

# House Bill 4136

Sponsored by Representative RAYFIELD, Senator MANNING JR (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Secretary of State to establish digital voting system to allow specified electors to digitally request, receive, mark, verify and cast ballot. Specifies electors who may use digital voting system and elections in which system may be used. Establishes required components and security procedures of system.

Becomes operative on November 6, 2024.

## A BILL FOR AN ACT

1  
2 Relating to digital voting procedures; creating new provisions; and amending ORS 253.515 and  
3 255.022.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2022 Act is added to and made a part of ORS 246.520 to**  
6 **246.600.**

7 **SECTION 2. (1)(a) The Secretary of State, in consultation with county clerks, shall by**  
8 **rule establish a digital voting system that allows the use of digital voting by:**

9 (A) Any elector in a district election for which digital voting has been authorized under  
10 ORS 255.022; or

11 (B) A digitally eligible elector as defined in section 5 of this 2022 Act, for any election  
12 conducted under ORS chapter 254.

13 (b) The digital voting system established under this section must comply with all state  
14 and federal requirements for accessibility for individuals with disabilities.

15 (2) The county clerk or elections officer shall:

16 (a) Ensure that each individual who casts a ballot using the digital voting system:

17 (A) Is eligible to vote in the election for which a ballot is cast; and

18 (B) Is registered to vote in this state;

19 (b) Verify that each elector who casts a ballot using the digital voting system is the same  
20 individual whose identity is ensured under paragraph (a) of this subsection;

21 (c) Verify that the ballots of electors that are transmitted to election officials through  
22 the digital voting system are private and have not been viewed or altered during the trans-  
23 mission of the ballot information;

24 (d) Ensure that the digital voting system:

25 (A) Protects networks, devices and data from unauthorized access or criminal use; and

26 (B) Protects the confidentiality, integrity and availability of information;

27 (e) Verify that all ballots cast through the digital voting system are cast by the applicable  
28 election deadline;

29 (f) Verify that all ballots cast through the digital voting system are tallied;

30 (g) Verify that all ballots cast through the digital voting system are attributed correctly

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 to the elector who cast the vote; and

2 (h) Establish a process that enables each individual who casts a ballot using the digital  
3 voting system to confirm independently from the digital voting system that the individual's  
4 digital ballot was both recorded correctly and received as recorded.

5 (3) The digital voting system established under this section must ensure the security and  
6 integrity of elections by:

7 (a) Utilizing digital security that encrypts information over a secure network, both dur-  
8 ing the transmittal of the information and as part of the storage of the information;

9 (b) Providing for the secure identification and authentication of any information that is  
10 transmitted on the system;

11 (c) Providing protection against abuse, tampering, fraudulent use and illegal manipulation  
12 of the digital voting system by electors, election officials or unauthorized outside actors;

13 (d) Protecting the privacy, anonymity and integrity of each elector's ballot, including by  
14 verifying that all ballots cast through the system are private and secure and have not been  
15 viewed or altered by election officials, the digital voting system, officials or employees of the  
16 provider of the digital voting system or any third party such as hackers or intruders during  
17 the transmittal of the ballot information;

18 (e) Providing authorized electors with notice that their ballots were cast and received by  
19 applicable election deadlines; and

20 (f) Ensuring that no more than one ballot is tallied for any elector.

21 (4) All ballots cast by digital voting through the digital voting system established under  
22 this section must produce a paper ballot. The paper ballot produced under this subsection  
23 shall be used for all ballot tallies, recounts or audits of election results required or author-  
24 ized under ORS chapters 246 to 260.

25 (5) The Secretary of State may adopt rules necessary to implement this section.

26 (6) As used in this section:

27 (a) "Digital voting" means a voting method that enables an elector to request, receive,  
28 mark, verify and cast a ballot digitally through the use of a device connected to the Internet.

29 (b) "Elections officer" has the meaning given that term in ORS 255.005.

30 **SECTION 3.** ORS 255.022 is amended to read:

31 255.022. (1) Except as otherwise specifically provided in this section or by the law under which  
32 the district is formed or is operating, a district election shall be conducted in accordance with this  
33 chapter.

34 (2) Except as otherwise provided by this chapter, district elections shall be subject to the  
35 election laws, excluding ORS chapter 251 providing for voters' pamphlets unless specifically appli-  
36 cable, and shall be conducted as nearly as practicable as are general elections.

37 (3) Except as otherwise provided by the law under which the district is formed or is operating,  
38 candidates for any elected office of a metropolitan service district organized under ORS chapter 268  
39 shall be nominated and elected in accordance with ORS chapter 249.

40 (4)(a) In addition to any other methods authorized by law, for any election conducted  
41 under this chapter, the district board may authorize the use of digital voting by any eligible  
42 elector through the digital voting system established under section 2 of this 2022 Act.

43 (b) As used in this subsection, "digital voting" has the meaning given that term in sec-  
44 tion 2 of this 2022 Act.

45 (5) The Secretary of State may adopt rules necessary to implement this section.

1       **SECTION 4.** Section 5 of this 2022 Act is added to and made a part of ORS chapter 254.

2       **SECTION 5.** (1) In addition to any other methods authorized by law, a digitally eligible  
3 elector may use the digital voting system established under section 2 of this 2022 Act to re-  
4 quest, receive, mark, verify and cast a ballot in an election conducted under the provisions  
5 of this chapter.

6       (2) As used in this section, “digitally eligible elector” means an elector who:

7       (a) Is a military or overseas elector as defined in ORS 253.510;

8       (b) Is a person with a disability as defined in ORS 124.005;

9       (c) Resides in an area in which a state of emergency was declared under ORS 401.165  
10 within 46 days of the date of the election;

11       (d) Was hospitalized within 14 days of the date of the election; or

12       (e) Receives a ballot under ORS 254.470 at a residence outside of the state of Oregon.

13       (3) The Secretary of State may adopt rules necessary to implement this section.

14       **SECTION 6.** ORS 253.515 is amended to read:

15       253.515. (1) Except as otherwise provided in ORS 253.500 to 253.640, procedures relating to  
16 military or overseas electors’ ballots shall be as nearly as possible the same as procedures for other  
17 absent electors’ ballots.

18       (2) In addition to any other methods authorized by law, for any district election or  
19 election conducted under ORS chapter 254, a military or overseas elector may use the digital  
20 voting system established under section 2 of this 2022 Act to request, receive, mark, verify  
21 and cast a ballot.

22       **SECTION 7.** Sections 2 and 5 of this 2022 Act and the amendments to ORS 253.515 and  
23 255.022 by sections 3 and 6 of this 2022 Act become operative on November 6, 2024.

24       **SECTION 8.** The Secretary of State may take any action before the operative date set  
25 forth in section 7 of this 2022 Act that is necessary for the Secretary of State to exercise,  
26 on and after the operative date set forth in section 7 of this 2022 Act, all of the duties,  
27 functions and powers conferred on the Secretary of State by sections 2 and 5 of this 2022  
28 Act and the amendments to ORS 253.515 and 255.022 by sections 3 and 6 of this 2022 Act.

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