

HB 2226 STAFF MEASURE SUMMARY

House Committee On Rules

Prepared By: Melissa Leoni, LPRO Analyst

Meeting Dates: 2/11

WHAT THE MEASURE DOES:

Allows ballot returned by mail to be postmarked not later than the date of the election and received at the office of the county clerk not later than seven calendar days after the date of the election. Establishes requirements for return identification envelope to include signature of elector, postmark and attestation notice, and summary of penalties for knowingly making a false statement, oath, or affidavit under the election laws. Requires county clerks to announce the tally of the ballots received after the date of the election on the third and eighth calendar day after the date of the election. Extends certain deadlines for county clerks and Secretary of State after election. Requires each elector to return the elector's own ballot. Prohibits collection or return of another individual's ballot, except on election day for deposit at authorized locations. Applies to elections held on or after January 1, 2022.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In Oregon, ballots must be received by the county, either through the mail or at a drop site within the county, by 8:00 p.m. on the day of the election. The date on the postmark does not count. If a voter uses a ballot drop site in a county other than the one in which they are registered, elections officials mark the ballots as received "on time" and forward them on to the appropriate county. Oregon is one of 32 states that require ballots (either vote-by-mail or absentee) to be returned on election day to be counted. Other states have different requirements for counting ballots, including postmarks by election day and receipt within a certain number of days after election day.

After election day, county elections officials resolve outstanding ballot issues, compile results, validate outcomes, and transmit results to the Secretary of State. Counties certify certain results not later than 20 days after election day. The Secretary of State must certify certain election results not later than 30 days following the election.

Ballot collection is the practice of allowing third-party individuals to gather and submit completed ballots on another voter's behalf. Some states require voters to return their own absentee or vote-by-mail ballot. Ten states allow a family member to return a ballot, and 26 states allow voters to designate someone to return their ballot. Thirteen states are silent on the issue. Oregon statutes allow a person to return a ballot for an elector if the person either mails or deposits the ballot no later than two days after receiving it and if the ballot is received by the county clerk by the ballot deadline. Oregon statutes also prohibit the collection of ballots in or near an elections office designated for the deposit of ballots and prohibit establishing a location to collect ballots without certain signage identifying that the location is not an official drop site.

House Bill 2226 makes changes to elections held on or after January 1, 2022 and allows a ballot returned by mail to be postmarked not later than the date of the election if it is received at the office of the county clerk within seven calendar days after the election. The measure requires county clerks to announce ballot tallies on the third and eighth calendar day after the date of the election and extends the 20-day deadline to 27 days and the 30-day

deadline to 35 days for county clerks and the Secretary of State. Finally, the measure prohibits the collection or return of another individual's ballot, except on election day for deposit at authorized locations.

PRELIMINARY