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**Postmark consideration on return ballot envelopes
Considering SB 694, HB 2226 & HB 2687**

Considering all the changes in USPS practices, the Oregon Association of County Clerks (OACC) recognizes the appeal of allowing late arriving ballots to be included in vote totals when it can be deduced that the ballot was mailed by Election Day. However, there are many things to consider before making such a significant change.

- OACC continually works with the USPS and is aware of their ongoing processing changes. The OACC is constantly evaluating these and other factors when providing instructions and messaging to voters.
- OACC acknowledges and appreciates the Oregon Legislature's restraint from implementing postmark legislation during the summer of 2020 when the OACC thought it was too close to the 2020 Presidential Election for such a change.
- Vote by Mail in Oregon is a complex system with many interconnected deadlines and dependencies.
- Vote by Mail in Oregon has been successful because of its thoughtful, measured implementation.
- Any changes to the deadline for receipt of ballots to be counted in Oregon will need to be measured against the impact to other areas of the system and our series of checks and balances.
 - For instance, widening the signature challenge period to 21 days after an election could cause unintended consequences to sets of elections where the deadlines overlap.
- If the deadline for ballots is changed so that Election Day postmarks are accepted, elections offices could still be receiving "on-time" ballots days after Election Day. Data suggests that this could mean seven days for delivery of mail ballots. All 3 (three) bills in question address this.

What does an "**Election-Day**" postmark concept offer?

- Easy for voters to understand
- Consistent with other deadlines (like filing taxes etc.)
- Consistent or similar to our neighboring states

What does a "**pre-Election-Day**" postmark concept offer?

- Consistent opportunity for a voter in Kenton or Parkrose, as a voter in Philomath or Sumpter
 - Parkrose has 31 PO locations within 10 miles – the airport PO closes at 7pm
 - Sumpter PO closes at 4pm – nearest other PO is 20 miles away and closes at 5pm
- Provides relief to those that mailed their ballot before Election Day but through not fault of their own, had their ballot arrive after the deadline
- Using the phrase "before Election Day" is an easy and understandable concept if the language was changed in the current bills to have a voter mail their ballot by the day before.

- Oregon allows voters to “cure” their signature challenges up to 14 days after Election Day. Voters relying on the postmark would have a shortened time frame for curing their challenged ballots if we are still receiving ballots seven days after Election Day. An amendment to HB 2687 may already be in process to address this concern.
- Oregon has been frequently lauded for posting timely and thorough results immediately after the polls close on election night. Results would be less complete on Election Day if we began accepting late ballots.
- By allowing voters’ ballots to count if they have their ballot postmarked by Election Day, voters living near large Post Offices will have a distinct advantage over those that do not.
- If the criterion was changed to having a postmark dated before Election Day, voters from all corners of the state would have a more similar experience and result.
- If we allow late ballots to count based on a “postmark” should we also count a late ballot that was shipped to us via a trackable delivery method from a parcel delivery firm if shipped to arrive by Election Day but got delayed midstream?
- We need to acknowledge that the term “postmark” is not the best or all-inclusive term. It may be good to include the phrase “or other postal indicator” after the word postmark. Since Oregon moved to the pre-paid postage model for returning ballots, ballots do not always receive a human readable “postmark” or cancellation mark. Many ballots go through the mail stream with no mark applied at all by the USPS. Sometimes the only mark applied by the USPS is a fluorescent orange barcode that is an “internal” mark indicating which postal machine the piece was sorted on and on what day. The three biggest drawbacks to using that mark are:
 - It takes an advanced barcode reader to read the marks
 - The data imbedded in the mark does not include the month, only the 2-digit equivalent of the day
 - If there is any break in the barcode (like when it prints over a hole in the envelope) it is unreadable. We use holes for our voters with limited vision to know where to sign their ballot.
- Counties must certify the election results 20 days after Election Day and continuing to accept ballots after Election Day could complicate that requirement. The certification date may need to be extended to account for the additional time ballots are accepted. Related to this is the state deadline to certify election results 30 days after Election Day which might also need to be changed. These deadlines have been addressed in all three bills. We need to keep voters educated of these changes if passed. Additional funding would help us achieve better voter education.
- There is a post-election audit that is required after every election that would need to be changed as well.
- There is no guarantee that this will help election officials count the desired amount of additional ballots. The data from other states using postmarks as a guide are sporadic and don’t match Oregon’s 20-year history of having well used ballot drop sites.
- Allowing late ballots to be counted that arrive 7 days after the election without a postal identifier could force us to accept ballots mailed days after the election. Consider how quickly ballots can move:
 - Multnomah County mailed 572,000 ballots to their voters on Wednesday 10/14/2020.
 - By Tuesday 10/21/2020 they had already received 140,442 voted ballots back in their office.
 - Yamhill County mailed 74,028 ballots to their voters on Wednesday 10/14/2020
 - By Tuesday 10/21/2020 they had already received 3,243 voted ballots back in their office).

- Mailing ballots to voters earlier (25 days instead of 20) and managing expectations about USPS service expectations could have the same effect as allowing postmarks but without the messy post-election deadline complications. This is not without front-end complications though. There might be a need to make the candidate and measure filing deadlines earlier. An amendment to HB 2687 may already be in process to address this concern.
- Some of the required text to be printed on ballot envelopes could cause voter confusion or could cause additional costs to county election offices if the added text requires the use of larger envelopes.
 - A consideration for improvement regarding required text is to have the desired impact outlined in statute but allow for implementation as guidance in administrative rule rather than in statute
 - If the ballot return envelope becomes too large:
 - It becomes harder to source enough paper for manufacturing
 - It slows the manufacturing process and increases the cost
 - It slows the addressing, inserting, and mailing processes also driving up costs
 - It pushes mail service providers into using larger trays – taking up more space
 - It increases postal costs (if the piece must mail as a “flat” instead of a “letter”)
 - It could increase the return postage rates (if the returned mail is over 2oz. per piece)
 - It could cause costly facility adjustments if Clerks need to use deeper trays
 - It slows the extraction times of voted ballots out of ballot return envelopes
 - It could eliminate one of the only two mailhouses in Oregon capable of addressing and mailing ballot packets, thus creating a monopoly and forcing several counties to either mail from an out-of-state firm or to start the mail process 40 days before each election
- The OACC encourages flexibility regarding layout and typographical requirements and input from voter accessibility groups when determining best practices for content on election-related items. If too much information is printed on a ballot return envelope, many voters overlook critical details.
- It is wasteful, expensive, and inefficient to require the printing of election-specific information onto an envelope. If election-specific information is desired, please allow us flexibility in how and where it is applied.
- It is next to impossible for Clerks to know if someone helped a person get their ballot to us.
- Oregon Clerks are always working hard to count every ballot that is eligible in every election. Thank you for your consideration of OACC’s testimony and the opportunity to submit testimony.