

Senate Bill 1574

Sponsored by Senator GORSEK, Representative NELSON, Senator SOLLMAN, Representative CHOTZEN; Senators CAMPOS, GOLDEN, NERON MISSLIN, Representatives CHAICHI, GAMBA, GRAYBER, HUDSON, MCDONALD, MUÑOZ, NOSSE, RUIZ, SOSA, TRAN, WISE (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: The Act allows certain persons who are 17 years old on the date of a primary to vote in the primary. (Flesch Readability Score: 68.6).

Permits a person who will be 17 years of age on the date of a primary election and 18 years of age on the date of the general election to vote at the primary election for candidates of a major political party with which the person is affiliated.

Appropriates moneys from the General Fund to the Secretary of State for the purpose of printing and counting additional ballots.

1 A BILL FOR AN ACT

2 Relating to voting at primary elections; creating new provisions; and amending ORS 247.016, 253.540,
3 253.565, 254.115, 254.370 and 254.470.

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

5 **SECTION 1.** ORS 247.016 is amended to read:

6 247.016. (1) Subject to this section, an otherwise qualified person who is at least 16 years of age
7 may register to vote.

8 (2) **Except as provided under subsection (3) of this section**, a person who registers to vote
9 under subsection (1) of this section may not vote in an election until the person attains the age of
10 18 years.

11 (3) **A person who registers to vote under subsection (1) of this section not later than 21**
12 **days before the date of the primary election and who will attain the age of 18 years after the**
13 **primary election but on or before the date of the general election may participate in the**
14 **primary election for the purpose of selecting the nominees of the major political party with**
15 **which the person is affiliated.**

16 [(3)] (4) If a person who registers to vote under subsection (1) of this section will be under 18
17 years of age on the date of the next election held on a date listed in ORS 171.185 or the next special
18 election, the person's voter registration information, including [but not limited to] the person's name
19 and any identifying information, may not be disclosed as a public record under ORS 192.311 to
20 192.478.

21 (5) **The Secretary of State shall cause to be mailed to a person who registers to vote**
22 **under this section informational material that notifies the person about that person's eligi-**
23 **bility to vote in primary elections, including any requirements for affiliating with a political**
24 **party, deadlines related to the primary election, where and how to vote in the primary**
25 **election and any other material the secretary deems necessary.**

26 **SECTION 2.** ORS 253.540 is amended to read:

27 253.540. (1) Any military or overseas elector may secure a ballot by submitting an application

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 as specified in subsection (2) of this section to the clerk of the county of the military or overseas
 2 elector's residence, or to the Secretary of State. If the application is addressed to the Secretary of
 3 State, the secretary shall forward it to the appropriate county clerk.

4 (2) An application for a ballot by a military or overseas elector [*shall*] **must** be made in the form
 5 of a written request and may be submitted by mail, electronic mail, a facsimile machine or other
 6 means identified by the Secretary of State by rule. The application [*shall be*] **is** valid for every sub-
 7 sequent election until the elector otherwise notifies the clerk or is no longer an elector of the
 8 county. The application [*shall*] **must** be signed by the applicant and contain:

- 9 (a) The name and current mailing address of the applicant;
- 10 (b) A statement that the applicant is a citizen of the United States;
- 11 (c) A statement that the applicant will be 18 years of age or older on the date of the **general**
 12 election;
- 13 (d) A statement that for more than 20 days preceding the election the applicant's home residence
 14 has been in this state, and giving the address of the last home residence;
- 15 (e) A statement of the facts that qualify the applicant as a military or overseas elector or as the
 16 spouse or a dependent of a military or overseas elector;
- 17 (f) A statement that the applicant is not requesting a ballot from any other state and is not
 18 voting in any other manner in the election except by the requested ballot; and
- 19 (g) If the applicant desires to vote in a primary election, a designation of the applicant's political
 20 party affiliation or a statement that the applicant is not affiliated with any political party. An ap-
 21 plicant not affiliated with any political party may request a ballot for a major political party. The
 22 applicant [*shall*] **must** be sent the ballot for the political party that the applicant requested if that
 23 political party has provided under ORS 254.365 for a primary election that admits electors not af-
 24 filiated with any political party.

25 **(3) A primary election ballot provided under this section in accordance with ORS 247.016**
 26 **and 254.365 to a military or overseas elector who is under 18 years of age may contain only**
 27 **the information set forth in ORS 254.115 (1).**

28 **SECTION 3.** ORS 253.565 is amended to read:

29 253.565. (1) Any military or overseas elector may secure a special ballot for a primary election
 30 or general election by making an application under this section if the elector believes that:

- 31 (a) The elector will be residing, stationed or working outside the territorial limits of the United
 32 States and the District of Columbia; and
- 33 (b) The elector will be unable to vote and return a regular ballot by normal mail delivery within
 34 the period provided for regular absent electors.

35 (2) A military or overseas elector shall make the application for a special ballot in the form of
 36 a written request, which may be submitted by mail, electronic mail, a facsimile machine or other
 37 means identified by the Secretary of State by rule. The elector shall submit the application before
 38 the date of the applicable election to the clerk of the county of the military or overseas elector's
 39 residence or to the Secretary of State. If the application is addressed to the Secretary of State, the
 40 secretary shall forward it to the appropriate county clerk. The application [*shall*] **must** be signed
 41 by the applicant and contain:

- 42 (a) The name and current mailing address of the applicant;
- 43 (b) A designation of the election for which the applicant requests a special ballot;
- 44 (c) A statement that the applicant is a citizen of the United States;
- 45 (d) A statement that the applicant will be 18 years of age or older on the date of the **general**

1 election;

2 (e) A statement that for more than 20 days preceding the election the applicant's home residence
3 has been in this state, and giving the address of the last home residence;

4 (f) A statement of the facts that qualify the applicant as a military or overseas elector or as the
5 spouse or a dependent of a military or overseas elector;

6 (g) A statement of the facts that qualify the applicant to vote by means of a special ballot;

7 (h) A statement that the applicant is not requesting a ballot from any other state and is not
8 voting in any other manner in the election except by the requested special ballot; and

9 (i) If the applicant requests a ballot for a primary election, a designation of the applicant's pol-
10 itical party affiliation or a statement that the applicant is not affiliated with any political party.
11 An applicant not affiliated with any political party may request a ballot for a major political party.
12 The applicant [*shall*] **must** be sent the ballot for the political party that the applicant requested if
13 that political party has provided under ORS 254.365 for a primary election that admits electors not
14 affiliated with any political party.

15 (3) An application for a special ballot [*shall be*] **is** valid only for the election specified in the
16 application.

17 (4) The county clerk shall list on the special ballot the offices and measures scheduled to appear
18 on the regular ballot, if known when the ballot is prepared, and provide space in which the elector
19 may write in the elector's preference.

20 (5) **A primary election ballot provided under this section in accordance with ORS 247.016**
21 **and 254.365 to a military or overseas elector who is under 18 years of age may contain only**
22 **the information set forth in ORS 254.115 (1).**

23 [(5)] (6) The elector may write in the name of any eligible candidate for each office to be filled
24 or for which nominations will be made at the election, and, **except as provided in subsection (5)**
25 **of this section**, may vote on any measure submitted at the election.

26 **SECTION 4.** ORS 254.115 is amended to read:

27 254.115. (1) The official primary election ballot [*shall*] **must** be styled "Official Primary Nomi-
28 nating Ballot for the _____ Party." and [*shall*] **must** state:

29 (a) The name of the county for which it is intended.

30 (b) The date of the primary election.

31 (c) The names of all candidates for nomination at the primary election whose nominating pe-
32 titions or declarations of candidacy have been made and filed, and who have not died, withdrawn
33 or become disqualified.

34 (d) The names of candidates for election as precinct committeeperson.

35 (e) The names of candidates for the party nomination for President of the United States who
36 qualified for the ballot under ORS 249.078.

37 (2) **Except as provided in subsection (3) of this section**, the primary election ballot may in-
38 clude any city, county or nonpartisan office or the number, ballot title and financial estimates under
39 ORS 250.125 of any measure.

40 (3) **A primary election ballot provided in accordance with ORS 247.016 and 254.365 to a**
41 **person who is under 18 years of age may contain only the information set forth in subsection**
42 **(1) of this section.**

43 [(3)(a)] (4)(a) The ballot may not contain the name of any person other than those referred to
44 in subsections (1) [*and (2)*] **to (3)** of this section.

45 (b) The name of each candidate for whom a nominating petition or declaration of candidacy has

1 been filed [*shall*] **must** be printed on the ballot in [*but*] one place, except in circumstances [*where*]
 2 **in which** a candidate may hold more than one office or nomination without violating ORS 249.013.

3 (c) [*In the event that*] **If** two or more candidates for the same nomination or office have the same
 4 first name and last name, as indicated on the declarations of candidacy or nominating petitions of
 5 the candidates, the location of their places of residence [*shall*] **must** be printed with their names to
 6 distinguish one from another. This paragraph does not apply to candidates for precinct committee-
 7 person.

8 **SECTION 5.** ORS 254.370 is amended to read:

9 254.370. The county clerk shall maintain:

10 (1) A monthly registration record of all electors registered as not being affiliated with any pol-
 11 itical party;

12 (2) At each primary election, a record of the number of electors who voted from each major
 13 political party;

14 (3) **A record of the number of all persons under the age of 18 years who are registered
 15 as affiliated with a major political party and who participate in selecting the nominees of the
 16 political party at a primary election;**

17 [(3)] (4) A record of all electors registered as not being affiliated with any political party who
 18 vote in a primary election of a major political party that has provided under ORS 254.365 for a
 19 primary election that admits electors not affiliated with any political party; and

20 [(4)] (5) A record of all electors registered as not being affiliated with any political party who
 21 vote in the general election.

22 **SECTION 6.** ORS 254.470 is amended to read:

23 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
 24 designation of places of deposit for the ballots cast in an election. The rules [*shall*] **must** also
 25 specify the dates and times the places of deposit must be open and the security requirements for the
 26 places of deposit. At a minimum, the places designated under this section [*shall*] **must** be open on
 27 the date of the election for a period of eight or more hours, but must be open until at least 8 p.m.
 28 At each place of deposit designated under this section, the county clerk shall prominently display
 29 a sign stating that the location is an official ballot drop site.

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

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

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

43 (d) If an active elector of the electoral district requests an absentee ballot because the elector
 44 will be absent from the electoral district during the period of time described in paragraph (a) of this
 45 subsection, the county clerk may, if the elector's ballot is available:

1 (A) Allow the elector to receive the elector's ballot in person at the office of the county clerk
2 not sooner than the 43rd day before the date of the election; or

3 (B) Mail by nonforwardable mail an official ballot with a return identification envelope and a
4 secrecy envelope to the elector not sooner than the 43rd day before the date of the election.

5 (e) The county clerk is not required to mail a secrecy envelope under this subsection if the
6 Secretary of State has approved a different procedure under ORS 254.458 that provides substantially
7 the same degree of secrecy.

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

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

12 (b) The county clerk shall mail the official ballot of a major political party to an elector not
13 affiliated with any political party if the elector has applied for the ballot as provided in this sub-
14 section and that party has provided under ORS 254.365 for a primary election that admits electors
15 not affiliated with any political party.

16 (c) **The county clerk shall mail the portion of the official ballot of a major political party
17 containing the information set forth in ORS 254.115 (1) to a person who has not attained the
18 age of 18 years, but who, under ORS 247.016 (3), may vote in the primary election.**

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

26 [(d)] (e) If the primary election ballot includes city, county or nonpartisan offices or measures,
27 the county clerk shall mail to each elector who is not eligible to vote for party candidates a ballot
28 limited to those offices and measures for which the elector is eligible to vote.

29 (4)(a) For each elector who updates a voter registration after the deadline in ORS 247.025, the
30 county clerk shall make the official ballot, the return identification envelope and the secrecy en-
31 velope available either by mail or at the county clerk's office or at another place designated by the
32 county clerk. An elector to whom this subsection applies *must* shall request a ballot from the
33 county clerk.

34 (b) The county clerk is not required to make available a secrecy envelope under this subsection
35 if the Secretary of State has approved a different procedure under ORS 254.458 that provides sub-
36 stantially the same degree of secrecy.

37 (5) The ballot *shall* **must** contain the following warning:

38
39 Any person who, by use of force or other means, unduly influences an elector to vote in any
40 particular manner or to refrain from voting is subject to a fine.

42
43 (6)(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
44 the return identification envelope supplied with the ballot and comply with the instructions provided

1 with the ballot.

2 (b) The elector may return the marked ballot to the county clerk by United States mail or by
3 depositing the ballot at the office of the county clerk, at any place of deposit designated by the
4 county clerk or at any location described in ORS 254.472 or 254.474.

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

6 (d) Subject to paragraph (e) of this subsection, if a person returns a ballot for an elector, the
7 person shall deposit the ballot in a manner described in paragraph (b) of this subsection not later
8 than two days after receiving the ballot.

9 (e) If the elector deposits the ballot at the office of the county clerk, at any place of deposit
10 designated by the county clerk or at any location described in ORS 254.472 or 254.474, the ballot
11 must be received at the office of the county clerk, at the designated place of deposit or at any lo-
12 cation described in ORS 254.472 or 254.474 not later than the end of the period determined under
13 subsection (1) of this section on the date of the election. If the elector returns the ballot by mail:

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

16 (B) The ballot must:

17 (i) Have a postal indicator showing that the ballot was mailed not later than the date of the
18 election; and

19 (ii) Be received at the office of the county clerk not later than seven calendar days after the
20 date of the election.

21 (f) If a county clerk receives a marked ballot for an elector who does not reside in the clerk's
22 county, the ballot *[shall]* **must** be forwarded to the county clerk of the county in which the elector
23 resides not later than the eighth day after the election.

24 (7) The following *[shall]* **must** appear on the return identification envelope:

25 (a) Space for the elector to sign the envelope.

26 (b) A notice designed by rule by the Secretary of State, in consultation with the county clerks,
27 explaining that by signing the ballot the elector is attesting under penalty of perjury that the ballot
28 was mailed no later than the date of the election.

29 (c) A summary of the applicable penalties for knowingly making a false statement, oath or affi-
30 davit under the election laws.

31 (8) If the elector returns the ballot by mail, and a postal indicator is not present or legible, the
32 ballot *[shall]* **must** be considered to be mailed on the date of the election and may be counted if the
33 ballot is received no later than seven calendar days after the election.

34 (9) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not
35 received by the elector. Replacement ballots *[shall]* **must** be issued and processed as described in
36 this section and ORS 254.480. The county clerk shall keep a record of each replacement ballot pro-
37 vided under this subsection. Notwithstanding any deadline for mailing ballots in subsection (2) of
38 this section, a replacement ballot may be mailed, made available in the office of the county clerk
39 or made available at one central location in the electoral district in which the election is conducted.
40 The county clerk shall designate the central location. A replacement ballot need not be mailed after
41 the fifth day before the date of the election.

42 (10) A ballot *[shall]* **must** be counted only if:

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

44 (b) The envelope is signed by the elector to whom the ballot is issued, unless a certified state-
45 ment is submitted under ORS 254.481; and

1 (c) The signature is verified as provided in subsection (11) of this section.

2 (11) The county clerk shall verify the signature of each elector on the return identification envelope with the signature on the elector's registration record, according to the procedure provided by rules adopted by the Secretary of State. Rules adopted by the secretary under this subsection must limit personnel authorized to verify signatures to the personnel authorized to count ballots under ORS 254.476. If the county clerk determines that an elector to whom a replacement ballot has been issued has voted more than once, the county clerk shall count only one ballot cast by that elector.

9 (12) At 8 p.m. on election day, electors who are at the county clerk's office, a place of deposit 10 designated under subsection (1) of this section or any location described in ORS 254.472 or 254.474 11 and who are in line waiting to vote or deposit a voted ballot *[shall]* **must** be considered to have 12 begun the act of voting.

13 (13)(a)(A) Except as provided in subparagraph (B) of this paragraph, the name of the Secretary 14 of State may not appear in the secretary's official capacity on the return identification envelope or 15 on any instructions or materials included with the ballot if the secretary is a candidate in the 16 election for which the ballot is printed.

17 (B) This paragraph does not prohibit the name of the Secretary of State from appearing in the 18 secretary's official capacity in the voters' pamphlet.

19 (b) The name of the county clerk or other filing officer may not appear in the official capacity 20 of the county clerk or filing officer on the return identification envelope or on any instructions or 21 materials included with the ballot if the county clerk or filing officer is a candidate in the election 22 for which the ballot is printed.

23 (c) As used in this subsection, "filing officer" has the meaning given that term in ORS 254.165.

24 (14) As used in this section, "postal indicator" means a postmark or other indicator on a mailed 25 ballot, identified by the Secretary of State by rule, that demonstrates the date or time at which a 26 ballot was mailed.

27 **SECTION 7. In addition to and not in lieu of any other appropriation, there is appropriated to the Secretary of State, for the biennium ending June 30, 2027, out of the General Fund, the amount of \$_____**, to be allocated to the county clerks for the purpose of carrying out the amendments to ORS 247.016, 253.540, 253.565, 254.115, 254.370 and 254.470 by 31 sections 1 to 6 of this 2026 Act.

32 **SECTION 8. The amendments to ORS 247.016, 253.540, 253.565, 254.115, 254.370 and 254.470 by sections 1 to 6 of this 2026 Act apply to primary elections held on or after January 1, 2028.**

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