

HB 3291 A STAFF MEASURE SUMMARY**Carrier:** Rep. Rayfield**House Committee On Rules**

Action Date: 05/14/21
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 4-3-0-0
Yeas: 4 - Fahey, Holvey, Salinas, Smith Warner
Nays: 3 - Bonham, Drazan, Zika
Fiscal: Fiscal impact issued
Revenue: No revenue impact
Prepared By: Melissa Leoni, LPRO Analyst
Meeting Dates: 4/8, 5/14

WHAT THE MEASURE DOES:

Allows ballot returned by mail to have postal indicator showing that ballot was mailed not later than date of election and received by county clerk not later than seven calendar days after election date. Establishes requirements for return identification envelope to include signature of elector, signature attestation, and summary of penalties for knowingly making a false statement, oath, or affidavit under election laws. Establishes return identification envelope provisions for military or overseas electors. Considers ballot to be mailed on election date if postal indicator is not present or legible and ballot is received not later than seven days after election. Requires ballots returned by means other than mail to be received by 8 p.m. on election day. Authorizes Secretary of State (SOS) to establish by rule procedure for announcing the status of tally of ballots received after date of election. Extends certain deadlines for county clerks and SOS after election and deadline to disprove challenged ballot for missing or not matching signature. Changes election date from second Tuesday in September to fourth Tuesday in August. Allows county clerks to open return identification envelopes of ballots and secrecy envelopes and begin scanning ballots into vote tally system upon receipt. Repeals provision allowing omission of city, county, or district measure ballot title, explanatory statement, and all arguments from a county voters' pamphlet. Applies to elections held on or after January 1, 2022.

ISSUES DISCUSSED:

- Addressing Secretary of State technical issues
- Extension of challenged ballot period as a result of extending time period to receive ballots
- Evolution of the starting date to open ballots from election day to seven days prior to upon receipt
- Use of postal indicator
- Impact to candidates
- Current perception that voters can mail ballots on election day

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

In Oregon, ballots must be received by the county, either through the mail or at a drop site within the county, by 8:00 p.m. on the day of the election. The date on the postmark does not count. If a voter uses a ballot drop site in a county other than the one in which they are registered, elections officials mark the ballots as received “on time” and forward them to the appropriate county. Oregon is one of 32 states that require ballots (either vote-by-mail or absentee) to be returned on election day to be counted. Other states have different requirements for counting ballots, including postmarks by election day and receipt within a certain number of days after election day.

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After election day, county elections officials resolve outstanding ballot issues, compile results, validate outcomes, and transmit results to the Secretary of State. Counties certify certain results not later than 20 days after election day. The Secretary of State must certify certain election results not later than 30 days following the election.

House Bill 3291 A continues to require a ballot returned in person or through a drop site to be received by 8 p.m. on election day, but allows a ballot returned by mail to have a postal indicator showing that the ballot was mailed on election day if it is received within seven days by the county clerk. The measure makes conforming changes to the requirements for return identification envelopes for all electors; extends certain election deadlines; changes the September election date to the fourth Tuesday in August; and allows county clerks to open the return identification envelopes and begin scanning ballots into the vote tally system upon receipt.