

House Bill 3434

Sponsored by Representative THATCHER (at the request of Dawn Phillips)

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**.

Requires ballots returned by mail to be postmarked not later than day before date of election. Requires county clerks to announce status of tally of ballots received after election date on third and eighth calendar days after date of election.

Sunsets January 2, 2014.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to ballots; creating new provisions; amending ORS 253.065, 253.070, 254.470, 254.485,
3 254.529, 254.545, 254.546, 254.548, 254.555, 254.565, 255.295 and 260.695; and declaring an emer-
4 gency.

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

6 **SECTION 1.** ORS 254.470, as amended by section 5, chapter 53, Oregon Laws 2008, is amended
7 to read:

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

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

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

25 (c) In the case of ballots to be mailed to addresses outside this state to electors who are not
26 long-term absent electors, the county clerk may mail the ballots not sooner than the 29th day before
27 the date of the election.

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

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

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 the election.

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

6 (c) An elector not affiliated with any political party who wishes to vote in the primary election
 7 of a major political party shall apply to the county clerk in writing. The application shall indicate
 8 which major political party ballot the elector wishes to receive. Except for electors described in
 9 subsection (4) of this section, and subject to ORS 247.203, the application must be received by the
 10 county clerk not later than 5 p.m. of the 21st day before the date of the election.

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

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

19 (5) The ballot shall contain the following warning:

20
 21
 22 Any person who, by use of force or other means, unduly influences an elector to vote in any
 23 particular manner or to refrain from voting is subject to a fine.
 24

25
 26 (6) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
 27 the return identification envelope supplied with the ballot and comply with the instructions provided
 28 with the ballot. The elector may return the marked ballot to the county clerk by United States mail
 29 or by depositing the ballot at the office of the county clerk, at any place of deposit designated by
 30 the county clerk or at any location described in ORS 254.472 or 254.474. The ballot must be returned
 31 in the return identification envelope. *[If the elector returns the ballot by mail, the elector must provide*
 32 *the postage. A]* **If the elector deposits the ballot at the office of the county clerk, at any place**
 33 **of deposit designated by the county clerk or at any location described in ORS 254.472 or**
 34 **254.474, the ballot must be received at the office of the county clerk, at the designated place of**
 35 **deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the period**
 36 **determined under subsection (1) of this section on the date of the election. If the elector returns**
 37 **the ballot by mail, the elector must provide the postage and:**

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

40 (b) **The ballot must be postmarked not later than the day before the date of the election**
 41 **and received at the office of the county clerk not later than seven calendar days after the**
 42 **date of the election.**

43 (7) **The following shall appear on the return identification envelope:**

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

45 (b) **A notice stating: “IF YOU MAIL YOUR BALLOT, IT MUST BE POSTMARKED NO**

1 **LATER THAN THE DAY BEFORE ELECTION DAY.” The statement shall be printed on the**
 2 **front of the envelope.**

3 (c) **Space for the elector to indicate the date the ballot was voted.**

4 (d) **A summary of the applicable penalties for knowingly making a false statement, oath**
 5 **or affidavit under the election laws. The summary shall be printed immediately adjacent to**
 6 **the space for the elector’s signature.**

7 (8)(a) **If the elector returns the ballot by mail, and the postmark is not present or legible,**
 8 **the ballot shall be considered to be postmarked on the date the ballot was voted as indicated**
 9 **by the elector on the return identification envelope.**

10 (b) **If a ballot is received by the county clerk by mail after the date of the election, the**
 11 **ballot may not be counted if:**

12 (A) **The postmark is not present or legible; and**

13 (B) **The elector has not indicated on the return identification envelope the date that the**
 14 **ballot was voted.**

15 (c) **The Secretary of State may adopt rules necessary to implement this subsection.**

16 [(7)] (9) **An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or**
 17 **not received by the elector. Replacement ballots shall be issued and processed as described in this**
 18 **section and ORS 247.307 and 254.480. The county clerk shall keep a record of each replacement**
 19 **ballot provided under this subsection. Notwithstanding any deadline for mailing ballots in subsection**
 20 **(2) of this section, a replacement ballot may be mailed, made available in the office of the county**
 21 **clerk or made available at one central location in the electoral district in which the election is**
 22 **conducted. The county clerk shall designate the central location. A replacement ballot need not be**
 23 **mailed after the fifth day before the date of the election.**

24 [(8)] (10) **A ballot shall be counted only if:**

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

26 (b) **The envelope is signed by the elector to whom the ballot is issued; and**

27 (c) **The signature is verified as provided in subsection [(9)] (11) of this section.**

28 [(9)] (11) **The county clerk shall verify the signature of each elector on the return identification**
 29 **envelope with the signature on the elector’s registration card, according to the procedure provided**
 30 **by rules adopted by the Secretary of State. If the county clerk determines that an elector to whom**
 31 **a replacement ballot has been issued has voted more than once, the county clerk shall count only**
 32 **one ballot cast by that elector.**

33 [(10)] (12) **At 8 p.m. on election day, electors who are at the county clerk’s office, a place of**
 34 **deposit designated under subsection (1) of this section or any location described in ORS 254.472 or**
 35 **254.474 and who are in line waiting to vote or deposit a voted ballot shall be considered to have**
 36 **begun the act of voting.**

37 **SECTION 2.** ORS 253.065 is amended to read:

38 253.065. (1) **For electors with mailing addresses outside this state, the county clerk shall deliver**
 39 **an absentee ballot:**

40 (a) **Not later than the 45th day before the election to each long term absent elector; and**

41 (b) **Not sooner than the 29th day before the election to each elector with a mailing address**
 42 **outside this state who is not a long term absent elector.**

43 (2) **For electors with mailing addresses in this state, except if requested by the elector, absentee**
 44 **ballots delivered by mail shall be delivered:**

45 (a) **For primary elections and general elections, or any statewide special election for which a**

1 voters' pamphlet is prepared, not sooner than the date the Secretary of State first mails the voters'
2 pamphlet under ORS 251.175; or

3 (b) In the case of an election for which a statewide voters' pamphlet is not required to be pre-
4 pared, not sooner than the 20th day before the date of the election.

5 (3) The ballot may be delivered to the absent elector in the office of the clerk, by postage pre-
6 paid mail or by any other appropriate means.

7 (4) The clerk shall deliver with the ballot instructions for marking and returning the ballot, a
8 return identification envelope and a secrecy envelope. The name, official title and address of the
9 clerk shall appear on the front of the **return identification** envelope. [*On the back shall appear*]

10 **The return identification envelope must contain:**

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

12 (b) **A notice stating: "IF YOU MAIL YOUR BALLOT, IT MUST BE POSTMARKED NO**
13 **LATER THAN THE DAY BEFORE ELECTION DAY."** The statement must be printed on the
14 front of the envelope. This paragraph does not apply to ballots mailed to long term absent
15 electors as defined in ORS 253.510.

16 (c) **Space for the elector to indicate the date the ballot was voted.**

17 (d) **A summary of the applicable penalties for knowingly making a false statement, oath**
18 **or affidavit under the election laws. The summary shall be printed immediately adjacent to**
19 **the space for the elector's signature.**

20 (e) A statement to be signed by the absent elector, stating that the elector:

21 [(a)] (A) Is qualified to vote;

22 [(b)] (B) Unless prevented by physical disability, has personally marked the ballot; and

23 [(c)] (C) Has not unnecessarily exhibited the marked ballot to any other person.

24 (5) Notwithstanding subsections (1) and (2) of this section, if the county clerk receives an ap-
25 plication for an absentee ballot after the fifth day before an election, the county clerk need not mail
26 the ballot for that election but may deliver the ballot by making it available in the office of the
27 clerk.

28 (6) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not
29 received by the elector. The county clerk shall keep a record of each replacement ballot provided
30 under this subsection.

31 (7) A replacement ballot may be mailed or shall be made available in the office of the county
32 clerk.

33 (8) If the county clerk determines that an elector to whom a replacement ballot has been issued
34 at the request of the elector has voted more than once, the county clerk shall not count any ballot
35 cast by the elector. If the county clerk is required to reissue ballots due to a change on the ballot
36 for any reason, that ballot shall be counted in lieu of any previous ballot issued unless:

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

38 (b) The county clerk issued a supplemental ballot that is not a complete replacement of the or-
39 iginal ballot.

40 **SECTION 3.** ORS 253.070 is amended to read:

41 253.070. (1) Upon receipt of a ballot the absent elector shall mark it and comply with the in-
42 structions provided with the ballot. The absent elector may return the marked ballot to the office
43 of the clerk, by any appropriate means.

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

1 **(3) If the absent elector returns the marked ballot by mail, the absent elector must**
 2 **provide the postage and:**

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

5 **(b) The ballot must be postmarked not later than the day before the date of the election**
 6 **and received by a county clerk not later than seven calendar days after the date of the**
 7 **election. The postmark requirement of this paragraph does not apply to ballots returned by**
 8 **long term absent electors as defined in ORS 253.510.**

9 **(4)(a) If the elector returns the marked ballot by mail, and the postmark is not present**
 10 **or legible, the ballot shall be considered to be postmarked on the date the ballot was voted**
 11 **as indicated by the elector on the return identification envelope.**

12 **(b) If a ballot is received by the county clerk by mail after the date of the election, the**
 13 **ballot may not be counted if:**

14 **(A) The postmark is not present or legible; and**

15 **(B) The elector has not indicated on the return identification envelope the date that the**
 16 **ballot was voted.**

17 **(c) The Secretary of State may adopt rules necessary to implement this subsection.**

18 **(5) If a county clerk receives a **marked** ballot for an elector who does not reside in the clerk's**
 19 **county, the ballot shall be forwarded to the county clerk of the county in which the elector resides**
 20 **not later than the eighth day after the election.**

21 **SECTION 4. ORS 254.485 is amended to read:**

22 254.485. (1) Ballots may be tallied by a vote tally system or by a counting board. A counting
 23 board may tally ballots at the precinct or in the office of the county clerk. In any event, the ballots
 24 shall be tallied and returned by precinct.

25 (2) If a vote tally system is used, the county clerk shall repeat the public certification test de-
 26 scribed under ORS 254.235 (1). The test shall be conducted on the date of the election and prior to
 27 beginning the tally of ballots. The test may be observed by persons described in ORS 254.235 (2).
 28 The county clerk shall certify the results of the test.

29 (3) If a vote tally system is used or if a counting board has been appointed, the tally of ballots
 30 may begin on the date of the election.

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

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

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

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

39 (a) Enter the ballots cast using the machine into the vote tally system; and

40 (b) In the event of a recount, provide the paper record copy recorded by the machine to the
 41 counting board.

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

44 **(8) If ballots are received after the date of the election, the county clerk shall announce**
 45 **the status of the tally of the ballots received after the date of the election on the third and**

1 **eighth calendar days after the date of the election.**

2 **SECTION 5.** ORS 254.545 is amended to read:

3 254.545. Subject to ORS 254.548, the county clerk:

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

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

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

12 (4) Not later than the [30th] **35th** day after the election, shall proclaim which county measure
13 is paramount, if two or more approved county measures contain conflicting provisions.

14 (5) Shall prepare and deliver a certificate of nomination or election to each candidate having
15 the most votes for nomination for or election to county or precinct offices.

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

19 **SECTION 6.** ORS 254.546 is amended to read:

20 254.546. (1) In the case of a recall election held on a date other than the date of the primary
21 election or general election, the county clerk shall prepare an abstract of the votes and deliver it
22 to the elections official authorized to order the recall election not later than the [20th] **27th** day
23 after the election.

24 (2) Except as provided in subsection (3) of this section, for purposes of section 18, Article II,
25 Oregon Constitution, the result of the recall election referred to in subsection (1) of this section
26 shall be considered officially declared on the date the abstract of the votes is delivered.

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

30 **SECTION 7.** ORS 254.555 is amended to read:

31 254.555. (1) Except as provided in ORS 254.548, not later than the [30th] **35th** day after any
32 election, the Secretary of State, regarding offices for which the secretary receives filings for nomi-
33 nation, shall:

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

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

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

41 (d) Issue a proclamation declaring the election of candidates to the offices.

42 (2) Not later than the [30th] **35th** day after the election:

43 (a) The Secretary of State, regarding measures for which the secretary [as] **is** the filing officer,
44 shall canvass the votes for each measure.

45 (b) The Governor shall issue a proclamation giving the number of votes cast for or against each

1 such measure, and declaring the approved measures as the law on the effective date of the measure.
 2 If two or more approved measures contain conflicting provisions, the Governor shall proclaim which
 3 is paramount.

4 **SECTION 8.** ORS 254.565 is amended to read:

5 254.565. Subject to ORS 254.548, the chief city elections officer:

6 (1) After the primary election, shall enter in a register of nominations:

7 (a) The name of each candidate for city office nominated at the primary election.

8 (b) The office for which the candidate is nominated.

9 (c) If applicable, the name of the major political party nominating the candidate.

10 (d) The date of the entry.

11 (2) After the general election, shall prepare and deliver a certificate of election to each qualified
 12 candidate having the most votes for election to a city office.

13 (3) Not later than the [30th] **35th** day after any election, shall canvass the vote on each city
 14 measure, and if two or more of the approved measures contain conflicting provisions, proclaim which
 15 is paramount.

16 **SECTION 9.** ORS 254.529 is amended to read:

17 254.529. (1) At each general election, the county clerk shall conduct a hand count of ballots as
 18 described in this section and compare the tally of votes for those ballots produced by a vote tally
 19 system with the tally of votes for those ballots produced by the hand count.

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

25 (b) In the event that the unofficial tally of ballots reveals that the margin of victory between
 26 the two candidates receiving the largest number of votes in the county is greater than or equal to
 27 one percent but less than two percent of the total votes cast in the county, the county clerk shall
 28 conduct a hand count of ballots in at least five percent of all precincts or of ballots in at least five
 29 percent of all batches of ballots collected by the county clerk.

30 (c) In the event that the unofficial tally of ballots reveals that the margin of victory between
 31 the two candidates receiving the largest number of votes in the county is greater than or equal to
 32 two percent of the total votes cast in the county, the county clerk shall conduct a hand count of
 33 ballots in at least three percent of all precincts or of ballots in at least three percent of all batches
 34 of ballots collected by the county clerk.

35 (3) The Secretary of State shall select the precincts at random. At the general election, no fewer
 36 than 150 ballots must have been cast in at least one of the precincts selected. The county clerk shall
 37 conduct a hand count of ballots cast in the election contest between the two candidates receiving
 38 the largest number of votes in the county, an election contest for a state office and, if possible, an
 39 election contest for a state measure.

40 (4) Not later than the day after the date of the general election, the Secretary of State shall
 41 advise county clerks in writing of:

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

43 (b) The precincts in which ballots are to be hand counted.

44 (5) A county clerk shall begin the hand counts prescribed by this section not later than the
 45 [20th] **27th** day after the election and complete the hand counts not later than the [30th] **35th** day

1 after the election. The results of the hand counts shall be provided to the Secretary of State, who
 2 shall make the results publicly available on the Secretary of State’s website.

3 (6) The county clerk shall conduct the hand counts required by this section in the manner pro-
 4 vided in ORS 258.200 and 258.211.

5 (7) A comparison of the tally of votes produced by a vote tally system with the tally of votes
 6 produced by the hand count required by this section must show that the tally of votes produced by
 7 the vote tally system differs by no more than one-half of one percent from the tally of votes
 8 produced by the hand count.

9 (8)(a) If a hand count conducted under this section results in a tally of votes for a candidate or
 10 measure that is different from the tally of votes produced by the vote tally system for that candidate
 11 or measure, and the difference for each race is equal to or less than one-half of one percent, the
 12 tally of votes produced by the vote tally system is the official tally of votes for that vote tally sys-
 13 tem.

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

18 (c) If the second hand count conducted under this subsection results in a tally of votes for a
 19 candidate or measure that is different from the tally of votes produced by the vote tally system for
 20 that candidate or measure, and the difference for each race is equal to or less than one-half of one
 21 percent, the tally of votes produced by the vote tally system is the official tally of votes for that
 22 vote tally system.

23 (d) If the second hand count conducted under this subsection results in a tally of votes for a
 24 candidate or measure that is different from the tally of votes produced by the vote tally system for
 25 that candidate or measure, and the difference in any race is greater than one-half of one percent,
 26 the county clerk shall conduct a hand count of all ballots counted by that vote tally system. The
 27 hand count is the official tally of votes for that vote tally system. If the hand count is the official
 28 tally of votes, not later than the [30th] 35th day after the election, the county clerk shall certify
 29 amended abstracts of votes to appropriate elections officials.

30 (9) For purposes of conducting the hand counts required under this section, the county clerk
 31 shall:

32 (a) Retain custody of the ballots; and

33 (b) Provide for security for the ballots and the information required to be collected under this
 34 subsection.

35 (10) Subsections (1) to (9) of this section do not apply if federal law requires a post-election hand
 36 count of ballots at the general election to verify election results and the Secretary of State deter-
 37 mines that the requirements of federal law are at least as stringent as the requirements of sub-
 38 sections (1) to (9) of this section.

39 **SECTION 10.** ORS 254.548 is amended to read:

40 254.548. (1) An individual nominated or elected to a public office by write-in votes shall sign and
 41 file a form indicating that the individual accepts the nomination or office before the filing officer
 42 may issue a certificate of nomination or election. The Secretary of State by rule shall prescribe the
 43 form to be used under this section.

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

45 (a) Not later than the [30th] 35th day after the election, the filing officer shall prepare and de-

1 liver the form described in subsection (1) of this section to the individual;

2 (b) Not later than the 45th day after the election, if the individual accepts the nomination or
3 office, the individual shall sign and file the form with the filing officer; and

4 (c) Not later than the 50th day after the election, if the individual files the form by the deadline
5 specified in paragraph (b) of this subsection, the filing officer shall prepare and deliver a certificate
6 of nomination or election to the individual and, if applicable, issue a proclamation declaring the
7 election of the candidate to the office.

8 **SECTION 11.** ORS 255.295 is amended to read:

9 255.295. (1) Not later than the [20th] **27th** day after the date of an election, the county clerk
10 shall prepare an abstract of the votes and deliver it to the district elections authority. Not later
11 than the [30th] **35th** day after receiving the abstract the district elections authority shall determine
12 from it the result of the election.

13 (2) Subject to ORS 254.548, the county clerk may issue a certificate of election only after the
14 district elections authority has notified the county clerk in writing of the result of the election. The
15 notification to the county clerk shall contain a statement indicating whether any candidate elected
16 to district office is qualified to hold the office.

17 **SECTION 12.** ORS 260.695 is amended to read:

18 260.695. (1) A person may not print or circulate an imitation of the ballot or sample ballot, or
19 a portion of the ballot or sample ballot, which contains information which will not appear, or deletes
20 information which will appear, on the ballot or sample ballot, or that portion of the ballot or sample
21 ballot, unless the imitation of the ballot or sample ballot, or portion of the ballot or sample ballot,
22 contains the following statement in bold type: “NOT FOR OFFICIAL USE.” This subsection does
23 not prohibit the printing or circulation of an imitation of a ballot which illustrates the manner in
24 which a candidate’s name may be written in for an office.

25 (2) A person may not do any electioneering, including circulating any cards or handbills, or so-
26 liciting of signatures to any petition, within any building in which any state or local government
27 elections office designated for the deposit of ballots under ORS 254.470 is located, or within 100 feet
28 measured radially from any entrance to the building. A person may not do any electioneering by
29 public address system located more than 100 feet from an entrance to the building if the person is
30 capable of being understood within 100 feet of the building. The electioneering need not relate to
31 the election being conducted. This subsection applies during the period beginning on the date that
32 ballots are mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or
33 when all persons waiting in line at the building who began the act of voting as described in ORS
34 254.470 [(10)] **(12)** by 8 p.m. have finished voting.

35 (3) A person may not obstruct an entrance of a building in which ballots are issued or a place
36 designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS
37 254.474 is located. This subsection applies during the period beginning on the date that ballots are
38 mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all
39 persons waiting in line at the building or location who began the act of voting as described in ORS
40 254.470 [(10)] **(12)** by 8 p.m. have finished voting.

41 (4) A person may not vote or offer to vote in any election knowing the person is not entitled
42 to vote.

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

44 (6) A person, except an elections official in performance of duties or another person providing
45 assistance to an elector as described in ORS 254.445, may not ask a person at any place designated

1 for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472 or 254.474
 2 for whom that person intends to vote, or examine or attempt to examine the person's ballot.

3 (7) A person may not show the person's own marked ballot to another person to reveal how it
 4 was marked.

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

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

9 (10) An elector may not willfully leave at any place designated for the deposit of ballots under
 10 ORS 254.470 or at any location described in ORS 254.472 or 254.474 anything that will show how the
 11 elector's ballot was marked.

12 (11) A person, except an elections official in performance of duties, may not remove a ballot
 13 from any place designated for the deposit of ballots under ORS 254.470 or any location described in
 14 ORS 254.472 or 254.474.

15 (12) A person, except an elections official in performance of duties or a person authorized by
 16 that official, may not willfully deface, remove, alter or destroy a posted election notice.

17 (13) A person, except an elections official in performance of duties, may not willfully remove,
 18 alter or destroy election equipment or supplies, or break the seal or open any sealed package con-
 19 taining election supplies.

20 (14) A person, except an elections official in performance of duties, may not provide elections
 21 advice or attempt to collect voted ballots within any building in which any state or local govern-
 22 ment elections office designated for the deposit of ballots under ORS 254.470 is located, or within
 23 100 feet measured radially from any entrance to the building.

24 (15) A person, except an elections official in performance of duties, may not establish a location
 25 to collect ballots voted by electors unless:

26 (a) The person prominently displays at the location a sign stating: "NOT AN OFFICIAL BAL-
 27 LOT DROP SITE"; and

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

29 **SECTION 13.** ORS 254.470, as amended by section 5, chapter 53, Oregon Laws 2008, and section
 30 1 of this 2009 Act, is amended to read:

31 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
 32 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
 33 dates and times the places of deposit must be open and the security requirements for the places of
 34 deposit. At a minimum, the places designated under this section shall be open on the date of the
 35 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
 36 of deposit designated under this section, the county clerk shall prominently display a sign stating
 37 that the location is an official ballot drop site.

38 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the county clerk shall mail
 39 by nonforwardable mail an official ballot with a return identification envelope and a secrecy envel-
 40 ope not sooner than the 18th day before the date of an election and not later than the 14th day
 41 before the date of the election, to each active elector of the electoral district as of the 21st day
 42 before the date of the election.

43 (b) If the county clerk determines that an active elector of the electoral district as of the 21st
 44 day before the date of the election does not receive daily mail service from the United States Postal
 45 Service, the county clerk shall mail by nonforwardable mail an official ballot with a return iden-

1 tification envelope and a secrecy envelope to the elector not sooner than the 20th day before the
 2 date of an election and not later than the 18th day before the date of the election.

3 (c) In the case of ballots to be mailed to addresses outside this state to electors who are not
 4 long-term absent electors, the county clerk may mail the ballots not sooner than the 29th day before
 5 the date of the election.

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

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

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

14 (c) An elector not affiliated with any political party who wishes to vote in the primary election
 15 of a major political party shall apply to the county clerk in writing. The application shall indicate
 16 which major political party ballot the elector wishes to receive. Except for electors described in
 17 subsection (4) of this section, and subject to ORS 247.203, the application must be received by the
 18 county clerk not later than 5 p.m. of the 21st day before the date of the election.

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

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

27 (5) The ballot shall contain the following warning:
 28

29
 30 Any person who, by use of force or other means, unduly influences an elector to vote in any
 31 particular manner or to refrain from voting is subject to a fine.
 32

33
 34 (6) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
 35 the return identification envelope supplied with the ballot and comply with the instructions provided
 36 with the ballot. The elector may return the marked ballot to the county clerk by United States mail
 37 or by depositing the ballot at the office of the county clerk, at any place of deposit designated by
 38 the county clerk or at any location described in ORS 254.472 or 254.474. The ballot must be returned
 39 in the return identification envelope. *[If the elector deposits the ballot at the office of the county clerk,*
 40 *at any place of deposit designated by the county clerk or at any location described in ORS 254.472 or*
 41 *254.474, the] **If the elector returns the ballot by mail, the elector must provide the postage.***
 42 **A ballot must be received at the office of the county clerk, at the designated place of deposit or at**
 43 **any location described in ORS 254.472 or 254.474 not later than the end of the period determined**
 44 **under subsection (1) of this section on the date of the election. *[If the elector returns the ballot by***
 45 ***mail, the elector must provide the postage and:]***

1 *[(a) The ballot must be received at the office of the county clerk not later than the end of the period*
 2 *determined under subsection (1) of this section on the date of the election; or]*

3 *[(b) The ballot must be postmarked not later than the day before the date of the election and re-*
 4 *ceived at the office of the county clerk not later than seven calendar days after the date of the*
 5 *election.]*

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

7 *[(a) Space for the elector to sign the envelope.]*

8 *[(b) A notice stating: "IF YOU MAIL YOUR BALLOT, IT MUST BE POSTMARKED NO*
 9 *LATER THAN THE DAY BEFORE ELECTION DAY." The statement shall be printed on the front*
 10 *of the envelope.]*

11 *[(c) Space for the elector to indicate the date the ballot was voted.]*

12 *[(d) A summary of the applicable penalties for knowingly making a false statement, oath or affi-*
 13 *davit under the election laws. The summary shall be printed immediately adjacent to the space for the*
 14 *elector's signature.]*

15 *[(8)(a) If the elector returns the ballot by mail, and the postmark is not present or legible, the ballot*
 16 *shall be considered to be postmarked on the date the ballot was voted as indicated by the elector on*
 17 *the return identification envelope.]*

18 *[(b) If a ballot is received by the county clerk by mail after the date of the election, the ballot may*
 19 *not be counted if:]*

20 *[(A) The postmark is not present or legible; and]*

21 *[(B) The elector has not indicated on the return identification envelope the date that the ballot was*
 22 *voted.]*

23 *[(c) The Secretary of State may adopt rules necessary to implement this subsection.]*

24 *[(9)] (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or*
 25 *not received by the elector. Replacement ballots shall be issued and processed as described in this*
 26 *section and ORS 247.307 and 254.480. The county clerk shall keep a record of each replacement*
 27 *ballot provided under this subsection. Notwithstanding any deadline for mailing ballots in subsection*
 28 *(2) of this section, a replacement ballot may be mailed, made available in the office of the county*
 29 *clerk or made available at one central location in the electoral district in which the election is*
 30 *conducted. The county clerk shall designate the central location. A replacement ballot need not be*
 31 *mailed after the fifth day before the date of the election.*

32 *[(10)] (8) A ballot shall be counted only if:*

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

34 *(b) The envelope is signed by the elector to whom the ballot is issued; and*

35 *(c) The signature is verified as provided in subsection [(11)] (9) of this section.*

36 *[(11)] (9) The county clerk shall verify the signature of each elector on the return identification*
 37 *envelope with the signature on the elector's registration card, according to the procedure provided*
 38 *by rules adopted by the Secretary of State. If the county clerk determines that an elector to whom*
 39 *a replacement ballot has been issued has voted more than once, the county clerk shall count only*
 40 *one ballot cast by that elector.*

41 *[(12)] (10) At 8 p.m. on election day, electors who are at the county clerk's office, a place of*
 42 *deposit designated under subsection (1) of this section or any location described in ORS 254.472 or*
 43 *254.474 and who are in line waiting to vote or deposit a voted ballot shall be considered to have*
 44 *begun the act of voting.*

45 **SECTION 14. The amendments to ORS 254.470 by section 13 of this 2009 Act become op-**

1 **erative on January 2, 2014.**

2 **SECTION 15.** ORS 253.065, as amended by section 2 of this 2009 Act, is amended to read:

3 253.065. (1) For electors with mailing addresses outside this state, the county clerk shall deliver
4 an absentee ballot:

5 (a) Not later than the 45th day before the election to each long term absent elector; and

6 (b) Not sooner than the 29th day before the election to each elector with a mailing address
7 outside this state who is not a long term absent elector.

8 (2) For electors with mailing addresses in this state, except if requested by the elector, absentee
9 ballots delivered by mail shall be delivered:

10 (a) For primary elections and general elections, or any statewide special election for which a
11 voters' pamphlet is prepared, not sooner than the date the Secretary of State first mails the voters'
12 pamphlet under ORS 251.175; or

13 (b) In the case of an election for which a statewide voters' pamphlet is not required to be pre-
14 pared, not sooner than the 20th day before the date of the election.

15 (3) The ballot may be delivered to the absent elector in the office of the clerk, by postage pre-
16 paid mail or by any other appropriate means.

17 (4) The clerk shall deliver with the ballot instructions for marking and returning the ballot, a
18 return identification envelope and a secrecy envelope. The name, official title and address of the
19 clerk shall appear on the front of the return identification envelope. The return identification en-
20 velope must contain[:]

21 *[(a) Space for the elector to sign the envelope.]*

22 *[(b) A notice stating: "IF YOU MAIL YOUR BALLOT, IT MUST BE POSTMARKED NO
23 LATER THAN THE DAY BEFORE ELECTION DAY." The statement must be printed on the front
24 of the envelope. This paragraph does not apply to ballots mailed to long term absent electors as defined
25 in ORS 253.510.]*

26 *[(c) Space for the elector to indicate the date the ballot was voted.]*

27 *[(d) A summary of the applicable penalties for knowingly making a false statement, oath or affi-
28 davit under the election laws. The summary shall be printed immediately adjacent to the space for the
29 elector's signature.]*

30 *[(e)]* a statement to be signed by the absent elector, stating that the elector:

31 *[(A)]* (a) Is qualified to vote;

32 *[(B)]* (b) Unless prevented by physical disability, has personally marked the ballot; and

33 *[(C)]* (c) Has not unnecessarily exhibited the marked ballot to any other person.

34 (5) Notwithstanding subsections (1) and (2) of this section, if the county clerk receives an ap-
35 plication for an absentee ballot after the fifth day before an election, the county clerk need not mail
36 the ballot for that election but may deliver the ballot by making it available in the office of the
37 clerk.

38 (6) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not
39 received by the elector. The county clerk shall keep a record of each replacement ballot provided
40 under this subsection.

41 (7) A replacement ballot may be mailed or shall be made available in the office of the county
42 clerk.

43 (8) If the county clerk determines that an elector to whom a replacement ballot has been issued
44 at the request of the elector has voted more than once, the county clerk shall not count any ballot
45 cast by the elector. If the county clerk is required to reissue ballots due to a change on the ballot

1 for any reason, that ballot shall be counted in lieu of any previous ballot issued unless:

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

3 (b) The county clerk issued a supplemental ballot that is not a complete replacement of the or-
4 iginal ballot.

5 **SECTION 16. The amendments to ORS 253.065 by section 15 of this 2009 Act become op-
6 erative on January 2, 2014.**

7 **SECTION 17.** ORS 253.070, as amended by section 3 of this 2009 Act, is amended to read:

8 253.070. (1) Upon receipt of a ballot the absent elector shall mark it and comply with the in-
9 structions provided with the ballot. The absent elector may return the marked ballot to the office
10 of the clerk, by any appropriate means.

11 (2) *[If the absent elector returns the marked ballot by any means other than by mail,] The ballot
12 must be received by a county clerk not later than 8 p.m. of the day of the election.*

13 *[(3) If the absent elector returns the marked ballot by mail, the absent elector must provide the
14 postage and:]*

15 *[(a) The ballot must be received by a county clerk not later than 8 p.m. of the day of the election;
16 or]*

17 *[(b) The ballot must be postmarked not later than the day before the date of the election and re-
18 ceived by a county clerk not later than seven calendar days after the date of the election. The postmark
19 requirement of this paragraph does not apply to ballots returned by long term absent electors as defined
20 in ORS 253.510.]*

21 *[(4)(a) If the elector returns the marked ballot by mail, and the postmark is not present or legible,
22 the ballot shall be considered to be postmarked on the date the ballot was voted as indicated by the
23 elector on the return identification envelope.]*

24 *[(b) If a ballot is received by the county clerk by mail after the date of the election, the ballot may
25 not be counted if:]*

26 *[(A) The postmark is not present or legible; and]*

27 *[(B) The elector has not indicated on the return identification envelope the date that the ballot was
28 voted.]*

29 *[(c) The Secretary of State may adopt rules necessary to implement this subsection.]*

30 *[(5)] (3) If a county clerk receives a marked ballot for an elector who does not reside in the
31 clerk's county, the ballot shall be forwarded to the county clerk of the county in which the elector
32 resides not later than the eighth day after the election.*

33 **SECTION 18. The amendments to ORS 253.070 by section 17 of this 2009 Act become op-
34 erative on January 2, 2014.**

35 **SECTION 19.** ORS 254.485, as amended by section 4 of this 2009 Act, is amended to read:

36 254.485. (1) Ballots may be tallied by a vote tally system or by a counting board. A counting
37 board may tally ballots at the precinct or in the office of the county clerk. In any event, the ballots
38 shall be tallied and returned by precinct.

39 (2) If a vote tally system is used, the county clerk shall repeat the public certification test de-
40 scribed under ORS 254.235 (1). The test shall be conducted on the date of the election and prior to
41 beginning the tally of ballots. The test may be observed by persons described in ORS 254.235 (2).
42 The county clerk shall certify the results of the test.

43 (3) If a vote tally system is used or if a counting board has been appointed, the tally of ballots
44 may begin on the date of the election.

45 (4)(a) If ballots are tallied by a counting board, after the tally has begun it shall continue until

1 completed. Except as provided in paragraph (b) of this subsection, a counting board shall tally
 2 without adjournment and in the presence of the clerks and persons authorized to attend.

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

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

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

8 (a) Enter the ballots cast using the machine into the vote tally system; and

9 (b) In the event of a recount, provide the paper record copy recorded by the machine to the
 10 counting board.

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

13 *[(8) If ballots are received after the date of the election, the county clerk shall announce the status
 14 of the tally of the ballots received after the date of the election on the third and eighth calendar days
 15 after the date of the election.]*

16 **SECTION 20. The amendments to ORS 254.485 by section 19 of this 2009 Act become op-**
 17 **erative on January 2, 2014.**

18 **SECTION 21.** ORS 254.545, as amended by section 5 of this 2009 Act, is amended to read:

19 254.545. Subject to ORS 254.548, the county clerk:

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

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

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

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

30 (5) Shall prepare and deliver a certificate of nomination or election to each candidate having
 31 the most votes for nomination for or election to county or precinct offices.

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

35 **SECTION 22. The amendments to ORS 254.545 by section 21 of this 2009 Act become op-**
 36 **erative on January 2, 2014.**

37 **SECTION 23.** ORS 254.546, as amended by section 6 of this 2009 Act, is amended to read:

38 254.546. (1) In the case of a recall election held on a date other than the date of the primary
 39 election or general election, the county clerk shall prepare an abstract of the votes and deliver it
 40 to the elections official authorized to order the recall election not later than the [27th] **20th** day
 41 after the election.

42 (2) Except as provided in subsection (3) of this section, for purposes of section 18, Article II,
 43 Oregon Constitution, the result of the recall election referred to in subsection (1) of this section
 44 shall be considered officially declared on the date the abstract of the votes is delivered.

45 (3) If the elections official authorized to order the recall election is the Secretary of State, the

1 Secretary of State shall officially declare the result of the election not later than the [35th] 30th
 2 day after the election.

3 **SECTION 24. The amendments to ORS 254.546 by section 23 of this 2009 Act become op-**
 4 **erative on January 2, 2014.**

5 **SECTION 25.** ORS 254.555, as amended by section 7 of this 2009 Act, is amended to read:

6 254.555. (1) Except as provided in ORS 254.548, not later than the [35th] 30th day after any
 7 election, the Secretary of State, regarding offices for which the secretary receives filings for nomi-
 8 nation, shall:

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

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

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

16 (d) Issue a proclamation declaring the election of candidates to the offices.

17 (2) Not later than the [35th] 30th day after the election:

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

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

24 **SECTION 26. The amendments to ORS 254.555 by section 25 of this 2009 Act become op-**
 25 **erative on January 2, 2014.**

26 **SECTION 27.** ORS 254.565, as amended by section 8 of this 2009 Act, is amended to read:

27 254.565. Subject to ORS 254.548, the chief city elections officer:

28 (1) After the primary election, shall enter in a register of nominations:

29 (a) The name of each candidate for city office nominated at the primary election.

30 (b) The office for which the candidate is nominated.

31 (c) If applicable, the name of the major political party nominating the candidate.

32 (d) The date of the entry.

33 (2) After the general election, shall prepare and deliver a certificate of election to each qualified
 34 candidate having the most votes for election to a city office.

35 (3) Not later than the [35th] 30th day after any election, shall canvass the vote on each city
 36 measure, and if two or more of the approved measures contain conflicting provisions, proclaim which
 37 is paramount.

38 **SECTION 28. The amendments to ORS 254.565 by section 27 of this 2009 Act become op-**
 39 **erative on January 2, 2014.**

40 **SECTION 29.** ORS 254.529, as amended by section 9 of this 2009 Act, is amended to read:

41 254.529. (1) At each general election, the county clerk shall conduct a hand count of ballots as
 42 described in this section and compare the tally of votes for those ballots produced by a vote tally
 43 system with the tally of votes for those ballots produced by the hand count.

44 (2)(a) In the event that the unofficial tally of ballots produced by a vote tally system reveals that
 45 the margin of victory between the two candidates receiving the largest number of votes in the

1 county is less than one percent of the total votes cast in that election in the county, the county
 2 clerk shall conduct a hand count of ballots in at least 10 percent of all precincts or of ballots in
 3 at least 10 percent of all batches of ballots collected by the county clerk.

4 (b) In the event that the unofficial tally of ballots reveals that the margin of victory between
 5 the two candidates receiving the largest number of votes in the county is greater than or equal to
 6 one percent but less than two percent of the total votes cast in the county, the county clerk shall
 7 conduct a hand count of ballots in at least five percent of all precincts or of ballots in at least five
 8 percent of all batches of ballots collected by the county clerk.

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

14 (3) The Secretary of State shall select the precincts at random. At the general election, no fewer
 15 than 150 ballots must have been cast in at least one of the precincts selected. The county clerk shall
 16 conduct a hand count of ballots cast in the election contest between the two candidates receiving
 17 the largest number of votes in the county, an election contest for a state office and, if possible, an
 18 election contest for a state measure.

19 (4) Not later than the day after the date of the general election, the Secretary of State shall
 20 advise county clerks in writing of:

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

22 (b) The precincts in which ballots are to be hand counted.

23 (5) A county clerk shall begin the hand counts prescribed by this section not later than the
 24 [27th] 20th day after the election and complete the hand counts not later than the [35th] 30th day
 25 after the election. The results of the hand counts shall be provided to the Secretary of State, who
 26 shall make the results publicly available on the Secretary of State's website.

27 (6) The county clerk shall conduct the hand counts required by this section in the manner pro-
 28 vided in ORS 258.200 and 258.211.

29 (7) A comparison of the tally of votes produced by a vote tally system with the tally of votes
 30 produced by the hand count required by this section must show that the tally of votes produced by
 31 the vote tally system differs by no more than one-half of one percent from the tally of votes
 32 produced by the hand count.

33 (8)(a) If a hand count conducted under this section results in a tally of votes for a candidate or
 34 measure that is different from the tally of votes produced by the vote tally system for that candidate
 35 or measure, and the difference for each race is equal to or less than one-half of one percent, the
 36 tally of votes produced by the vote tally system is the official tally of votes for that vote tally sys-
 37 tem.

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

42 (c) If the second hand count conducted under this subsection results in a tally of votes for a
 43 candidate or measure that is different from the tally of votes produced by the vote tally system for
 44 that candidate or measure, and the difference for each race is equal to or less than one-half of one
 45 percent, the tally of votes produced by the vote tally system is the official tally of votes for that

1 vote tally system.

2 (d) If the second hand count conducted under this subsection results in a tally of votes for a
 3 candidate or measure that is different from the tally of votes produced by the vote tally system for
 4 that candidate or measure, and the difference in any race is greater than one-half of one percent,
 5 the county clerk shall conduct a hand count of all ballots counted by that vote tally system. The
 6 hand count is the official tally of votes for that vote tally system. If the hand count is the official
 7 tally of votes, not later than the [35th] 30th day after the election, the county clerk shall certify
 8 amended abstracts of votes to appropriate elections officials.

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

11 (a) Retain custody of the ballots; and

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

14 (10) Subsections (1) to (9) of this section do not apply if federal law requires a post-election hand
 15 count of ballots at the general election to verify election results and the Secretary of State deter-
 16 mines that the requirements of federal law are at least as stringent as the requirements of sub-
 17 sections (1) to (9) of this section.

18 **SECTION 30. The amendments to ORS 254.529 by section 29 of this 2009 Act become op-**
 19 **erative on January 2, 2014.**

20 **SECTION 31.** ORS 254.548, as amended by section 10 of this 2009 Act, is amended to read:

21 254.548. (1) An individual nominated or elected to a public office by write-in votes shall sign and
 22 file a form indicating that the individual accepts the nomination or office before the filing officer
 23 may issue a certificate of nomination or election. The Secretary of State by rule shall prescribe the
 24 form to be used under this section.

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

26 (a) Not later than the [35th] 30th day after the election, the filing officer shall prepare and de-
 27 liver the form described in subsection (1) of this section to the individual;

28 (b) Not later than the 45th day after the election, if the individual accepts the nomination or
 29 office, the individual shall sign and file the form with the filing officer; and

30 (c) Not later than the 50th day after the election, if the individual files the form by the deadline
 31 specified in paragraph (b) of this subsection, the filing officer shall prepare and deliver a certificate
 32 of nomination or election to the individual and, if applicable, issue a proclamation declaring the
 33 election of the candidate to the office.

34 **SECTION 32. The amendments to ORS 254.548 by section 31 of this 2009 Act become op-**
 35 **erative on January 2, 2014.**

36 **SECTION 33.** ORS 255.295, as amended by section 11 of this 2009 Act, is amended to read:

37 255.295. (1) Not later than the [27th] 20th day after the date of an election, the county clerk
 38 shall prepare an abstract of the votes and deliver it to the district elections authority. Not later
 39 than the [35th] 30th day after receiving the abstract the district elections authority shall determine
 40 from it the result of the election.

41 (2) Subject to ORS 254.548, the county clerk may issue a certificate of election only after the
 42 district elections authority has notified the county clerk in writing of the result of the election. The
 43 notification to the county clerk shall contain a statement indicating whether any candidate elected
 44 to district office is qualified to hold the office.

45 **SECTION 34. The amendments to ORS 255.295 by section 33 of this 2009 Act become op-**

1 **erative on January 2, 2014.**

2 **SECTION 35.** ORS 260.695, as amended by section 12 of this 2009 Act, is amended to read:

3 260.695. (1) A person may not print or circulate an imitation of the ballot or sample ballot, or
 4 a portion of the ballot or sample ballot, which contains information which will not appear, or deletes
 5 information which will appear, on the ballot or sample ballot, or that portion of the ballot or sample
 6 ballot, unless the imitation of the ballot or sample ballot, or portion of the ballot or sample ballot,
 7 contains the following statement in bold type: “NOT FOR OFFICIAL USE.” This subsection does
 8 not prohibit the printing or circulation of an imitation of a ballot which illustrates the manner in
 9 which a candidate’s name may be written in for an office.

10 (2) A person may not do any electioneering, including circulating any cards or handbills, or so-
 11 liciting of signatures to any petition, within any building in which any state or local government
 12 elections office designated for the deposit of ballots under ORS 254.470 is located, or within 100 feet
 13 measured radially from any entrance to the building. A person may not do any electioneering by
 14 public address system located more than 100 feet from an entrance to the building if the person is
 15 capable of being understood within 100 feet of the building. The electioneering need not relate to
 16 the election being conducted. This subsection applies during the period beginning on the date that
 17 ballots are mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or
 18 when all persons waiting in line at the building who began the act of voting as described in ORS
 19 254.470 [(12)] (10) by 8 p.m. have finished voting.

20 (3) A person may not obstruct an entrance of a building in which ballots are issued or a place
 21 designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS
 22 254.474 is located. This subsection applies during the period beginning on the date that ballots are
 23 mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all
 24 persons waiting in line at the building or location who began the act of voting as described in ORS
 25 254.470 [(12)] (10) by 8 p.m. have finished voting.

26 (4) A person may not vote or offer to vote in any election knowing the person is not entitled
 27 to vote.

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

29 (6) A person, except an elections official in performance of duties or another person providing
 30 assistance to an elector as described in ORS 254.445, may not ask a person at any place designated
 31 for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472 or 254.474
 32 for whom that person intends to vote, or examine or attempt to examine the person’s ballot.

33 (7) A person may not show the person’s own marked ballot to another person to reveal how it
 34 was marked.

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

37 (9) A person, except an elections official in performance of duties, may not do anything to a
 38 ballot to permit identification of the person who voted.

39 (10) An elector may not willfully leave at any place designated for the deposit of ballots under
 40 ORS 254.470 or at any location described in ORS 254.472 or 254.474 anything that will show how the
 41 elector’s ballot was marked.

42 (11) A person, except an elections official in performance of duties, may not remove a ballot
 43 from any place designated for the deposit of ballots under ORS 254.470 or any location described in
 44 ORS 254.472 or 254.474.

45 (12) A person, except an elections official in performance of duties or a person authorized by

1 that official, may not willfully deface, remove, alter or destroy a posted election notice.

2 (13) A person, except an elections official in performance of duties, may not willfully remove,
 3 alter or destroy election equipment or supplies, or break the seal or open any sealed package con-
 4 taining election supplies.

5 (14) A person, except an elections official in performance of duties, may not provide elections
 6 advice or attempt to collect voted ballots within any building in which any state or local govern-
 7 ment elections office designated for the deposit of ballots under ORS 254.470 is located, or within
 8 100 feet measured radially from any entrance to the building.

9 (15) A person, except an elections official in performance of duties, may not establish a location
 10 to collect ballots voted by electors unless:

11 (a) The person prominently displays at the location a sign stating: "NOT AN OFFICIAL BAL-
 12 LOT DROP SITE"; and

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

14 **SECTION 36. The amendments to ORS 260.695 by section 35 of this 2009 Act become op-**
 15 **erative on January 2, 2014.**

16 **SECTION 37. The amendments to ORS 253.065, 253.070, 254.470, 254.485, 254.529, 254.545,**
 17 **254.546, 254.548, 254.555, 254.565, 255.295 and 260.695 by sections 1 to 12 of this 2009 Act become**
 18 **operative on March 10, 2010.**

19 **SECTION 38. (1) The Secretary of State and county clerks may take any action before**
 20 **the operative date of the amendments to ORS 253.065, 253.070, 254.470, 254.485, 254.529,**
 21 **254.545, 254.546, 254.548, 254.555, 254.565, 255.295 and 260.695 by sections 1 to 12 of this 2009**
 22 **Act that is necessary to enable the secretary and county clerks to exercise, on and after the**
 23 **operative date of the amendments to ORS 253.065, 253.070, 254.470, 254.485, 254.529, 254.545,**
 24 **254.546, 254.548, 254.555, 254.565, 255.295 and 260.695 by sections 1 to 12 of this 2009 Act, all**
 25 **the duties, functions and powers conferred on the secretary and county clerks by the**
 26 **amendments to ORS 253.065, 253.070, 254.470, 254.485, 254.529, 254.545, 254.546, 254.548, 254.555,**
 27 **254.565, 255.295 and 260.695 by sections 1 to 12 of this 2009 Act.**

28 **(2) The Secretary of State and county clerks may take any action before the operative**
 29 **date of the amendments to ORS 253.065, 253.070, 254.470, 254.485, 254.529, 254.545, 254.546,**
 30 **254.548, 254.555, 254.565, 255.295 and 260.695 by sections 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33**
 31 **and 35 of this 2009 Act that is necessary to enable the secretary and county clerks to exer-**
 32 **cise, on and after the operative date of the amendments to ORS 253.065, 253.070, 254.470,**
 33 **254.485, 254.529, 254.545, 254.546, 254.548, 254.555, 254.565, 255.295 and 260.695 by sections 13,**
 34 **15, 17, 19, 21, 23, 25, 27, 29, 31, 33 and 35 of this 2009 Act, all the duties, functions and powers**
 35 **conferred on the secretary and county clerks by the amendments to ORS 253.065, 253.070,**
 36 **254.470, 254.485, 254.529, 254.545, 254.546, 254.548, 254.555, 254.565, 255.295 and 260.695 by**
 37 **sections 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33 and 35 of this 2009 Act.**

38 **SECTION 39. This 2009 Act being necessary for the immediate preservation of the public**
 39 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
 40 **on its passage.**