

HB 3291-2
(LC 3274)
4/19/21 (DRG/ps)

Requested by Representative RAYFIELD

**PROPOSED AMENDMENTS TO
HOUSE BILL 3291**

1 In line 2 of the printed bill, after “elections” insert “; creating new pro-
2 visions; amending ORS 171.185, 203.085, 221.230, 253.065, 253.070, 253.080,
3 253.585, 253.690, 254.095, 254.103, 254.408, 254.431, 254.458, 254.470, 254.478,
4 254.485, 254.529, 254.545, 254.546, 254.548, 254.555, 255.085, 255.295, 255.345,
5 258.075, 260.695 and 294.474; and repealing ORS 251.358”.

6 Delete lines 4 through 11 and insert:

7 **“SECTION 1.** ORS 254.470 is amended to read:

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

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

1 21st day before the date of the election.

2 “(b) If the county clerk determines that an active elector of the electoral
3 district as of the 21st day before the date of the election does not receive
4 daily mail service from the United States Postal Service, the county clerk
5 shall mail by nonforwardable mail an official ballot with a return identifi-
6 cation envelope and a secrecy envelope to the elector not sooner than the
7 20th day before the date of an election and not later than the 18th day before
8 the date of the election.

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

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

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

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

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

30 “(d) If the primary election ballot includes city, county or nonpartisan

1 offices or measures, the county clerk shall mail to each elector who is not
2 eligible to vote for party candidates a ballot limited to those offices and
3 measures for which the elector is eligible to vote.

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

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

11 “ _____
12 Any person who, by use of force or other means, unduly influences an
13 elector to vote in any particular manner or to refrain from voting is subject
14 to a fine.

15 “ _____
16 “(6)(a) Upon receipt of any ballot described in this section, the elector
17 shall mark the ballot, sign the return identification envelope supplied with
18 the ballot and comply with the instructions provided with the ballot.

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

23 “(c) The ballot must be returned in the return identification envelope.

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

28 “(e) [A] **If the elector deposits the ballot at the office of the county**
29 **clerk, at any place of deposit designated by the county clerk or at any**
30 **location described in ORS 254.472 or 254.474, the ballot must be received**

1 at the office of the county clerk, at the designated place of deposit or at any
2 location described in ORS 254.472 or 254.474 not later than the end of the
3 period determined under subsection (1) of this section on the date of the
4 election. **If the elector returns the ballot by mail:**

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

8 **“(B) The ballot must:**

9 **“(i) Have a postal indicator showing that the ballot was mailed not**
10 **later than the date of the election; and**

11 **“(ii) Be received at the office of the county clerk not later than**
12 **seven calendar days after the date of the election.**

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

17 **“(7) The following shall appear on the return identification envel-**
18 **ope:**

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

20 **“(b) A notice designed by rule by the Secretary of State, in consul-**
21 **tation with the county clerks, explaining that by signing the ballot the**
22 **elector is attesting under penalty of perjury that the ballot was mailed**
23 **no later than the date of the election.**

24 **“(c) A summary of the applicable penalties for knowingly making**
25 **a false statement, oath or affidavit under the election laws.**

26 **“(8) If the elector returns the ballot by mail, and a postal indicator**
27 **is not present or legible, the ballot shall be considered to be mailed**
28 **on the date of the election and may be counted if the ballot is received**
29 **no later than seven calendar days after the election.**

30 **“[(7)] (9) An elector may obtain a replacement ballot if the ballot is de-**

1 stroyed, spoiled, lost or not received by the elector. Replacement ballots
2 shall be issued and processed as described in this section and ORS 254.480.
3 The county clerk shall keep a record of each replacement ballot provided
4 under this subsection. Notwithstanding any deadline for mailing ballots in
5 subsection (2) of this section, a replacement ballot may be mailed, made
6 available in the office of the county clerk or made available at one central
7 location in the electoral district in which the election is conducted. The
8 county clerk shall designate the central location. A replacement ballot need
9 not be mailed after the fifth day before the date of the election.

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

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

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

14 “(c) The signature is verified as provided in subsection [(9)] (11) of this
15 section.

16 “[9] (11) The county clerk shall verify the signature of each elector on
17 the return identification envelope with the signature on the elector’s regis-
18 tration record, according to the procedure provided by rules adopted by the
19 Secretary of State. If the county clerk determines that an elector to whom
20 a replacement ballot has been issued has voted more than once, the county
21 clerk shall count only one ballot cast by that elector.

22 “[10] (12) At 8 p.m. on election day, electors who are at the county
23 clerk’s office, a place of deposit designated under subsection (1) of this sec-
24 tion or any location described in ORS 254.472 or 254.474 and who are in line
25 waiting to vote or deposit a voted ballot shall be considered to have begun
26 the act of voting.

27 “[11)(a)(A)] (13)(a)(A) Except as provided in subparagraph (B) of this
28 paragraph, the name of the Secretary of State may not appear in the
29 secretary’s official capacity on the return identification envelope, secrecy
30 envelope or on any instructions or materials included with the ballot if the

1 secretary is a candidate in the election for which the ballot is printed.

2 “(B) This paragraph does not prohibit the name of the Secretary of State
3 from appearing in the secretary’s official capacity in the voters’ pamphlet.

4 “(b) The name of the county clerk or other filing officer may not appear
5 in the official capacity of the county clerk or filing officer on the return
6 identification envelope, secrecy envelope or on any instructions or materials
7 included with the ballot if the county clerk or filing officer is a candidate
8 in the election for which the ballot is printed.

9 “(c) As used in this subsection, ‘filing officer’ has the meaning given that
10 term in ORS 254.165.

11 “(14) As used in this section, ‘postal indicator’ means a postmark
12 or other indicator on a mailed ballot, identified by the Secretary of
13 State by rule, that demonstrates the date or time at which a ballot
14 was mailed.

15 “**SECTION 2.** ORS 253.065 is amended to read:

16 “253.065. (1) For electors with mailing addresses outside this state, the
17 county clerk shall deliver a ballot:

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

20 “(b) Not sooner than the 29th day before the election to each absent
21 elector with a mailing address outside this state who is not a military or
22 overseas elector.

23 “(2) The clerk shall deliver with the ballot instructions for marking and
24 returning the ballot, a return identification envelope and a secrecy envelope.
25 [*The back of the envelope shall include a statement to be signed by the absent*
26 *elector, stating that the elector:*] **Except as provided in subsection (3) of**
27 **this section, the return identification envelope must contain:**

28 “[*(a) Is qualified to vote;*]

29 “[*(b) Unless prevented by physical disability, has personally marked the*
30 *ballot; and*]

1 “[(c) *Has not unnecessarily exhibited the marked ballot to any other*
2 *person.*]

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

4 “(b) **A notice designed by rule by the Secretary of State, in consul-**
5 **tation with the county clerks, explaining that by signing the ballot the**
6 **elector is attesting under penalty of perjury that the ballot was mailed**
7 **no later than the date of the election.**

8 “(c) **A summary of the applicable penalties for knowingly making**
9 **a false statement, oath or affidavit under the election laws.**

10 “(3) **For a military or overseas elector as defined in ORS 253.501, the**
11 **return identification envelope provided under subsection (2) of this**
12 **section must contain:**

13 “(a) **Any information that a military or overseas elector is required**
14 **to sign under the federal Help America Vote Act of 2002 (P.L. 107-252)**
15 **or other federal law;**

16 “(b) **Space for the elector to sign; and**

17 “(c) **To the extent not required under paragraph (a) of this sub-**
18 **section, a notice designed by rule by the Secretary of State that en-**
19 **sures that any military or overseas elector who returns a ballot by**
20 **mail makes a legally binding assertion that the ballot was mailed no**
21 **later than the date of the election.**

22 “[(3)] (4) **An absent elector may obtain a replacement ballot if the ballot**
23 **delivered under this section is destroyed, spoiled, lost or not received by the**
24 **elector. The county clerk shall keep a record of each replacement ballot**
25 **provided under this subsection.**

26 “[(4)] (5) **A replacement ballot provided under subsection [(3)] (4) of this**
27 **section may be mailed or shall be made available in the office of the county**
28 **clerk.**

29 “[(5)] (6) **If the county clerk determines that an absent elector to whom**
30 **a replacement ballot has been issued at the request of the elector has voted**

1 more than once, the county clerk shall count only the first ballot received
2 by the clerk and provide the elector's name to the Secretary of State for
3 further review. If the county clerk is required to reissue ballots due to a
4 change on the ballot for any reason, that ballot shall be counted in lieu of
5 any previous ballot issued unless:

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

7 “(b) The county clerk issued a supplemental ballot that is not a complete
8 replacement of the original ballot.

9 **“SECTION 3.** ORS 253.070 is amended to read:

10 “253.070. [*A ballot from an absent elector must be received by a county clerk*
11 *not later than 8 p.m. of the day of the election.*]

12 **“(1) Upon receipt of a ballot the absent elector shall mark it and**
13 **comply with the instructions provided with the ballot. The absent**
14 **elector may return the marked ballot to the office of the clerk, by any**
15 **appropriate means.**

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

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

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

22 **“(b) The ballot must:**

23 **“(A) Have a postal indicator showing that the ballot was mailed not**
24 **later than the date of the election; and**

25 **“(B) Be received at the office of the county clerk not later than**
26 **seven calendar days after the date of the election.**

27 **“(4) If the elector returns the ballot by mail, and a postal indicator**
28 **is not present or legible, the ballot shall be considered to be mailed**
29 **on the date of the election and may be counted if the ballot is received**
30 **no later than seven calendar days after the election.**

1 **“(5) If a county clerk receives a marked ballot for an elector who**
2 **does not reside in the clerk’s county, the ballot shall be forwarded to**
3 **the county clerk of the county in which the elector resides not later**
4 **than the eighth day after the election.**

5 **“(6) As used in this section, ‘postal indicator’ has the meaning**
6 **given that term in ORS 254.470.**

7 **“SECTION 4.** ORS 254.485 is amended to read:

8 “254.485. (1) Ballots may be tallied by a vote tally system or by a counting
9 board. A counting board may tally ballots at the precinct or in the office of
10 the county clerk. In any event, the ballots shall be tallied and returned by
11 precinct.

12 “(2) If a vote tally system is used, the county clerk shall repeat the public
13 certification test described under ORS 254.235 (1). The test shall be con-
14 ducted immediately prior to scanning any ballots. The test may be observed
15 by persons described in ORS 254.235 (2). The county clerk shall certify the
16 results of the test.

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

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

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

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

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

28 “(a) Enter the ballots cast using the machine into the vote tally system;
29 and

30 “(b) In the event of a recount, provide the paper record copy recorded by

1 the machine to the counting board.

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

5 “(8) **The Secretary of State shall by rule establish a procedure for**
6 **announcing the status of the tally of the ballots received after the date**
7 **of the election. Rules adopted under this subsection must:**

8 “(a) **Consider the number of ballots being released in relation to the**
9 **size of the district;**

10 “(b) **Prioritize voter anonymity; and**

11 “(c) **After prioritizing voter anonymity under paragraph (b) of this**
12 **subsection, prioritize the importance of timely reporting election re-**
13 **sults.**

14 “**SECTION 5.** ORS 254.545 is amended to read:

15 “254.545. Subject to ORS 254.548, the county clerk:

16 “(1) As soon as possible after any election, shall prepare abstracts of
17 votes. The abstract for election of Governor shall be on a sheet separate from
18 the abstracts for other offices and measures.

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

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

27 “(4) Not later than the [30th] **35th** day after the election, shall proclaim
28 which county measure is paramount, if two or more approved county meas-
29 ures contain conflicting provisions.

30 “(5) Shall prepare and deliver a certificate of nomination or election to

1 each candidate having the most votes for nomination for or election to
2 county or precinct offices.

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

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

8 “**SECTION 6.** ORS 254.546 is amended to read:

9 “254.546. (1) In the case of a recall election held on a date other than the
10 date of the primary election or general election, the county clerk shall pre-
11 pare an abstract of the votes and deliver it to the elections official author-
12 ized to order the recall election not later than the [20th] **27th** day after the
13 election.

14 “(2) Except as provided in subsection (3) of this section, for purposes of
15 [section 18,] Article II, **section 18, of the Oregon Constitution**, the result
16 of the recall election referred to in subsection (1) of this section shall be
17 considered officially declared on the date the abstract of the votes is deliv-
18 ered.

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

22 “**SECTION 7.** ORS 254.555 is amended to read:

23 “254.555. (1) Except as provided in ORS 254.548, not later than the [30th]
24 **37th** day after any election, the Secretary of State, regarding offices for
25 which the secretary receives filings for nomination, shall:

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

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

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

4 “(d) Issue a proclamation declaring the election of candidates to the of-
5 fices.

6 “(2) Not later than the [30th] **37th** day after the election:

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

9 “(b) The Governor shall issue a proclamation giving the number of votes
10 cast for or against each such measure, and declaring the approved measures
11 as the law on the effective date of the measure. If two or more approved
12 measures contain conflicting provisions, the Governor shall proclaim which
13 is paramount.

14 **“SECTION 8.** ORS 254.529 is amended to read:

15 “254.529. (1) At each primary election, general election and special
16 election, the county clerk shall make a determination on whether to conduct:

17 “(a) A hand count of ballots as described in this section and compare the
18 tally of votes for those ballots produced by a vote tally system with the tally
19 of votes for those ballots produced by the hand count; or

20 “(b) A risk-limiting audit in the manner described in ORS 254.532.

21 “(2) If the county clerk determines that a hand count will be conducted:

22 “(a) In the event that the unofficial tally of ballots produced by a vote
23 tally system reveals that the margin of victory between the two candidates
24 receiving the largest number of votes in the county is less than one percent
25 of the total votes cast in that election in the county, the county clerk shall
26 conduct a hand count of ballots in at least 10 percent of all precincts or of
27 ballots in at least 10 percent of all batches of ballots collected by the county
28 clerk.

29 “(b) In the event that the unofficial tally of ballots reveals that the
30 margin of victory between the two candidates receiving the largest number

1 of votes in the county is greater than or equal to one percent but less than
2 two percent of the total votes cast in the county, the county clerk shall
3 conduct a hand count of ballots in at least five percent of all precincts or
4 of ballots in at least five percent of all batches of ballots collected by the
5 county clerk.

6 “(c) In the event that the unofficial tally of ballots reveals that the mar-
7 gin of victory between the two candidates receiving the largest number of
8 votes in the county is greater than or equal to two percent of the total votes
9 cast in the county, the county clerk shall conduct a hand count of ballots
10 in at least three percent of all precincts or of ballots in at least three percent
11 of all batches of ballots collected by the county clerk.

12 “(3) If the county clerk determines that a hand count will be conducted,
13 the county clerk shall conduct a hand count of ballots cast in the election
14 contest between the two candidates receiving the largest number of votes in
15 the county, an election contest for an office to be voted on in the state at
16 large and, if possible, an election contest for a state measure. The Secretary
17 of State shall select the precincts or batches at random. At the election:

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

20 “(b) If selecting batches, the number of ballots contained in the batches
21 selected must in the aggregate be equal to or greater than:

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

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

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

28 “(4) Not later than 5 p.m. of the 15th business day after the date of the
29 election, the Secretary of State shall in writing advise the county clerks who
30 made a determination that a hand count will be conducted of:

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

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

3 “(5) A county clerk shall begin the hand counts under this section not
4 later than the [23rd] **27th** day after the election and complete the hand
5 counts not later than the [30th] **35th** day after the election. The results of
6 the hand counts shall be provided to the Secretary of State, who shall make
7 the results publicly available on the Secretary of State’s website.

8 “(6) A comparison of the tally of votes produced by a vote tally system
9 with the tally of votes produced by the hand count under this section must
10 show that the tally of votes produced by the vote tally system differs by no
11 more than one-half of one percent from the tally of votes produced by the
12 hand count.

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

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

24 “(c) If the second hand count conducted under this subsection results in
25 a tally of votes for a candidate or measure that is different from the tally
26 of votes produced by the vote tally system for that candidate or measure, and
27 the difference for each race is equal to or less than one-half of one percent,
28 the tally of votes produced by the vote tally system is the official tally of
29 votes for that vote tally system.

30 “(d) If the second hand count conducted under this subsection results in

1 a tally of votes for a candidate or measure that is different from the tally
2 of votes produced by the vote tally system for that candidate or measure, and
3 the difference in any race is greater than one-half of one percent, the county
4 clerk shall conduct a hand count of all ballots counted by that vote tally
5 system. The hand count is the official tally of votes for that vote tally sys-
6 tem. If the hand count is the official tally of votes, not later than the
7 [30th] **37th** day after the election, the county clerk shall certify amended
8 abstracts of votes to appropriate elections officials.

9 “(8) For purposes of conducting the hand counts under this section, the
10 county clerk shall:

11 “(a) Retain custody of the ballots; and

12 “(b) Provide for security for the ballots and the information required to
13 be collected under this subsection.

14 “(9) This section does not apply:

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

17 “(b) If federal law requires a post-election hand count of ballots at the
18 primary election, general election or special election to verify election re-
19 sults and the Secretary of State determines that the requirements of federal
20 law are at least as stringent as the requirements of subsections (1) to (8) of
21 this section.

22 “**SECTION 9.** ORS 254.548 is amended to read:

23 “254.548. (1) An individual nominated or elected to a public office by
24 write-in votes shall sign and file a form indicating that the individual ac-
25 cepts the nomination or office before the filing officer may issue a certificate
26 of nomination or election. The Secretary of State by rule shall prescribe the
27 form to be used under this section.

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

30 “(a) Not later than the [31st] **39th** day after the election, the filing officer

1 shall:

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

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

7 “(b) Not later than the 41st day after the election, if the individual ac-
8 cepts the nomination or office, the individual shall sign and file the form
9 with the filing officer; and

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

15 **“SECTION 10.** ORS 255.295 is amended to read:

16 “255.295. (1) Not later than the [20th] **27th** day after the date of an
17 election, the elections officer shall prepare an abstract of the votes and de-
18 liver it to the district elections authority. Not later than the 45th day after
19 the date of an election, the district elections authority shall determine from
20 it the result of the election.

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

24 **“SECTION 11.** ORS 253.690 is amended to read:

25 “253.690. (1) A military or overseas elector described in ORS 253.510 may
26 cast a ballot using a facsimile machine or by electronic mail as provided in
27 this section. Notwithstanding ORS 254.470 [(8)] **(10)**, a ballot cast under this
28 section shall be counted only if the ballot:

29 “(a) Is received in the office of the county clerk not later than 8 p.m. on
30 the day of the election;

1 “(b) Is accompanied by a return identification envelope containing the
2 signature of the elector and a signed waiver described in subsection (2) of
3 this section; and

4 “(c) The signature is verified as provided in subsection (4) of this section.

5 “(2) Each elector who casts a ballot under this section shall complete and
6 submit a waiver described in this subsection. The elector shall attest to the
7 information supplied on the waiver by signing the completed waiver. The
8 Secretary of State by rule shall design the form of the waiver, which shall
9 include all of the following:

10 “(a) Space for the elector to provide the elector’s full name, residence or
11 mailing address, an electronic mail address, phone or facsimile number where
12 the elector may be contacted and any other necessary information.

13 “(b) A waiver in substantially the following form:

14 “ _____
15 I, _____, acknowledge that by casting my voted ballot using a
16 facsimile machine or by electronic mail I have waived my right to a secret
17 ballot.

18 “ _____
19 “(c) A statement to notify the elector that the elector’s ballot will not be
20 counted unless the elector has complied with the provisions of this section.

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

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

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

28 “(4) The county clerk shall verify the signature of each elector on the
29 return identification envelope transmitted by facsimile machine or electronic
30 mail under this section with the signature on the elector’s registration re-

1 cord, according to the procedure provided by rules adopted by the Secretary
2 of State.

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

6 **“SECTION 12.** ORS 260.695 is amended to read:

7 “260.695. (1)(a) If a person prints or circulates an imitation of the ballot
8 or sample ballot:

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

16 “(B) The word ‘UNOFFICIAL’ must be superimposed on the imitation
17 ballot or sample ballot so that the word extends diagonally across the ballot
18 from one margin of the text to the other. The superimposed word may be
19 printed in lighter ink than other text on the ballot or sample ballot.

20 “(b) For purposes of this subsection, an imitation of the ballot or sample
21 ballot includes an imitation of a portion of the ballot or sample ballot.

22 “(2) A person may not do any electioneering, including circulating any
23 cards or handbills, or soliciting of signatures to any petition, within any
24 building in which any state or local government elections office designated
25 for the deposit of ballots under ORS 254.470 is located, or within 100 feet
26 measured radially from any entrance to the building. A person may not do
27 any electioneering by public address system located more than 100 feet from
28 an entrance to the building if the person is capable of being understood
29 within 100 feet of the building. The electioneering need not relate to the
30 election being conducted. This subsection applies during the business hours

1 of the building or, if the building is a county elections office, during the
2 hours the office is open to the public, during the period beginning on the
3 date that ballots are mailed to electors as provided in ORS 254.470 and end-
4 ing on election day at 8 p.m. or when all persons waiting in line at the
5 building who began the act of voting as described in ORS 254.470 [(10)] (12)
6 by 8 p.m. have finished voting.

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

15 “(4) A person may not vote or offer to vote in any election knowing the
16 person is not entitled to vote.

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

19 “(6) A person, except an elections official in performance of duties or
20 another person providing assistance to an elector as described in ORS
21 254.445, may not ask a person at any place designated for the deposit of
22 ballots under ORS 254.470 or at any location described in ORS 254.472 or
23 254.474 for whom that person intends to vote, or examine or attempt to ex-
24 amine the person’s ballot.

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

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

30 “(9) An elector may not willfully leave at any place designated for the

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

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

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

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

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

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

20 “(a) The person prominently displays at the location a sign stating: ‘NOT
21 AN OFFICIAL BALLOT DROP SITE’; and

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

23 **“SECTION 13.** ORS 254.408 is amended to read:

24 “254.408. (1) A person offering to vote and who claims to be an elector,
25 but for whom no evidence of active or inactive registration can be found,
26 shall be granted the right to vote in the manner provided in this section.

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

30 “(3) An elector voting under this section shall complete and sign a reg-

1 istration card.

2 “(4)(a) The elector shall insert the ballot into a small envelope provided
3 by the county clerk and then insert the small envelope into a larger envel-
4 ope. The larger envelope shall be delivered to the county clerk and shall be
5 segregated and not counted until the registration of the elector is verified
6 under this section.

7 “(b) An envelope provided under this subsection must comply with the
8 prohibitions set forth in ORS 254.470 [(11)] (13).

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

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

15 **“SECTION 14.** ORS 254.458 is amended to read:

16 “254.458. (1) Notwithstanding any provision of ORS 254.470:

17 “(a) A county clerk may apply to the Secretary of State for approval of
18 any procedure to be used in lieu of the **return identification** envelope pro-
19 cedures described in ORS 254.470; and

20 “(b) Upon receiving an application under paragraph (a) of this subsection,
21 the secretary may approve a procedure to be used in lieu of the **return**
22 **identification** envelope procedures described in ORS 254.470 if the secretary
23 determines that the procedure will provide substantially the same degree of
24 secrecy as ORS 254.470.

25 “(2) A procedure approved by the secretary under this section must com-
26 ply with the prohibitions set forth in ORS 254.470 [(11)] (13).

27 **“SECTION 15.** ORS 253.585 is amended to read:

28 “253.585. (1) The Secretary of State may receive ballots from military or
29 overseas electors.

30 “(2) If the Secretary of State receives a ballot cast by a military or

1 overseas elector, the Secretary of State shall deliver the ballot to the county
2 clerk or elections officer of the county in which the elector who cast the
3 ballot is registered.

4 “(3) A ballot received by the Secretary of State under this section [*not*
5 *later than 8 p.m. of the day of the election*] shall be considered to have been
6 received by the county clerk as described in ORS 253.070[.] **if:**

7 **“(a) The Secretary of State receives the ballot not later than 8 p.m.**
8 **on the day of the election; or**

9 **“(b) The ballot:**

10 **“(A) Has a postal indicator showing that the ballot was mailed not**
11 **later than the date of the election; and**

12 **“(B) Is received by the Secretary of State not later than seven cal-**
13 **endar days after the date of the election.**

14 **“(4) If a military or overseas elector returns the ballot by mail, and**
15 **a postal indicator is not present or legible, the ballot shall be consid-**
16 **ered to be mailed on the date of the election and may be counted if**
17 **the ballot is received no later than seven calendar days after the**
18 **election.**

19 **“(5) As used in this section ‘postal indicator’ has the meaning given**
20 **that term in ORS 254.470.**

21 **“SECTION 16.** ORS 254.431 is amended to read:

22 “254.431. (1) If a ballot is challenged because it is returned in an unsigned
23 return identification envelope or because the signature of an elector on a
24 return identification envelope does not match the signature in the voter
25 registration record for the elector, the county clerk shall mail to the elector
26 a notice that describes the nature of the challenge. The Secretary of State
27 shall design a standard form to be used in all notifications sent by county
28 clerks under this subsection.

29 **“(2)(a) In order for the vote of the elector to be counted, the elector must**
30 **provide evidence sufficient to disprove the challenge not later than the**

1 [14th] 21st calendar day after the date of the election. In the case of an un-
2 signed return identification envelope, providing sufficient evidence may in-
3 clude completing a certified statement on a form provided by the county
4 clerk. The Secretary of State shall design a standard form to be used for
5 certified statements made under this paragraph.

6 “(b) If the elector does not provide evidence sufficient to disprove a
7 challenge alleging that the signature of the elector on a return identification
8 envelope does not match the signature in the voter registration record for
9 the elector by the [14th] 21st calendar day after the date of the election, the
10 registration of the elector shall be considered inactive.

11 “(3)(a) The filing officer may not release as a public record any informa-
12 tion that could be used to identify an elector whose ballot has been chal-
13 lenged under this section until the [eighth] 15th calendar day after the date
14 of an election.

15 “(b) Following the [seventh] 14th calendar day after the date of an
16 election, the filing officer may disclose as a public record under ORS 192.311
17 to 192.478 the following information about each elector whose ballot was
18 challenged under this section:

19 “(A) The name of the elector;

20 “(B) The residence addresses of the elector; and

21 “(C) The reason the elector’s ballot is being challenged.

22 “(4) As used in this section, ‘filing officer’ means:

23 “(a) The Secretary of State, for federal or statewide elections and for
24 elections to the office of state Senator or Representative; or

25 “(b) The county clerk, for county, city or district elections.

26 “**SECTION 17.** ORS 171.185 is amended to read:

27 “171.185. (1) Except as provided in subsection (2) of this section, an
28 election called by the Legislative Assembly shall be held only on:

29 “(a) The second Tuesday in March;

30 “(b) The third Tuesday in May;

1 “(c) The [*third*] **fourth** Tuesday in [*September*] **August**; or

2 “(d) The first Tuesday after the first Monday in November.

3 “(2) An election may be held on a date other than that provided in sub-
4 section (1) of this section, if the Legislative Assembly by resolution or Act
5 finds that an election sooner than the next available election date is required
6 on a measure to finance repairs to property damaged by fire, vandalism or
7 a natural disaster.

8 “**SECTION 18.** ORS 203.085 is amended to read:

9 “203.085. (1) Except as provided in subsection (3) of this section, no
10 election on a county measure referred by the county governing body or for
11 a county office shall be held on any date other than:

12 “(a) The second Tuesday in March;

13 “(b) The third Tuesday in May;

14 “(c) The [*third*] **fourth** Tuesday in [*September*] **August**; or

15 “(d) The first Tuesday after the first Monday in November.

16 “(2) Except as provided in subsection (3) of this section, no election on
17 a county measure other than a county measure referred by the county gov-
18 erning body shall be held on any date other than:

19 “(a) The third Tuesday in May; or

20 “(b) The first Tuesday after the first Monday in November.

21 “(3) An emergency election may be held on a date other than those pro-
22 vided in subsection (1) or (2) of this section if the county governing body by
23 resolution finds that an emergency exists that will require an election sooner
24 than the next available election date to avoid extraordinary hardship to the
25 community. A determination under this subsection as to whether an emer-
26 gency exists is within the sole discretion of the county governing body.

27 “(4) A county governing body, with adequate notice, shall hold a public
28 hearing, on a date other than a regularly scheduled meeting, for the purpose
29 of making findings substantiating the fact that an emergency exists before
30 scheduling an election on a date other than those specified in subsection (1)

1 or (2) of this section.

2 “(5) Notice of a county’s intent to hold an emergency election shall be
3 filed with the county elections authority no later than 47 days preceding the
4 desired election date. At the time the notice of election is given to the
5 county elections authority, the county shall also file with the elections au-
6 thority a certified copy of the ballot title and a copy of the resolution and
7 findings adopted by the county governing body to authorize the emergency
8 election as required under subsection (4) of this section.

9 **“SECTION 19.** ORS 221.230 is amended to read:

10 “221.230. (1) Except as provided in subsection (3) of this section, no
11 election on a city measure referred by the city governing body or for a city
12 office shall be held on any date other than:

13 “(a) The second Tuesday in March;

14 “(b) The third Tuesday in May;

15 “(c) The [*third*] **fourth** Tuesday in [*September*] **August**; or

16 “(d) The first Tuesday after the first Monday in November.

17 “(2) Except as provided in subsection (3) of this section, no election on
18 a city measure other than a city measure referred by the city governing body
19 shall be held on any date other than:

20 “(a) The third Tuesday in May; or

21 “(b) The first Tuesday after the first Monday in November.

22 “(3) An emergency election may be held on a date other than those pro-
23 vided in subsection (1) or (2) of this section if the city governing body by
24 resolution finds that an emergency exists that will require an election sooner
25 than the next available election date to avoid extraordinary hardship to the
26 community. A determination under this subsection as to whether an emer-
27 gency exists is within the sole discretion of the city governing body.

28 “(4) A city governing body, with adequate notice, shall hold a public
29 hearing, on a date other than a regularly scheduled council meeting, for the
30 purpose of making findings substantiating the fact that an emergency exists

1 before scheduling an election on a date other than those specified in sub-
2 section (1) or (2) of this section.

3 “(5) Notice of a city’s intent to hold an emergency election shall be filed
4 with the county elections authority no later than 47 days preceding the de-
5 sired election date. At the time the notice of election is given to the county
6 elections authority, the city shall also file with the elections authority a
7 certified copy of the ballot title and a copy of the resolution and findings
8 adopted by the city governing body to authorize the emergency election as
9 required under subsection (4) of this section.

10 **“SECTION 20.** ORS 255.345 is amended to read:

11 “255.345. (1) Except as provided in subsection (2) of this section, a special
12 election called by a district elections authority shall not be held on any date
13 other than:

14 “(a) The second Tuesday in March;

15 “(b) The third Tuesday in May;

16 “(c) The [*third*] **fourth** Tuesday in [*September*] **August**; or

17 “(d) The first Tuesday after the first Monday in November.

18 “(2) A special election may be held on a date other than that provided in
19 subsection (1) of this section, if the district elections authority by resolution
20 finds that an election sooner than the next available election date is required
21 on a measure to finance repairs to property damaged by fire, vandalism or
22 a natural disaster.

23 “(3) As used in this section, ‘district elections authority’ means the body
24 or officer authorized or required to call an election for a public corporation
25 formed under, and deriving its powers solely from, the statutes of this state,
26 but does not include a city or county.

27 **“SECTION 21.** ORS 258.075 is amended to read:

28 “258.075. (1) Except as provided in subsection (4) of this section, after the
29 contest hearing, the circuit court shall render a judgment affirming or set-
30 ting aside the approval or rejection of the measure.

1 “(2) If the judgment sets aside the approval or rejection of a measure, the
2 circuit court shall direct the measure to be resubmitted at a special election
3 held on one of the dates specified in this subsection, as set by the court. In
4 setting the election date, the court shall provide sufficient time for adequate
5 notice to be given. The special election may be held on any of the following
6 dates:

7 “(a) The second Tuesday in March;

8 “(b) The third Tuesday in May;

9 “(c) The [*third*] **fourth** Tuesday in [*September*] **August**; or

10 “(d) The first Tuesday after the first Monday in November.

11 “(3) The county of the county clerk or the local elections official who
12 committed the error in the distribution of the official ballots shall bear the
13 cost of the special election.

14 “(4) In a contest under ORS 258.016 (7), the court shall determine whether
15 the challenge to the determination of the number of electors who were eli-
16 gible on election day to participate in the election on a measure conducted
17 under [*section 11 (8)*,] Article XI, **section 11 (8)**, of the Oregon Constitution,
18 is valid. In making the determination, the court shall rely on the provisions
19 of ORS chapter 247 and shall receive testimony from the county clerk re-
20 garding the clerk’s administration of ORS chapter 247. If, after a contest
21 hearing, the court determines that the challenge to the determination of the
22 number of electors who were eligible to participate is valid and that the
23 change in the number of electors eligible to participate is sufficient to
24 change the outcome of the election on the measure, the court shall order the
25 county clerk to make a new determination of the number of eligible electors
26 and to certify the results of the election based on the new determination.

27 **“SECTION 22.** ORS 254.478 is amended to read:

28 “254.478. (1) Subject to ORS 260.705 [*and not sooner than the seventh day*
29 *before the date of an election*], **upon receipt of ballots**, the county clerk may:

30 “(a) Begin opening return identification **envelopes of ballots** and **any**

1 **used** secrecy envelopes of ballots [*delivered by mail and received by the*
2 *county clerk*]; and

3 “(b) In accordance with a security plan approved by the Secretary of State
4 under ORS 254.074, begin scanning ballots into a vote tally system.

5 “(2) The county clerk may take any other actions that are necessary to
6 count ballots [*delivered by mail*].

7 **“SECTION 23.** ORS 253.080 is amended to read:

8 “253.080. (1) Upon receipt of an envelope containing a marked ballot from
9 an absent elector, the clerk shall keep it safely in the office and, before de-
10 livering the ballot for counting, shall compare the signature of the absent
11 elector that appears on [*the back of*] the ballot envelope with that upon the
12 elector’s registration record.

13 “(2) Except as otherwise provided in this chapter, ballots for absent
14 electors shall be counted and returns shall be made, as nearly as possible,
15 in the same manner as for other ballots cast at the election.

16 **“SECTION 24.** ORS 254.095 is amended to read:

17 “254.095. (1) The chief elections officer of any city shall file with the
18 county clerk of the county in which the city hall of the city is located, a
19 statement of the city offices to be filled or for which candidates are to be
20 nominated at the election and information concerning all candidates for the
21 offices not later than the 61st day before the date of the election.

22 “(2)(a) [*Except as provided in subsection (3) of this section,*] The chief
23 elections officer of any city shall file with the county clerk of the county in
24 which the city hall is located, a statement of the city measures to be voted
25 on, including the ballot title for each measure, not later than the 61st day
26 before the date of the election.

27 “(b) For each local option tax measure or general obligation bond meas-
28 ure placed on the ballot by a municipal corporation, the county clerk shall
29 file a copy of the statement filed under paragraph (a) of this subsection with
30 the Secretary of State in the manner set forth in ORS 294.474.

1 “[(3) *If a measure to be submitted to the electors of a city at an election*
2 *held on the first Tuesday after the first Monday in November was submitted*
3 *on the election date in ORS 221.230 (1) immediately preceding the first Tues-*
4 *day after the first Monday in November, the chief elections officer of the city*
5 *shall file the statement required for that measure in subsection (2) of this*
6 *section on the 47th day before an election held on the first Tuesday after the*
7 *first Monday in November.*]

8 “[(4)] **(3)** The chief elections officer of the city shall keep a copy of each
9 statement filed under this section.

10 “[(5)] **(4)** If a city is located in more than one county, the county clerk
11 under subsection (1) of this section shall immediately file the statement and
12 information required under subsection (1) of this section with the county
13 clerk of any other county in which the city is located.

14 “**SECTION 25.** ORS 254.103 is amended to read:

15 “254.103. [(1)(a)] **(1)** [*Except as provided in subsection (2) of this section,*]
16 The governing body of a county shall file with the county clerk each measure
17 referred by the county governing body, including the ballot title for each
18 measure, not later than the 61st day before the date of the election.

19 “[(b)] **(2)** For each local option tax measure or general obligation bond
20 measure placed on the ballot by a municipal corporation, the county clerk
21 shall file a copy of each measure filed under [*paragraph (a) of this*
22 *subsection*] **subsection (1) of this section** with the Secretary of State in the
23 manner set forth in ORS 294.474.

24 “[(2) *If a measure to be submitted to the electors of a county at an election*
25 *held on the first Tuesday after the first Monday in November was submitted*
26 *on the election date in ORS 203.085 (1) immediately preceding the first Tues-*
27 *day after the first Monday in November, the county governing body shall file*
28 *the measure with the county clerk not later than the 47th day before an election*
29 *held on the first Tuesday after the first Monday in November.*]

30 “**SECTION 26.** ORS 255.085 is amended to read:

1 “255.085. (1)(a) Not later than the 61st day before a district election on
2 a measure, the district elections authority shall deliver to the elections of-
3 ficer a notice stating the date of the election and a ballot title. The district
4 elections authority shall prepare the ballot title for a measure referred by
5 the authority with the assistance of the district attorney for the county of
6 the elections officer or an attorney employed by the district elections au-
7 thority. The district elections authority shall include the ballot title for the
8 measure at the time the measure is submitted to the elections officer.

9 “(b) For each local option tax measure or general obligation bond meas-
10 ure placed on the ballot by a municipal corporation, the elections officer
11 shall file a copy of the notice delivered under paragraph (a) of this sub-
12 section with the Secretary of State in the manner set forth in ORS 294.474.

13 “[~~(2)~~ *If a district submits a measure to the electors of the district at an*
14 *election held on the first Tuesday after the first Monday in November and the*
15 *district submitted a measure on the election date in ORS 255.345 (1) imme-*
16 *diately preceding the date of an election held on the first Tuesday after the*
17 *first Monday in November, the district elections authority shall file the meas-*
18 *ure, including the ballot title for the measure, for the election held on the first*
19 *Tuesday after the first Monday in November with the elections officer not later*
20 *than the 47th day before an election held on the first Tuesday after the first*
21 *Monday in November.*]

22 “[~~(3)~~] **(2)** A notice of election called to approve the issuance of bonds shall
23 include:

24 “(a) The purpose for which the bonds are to be used;

25 “(b) The amount and the term of the bonds;

26 “(c) The kind of bonds proposed to be issued; and

27 “(d) If the bond election is authorized by ORS 450.900, the additional no-
28 tice requirements in ORS 450.905.

29 “[~~(4)(a)~~] **(3)(a)** In the case of a measure submitted by initiative or refer-
30 endum petition, the elections officer shall publish the notice in the next

1 available edition of a newspaper of general circulation in the district after
2 the deadline for filing the notice.

3 “(b) In the case of a measure referred by the district elections authority,
4 the elections officer shall publish the notice of election in the next available
5 edition of a newspaper of general circulation in the district after the notice
6 of election is filed. The notice shall also state that an elector may file a
7 petition for review of the ballot title not later than the date referred to in
8 ORS 255.155. If the circuit court certifies a different ballot title, the elections
9 officer shall publish an amended notice of election in the next available
10 edition of the newspaper referred to in this subsection after the new title is
11 certified to the elections officer.

12 “(c) In addition to publishing the notice as described in paragraphs (a)
13 and (b) of this subsection, the elections officer may publish the notice on the
14 county’s website for a minimum of seven days.

15 **“SECTION 27.** ORS 294.474 is amended to read:

16 “294.474. If a municipal corporation places a local option tax measure or
17 a general obligation bond measure on the ballot to be voted on by the elec-
18 tors of the corporation, the chief elections officer of a city, governing body
19 of a county or district elections authority responsible for filing materials
20 relating to the measure under ORS 254.095 (2), 254.103 [(1)] or 255.085 (1)
21 shall file the materials with the appropriate county elections officer. The
22 county elections official shall file a copy of the materials with the Secretary
23 of State for publication on the electronic filing system adopted under ORS
24 260.057.

25 **“SECTION 28.** ORS 450.905 is amended to read:

26 “450.905. Notice of a bond election shall contain:

27 “(1) The information required by ORS 255.085 [(3)] (2).

28 “(2) If general obligation bonds, which are to be paid by particular areas
29 in the authority, are to be issued, a statement that the bonds will be the
30 general obligation of the entire authority but will be the primary obligation

1 of the areas in the authority which will be directly benefited by the sewage
2 treatment plants or trunk or lateral sewers or drains constructed with the
3 proceeds of the bonds and paid through assessment, annual levy, or sewer
4 service charges, or combinations thereof, as determined by the board under
5 ORS 450.855 and designating specifically the boundaries of such area or
6 areas.

7 “(3) If revenue bonds are to be issued, a statement that the bonds will be
8 payable solely out of designated revenues of the authority and will not be a
9 general obligation of the authority or a charge upon the tax revenues of the
10 authority.

11 **“SECTION 29. ORS 251.358 is repealed.**

12 **“SECTION 30. The amendments to ORS 171.185, 203.085, 221.230,
13 253.065, 253.070, 253.080, 253.585, 253.690, 254.095, 254.103, 254.408, 254.431,
14 254.458, 254.470, 254.478, 254.485, 254.529, 254.545, 254.546, 254.548, 254.555,
15 255.085, 255.295, 255.345, 258.075, 260.695 and 294.474 by sections 1 to 28
16 of this 2021 Act and the repeal of ORS 251.358 by section 29 of this 2021
17 Act apply to elections held on or after January 1, 2022.”.**

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