3) The county clerk shall conduct a hand count of ballots cast in the election contest between  
 22 the two candidates receiving the largest number of votes in the county, an election contest for an  
 23 office to be voted on in the state at large and, if possible, an election contest for a state measure.  
 24 The Secretary of State shall select the precincts or batches at random. At the general election:

25 (a) If selecting precincts, no fewer than 150 ballots must have been cast in at least one of the  
 26 precincts selected.

27 (b) If selecting batches, the number of ballots contained in the batches selected must in the ag-  
 28 gregate be equal to or greater than:

29 (A) Ten percent of the total number of ballots cast in the election for a hand count required  
 30 under subsection (2)(a) of this section.

31 (B) Five percent of the total number of ballots cast in the election for a hand count required  
 32 under subsection (2)(b) of this section.

33 (C) Three percent of the total number of ballots cast in the election for a hand count required  
 34 under subsection (2)(c) of this section.

35 (4) Not later than 5 p.m. of the 15th business day after the date of the general election, the  
 36 Secretary of State shall advise county clerks in writing of:

37 (a) The election contests for which ballots are to be hand counted; and

38 (b) The precincts or batches in which ballots are to be hand counted.

39 (5) A county clerk shall begin the hand counts prescribed by this section not later than the  
 40 [23rd] **27th** day after the election and complete the hand counts not later than the [30th] **35th** day  
 41 after the election. The results of the hand counts shall be provided to the Secretary of State, who  
 42 shall make the results publicly available on the Secretary of State's website.

43 (6) A comparison of the tally of votes produced by a vote tally system with the tally of votes  
 44 produced by the hand count required by this section must show that the tally of votes produced by  
 45 the vote tally system differs by no more than one-half of one percent from the tally of votes

1 produced by the hand count.

2 (7)(a) If a hand count conducted under this section results in a tally of votes for a candidate or  
3 measure that is different from the tally of votes produced by the vote tally system for that candidate  
4 or measure, and the difference for each race is equal to or less than one-half of one percent, the  
5 tally of votes produced by the vote tally system is the official tally of votes for that vote tally sys-  
6 tem.

7 (b) If a hand count conducted under this section results in a tally of votes for a candidate or  
8 measure that is different from the tally of votes produced by the vote tally system for that candidate  
9 or measure, and the difference in any race is greater than one-half of one percent, the county clerk  
10 shall conduct a second hand count of the same ballots.

11 (c) If the second hand count conducted under this subsection results in a tally of votes for a  
12 candidate or measure that is different from the tally of votes produced by the vote tally system for  
13 that candidate or measure, and the difference for each race is equal to or less than one-half of one  
14 percent, the tally of votes produced by the vote tally system is the official tally of votes for that  
15 vote tally system.

16 (d) If the second hand count conducted under this subsection results in a tally of votes for a  
17 candidate or measure that is different from the tally of votes produced by the vote tally system for  
18 that candidate or measure, and the difference in any race is greater than one-half of one percent,  
19 the county clerk shall conduct a hand count of all ballots counted by that vote tally system. The  
20 hand count is the official tally of votes for that vote tally system. If the hand count is the official  
21 tally of votes, not later than the [30th] **35th** day after the election, the county clerk shall certify  
22 amended abstracts of votes to appropriate elections officials.

23 (8) For purposes of conducting the hand counts required under this section, the county clerk  
24 shall:

25 (a) Retain custody of the ballots; and

26 (b) Provide for security for the ballots and the information required to be collected under this  
27 subsection.

28 (9) This section does not apply:

29 (a) To precincts that are subject to a recount under ORS 258.161, 258.280 or 258.290.

30 (b) If federal law requires a post-election hand count of ballots at the general election to verify  
31 election results and the Secretary of State determines that the requirements of federal law are at  
32 least as stringent as the requirements of subsections (1) to (8) of this section.

33 **SECTION 9.** ORS 254.548, as amended by section 9, chapter 70, Oregon Laws 2018, is amended  
34 to read:

35 254.548. (1) An individual nominated or elected to a public office by write-in votes shall sign and  
36 file a form indicating that the individual accepts the nomination or office before the filing officer  
37 may issue a certificate of nomination or election. The Secretary of State by rule shall prescribe the  
38 form to be used under this section.

39 (2) In the case of an individual nominated or elected by write-in votes to a public office:

40 (a) Not later than the [31st] **35th** day after the election, the filing officer shall:

41 (A) Prepare and deliver by regular mail the form described in subsection (1) of this section to  
42 the individual; and

43 (B) If the filing officer has the electronic mail address of the individual, prepare and deliver by  
44 electronic mail the form described in subsection (1) of this section to the individual;

45 (b) Not later than the 41st day after the election, if the individual accepts the nomination or

1 office, the individual shall sign and file the form with the filing officer; and

2 (c) Not later than the 45th day after the election, if the individual files the form by the deadline  
3 specified in paragraph (b) of this subsection, the filing officer shall prepare and deliver a certificate  
4 of nomination or election to the individual and, if applicable, issue a proclamation declaring the  
5 election of the candidate to the office.

6 **SECTION 10.** ORS 255.295, as amended by section 10, chapter 70, Oregon Laws 2018, is  
7 amended to read:

8 255.295. (1) Not later than the [20th] **27th** day after the date of an election, the elections officer  
9 shall prepare an abstract of the votes and deliver it to the district elections authority. Not later  
10 than the 45th day after the date of an election, the district elections authority shall determine from  
11 it the result of the election.

12 (2) Subject to ORS 254.548, the elections officer may issue a certificate of election only after the  
13 district elections authority has notified the elections officer in writing of the result of the election.

14 **SECTION 11.** ORS 253.690 is amended to read:

15 253.690. (1) A military or overseas elector described in ORS 253.510 may cast a ballot using a  
16 facsimile machine or by electronic mail as provided in this section. Notwithstanding ORS 254.470  
17 [(8)] **(10)**, a ballot cast under this section shall be counted only if the ballot:

- 18 (a) Is received in the office of the county clerk not later than 8 p.m. on the day of the election;
- 19 (b) Is accompanied by a return identification envelope containing the signature of the elector  
20 and a signed waiver described in subsection (2) of this section; and
- 21 (c) The signature is verified as provided in subsection (4) of this section.

22 (2) Each elector who casts a ballot under this section shall complete and submit a waiver de-  
23 scribed in this subsection. The elector shall attest to the information supplied on the waiver by  
24 signing the completed waiver. The Secretary of State by rule shall design the form of the waiver,  
25 which shall include all of the following:

- 26 (a) Space for the elector to provide the elector’s full name, residence or mailing address, an  
27 electronic mail address, phone or facsimile number where the elector may be contacted and any  
28 other necessary information.
- 29 (b) A waiver in substantially the following form:

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32 I, \_\_\_\_\_, acknowledge that by casting my voted ballot using a facsimile machine or by  
33 electronic mail I have waived my right to a secret ballot.

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36 (c) A statement to notify the elector that the elector’s ballot will not be counted unless the  
37 elector has complied with the provisions of this section.

38 (d) Space for the elector to provide the elector’s signature to attest to the information supplied.

39 (3)(a) If a ballot is cast under this section using a facsimile machine, the return identification  
40 envelope and waiver shall also be submitted using a facsimile machine.

41 (b) If a ballot is cast under this section by electronic mail, the return identification envelope  
42 and waiver shall also be submitted by electronic mail.

43 (4) The county clerk shall verify the signature of each elector on the return identification en-  
44 velope transmitted by facsimile machine or electronic mail under this section with the signature on  
45 the elector’s registration record, according to the procedure provided by rules adopted by the Sec-

1   retary of State.

2       (5) The Secretary of State shall adopt rules to administer this section and to ensure the secrecy  
3 of ballots cast using a facsimile machine or by electronic mail to the greatest extent possible.

4       **SECTION 12.** ORS 260.695 is amended to read:

5       260.695. (1)(a) If a person prints or circulates an imitation of the ballot or sample ballot:

6       (A) The imitation ballot or sample ballot and the back of any return envelope enclosed with the  
7 ballot or sample ballot shall state the following: “THIS IS NOT A REAL BALLOT. DO NOT USE  
8 TO VOTE.” The statement on the imitation ballot or sample ballot shall be in bold print that is at  
9 least two times as large as the majority of the text on the ballot or sample ballot or 20-point type,  
10 whichever is larger. The statement on the back of a return envelope shall be in bold print that is  
11 at least 36-point type.

12       (B) The word “UNOFFICIAL” must be superimposed on the imitation ballot or sample ballot so  
13 that the word extends diagonally across the ballot from one margin of the text to the other. The  
14 superimposed word may be printed in lighter ink than other text on the ballot or sample ballot.

15       (b) For purposes of this subsection, an imitation of the ballot or sample ballot includes an imi-  
16 tation of a portion of the ballot or sample ballot.

17       (2) A person may not do any electioneering, including circulating any cards or handbills, or so-  
18 liciting of signatures to any petition, within any building in which any state or local government  
19 elections office designated for the deposit of ballots under ORS 254.470 is located, or within 100 feet  
20 measured radially from any entrance to the building. A person may not do any electioneering by  
21 public address system located more than 100 feet from an entrance to the building if the person is  
22 capable of being understood within 100 feet of the building. The electioneering need not relate to  
23 the election being conducted. This subsection applies during the business hours of the building or,  
24 if the building is a county elections office, during the hours the office is open to the public, during  
25 the period beginning on the date that ballots are mailed to electors as provided in ORS 254.470 and  
26 ending on election day at 8 p.m. or when all persons waiting in line at the building who began the  
27 act of voting as described in ORS 254.470 [(10)] **(12)** by 8 p.m. have finished voting.

28       (3) A person may not obstruct an entrance of a building in which ballots are issued or a place  
29 designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS  
30 254.474 is located. This subsection applies during the period beginning on the date that ballots are  
31 mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all  
32 persons waiting in line at the building or location who began the act of voting as described in ORS  
33 254.470 [(10)] **(12)** by 8 p.m. have finished voting.

34       (4) A person may not vote or offer to vote in any election knowing the person is not entitled  
35 to vote.

36       (5) A person may not make a false statement about the person’s inability to mark a ballot.

37       (6) A person, except an elections official in performance of duties or another person providing  
38 assistance to an elector as described in ORS 254.445, may not ask a person at any place designated  
39 for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472 or 254.474  
40 for whom that person intends to vote, or examine or attempt to examine the person’s ballot.

41       (7) An elections official, other than in the performance of duties, may not disclose to any person  
42 any information by which it can be ascertained for whom any elector has voted.

43       (8) A person, except an elections official in performance of duties, may not do anything to a  
44 ballot to permit identification of the person who voted.

45       (9) An elector may not willfully leave at any place designated for the deposit of ballots under

1 ORS 254.470 or at any location described in ORS 254.472 or 254.474 anything that will show how the  
2 elector's ballot was marked.

3 (10) A person, except an elections official in performance of duties, may not remove a ballot  
4 from any place designated for the deposit of ballots under ORS 254.470 or any location described in  
5 ORS 254.472 or 254.474.

6 (11) A person, except an elections official in performance of duties or a person authorized by  
7 that official, may not willfully deface, remove, alter or destroy a posted election notice.

8 (12) A person, except an elections official in performance of duties, may not willfully remove,  
9 alter or destroy election equipment or supplies, or break the seal or open any sealed package con-  
10 taining election supplies.

11 (13) A person, except an elections official in performance of duties, may not provide elections  
12 advice or attempt to collect voted ballots within any building in which any state or local govern-  
13 ment elections office designated for the deposit of ballots under ORS 254.470 is located, or within  
14 100 feet measured radially from any entrance to the building.

15 (14) A person, except an elections official in performance of duties, may not establish a location  
16 to collect ballots voted by electors unless:

17 (a) The person prominently displays at the location a sign stating: "NOT AN OFFICIAL BAL-  
18 LOT DROP SITE"; and

19 (b) The sign is printed in all capital letters in bold 50-point type.

20 **SECTION 13.** ORS 545.163 is amended to read:

21 545.163. (1) An irrigation district may conduct a district election by mail. The board of directors  
22 of the district shall designate by resolution, not later than the 50th day before any election, that  
23 an election will be conducted by mail.

24 (2) At an election by mail held for the purpose of electing a person to the board of directors,  
25 the qualifications for a director are those set forth in ORS 545.043.

26 (3) An election by mail shall be conducted within the district or divisions within a district ac-  
27 cording to, as nearly as is practicable, the general provisions of ORS 545.137, 545.139, 545.141,  
28 545.145, 545.149 and 545.153. However, the judges of election appointed under ORS 545.137 (2) are  
29 not required to be in attendance until after 8 p.m. on the day of the election.

30 (4) The secretary of the board of directors for the district shall mail an official ballot with a  
31 return identification envelope and a secrecy envelope to an elector, not sooner than the 20th day  
32 before the date of the election to be conducted by mail and not later than the 14th day before the  
33 election. The secretary shall cause to be placed in or on each return identification envelope a  
34 statement to be completed by the elector that says that the elector, under penalty of perjury, swears  
35 and affirms that the elector is the sole elector authorized to cast the ballot. In addition, the secre-  
36 tary shall verify that, according to the records of the district as of the 21st day before the election,  
37 the elector is entitled to vote.

38 (5) When a ballot is mailed to a corporate landowner, a person authorized to act in a repre-  
39 sentative capacity or landowners under multiple ownership, the secretary shall enclose voting in-  
40 structions advising the elector that the voting rights of electors for corporate, representative or  
41 multiple ownerships are as described in ORS 545.002.

42 (6) The secretary of the board of directors may not mail voting materials to an elector who ac-  
43 tually acquires ownership of land within the district after the 21st day before the date of an election.  
44 When an elector has acquired ownership of land within the district after the 21st day before the  
45 date of an election, the secretary shall make voting materials available, and the elector may vote,

1 only at the district office or at another place designated by the board.

2 (7) When the elector is an elector described in subsection (6) of this section, the secretary of the  
3 board of directors shall, before making voting materials available, require that the elector file with  
4 the district a copy of a recorded deed or a memorandum of contract demonstrating the acquisition  
5 of land by the elector within the district. The secretary shall then allow the elector to mark the  
6 ballot, sign the return identification envelope and return the ballot in the return identification en-  
7 velope to the secretary.

8 (8) An elector may obtain a replacement ballot if the original ballot is destroyed, spoiled, lost  
9 or not received by the elector. The secretary shall keep a record of each replacement ballot pro-  
10 vided to an elector. An elector may obtain a replacement ballot and may vote at the district office  
11 or another place within the district designated by the board of directors on the actual date of the  
12 election, during the hours designated in ORS 545.139.

13 (9) Until the time for the close of the polls, an elector may obtain a replacement ballot from the  
14 secretary of the board of directors, at a place designated by the board, if the original ballot is de-  
15 stroyed, spoiled, lost or not received by the elector.

16 (10) When an elector receives vote by mail materials, the elector shall comply with all written  
17 instructions provided, mark the ballot, sign both the return identification envelope and the sworn  
18 statement of entitlement to vote and return the marked ballot to the district by placing the ballot  
19 in the return identification envelope and either depositing the envelope in the United States mail  
20 or delivering the sealed envelope to the district office or another place designated by the district.  
21 If the elector returns the ballot by mail, the elector shall provide the postage.

22 (11) [A] **If the elector deposits the ballot at the proper place designated by the district,**  
23 **the** completed ballot must be received by the district, at the proper place designated by the district,  
24 no later than 8 p.m. on the day of the election. **If the elector returns the ballot by mail:**

25 **(a) The ballot must be received at the proper place designated by the district not later**  
26 **than 8 p.m. on the day of the election; or**

27 **(b) The ballot must be postmarked not later than the Saturday before the date of the**  
28 **election and received at the proper place designated by the district not later than seven**  
29 **calendar days after the day of the election.**

30 (12) A ballot shall be counted only if:

31 (a) The ballot was returned in the sealed return identification envelope provided by the district;

32 (b) The elector signed the return identification envelope; and

33 (c) The secretary of the board of directors has verified the name of the elector and the elector's  
34 ownership of land within the district.

35 (13) Using the records of the district, the secretary shall verify the name and land ownership  
36 of each elector. If the secretary determines that an elector to whom a replacement ballot has been  
37 issued has voted more than once, the secretary may not count any ballot cast by that elector.

38 **SECTION 14. The amendments to ORS 253.065, 253.070, 253.690, 254.470, 254.485, 254.529,**  
39 **254.545, 254.546, 254.548, 254.555, 255.295, 260.695 and 545.163 by sections 1 to 13 of this 2019**  
40 **Act apply to elections held on or after January 1, 2020.**

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