

Attached is the D.A.'s opinion for Tom Harris' appeal on the cost of ballot images. See the second paragraph of page 3, where it says:

“While there is no caselaw on this point, it is our view that the rare voter who chooses to add identifying information has effectively waived the right to secrecy under the statute. [ORS 260.695 (8) and (9)] We are not, therefore, convinced that this concern justifies a lengthy hand search of each ballot.” See attached letter

It seems to me that ORS 260.695 is already to provide voter secrecy. If they really want to be doubly sure about this, then they should require that the print house (or mail house) NOT put a unique QR code on each ballot. Anyone who manages to hack the mail house computer system to learn the decoding algorithm will be able to identify who voted each ballot.

[Tim continued to ask these questions:]

- SECTION 1: I don't understand why they need to expand the wording of ORS 247.005
- SECTION 3(2)(b) is **DANGEROUS**. It allows the secretary of state to enact "rules" that define "information that would reveal how a particular elector voted". What prevents the SOS from defining any voter markings on a ballot as "information", and end up declaring that ballot images are not public records. Or maybe they admit that the QR codes are "information", and making ballot images not public records. This needs to be removed, or else "information" needs to be completely defined directly inside the bill.
- SECTION 4 and 5 - seems overly complicated to call out election workers for special protection from harassment. Shouldn't all citizens have equal protections from harassment?
- SECTION 6 [E]: Adding a rule to "define security procedures for ensuring the integrity of printed ballots" is good. At the moment, there seems to be no guarantee of ballot security at the print house and mail house.
- SECTION 6 [M]: "Any other security measure that the SOS requires by rule." This is **too open-ended**. What prevents the SOS from arbitrarily reducing the transparency of elections?
- SECTION 7 [E,F]: What is the reason for removing the voter's precinct from the voter rolls? This makes it impossible to use the

Comments from Tim Sippel

voter rolls for canvassing. Because you can't easily select voters associated with a candidate's precinct.

Why don't they add a section to require chain of custody records, to help ensure the security of ballots as they are handled by mail carriers and election workers? Currently there is no law requiring chain of custody records.

Comments from Tim Sippel