Senate Bill 655

Sponsored by Senator BONHAM (at the request of Senator Noah Robinson) (Presession filed.)

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.** The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Tells the SOS to create a database of ballots for each election. Tells the county clerks to add e-copies of each ballot into the database. Requires each ballot to have an ID. Requires the ID to be secret other than to the voter. Allows a voter to view the voter's ballot in the database for 90 days following the election. Allows the county clerks to charge a reasonable fee for the cost of getting a ballot. Tells the county clerks to allow certain persons to watch the ballots being printed and inserted into mailing envelopes. (Flesch Readability Score: 63.4).

Directs the Secretary of State to establish and maintain a searchable and publicly accessible database containing a copy of every ballot cast in each election. Requires county clerks to scan and upload to the database each ballot cast prior to tallying the votes.

Requires each ballot to be printed with a unique identifier that an elector may use to search the database for an electronic copy of the elector's ballot. Requires a ballot's identifier to be secret except to the elector.

Permits an elector to inspect the elector's cast ballot for 90 days following the date of an election. Requires county clerks to store ballots in a manner that makes the ballots readily available to retrieve. Requires county clerks to store ballots in batches and to maintain an index that records where each ballot is stored. Permits county clerks to charge a reasonable fee to cover the cost of retrieving a ballot.

Requires county clerks to permit authorized persons to watch the printing of ballots and the inserting of ballots in envelopes to be mailed to electors.

Applies to primary, general and special elections held on or after January 1, 2027.

Becomes operative January 1, 2027.

1 **A BILL FOR AN ACT**

2 Relating to ballot security; creating new provisions; and amending ORS 254.145, 254.478, 254.482,

3 254.483 and 254.535.

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

5 SECTION 1. **Sections 2 and 9 of this 2025 Act are added to and made a part of ORS**

6 **chapter 254.**

7 SECTION 2. **(1) The Secretary of State shall design and make available to the public, free**

8 **of charge on the Internet, a searchable database that an elector may use to view an elec-**

9 **tronic copy of every ballot cast in a recent election. The searchable database designed under**

10 **this subsection must:**

11 **(a) Ensure that a ballot cast in an election that has attached at least one copy of the**

12 **ballot's identifier as provided in ORS 254.145 is searchable by the ballot's identifier;**

13 **(b) Be maintained in a manner that permits each county clerk to upload an electronic**

14 **copy of each ballot cast in an election to the database prior to the ballot being tallied; and**

15 **(c) Ensure that a ballot is searchable on the database as soon as technologically possible**

16 **once a county clerk has uploaded the electronic copy of the ballot to the database.**

17 **(2)(a) Each county clerk shall scan each ballot cast in an election and upload, prior to**

18 **the ballot being tallied, an electronic copy of the scanned ballot to the database established**

19 **and maintained by the Secretary of State under subsection (1) of this section. The county**

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 **clerk shall use scanning equipment with a resolution sufficient to ensure each electronic**

2 **copy of a ballot is readable.**

3 **(b) Every ballot that is tallied in an election must be scanned into the database estab-**

4 **lished and maintained by the Secretary of State under subsection (1) of this section, re-**

5 **gardless of whether the ballot has an identifier.**

6 **(c) If a ballot that is scanned into the database established and maintained by the Sec-**

7 **retary of State under subsection (1) of this section contains a vote for one or more write-in**

8 **candidates, the electronic copy of the scanned ballot that is viewable in the database must:**

9 **(A) Ensure that the name of each write-in candidate is redacted and cannot be viewed**

10 **in the database; and**

11 **(B) Ensure that the bubble indicating a vote for a write-in candidate may be viewed in**

12 **the database.**

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

14 **SECTION 3.** ORS 254.145 is amended to read:

15 254.145. (1)(a) Except as provided in paragraph (b) of this subsection, the names of candidates

16 for nomination for or election to each office shall be arranged on the ballot in the order determined

17 under ORS 254.155.

18 (b) The names of candidates for the offices of President and Vice President of the United States

19 shall be arranged in groups.

20 (2) Except as provided in ORS 254.125 and 254.135 and this section, no information about the

21 candidate, including any title or designation, other than the candidate's name, may appear on the

22 ballot.

23 (3) Spaces shall be provided for any offices appearing on the ballot in which the elector may

24 write the name of any person not printed on the ballot. If a voting machine is used, spaces shall be

25 provided on the ballot, or on separate material delivered to the elector with the ballot, in which the

26 elector may write or enter the names of persons for any offices appearing on the ballot.

27 (4) On the left margin of the ballot, the name of each group or candidate may be numbered. The

28 blank spaces may not be numbered. A particular number may not be used to designate more than

29 one candidate at any election.

30 (5) The names of all candidates for the same office shall be listed in the same column on the

31 ballot. If more than one column is needed to list names of all candidates for that office, the names

32 may be arranged in one or more columns in block form. The block shall be set apart by rulings

33 under the title of the office. If a blank space follows the list of candidates, the space shall be in the

34 same column as the names of candidates for that office. If blocks of columns are used, blank spaces

35 shall be included within the ruled block.

36 (6) The ballot shall be clearly marked to indicate when names of candidates for the office are

37 continued on the following page.

38 (7) When a measure is submitted to the people, the number, ballot title and financial estimates

39 under ORS 250.125 of each measure shall be printed after the list of candidates. A measure referred

40 by the Legislative Assembly shall be designated "Referred to the People by the Legislative Assem-

41 bly." A state measure referred by petition shall be designated "Referendum Order by Petition of the

42 People." A state measure proposed by initiative petition shall be designated "Proposed by Initiative

43 Petition."

44 (8) The ballot shall be printed to give the elector a clear opportunity to designate the elector's

45 choice for candidates and approval or rejection of measures submitted. If a voting machine is not

1 used, the elector shall indicate a preference by making a cross or check mark inside a voting square

2 corresponding to the candidate or answer for which the elector wishes to vote. A voting square may

3 be printed on the blank, write-in vote spaces. However, the elector is not required to place a mark

4 in the voting square corresponding to a name written in a blank space. Words shall be printed on

5 the ballot to aid the elector, such as "Vote for one," "Vote for three," and regarding measures,

6 "Yes" and "No."

7 **(9) On the bottom right corner of each ballot printed for an election, there shall be**

8 **printed twice a randomized 16-digit alphanumeric identifier unique to that ballot. Each**

9 **printed identifier shall be capable of being separated from the ballot. The Secretary of State**

10 **by rule shall establish a statement to be printed on the ballot to inform the elector:**

11 **(a) That the elector may choose to separate and remove none, one or both identifiers**

12 **printed on the ballot;**

13 **(b) That the ballot will be scanned and made available on the searchable database de-**

14 **scribed in section 2 of this 2025 Act;**

15 **(c) That the ballot will be searchable only by the ballot's identifier and that in order to**

16 **be searchable by the ballot's identifier at least one copy of the identifier must remain at-**

17 **tached to the ballot; and**

18 **(d) Of the Internet address where the elector may access the searchable database.**

19 **NOTE:** Section 4 was deleted. Subsequent sections were not renumbered.

20 **SECTION 5.** ORS 254.478 is amended to read:

21 254.478. (1) Subject to ORS 260.705, upon receipt of ballots, the county clerk may:

22 (a) Begin opening return identification envelopes of ballots and any used secrecy envelopes of

23 ballots; and

24 (b) In accordance with a security plan approved by the Secretary of State under ORS 254.074,

25 begin**:**

26 **(A) Scanning each ballot and uploading an electronic copy of each ballot to the searchable**

27 **database described in section 2 of this 2025 Act; and**

28 **(B)** Scanning **those** ballots **that have been uploaded to the database** into a vote tally system.

29 (2) The county clerk may take any other actions that are necessary to count ballots.

30 **SECTION 6.** ORS 254.482 is amended to read:

31 254.482. **(1) The county clerk, if requested, shall permit authorized persons to be at the**

32 **place where ballots are printed and inserted into envelopes to watch the printing of ballots**

33 **and the inserting of ballots into the envelopes to be mailed to electors.**

34 **(2)** After the date that ballots are mailed as provided in ORS 254.470, the county clerk, if re-

35 quested, shall permit authorized persons to be at the office of the county clerk to watch the re-

36 ceiving and counting of votes.

37 **(3)** The authorization **under subsection (1) or (2) of this section** shall be in writing, shall be

38 signed by an officer or its county affiliate of a political party, a candidate or the county clerk and

39 shall be filed with the county clerk. The county clerk shall permit only so many persons as watchers

40 under this section as will not interfere with an orderly procedure at the office of the county clerk

41 **or the place where ballots are printed and inserted into envelopes to be mailed to electors**.

42 **SECTION 7.** ORS 254.483 is amended to read:

43 254.483. (1) Each county clerk is responsible for the safekeeping, disposition and security of all

44 ballots.

45 (2) **Each county clerk shall ensure the identifier printed on each ballot pursuant to ORS**

1 **254.145 is randomized and that the identifier is not made available to anyone except the**
2 **elector who receives the ballot.**

3 **(3)** As soon as practicable after the final day permitted for a contest of the election or for filing
4 a demand for a recount, the county clerk shall destroy all unused ballots.

5 SECTION 8. ORS 254.535 is amended to read:

6 254.535. (1) Except as provided in subsection [*(3)*] **(2)** of this section, each tally sheet, return
7 sheet, record relating to a risk-limiting audit conducted under ORS 254.532, record relating to a
8 hand count of ballots conducted under ORS 254.529**, written challenge statement, ballot** and bal-
9 lot return identification envelope shall be preserved for two years after the election to which it re-
10 lates.

11 [*(2) Except as provided in subsection (3) of this section, the county clerk shall destroy the ballots*
12 *and written challenge statements not sooner than the 90th day after the final day permitted for a contest*
13 *of the election, unless otherwise ordered by the court.*]

14 [*(3)*] **(2)** In accordance with 42 U.S.C. 1974, any ballot, voter registration records and any other
15 materials relating to any election at which a candidate is nominated or elected to federal office shall
16 be retained for not less than 22 months following the date of the election.

17 SECTION 9. **(1)(a) For a period of 90 days following the date of an election, an elector**
18 **who has cast a ballot in the election may submit to the county clerk a request to inspect the**
19 **elector's ballot if at least one copy of the ballot's identifier remains attached to the ballot.**

20 **(b) If the elector has previously removed one copy of the ballot's identifier, the elector**
21 **may verify that the identifier previously removed from the ballot fits along the torn edge of**
22 **the ballot.**

23 **(2) The county clerk shall maintain the ballots in a manner that makes a ballot readily**
24 **available to retrieve in response to a request made under subsection (1) of this section. The**
25 **county clerk shall store the ballots in batches and maintain an index that records in which**
26 **batch a ballot, based on the ballot's identifier, is stored.**

27 **(3) The county clerk may charge the elector a reasonable fee to recover the cost of re-**
28 **trieving the elector's ballot.**

29 SECTION 10. **(1) Sections 2 and 9 of this 2025 Act and the amendments to ORS 254.145,**
30 **254.478, 254.482, 254.483 and 254.535 by sections 3 to 8 of this 2025 Act become operative on**
31 **January 1, 2027.**

32 **(2) The Secretary of State and county clerks may take any action before the operative**
33 **date specified in subsection (1) of this section that is necessary to enable the Secretary of**
34 **State and county clerks to exercise, on and after the operative date specified in subsection**
35 **(1) of this section, all the duties, functions and powers conferred on the Secretary of State**
36 **and county clerks by sections 2 and 9 of this 2025 Act and the amendments to ORS 254.145,**
37 **254.478, 254.482, 254.483 and 254.535 by sections 3 to 8 of this 2025 Act.**

38 SECTION 11. **Sections 2 and 9 of this 2025 Act and the amendments to ORS 254.145,**
39 **254.478, 254.482, 254.483 and 254.535 by sections 3 to 8 of this 2025 Act apply to primary**
40 **elections, general elections and special elections held on or after January 1, 2027.**

41 ————————————