

# DRAFT

## SUMMARY

Allows county clerk to, upon request, permit elector who is absent from electoral district during election period to obtain ballot at office of county clerk or receive ballot by mail no earlier than 43 days before date of election.

Limits requirement to list place of residence to when two or more candidates for same nomination have same first and last name, as provided in official election documents. Exempts candidates for precinct committeeperson.

## A BILL FOR AN ACT

Relating to ballots; amending ORS 254.115 and 254.470.

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

**SECTION 1.** ORS 254.470 is amended to read:

254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the designation of places of deposit for the ballots cast in an election. The rules shall also specify the dates and times the places of deposit must be open and the security requirements for the places of deposit. At a minimum, the places designated under this section shall be open on the date of the election for a period of eight or more hours, but must be open until at least 8 p.m. At each place of deposit designated under this section, the county clerk shall prominently display a sign stating that the location is an official ballot drop site.

(2)(a) Except as provided in paragraphs (b) to [(d)] (e) of this subsection, the county clerk shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope not sooner than the 20th day before the date of an election and not later than the 14th day before the date of the election, to each active elector of the electoral district as of

1 the 21st day before the date of the election.

2 (b) If the county clerk determines that an active elector of the electoral  
3 district as of the 21st day before the date of the election does not receive  
4 daily mail service from the United States Postal Service, the county clerk  
5 shall mail by nonforwardable mail an official ballot with a return identifi-  
6 cation envelope and a secrecy envelope to the elector not sooner than the  
7 20th day before the date of an election and not later than the 18th day before  
8 the date of the election.

9 (c) In the case of ballots to be mailed to addresses outside this state to  
10 electors who are not military or overseas electors, the county clerk may mail  
11 the ballots not sooner than the 29th day before the date of the election.

12 **(d) If an active elector of the electoral district requests an absentee**  
13 **ballot because the elector will be absent from the electoral district**  
14 **during the period of time described in paragraph (a) of this subsection,**  
15 **the county clerk may, if the elector's ballot is available:**

16 **(A) Allow the elector to receive the elector's ballot in-person at the**  
17 **office of the county clerk not sooner than the 43rd day before the date**  
18 **of the election; or**

19 **(B) Mail by nonforwardable mail an official ballot with a return**  
20 **identification envelope and a secrecy envelope to the elector not**  
21 **sooner than the 43rd day before the date of the election.**

22 *[(d)]* (e) The county clerk is not required to mail a secrecy envelope under  
23 this subsection if the Secretary of State has approved a different procedure  
24 under ORS 254.458 that provides substantially the same degree of secrecy.

25 (3) For an election held on the date of a primary election:

26 (a) The county clerk shall mail the official ballot of a major political  
27 party to each elector who is registered as being affiliated with the major  
28 political party as of the 21st day before the date of the election.

29 (b) The county clerk shall mail the official ballot of a major political  
30 party to an elector not affiliated with any political party if the elector has  
31 applied for the ballot as provided in this subsection and that party has pro-

1 vided under ORS 254.365 for a primary election that admits electors not af-  
2 filiated with any political party.

3 (c) An elector not affiliated with any political party who wishes to vote  
4 in the primary election of a major political party shall apply to the county  
5 clerk in writing. The application must be completed, signed and submitted  
6 by the elector electronically, in person or by mail, in a manner determined  
7 by the secretary by rule and must indicate which major political party ballot  
8 the elector wishes to receive. Except for electors described in subsection (4)  
9 of this section, and subject to ORS 247.203, the application must be received  
10 by the county clerk not later than 5 p.m. of the 21st day before the date of  
11 the election.

12 (d) If the primary election ballot includes city, county or nonpartisan of-  
13 fices or measures, the county clerk shall mail to each elector who is not el-  
14 igible to vote for party candidates a ballot limited to those offices and  
15 measures for which the elector is eligible to vote.

16 (4)(a) For each elector who updates a voter registration after the deadline  
17 in ORS 247.025, the county clerk shall make the official ballot, the return  
18 identification envelope and the secrecy envelope available either by mail or  
19 at the county clerk's office or at another place designated by the county  
20 clerk. An elector to whom this subsection applies must request a ballot from  
21 the county clerk.

22 (b) The county clerk is not required to make available a secrecy envelope  
23 under this subsection if the Secretary of State has approved a different pro-  
24 cedure under ORS 254.458 that provides substantially the same degree of se-  
25 crecy.

26 (5) The ballot shall contain the following warning:

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28 Any person who, by use of force or other means, unduly influences an  
29 elector to vote in any particular manner or to refrain from voting is subject  
30 to a fine.

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1 (6)(a) Upon receipt of any ballot described in this section, the elector  
2 shall mark the ballot, sign the return identification envelope supplied with  
3 the ballot and comply with the instructions provided with the ballot.

4 (b) The elector may return the marked ballot to the county clerk by  
5 United States mail or by depositing the ballot at the office of the county  
6 clerk, at any place of deposit designated by the county clerk or at any lo-  
7 cation described in ORS 254.472 or 254.474.

8 (c) The ballot must be returned in the return identification envelope.

9 (d) Subject to paragraph (e) of this subsection, if a person returns a ballot  
10 for an elector, the person shall deposit the ballot in a manner described in  
11 paragraph (b) of this subsection not later than two days after receiving the  
12 ballot.

13 (e) If the elector deposits the ballot at the office of the county clerk, at  
14 any place of deposit designated by the county clerk or at any location de-  
15 scribed in ORS 254.472 or 254.474, the ballot must be received at the office  
16 of the county clerk, at the designated place of deposit or at any location  
17 described in ORS 254.472 or 254.474 not later than the end of the period de-  
18 termined under subsection (1) of this section on the date of the election. If  
19 the elector returns the ballot by mail:

20 (A) The ballot must be received at the office of the county clerk not later  
21 than the end of the period determined under subsection (1) of this section  
22 on the date of the election; or

23 (B) The ballot must:

24 (i) Have a postal indicator showing that the ballot was mailed not later  
25 than the date of the election; and

26 (ii) Be received at the office of the county clerk not later than seven  
27 calendar days after the date of the election.

28 (f) If a county clerk receives a marked ballot for an elector who does not  
29 reside in the clerk's county, the ballot shall be forwarded to the county clerk  
30 of the county in which the elector resides not later than the eighth day after  
31 the election.

1 (7) The following shall appear on the return identification envelope:

2 (a) Space for the elector to sign the envelope.

3 (b) A notice designed by rule by the Secretary of State, in consultation  
4 with the county clerks, explaining that by signing the ballot the elector is  
5 attesting under penalty of perjury that the ballot was mailed no later than  
6 the date of the election.

7 (c) A summary of the applicable penalties for knowingly making a false  
8 statement, oath or affidavit under the election laws.

9 (8) If the elector returns the ballot by mail, and a postal indicator is not  
10 present or legible, the ballot shall be considered to be mailed on the date  
11 of the election and may be counted if the ballot is received no later than  
12 seven calendar days after the election.

13 (9) An elector may obtain a replacement ballot if the ballot is destroyed,  
14 spoiled, lost or not received by the elector. Replacement ballots shall be  
15 issued and processed as described in this section and ORS 254.480. The  
16 county clerk shall keep a record of each replacement ballot provided under  
17 this subsection. Notwithstanding any deadline for mailing ballots in sub-  
18 section (2) of this section, a replacement ballot may be mailed, made avail-  
19 able in the office of the county clerk or made available at one central  
20 location in the electoral district in which the election is conducted. The  
21 county clerk shall designate the central location. A replacement ballot need  
22 not be mailed after the fifth day before the date of the election.

23 (10) A ballot shall be counted only if:

24 (a) It is returned in the return identification envelope;

25 (b) The envelope is signed by the elector to whom the ballot is issued,  
26 unless a certified statement is submitted under ORS 254.431; and

27 (c) The signature is verified as provided in subsection (11) of this section.

28 (11) The county clerk shall verify the signature of each elector on the  
29 return identification envelope with the signature on the elector's registration  
30 record, according to the procedure provided by rules adopted by the Secre-  
31 tary of State. If the county clerk determines that an elector to whom a re-

1 placement ballot has been issued has voted more than once, the county clerk  
2 shall count only one ballot cast by that elector.

3 (12) At 8 p.m. on election day, electors who are at the county clerk's of-  
4 fice, a place of deposit designated under subsection (1) of this section or any  
5 location described in ORS 254.472 or 254.474 and who are in line waiting to  
6 vote or deposit a voted ballot shall be considered to have begun the act of  
7 voting.

8 (13)(a)(A) Except as provided in subparagraph (B) of this paragraph, the  
9 name of the Secretary of State may not appear in the secretary's official  
10 capacity on the return identification envelope or on any instructions or ma-  
11 terials included with the ballot if the secretary is a candidate in the election  
12 for which the ballot is printed.

13 (B) This paragraph does not prohibit the name of the Secretary of State  
14 from appearing in the secretary's official capacity in the voters' pamphlet.

15 (b) The name of the county clerk or other filing officer may not appear  
16 in the official capacity of the county clerk or filing officer on the return  
17 identification envelope or on any instructions or materials included with the  
18 ballot if the county clerk or filing officer is a candidate in the election for  
19 which the ballot is printed.

20 (c) As used in this subsection, "filing officer" has the meaning given that  
21 term in ORS 254.165.

22 (14) As used in this section, "postal indicator" means a postmark or other  
23 indicator on a mailed ballot, identified by the Secretary of State by rule, that  
24 demonstrates the date or time at which a ballot was mailed.

25 **SECTION 2.** ORS 254.115 is amended to read:

26 254.115. (1) The official primary election ballot shall be styled "Official  
27 Primary Nominating Ballot for the \_\_\_\_\_ Party." and shall state:

28 (a) The name of the county for which it is intended.

29 (b) The date of the primary election.

30 (c) The names of all candidates for nomination at the primary election  
31 whose nominating petitions or declarations of candidacy have been made and

1 filed, and who have not died, withdrawn or become disqualified.

2 (d) The names of candidates for election as precinct committeeperson.

3 (e) The names of candidates for the party nomination for President of the  
4 United States who qualified for the ballot under ORS 249.078.

5 (2) The primary election ballot may include any city, county or nonpar-  
6 tisan office or the number, ballot title and financial estimates under ORS  
7 250.125 of any measure.

8 (3)(a) The ballot may not contain the name of any person other than those  
9 referred to in subsections (1) and (2) of this section.

10 (b) The name of each candidate for whom a nominating petition or dec-  
11 laration of candidacy has been filed shall be printed on the ballot in but one  
12 place, except in circumstances where a candidate may hold more than one  
13 office or nomination without violating ORS 249.013.

14 (c) In the event that two or more candidates for the same nomination or  
15 office have the same [*or similar surnames*] **first name and last name, as**  
16 **indicated on the declarations of candidacy or nominating petitions of**  
17 **the candidates**, the location of their places of residence shall be printed  
18 with their names to distinguish one from another. **This paragraph does not**  
19 **apply to candidates for precinct committeeperson.**

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