

## SENATE MINORITY REPORT AMENDMENTS TO A-ENGROSSED HOUSE BILL 3291

By Nonconcurring Members of COMMITTEE ON RULES

June 22

1 On page 1 of the printed A-engrossed bill, line 3, delete “254.478,”.

2 In line 4, delete “and” and insert a comma.

3 In line 5, after “294.474” insert “and 450.905”.

4 On page 3, delete lines 24 through 26 and insert:

5 “(8) If the elector returns the ballot by mail, and a postal indicator is not present or legible, the  
6 ballot shall be considered a challenged ballot and may be counted only if the elector provides evi-  
7 dence sufficient to prove that the ballot was mailed not later than the date of the election in the  
8 manner provided in ORS 254.431.”.

9 On page 5, delete lines 30 through 32 and insert:

10 “(4) If the elector returns the ballot by mail, and a postal indicator is not present or legible, the  
11 ballot shall be considered a challenged ballot and may be counted only if the elector provides evi-  
12 dence sufficient to prove that the ballot was mailed not later than the date of the election in the  
13 manner provided in ORS 254.431.”.

14 On page 13, delete lines 4 through 7 and insert:

15 “(4) If a military or overseas elector returns the ballot by mail, and a postal indicator is not  
16 present or legible, the ballot shall be considered a challenged ballot and may be counted only if the  
17 elector provides evidence sufficient to prove that the ballot was mailed not later than the date of  
18 the election in the manner provided in ORS 254.431.”.

19 Delete lines 10 through 37 and insert:

20 “**SECTION 16.** ORS 254.431 is amended to read:

21 “254.431. (1) If a ballot is challenged because it is returned in an unsigned return identification  
22 envelope, [*or*] because the signature of an elector on a return identification envelope does not match  
23 the signature in the voter registration record for the elector **or because the ballot was returned**  
24 **by mail and a postal indicator is not present or legible**, the county clerk shall mail to the elector  
25 a notice that describes the nature of the challenge. The Secretary of State shall design a standard  
26 form to be used in all notifications sent by county clerks under this subsection.

27 “(2)(a) In order for the vote of the elector to be counted, the elector must provide evidence  
28 sufficient to disprove the challenge not later than the [*14th*] **21st** calendar day after the date of the  
29 election. In the case of an unsigned return identification envelope **or a mailed ballot on which a**  
30 **postal indicator is not present or legible**, providing sufficient evidence may include completing a  
31 certified statement on a form provided by the county clerk. The Secretary of State shall design a  
32 standard form to be used for certified statements made under this paragraph.

33 “(b) If the elector does not provide evidence sufficient to disprove a challenge alleging that the  
34 signature of the elector on a return identification envelope does not match the signature in the

1 voter registration record for the elector by the [14th] 21st calendar day after the date of the  
2 election, the registration of the elector shall be considered inactive.

3 “(3)(a) The filing officer may not release as a public record any information that could be used  
4 to identify an elector whose ballot has been challenged under this section until the [eighth] 15th  
5 calendar day after the date of an election.

6 “(b) Following the [seventh] 14th calendar day after the date of an election, the filing officer  
7 may disclose as a public record under ORS 192.311 to 192.478 the following information about each  
8 elector whose ballot was challenged under this section:

9 “(A) The name of the elector;

10 “(B) The residence addresses of the elector; and

11 “(C) The reason the elector’s ballot is being challenged.

12 “(4) As used in this section[,]:

13 “(a) ‘Filing officer’ means:

14 “[a)](A) The Secretary of State, for federal or statewide elections and for elections to the office  
15 of state Senator or Representative; or

16 “[b)] (B) The county clerk, for county, city or district elections.

17 “(b) ‘Postal indicator’ has the meaning given that term in ORS 254.470.”.

18 On page 16, delete lines 4 through 12 and insert:

19 “**NOTE:** Section 22 was deleted by amendment. Subsequent sections were not renumbered.”.

20 On page 18, line 24, delete “254.478,”.

21 In line 25, delete “and 294.474” and insert “, 294.474 and 450.905”.

22 /s/ Fred Girod  
23 Senator

24 /s/ Kim Thatcher  
25 Senator

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