

House Bill 2244

Sponsored by Representative DAVIS; Representative CLEM, Senator JOHNSON (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**.

Synchronizes time period when voters' pamphlet is mailed to electors with period when ballots are mailed to electors. Requires Secretary of State to coordinate with county clerk to ensure, to extent practicable, voters' pamphlets and ballots are mailed on same date.

A BILL FOR AN ACT

1
2 Relating to mailing of elections materials to electors; creating new provisions; and amending ORS
3 251.175, 253.005 and 254.470.

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

5 **SECTION 1.** ORS 251.175 is amended to read:

6 251.175. (1) Except as provided in subsection (2) of this section, not [*later*] **sooner** than the 20th
7 day before a primary election, general election or special election for which a voters' pamphlet has
8 been prepared, **and not later than the 18th day before the date of any such election**, the Sec-
9 retary of State shall cause the voters' pamphlet to be mailed to each post-office mailing address in
10 Oregon, and shall use any additional means of distribution necessary to make the pamphlet available
11 to electors.

12 (2) For any special election described in ORS 251.022 that is not held statewide, or for any other
13 state special election that is not held statewide, the Secretary of State by rule may prescribe
14 methods for distributing the voters' pamphlet prepared for the election. The rule shall require the
15 secretary to mail the pamphlet to at least each elector whose registration is determined to be active
16 on the 21st day before the date of the election and who is eligible to vote in the election. The rule
17 may specify other methods of distribution.

18 **(3) The Secretary of State shall coordinate with the county clerk to ensure that, to the**
19 **extent practicable**, voters' pamphlets [*prepared for the election shall be*] **are** mailed [*not later than*]
20 **on the same date as** ballots are mailed to electors as provided in ORS 254.470.

21 **SECTION 2.** ORS 254.470 is amended to read:

22 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
23 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
24 dates and times the places of deposit must be open and the security requirements for the places of
25 deposit. At a minimum, the places designated under this section shall be open on the date of the
26 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
27 of deposit designated under this section, the county clerk shall prominently display a sign stating
28 that the location is an official ballot drop site.

29 (2)(a) Except as provided in [*paragraphs (b) and (c)*] **paragraph (b)** of this subsection, the county
30 clerk shall mail by nonforwardable mail an official ballot with a return identification envelope and
31 a secrecy envelope not sooner than the 20th day before the date of an election and not later than

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 [14th] **18th** day before the date of the election, to each active elector of the electoral district
 2 as of the 21st day before the date of the election.

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

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

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

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

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

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

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

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

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

33
 34
 35 Any person who, by use of force or other means, unduly influences an elector to vote in any
 36 particular manner or to refrain from voting is subject to a fine.

37
 38
 39 **(6)(a)** Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
 40 the return identification envelope supplied with the ballot and comply with the instructions provided
 41 with the ballot.

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

45 **(c)** The ballot must be returned in the return identification envelope. If the elector returns the

1 ballot by mail, the elector must provide the postage.

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

5 (e) A ballot must be received at the office of the county clerk, at the designated place of deposit
 6 or at any location described in ORS 254.472 or 254.474 not later than the end of the period deter-
 7 mined under subsection (1) of this section on the date of the election.

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

16 (8) A ballot shall be counted only if:

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

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

19 (c) The signature is verified as provided in subsection (9) of this section.

20 (9) The county clerk shall verify the signature of each elector on the return identification en-
 21 velope with the signature on the elector's registration card, according to the procedure provided by
 22 rules adopted by the Secretary of State. If the county clerk determines that an elector to whom a
 23 replacement ballot has been issued has voted more than once, the county clerk shall count only one
 24 ballot cast by that elector.

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

29 **SECTION 3.** ORS 253.005 is amended to read:

30 253.005. As used in this chapter:

31 (1) "Clerk" means the county clerk.

32 (2) "County clerk" means the county clerk or the county official in charge of elections.

33 (3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-
 34 tution.

35 (4) "Absent elector" means a person to whom the county clerk has issued a ballot prior to the
 36 date that ballots are mailed to electors as provided in ORS 254.470 (2)(a) [*or (b)*].

37 **SECTION 4. The amendments to ORS 251.175, 253.005 and 254.470 by sections 1 to 3 of this**
 38 **2015 Act apply to elections held on or after the effective date of this 2015 Act.**