

House Bill 2222

Sponsored by Representative MANNIX (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 ballots returned by mail to be received by date of election.

A BILL FOR AN ACT

1
2 Relating to ballot return date; creating new provisions; amending ORS 253.065, 253.070, 253.585,
3 253.690, 254.408, 254.458, 254.470, 254.485 and 260.695.

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

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

6 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
7 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
8 dates and times the places of deposit must be open and the security requirements for the places of
9 deposit. At a minimum, the places designated under this section shall be open on the date of the
10 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
11 of deposit designated under this section, the county clerk shall prominently display a sign stating
12 that the location is an official ballot drop site.

13 (2)(a) Except as provided in paragraphs (b) to (d) of this subsection, the county clerk shall mail
14 by nonforwardable mail an official ballot with a return identification envelope and a secrecy envel-
15 ope not sooner than the 20th day before the date of an election and not later than the 14th day
16 before the date of the election, to each active elector of the electoral district as of the 21st day
17 before the date of the election.

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

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

26 (d) The county clerk is not required to mail a secrecy envelope under this subsection if the
27 Secretary of State has approved a different procedure under ORS 254.458 that provides substantially
28 the same degree of secrecy.

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

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

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 (b) The county clerk shall mail the official ballot of a major political party to an elector not
 2 affiliated with any political party if the elector has applied for the ballot as provided in this sub-
 3 section and that party has provided under ORS 254.365 for a primary election that admits electors
 4 not affiliated with any political party.

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

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

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

20 (b) The county clerk is not required to make available a secrecy envelope under this subsection
 21 if the Secretary of State has approved a different procedure under ORS 254.458 that provides sub-
 22 stantially the same degree of secrecy.

23 (5) The ballot shall contain the following warning:
 24

25
 26 Any person who, by use of force or other means, unduly influences an elector to vote in any
 27 particular manner or to refrain from voting is subject to a fine.
 28

29
 30 (6)(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
 31 the return identification envelope supplied with the ballot and comply with the instructions provided
 32 with the ballot.

33 (b) The elector may return the marked ballot to the county clerk by United States mail or by
 34 depositing the ballot at the office of the county clerk, at any place of deposit designated by the
 35 county clerk or at any location described in ORS 254.472 or 254.474.

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

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

40 (e) *[If the elector deposits the ballot at the office of the county clerk, at any place of deposit des-*
 41 *ignated by the county clerk or at any location described in ORS 254.472 or 254.474,]* The ballot must
 42 be received at the office of the county clerk, at the designated place of deposit or at any location
 43 described in ORS 254.472 or 254.474 not later than the end of the period determined under sub-
 44 section (1) of this section on the date of the election. *[If the elector returns the ballot by mail:]*

45 *[(A) The ballot must be received at the office of the county clerk not later than the end of the period*

1 *determined under subsection (1) of this section on the date of the election; or]*

2 *[(B) The ballot must:]*

3 *[(i) Have a postal indicator showing that the ballot was mailed not later than the date of the*
4 *election; and]*

5 *[(ii) Be received at the office of the county clerk not later than seven calendar days after the date*
6 *of the election.]*

7 *[(f) If a county clerk receives a marked ballot for an elector who does not reside in the clerk's*
8 *county, the ballot shall be forwarded to the county clerk of the county in which the elector resides not*
9 *later than the eighth day after the election.]*

10 *[(7) The following shall appear on the return identification envelope:]*

11 *[(a) Space for the elector to sign the envelope.]*

12 *[(b) A notice designed by rule by the Secretary of State, in consultation with the county clerks,*
13 *explaining that by signing the ballot the elector is attesting under penalty of perjury that the ballot*
14 *was mailed no later than the date of the election.]*

15 *[(c) A summary of the applicable penalties for knowingly making a false statement, oath or affidavit*
16 *under the election laws.]*

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

20 *[(9)] (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or*
21 *not received by the elector. Replacement ballots shall be issued and processed as described in this*
22 *section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided*
23 *under this subsection. Notwithstanding any deadline for mailing ballots in subsection (2) of this*
24 *section, a replacement ballot may be mailed, made available in the office of the county clerk or made*
25 *available at one central location in the electoral district in which the election is conducted. The*
26 *county clerk shall designate the central location. A replacement ballot need not be mailed after the*
27 *fifth day before the date of the election.*

28 *[(10)] (8) A ballot shall be counted only if:*

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

30 *(b) The envelope is signed by the elector to whom the ballot is issued, unless a certified state-*
31 *ment is submitted under ORS 254.431; and*

32 *(c) The signature is verified as provided in subsection [(11)] (9) of this section.*

33 *[(11)] (9) The county clerk shall verify the signature of each elector on the return identification*
34 *envelope with the signature on the elector's registration record, according to the procedure provided*
35 *by rules adopted by the Secretary of State. If the county clerk determines that an elector to whom*
36 *a replacement ballot has been issued has voted more than once, the county clerk shall count only*
37 *one ballot cast by that elector.*

38 *[(12)] (10) At 8 p.m. on election day, electors who are at the county clerk's office, a place of*
39 *deposit designated under subsection (1) of this section or any location described in ORS 254.472 or*
40 *254.474 and who are in line waiting to vote or deposit a voted ballot shall be considered to have*
41 *begun the act of voting.*

42 *[(13)(a)(A)] (11)(a)(A) Except as provided in subparagraph (B) of this paragraph, the name of the*
43 *Secretary of State may not appear in the secretary's official capacity on the return identification*
44 *envelope or on any instructions or materials included with the ballot if the secretary is a candidate*
45 *in the election for which the ballot is printed.*

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

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

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

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

11 **SECTION 2.** ORS 253.065 is amended to read:

12 253.065. (1) For electors with mailing addresses outside this state, the county clerk shall deliver
 13 a ballot:

14 (a) Not later than the 45th day before the election to each military or overseas elector; and

15 (b) Not sooner than the 29th day before the election to each absent elector with a mailing ad-
 16 dress outside this state who is not a military or overseas elector.

17 (2) The clerk shall deliver with the ballot instructions for marking and returning the ballot, a
 18 return identification envelope and, if used, a secrecy envelope. [Except as provided in subsection (3)
 19 of this section, the return identification envelope must contain:] **The back of the envelope shall in-
 20 clude a statement to be signed by the absent elector, stating that the elector:**

21 **(a) Is qualified to vote;**

22 **(b) Unless prevented by physical disability, has personally marked the ballot; and**

23 **(c) Has not unnecessarily exhibited the marked ballot to any other person.**

24 [(a) Space for the elector to sign the envelope.]

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

28 [(c) A summary of the applicable penalties for knowingly making a false statement, oath or affidavit
 29 under the election laws.]

30 [(3) For a military or overseas elector as defined in ORS 253.501, the return identification envelope
 31 provided under subsection (2) of this section must contain:]

32 [(a) Any information that a military or overseas elector is required to sign under the federal Help
 33 America Vote Act of 2002 (P.L. 107-252) or other federal law;]

34 [(b) Space for the elector to sign; and]

35 [(c) To the extent not required under paragraph (a) of this subsection, a notice designed by rule
 36 by the Secretary of State that ensures that any military or overseas elector who returns a ballot by
 37 mail makes a legally binding assertion that the ballot was mailed no later than the date of the
 38 election.]

39 [(4)] **(3)** An absent elector may obtain a replacement ballot if the ballot delivered under this
 40 section is destroyed, spoiled, lost or not received by the elector. The county clerk shall keep a re-
 41 cord of each replacement ballot provided under this subsection.

42 [(5)] **(4)** A replacement ballot provided under subsection [(4)] **(3)** of this section may be mailed
 43 or shall be made available in the office of the county clerk.

44 [(6)] **(5)** If the county clerk determines that an absent elector to whom a replacement ballot has
 45 been issued at the request of the elector has voted more than once, the county clerk shall count only

1 the first ballot received by the clerk and provide the elector's name to the Secretary of State for
 2 further review. If the county clerk is required to reissue ballots due to a change on the ballot for
 3 any reason, that ballot shall be counted in lieu of any previous ballot issued unless:

4 (a) Only the original ballot was voted and returned; or

5 (b) The county clerk issued a supplemental ballot that is not a complete replacement of the or-
 6 iginal ballot.

7 **SECTION 3.** ORS 253.070 is amended to read:

8 253.070. **A ballot from an absent elector must be received by a county clerk not later than**
 9 **8 p.m. of the date of the election.**

10 *[(1) Upon receipt of a ballot the absent elector shall mark it and comply with the instructions*
 11 *provided with the ballot. The absent elector may return the marked ballot to the office of the clerk, by*
 12 *any appropriate means.]*

13 *[(2) If the absent elector returns the marked ballot by any means other than by mail, the ballot*
 14 *must be received by a county clerk not later than 8 p.m. of the day of the election.]*

15 *[(3) If the absent elector returns the marked ballot by mail:]*

16 *[(a) The ballot must be received by a county clerk not later than 8 p.m. on the day of the election;*
 17 *or]*

18 *[(b) The ballot must:]*

19 *[(A) Have a postal indicator showing that the ballot was mailed not later than the date of the*
 20 *election; and]*

21 *[(B) Be received at the office of the county clerk not later than seven calendar days after the date*
 22 *of the election.]*

23 *[(4) If the elector returns the ballot by mail, and a postal indicator is not present or legible, the*
 24 *ballot shall be considered to be mailed on the date of the election and may be counted if the ballot is*
 25 *received no later than seven calendar days after the election.]*

26 *[(5) If a county clerk receives a marked ballot for an elector who does not reside in the clerk's*
 27 *county, the ballot shall be forwarded to the county clerk of the county in which the elector resides not*
 28 *later than the eighth day after the election.]*

29 *[(6) As used in this section, "postal indicator" has the meaning given that term in ORS 254.470.]*

30 **SECTION 4.** ORS 254.485 is amended to read:

31 254.485. (1) Ballots may be tallied by a vote tally system or by a counting board. A counting
 32 board may tally ballots at the precinct or in the office of the county clerk. In any event, the ballots
 33 shall be tallied and returned by precinct.

34 (2) If a vote tally system is used, the county clerk shall repeat the public certification test de-
 35 scribed under ORS 254.235 (1). The test shall be conducted immediately prior to scanning any bal-
 36 lots. The test may be observed by persons described in ORS 254.235 (2). The county clerk shall
 37 certify the results of the test.

38 (3) If a counting board has been appointed, the tally of ballots may begin on the date of the
 39 election.

40 (4)(a) If ballots are tallied by a counting board, after the tally has begun it shall continue until
 41 completed. Except as provided in paragraph (b) of this subsection, a counting board shall tally
 42 without adjournment and in the presence of the clerks and persons authorized to attend.

43 (b) A counting board may be relieved by another board if the tally is not completed after 12
 44 hours.

45 (5) A counting board shall audibly announce the tally as it proceeds. The board shall use only

1 pen and ink to tally.

2 (6) For ballots cast using a voting machine, the county clerk shall:

3 (a) Enter the ballots cast using the machine into the vote tally system; and

4 (b) In the event of a recount, provide the paper record copy recorded by the machine to the
5 counting board.

6 (7) A person other than the county clerk, a member of a counting board or any other elections
7 official designated by the county clerk may not tally ballots under this chapter.

8 *[(8) The Secretary of State shall by rule establish a procedure for announcing the status of the tally
9 of the ballots received after the date of the election. Rules adopted under this subsection must:]*

10 *[(a) Consider the number of ballots being released in relation to the size of the district;]*

11 *[(b) Prioritize voter anonymity; and]*

12 *[(c) After prioritizing voter anonymity under paragraph (b) of this subsection, prioritize the im-
13 portance of timely reporting election results.]*

14 **SECTION 5.** ORS 253.690 is amended to read:

15 253.690. (1) A military or overseas elector described in ORS 253.510 may cast a ballot using a
16 facsimile machine or by electronic mail as provided in this section. Notwithstanding ORS 254.470
17 ~~[(10)]~~ (8), a ballot cast under this section shall be counted only if the ballot:

18 (a) Is received in the office of the county clerk not later than 8 p.m. on the day of the election;

19 (b) Is accompanied by a return identification envelope containing the signature of the elector
20 and a signed waiver described in subsection (2) of this section; and

21 (c) The signature is verified as provided in subsection (4) of this section.

22 (2) Each elector who casts a ballot under this section shall complete and submit a waiver de-
23 scribed in this subsection. The elector shall attest to the information supplied on the waiver by
24 signing the completed waiver. The Secretary of State by rule shall design the form of the waiver,
25 which shall include all of the following:

26 (a) Space for the elector to provide the elector’s full name, residence or mailing address, an
27 electronic mail address, phone or facsimile number where the elector may be contacted and any
28 other necessary information.

29 (b) A waiver in substantially the following form:

30 _____
31
32 I, _____, acknowledge that by casting my voted ballot using a facsimile machine or by
33 electronic mail I have waived my right to a secret ballot.
34 _____

35
36 (c) A statement to notify the elector that the elector’s ballot will not be counted unless the
37 elector has complied with the provisions of this section.

38 (d) Space for the elector to provide the elector’s signature to attest to the information supplied.

39 (3)(a) If a ballot is cast under this section using a facsimile machine, the return identification
40 envelope and waiver shall also be submitted using a facsimile machine.

41 (b) If a ballot is cast under this section by electronic mail, the return identification envelope
42 and waiver shall also be submitted by electronic mail.

43 (4) The county clerk shall verify the signature of each elector on the return identification en-
44 velope transmitted by facsimile machine or electronic mail under this section with the signature on
45 the elector’s registration record, according to the procedure provided by rules adopted by the Sec-

1 retary of State.

2 (5) The Secretary of State shall adopt rules to administer this section and to ensure the secrecy
 3 of ballots cast using a facsimile machine or by electronic mail to the greatest extent possible.

4 **SECTION 6.** ORS 260.695 is amended to read:

5 260.695. (1)(a) If a person prints or circulates an imitation of the ballot or sample ballot:

6 (A) The imitation ballot or sample ballot and the back of any return envelope enclosed with the
 7 ballot or sample ballot shall state the following: “THIS IS NOT A REAL BALLOT. DO NOT USE
 8 TO VOTE.” The statement on the imitation ballot or sample ballot shall be in bold print that is at
 9 least two times as large as the majority of the text on the ballot or sample ballot or 20-point type,
 10 whichever is larger. The statement on the back of a return envelope shall be in bold print that is
 11 at least 36-point type.

12 (B) The word “UNOFFICIAL” must be superimposed on the imitation ballot or sample ballot so
 13 that the word extends diagonally across the ballot from one margin of the text to the other. The
 14 superimposed word may be printed in lighter ink than other text on the ballot or sample ballot.

15 (b) For purposes of this subsection, an imitation of the ballot or sample ballot includes an imi-
 16 tation of a portion of the ballot or sample ballot.

17 (2)(a) As used in this subsection, “imitation voters’ pamphlet” means a document that imitates
 18 the physical characteristics or appearance of a voters’ pamphlet or a portion of a voters’ pamphlet
 19 published by the Secretary of State or county clerk, as defined in ORS 251.005, under ORS chapter
 20 251 and likely misleads or confuses a reasonable person as to whether the document is an official
 21 voters’ pamphlet or a portion of an official voters’ pamphlet in the absence of the required state-
 22 ment.

23 (b) If a person prints or circulates an imitation voters’ pamphlet, including by electronic means:

24 (A)(i) The imitation voters’ pamphlet shall state the following: “THIS IS NOT THE OFFICIAL
 25 VOTERS’ PAMPHLET.” Except as provided in sub-subparagraph (ii) of this subparagraph, the
 26 statement on the imitation voters’ pamphlet shall be in bold print that is at least 36-point type.

27 (ii) For an imitation voters’ pamphlet that is circulated electronically, the statement described
 28 in sub-subparagraph (i) of this subparagraph shall be in bold print in a typeface of contrasting color
 29 and in a font size that is at least three times as large as the font size used for the majority of the
 30 text in the imitation voters’ pamphlet.

31 (B) The word “UNOFFICIAL” must be superimposed on each page of the imitation voters’
 32 pamphlet so that the word extends diagonally across the imitation voters’ pamphlet from one margin
 33 of text to the other. The superimposed word may be printed or displayed in lighter ink than other
 34 text on the imitation voters’ pamphlet.

35 (3) A person may not do any electioneering, including circulating any cards or handbills, or so-
 36 liciting of signatures to any petition, within any building in which any state or local government
 37 elections office designated for the deposit of ballots under ORS 254.470 is located, or within 100 feet
 38 measured radially from any entrance to the building. A person may not do any electioneering by
 39 public address system located more than 100 feet from an entrance to the building if the person is
 40 capable of being understood within 100 feet of the building. The electioneering need not relate to
 41 the election being conducted. This subsection applies during the business hours of the building or,
 42 if the building is a county elections office, during the hours the office is open to the public, during
 43 the period beginning on the date that ballots are mailed to electors as provided in ORS 254.470 and
 44 ending on election day at 8 p.m. or when all persons waiting in line at the building who began the
 45 act of voting as described in ORS 254.470 [(12)] (10) by 8 p.m. have finished voting.

1 (4) A person may not obstruct an entrance of a building in which ballots are issued or a place
 2 designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS
 3 254.474 is located. This subsection applies during the period beginning on the date that ballots are
 4 mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all
 5 persons waiting in line at the building or location who began the act of voting as described in ORS
 6 254.470 [(12)] (10) by 8 p.m. have finished voting.

7 (5) A person may not vote or offer to vote in any election knowing the person is not entitled
 8 to vote.

9 (6) A person may not make a false statement about the person's inability to mark a ballot.

10 (7) A person, except an elections official in performance of duties or another person providing
 11 assistance to an elector as described in ORS 254.445, may not ask a person at any place designated
 12 for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472 or 254.474
 13 for whom that person intends to vote, or examine or attempt to examine the person's ballot.

14 (8) An elections official, other than in the performance of duties, may not disclose to any person
 15 any information by which it can be ascertained for whom any elector has voted.

16 (9) A person, except an elections official in performance of duties, may not do anything to a
 17 ballot to permit identification of the person who voted.

18 (10) An elector may not willfully leave at any place designated for the deposit of ballots under
 19 ORS 254.470 or at any location described in ORS 254.472 or 254.474 anything that will show how the
 20 elector's ballot was marked.

21 (11) A person, except an elections official in performance of duties, may not remove a ballot
 22 from any place designated for the deposit of ballots under ORS 254.470 or any location described in
 23 ORS 254.472 or 254.474.

24 (12) A person, except an elections official in performance of duties or a person authorized by
 25 that official, may not willfully deface, remove, alter or destroy a posted election notice.

26 (13) A person, except an elections official in performance of duties, may not willfully remove,
 27 alter or destroy election equipment or supplies, or break the seal or open any sealed package con-
 28 taining election supplies.

29 (14) A person, except an elections official in performance of duties, may not provide elections
 30 advice or attempt to collect voted ballots within any building in which any state or local govern-
 31 ment elections office designated for the deposit of ballots under ORS 254.470 is located, or within
 32 100 feet measured radially from any entrance to the building.

33 (15) A person, except an elections official in performance of duties, may not establish a location
 34 to collect ballots voted by electors unless:

35 (a) The person prominently displays at the location a sign stating: "NOT AN OFFICIAL BAL-
 36 LOT DROP SITE"; and

37 (b) The sign is printed in all capital letters in bold 50-point type.

38 **SECTION 7.** ORS 254.408 is amended to read:

39 254.408. (1) A person offering to vote and who claims to be an elector, but for whom no evidence
 40 of active or inactive registration can be found, shall be granted the right to vote in the manner
 41 provided in this section.

42 (2) Whenever an elector updates a registration at a county clerk's office after the ballots have
 43 been mailed under ORS 254.470, the elector shall vote in that election in the manner provided in this
 44 section.

45 (3) An elector voting under this section shall complete and sign a registration card.

1 (4)(a)(A) Except as provided in subparagraph (B) of this paragraph, the elector shall insert the
 2 ballot into a small envelope provided by the county clerk and then insert the small envelope into
 3 a larger envelope. The larger envelope shall be delivered to the county clerk and shall be segregated
 4 and not counted until the registration of the elector is verified under this section.

5 (B) The county clerk shall inform the elector of any alterations to the process described in
 6 subparagraph (A) of this paragraph that are necessary if the Secretary of State has approved a
 7 procedure under ORS 254.458 to be used in lieu of the envelope procedures.

8 (b) An envelope provided under this subsection must comply with the prohibitions set forth in
 9 ORS 254.470 [(13)] (11).

10 (5) The county clerk shall determine if the elector is validly registered to vote and if the vote
 11 was properly cast. The ballot shall be counted only if the county clerk determines the registration
 12 of the elector is considered active or inactive.

13 (6) A vote shall be counted only if the elector is qualified to vote for the particular office or
 14 on the measure.

15 **SECTION 8.** ORS 253.585 is amended to read:

16 253.585. (1) The Secretary of State may receive ballots from military or overseas electors.

17 (2) If the Secretary of State receives a ballot cast by a military or overseas elector, the Secre-
 18 tary of State shall deliver the ballot to the county clerk or elections officer of the county in which
 19 the elector who cast the ballot is registered.

20 (3) A ballot received by the Secretary of State under this section **not later than 8 p.m. of the**
 21 **day of the election** shall be considered to have been received by the county clerk as described in
 22 ORS 253.070. [if:]

23 [(a) *The Secretary of State receives the ballot not later than 8 p.m. on the day of the election; or]*

24 [(b) *The ballot:*]

25 [(A) *Has a postal indicator showing that the ballot was mailed not later than the date of the*
 26 *election; and]*

27 [(B) *Is received by the Secretary of State not later than seven calendar days after the date of the*
 28 *election.*]

29 [(4) *If a military or overseas elector returns the ballot by mail, and a postal indicator is not present*
 30 *or legible, the ballot shall be considered to be mailed on the date of the election and may be counted*
 31 *if the ballot is received no later than seven calendar days after the election.*]

32 [(5) *As used in this section “postal indicator” has the meaning given that term in ORS 254.470.*]

33 **SECTION 9.** ORS 254.458, as amended by section 1, chapter 84, Oregon Laws 2022, is amended
 34 to read:

35 254.458. (1) Notwithstanding any provision of ORS 254.470:

36 (a) A county clerk may apply to the Secretary of State for approval of any procedure to be used
 37 in lieu of the secrecy envelope procedures described in ORS 254.470; and

38 (b) Upon receiving an application under paragraph (a) of this subsection, the secretary may ap-
 39 prove a procedure to be used in lieu of the secrecy envelope procedures described in ORS 254.470
 40 if the secretary determines that the procedure will provide substantially the same degree of secrecy
 41 as ORS 254.470.

42 (2) A procedure approved by the secretary under this section must comply with the prohibitions
 43 set forth in ORS 254.470 [(13)] (11).

44 **SECTION 10.** The amendments to ORS 253.065, 253.070, 253.585, 253.690, 254.408, 254.458,
 45 254.470, 254.485 and 260.695 by sections 1 to 9 of this 2023 Act apply to elections held on or

1 **after the effective date of this 2023 Act.**

2
