

Requested by Senator GIROD

**PROPOSED MINORITY REPORT AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3291**

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
6 present or legible, the ballot shall be considered a challenged ballot and may
7 be counted only if the elector provides evidence sufficient to prove that the
8 ballot was mailed not later than the date of the election in the manner pro-
9 vided in ORS 254.431.”.

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

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

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

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

1 Delete lines 10 through 37 and insert:

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

3 “254.431. (1) If a ballot is challenged because it is returned in an unsigned
4 return identification envelope, [*or*] because the signature of an elector on a
5 return identification envelope does not match the signature in the voter
6 registration record for the elector **or because the ballot was returned by**
7 **mail and a postal indicator is not present or legible**, the county clerk
8 shall mail to the elector a notice that describes the nature of the challenge.
9 The Secretary of State shall design a standard form to be used in all notifi-
10 cations sent by county clerks under this subsection.

11 “(2)(a) In order for the vote of the elector to be counted, the elector must
12 provide evidence sufficient to disprove the challenge not later than the
13 [*14th*] **21st** calendar day after the date of the election. In the case of an un-
14 signed return identification envelope **or a mailed ballot on which a postal**
15 **indicator is not present or legible**, providing sufficient evidence may in-
16 clude completing a certified statement on a form provided by the county
17 clerk. The Secretary of State shall design a standard form to be used for
18 certified statements made under this paragraph.

19 “(b) If the elector does not provide evidence sufficient to disprove a
20 challenge alleging that the signature of the elector on a return identification
21 envelope does not match the signature in the voter registration record for
22 the elector by the 14th calendar day after the date of the election, the reg-
23 istration of the elector shall be considered inactive.

24 “(3)(a) The filing officer may not release as a public record any informa-
25 tion that could be used to identify an elector whose ballot has been chal-
26 lenged under this section until the [*eighth*] **15th** calendar day after the date
27 of an election.

28 “(b) Following the [*seventh*] **14th** calendar day after the date of an
29 election, the filing officer may disclose as a public record under ORS 192.311
30 to 192.478 the following information about each elector whose ballot was

1 challenged under this section:

2 “(A) The name of the elector;

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

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

5 “(4) As used in this section[,]:

6 “(a) ‘Filing officer’ means:

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

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

10 “(b) ‘Postal indicator’ has the meaning given that term in ORS
11 **254.470**.”

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

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

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

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

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