

HB 3291 B STAFF MEASURE SUMMARY**Carrier:** Sen. Girod**Senate Committee On Rules****Minority Report****Action Date:** 06/17/21**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.) Minority**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Report Signers:** Sen. Fred Girod, Sen. Kim Thatcher**Prepared By:** Leslie Porter, LPRO Analyst**Meeting Dates:** 6/8, 6/15, 6/17**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. Requires ballot to be considered challenged and counted only if elector provides evidence proving ballot was mailed not later than 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. 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:

- United States Postal Service (USPS) indicators on mail, including date stamps versus time stamps and smudged or illegible indicators
- USPS mail pickup times from blue drop boxes
- How the USPS processes mail
- Free and fair elections

EFFECT OF AMENDMENT:

Removes ability for county clerk to begin opening and tallying ballots upon receipt. Removes provision allowing ballot returned by mail with postal indicator that is not present or legible to be considered mailed on election date and counted if received no later than seven calendar days after election date and instead requires that ballot be considered challenged and counted only if elector provides evidence proving ballot was mailed not later than election date. Adds definition for postal indicator.

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 MRB 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 requires ballots mailed on election day that do not have a postal indicator present or those with a post indicator that is not legible to be considered challenged.