

Enrolled Senate Bill 166

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CHAPTER

AN ACT

Relating to elections; creating new provisions; amending ORS 198.775, 198.820, 247.005, 247.555, 247.940, 247.948, 247.965, 247.967, 249.002, 249.068, 249.740, 250.052, 254.074, 254.115, 254.470, 254.505, 254.529, 254.555, 260.007, 260.043, 260.315, 260.345 and 260.555; and declaring an emergency.

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

SECTION 1. ORS 247.005 is amended to read:

247.005. (1) **Each elector has the right to vote in any election in which the elector:**

- (a) **Is qualified to vote;**
- (b) **Has registered to vote in a manner authorized by law; and**
- (c) **Casts a ballot in a manner authorized by law.**

(2) It is the policy of this state that all election laws and procedures shall be established and construed to assist the elector in the exercise of the right of franchise.

SECTION 2. Section 3 of this 2023 Act is added to and made a part of ORS chapter 254.

SECTION 3. (1) **In each election, an elector has the right to cast the elector’s ballot in a confidential manner, with no other person knowing how the elector voted in the election.**

(2)(a) **The Secretary of State or county clerk may not disclose as a public record under ORS 192.311 to 192.478 any information that would reveal how a particular elector voted in an election.**

(b) **As used in this subsection, “information” may be defined by the secretary by rule.**

SECTION 4. ORS 254.074 is amended to read:

254.074. (1)(a) Each county clerk shall file a county elections security plan with the Secretary of State not later than:

(A) **[January 31 of each calendar year] A date established for each calendar year by the Secretary of State by rule; and**

(B) One business day after any revision is made to the county elections security plan.

(b) A county elections security plan shall include, but is not limited to:

- (A) A written security agreement entered into with any vendor handling ballots;
- (B) Security procedures for transporting ballots;
- (C) Security procedures at official places of deposit for ballots;
- (D) Security procedures for processing ballots;
- (E) **Security procedures for ensuring the integrity of printed ballots;**

(F) Cybersecurity procedures for the process of casting and tallying ballots that are consistent with best practices recommended by federal authorities such as the Cybersecurity and Infrastructure Security Agency of the United States Department of Homeland Security or the National Institute of Standards and Technology of the United States Department of Commerce;

[(E)] **(G)** Security procedures governing election observers;

[(F)] **(H)** Security procedures for ballots located in county elections work areas, buildings and storage areas;

[(G)] **(I)** Security procedures for vote tally systems, including computer access to vote tally systems;

[(H)] **(J)** The number and location of all video surveillance cameras within the elections office;

[(I)] **(K)** Security procedures for scanning ballots into a vote tally system before the date of the election, if applicable; *[and]*

[(J)] **(L)** Post-election ballot security[.]; **and**

(M) Any other security measure that the Secretary of State requires by rule.

(2) A security plan, **and all communications relating to the development and review of a security plan**, developed and filed under subsection (1) of this section *[is]* **are** confidential and not subject to disclosure under ORS 192.311 to 192.478.

(3) For each election, at the time the county clerk certifies the results of an election, the clerk shall submit to the Secretary of State a record of:

- (a) The number of ballot envelopes received.
- (b) The number of ballot envelopes accepted.
- (c) The number of ballot envelopes not accepted.
- (d) The number of ballot envelopes rejected.
- (e) The number of tallied ballots.

(4) A county clerk may not scan ballots as described in ORS 254.478 unless the Secretary of State reviews and approves a security plan described in subsection (1) of this section.

SECTION 5. Section 6 of this 2023 Act is added to and made a part of ORS chapter 260.

SECTION 6. A candidate, political committee or a petition committee may not accept aggregate contributions from a single source of more than \$100 per calendar year in the form of physical currency of the United States or of any other country.

SECTION 7. ORS 247.007 is added to and made a part of ORS chapter 254.

SECTION 8. ORS 247.948 is amended to read:

247.948. (1)(a) Except as set forth in ORS 247.965 or 247.967, or as otherwise prohibited by law, the following information about an elector contained within an elector's registration file is subject to inspection as a public record under ORS 192.311 to 192.478 and shall be included in lists delivered under ORS 247.940 and 247.945:

- (A) The major political party or minor political party, if any, with which an elector is affiliated;
- (B) The residence address of an elector;
- (C) The address where an elector receives a ballot;
- (D) The year in which an elector was born;
- (E) The name or number of the precinct in which the elector resides;
- (F) The precinct split of an elector;
- (G) The administrative number for an elector that is used by the Secretary of State to determine which elections an elector may vote in;
- (H) The telephone number of an elector;
- (I) Whether or not an elector voted in previous elections; and

(J) During an election period, the ballot status of an elector. In order to comply with this subparagraph, during the election period, the secretary shall maintain a list of the ballot status of electors. The secretary shall update the list, and make available an updated version of the list, on each business day of the election period.

- (b) As used in this subsection:

(A) "Ballot status" means whether or not an elector has cast a ballot in the election;
(B) "Election period" means the period of time beginning on the date that ballots for an election are first mailed to electors and ending on the date of the election; and

(C) "Precinct split" means the enhanced precinct name or number used to determine the specific ballot configuration that will be received by an elector who resides in a precinct that:

(i) Has more than one election district subdivision; and

(ii) Requires more than one ballot configuration for electors in the precinct.

(2) Except as set forth in ORS 247.973 or as otherwise required by law, the following information about an elector contained within an elector's registration file is not subject to inspection as a public record under ORS 192.311 to 192.478 and may not be disclosed by the Secretary of State or a county clerk:

(a) Information that is required to be kept confidential under ORS 247.965 or as part of the Address Confidentiality Program under ORS 192.820 to 192.868;

[(a)] **(b)** The birth month of an elector;

[(b)] **(c)** The day of the month on which an elector was born;

[(c)] **(d)** The Social Security number of an elector;

[(d)] **(e)** The driver license number of an elector; and

[(e)] **(f)** The signature of an elector.

(3) Nothing in this section is intended to limit or restrict the disclosure of information that is otherwise subject to inspection as a public record under ORS 192.311 to 192.478.

SECTION 9. ORS 247.940 is amended to read:

247.940. (1) A major political party qualified under ORS 248.006 or a minor political party qualified under ORS 248.008 may request from the Secretary of State a statewide list of electors, as described in ORS 247.945 (4). The list may not contain any information about participants in the Address Confidentiality Program established under ORS 192.820 to 192.868 or any information that may not be publicly disclosed under ORS 247.948. A major political party or a minor political party may make no more than two separate requests under this subsection per primary election, general election or special election.

(2)(a) A request for a list under subsection (1) of this section must be made:

[(a)] **(A)** Not earlier than [six] **three** months before the primary election, general election or special election; and

[(b)] **(B)** Not later than the 15th day before the primary election, general election or special election.

(b) A request for a list under subsection (1) of this section may not be made during the period beginning on the date of the primary election, general election or special election and ending 14 days after the date of the election.

(3) If the Secretary of State receives a request under subsection (1) of this section, the secretary shall deliver the list not later than 10 days after receiving the request.

(4) The Secretary of State may not charge for preparation or delivery of the list supplied under this section.

SECTION 10. ORS 249.002 is amended to read:

249.002. As used in this chapter:

(1) "Candidate" means an individual whose name is or is expected to be printed on the official ballot or a write-in candidate.

(2) "County clerk" means the county clerk or the county official in charge of elections.

(3) "Elector" means an individual qualified to vote under [section 2,] Article II, **section 2**, Oregon Constitution.

(4) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court[, or any county judge who exercises judicial functions].

(5) "Member" means an individual who is registered as being affiliated with the political party.

(6) "Minor political party" means a political party that has qualified as a minor political party under ORS 248.008.

(7) “Nonpartisan office” means the office of judge, Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer, **county judge who exercises judicial functions**, sheriff, district attorney or any office designated nonpartisan by a home rule charter.

(8) “Prospective petition” means the information, except signatures and other identification of petition signers, required to be contained in a completed petition.

(9) “Public office” means any national, state, county, city or district office or position, except a political party office, filled by the electors.

(10) “State office” means Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, judge, state Senator, state Representative or district attorney.

SECTION 11. ORS 247.965, as amended by section 1, chapter 114, Oregon Laws 2022, is amended to read:

247.965. (1) Any elector may request the county clerk to keep the residence address of the elector **and any family member residing with the elector** exempt from disclosure as a public record under ORS 192.311 to 192.478.

(2) The county clerk shall keep the residence address of an elector **and any family member residing with the elector** exempt from disclosure as a public record under ORS 192.311 to 192.478 if:

(a) The elector making the request demonstrates to the satisfaction of the county clerk that the elector’s personal safety or the safety of any family member residing with the elector is in danger if the elector’s address remains available for public inspection; or

(b) The elector has been identified as an election worker by the Secretary of State, county clerk or other public body as defined in ORS 174.109 in a manner prescribed by the secretary by rule.

(3) The county clerk shall automatically mail a ballot to an elector whose residence address is exempt from disclosure under this section.

(4) An exemption from disclosure granted under this section shall remain in effect until the elector requests termination of the exemption or the elector is required to update the elector’s registration. If the elector is required to update the elector’s registration, the elector may apply for another exemption from disclosure.

(5) An exemption from disclosure granted under this section includes an exemption from disclosure of the residence address of an elector under ORS 247.940 or 247.945.

(6) A county clerk or the Secretary of State shall not be held liable for:

(a) Granting or denying an exemption from disclosure under this section; or

(b) Any unauthorized release of a residence address granted an exemption from disclosure under this section.

(7) As used in this section, “election worker” means an individual employed full-time, part-time or as a volunteer:

(a) Who is serving the State of Oregon or any other public body, as defined in ORS 174.109, as an elected official, appointed official, employee or agent; and

(b) Whose official duties include carrying out any duty, function or power set forth in ORS chapters 246 to 260.

SECTION 12. ORS 247.967 is amended to read:

247.967. Notwithstanding any provision of ORS 192.311 to 192.478:

(1) Except as provided in subsection (3) of this section, the county clerk may disclose the residence address of an elector **and any family member residing with the elector** exempt from public disclosure under ORS 247.965 if the county clerk receives a court order or a request from any law enforcement agency to disclose the address.

(2) A petition may be filed with the circuit court of the county in which the administrative offices of the county clerk are located requesting disclosure of the residence address of any elector

exempt from disclosure under ORS 247.965. The petitioner shall have the burden of showing the disclosure would not constitute an unreasonable invasion of privacy.

(3) The county clerk may not disclose the actual address, as defined in ORS 192.820, of an Address Confidentiality Program participant under ORS 192.820 to 192.868.

SECTION 13. Section 14 of this 2023 Act is added to and made a part of ORS chapter 250.

SECTION 14. (1) The signature of an individual that is submitted for verification on a petition or prospective petition that is circulated in accordance with the laws of this state is subject to inspection as a public record under ORS 192.311 to 192.478. The signature may be inspected in the office of the chief elections officer.

(2) The chief elections officer may not make a copy of, or provide to another person a copy of, an individual's signature that has been submitted for verification on a petition or prospective petition that has been circulated in accordance with the laws of this state unless the chief elections officer is explicitly required to do so as part of the official duties of the chief elections officer under ORS chapters 246 to 260 or rules adopted by the Secretary of State.

(3) As used in this section, "chief elections officer" has the meaning given that term in ORS 254.005.

SECTION 15. ORS 260.555 is amended to read:

260.555. (1) [No] **A person attempting to obtain signatures on, or causing to be circulated, [an initiative, referendum or recall petition,] a petition or prospective petition that is being circulated in accordance with the laws of this state may not [shall] knowingly make any false statement regarding the contents, meaning or effect of the petition or prospective petition to any person who signs it, attempts to sign it, is requested to sign it or requests information concerning it.**

[(2) No person shall attempt to obtain signatures to, cause to be circulated or file with a filing officer, an initiative, referendum or recall petition, knowing it to contain a false signature.]

[(3) No person shall attempt to obtain the signature of a person to an initiative, referendum or recall petition knowing that the person signing the petition is not qualified to sign it.]

[(4) No person shall knowingly sign an initiative, referendum or recall petition more than once, knowingly sign such petition when not qualified to sign it, or sign such petition in any name other than the person's own.]

(2) If a person knows that a petition, or prospective petition, that is otherwise being circulated in accordance with the laws of this state contains a false signature, the person may not attempt to obtain signatures on, cause to be circulated, or file with a filing officer, the petition or prospective petition.

(3) If a person knows that another person is not qualified to sign a petition or prospective petition that is being circulated in accordance with the laws of this state, the person may not attempt to obtain the signature of the other person on the petition or prospective petition.

(4) A person may not knowingly sign more than once any petition or prospective petition that is being circulated in accordance with the laws of this state, knowingly sign such petition or prospective petition when not qualified to sign it, or sign such petition or prospective petition in any name other than the person's own.

(5) [No] A public official or employee [shall] may not knowingly make a false certification concerning a petition or prospective petition that is circulated in accordance with the laws of this state [an initiative, referendum or recall petition].

SECTION 16. ORS 250.052 is amended to read:

250.052. (1)(a) For each state initiative, referendum or recall petition, the Secretary of State shall prepare official templates of the cover and signature sheets for the petition. Except as provided in this section, templates of cover and signature sheets for state initiative and referendum petitions are subject to the requirements of ORS 250.045. The templates of signature sheets to be used by persons who are being paid to obtain signatures on the petition shall be a different color from the sheets to be used by persons who are not being paid to obtain signatures on the petition.

(b) For each prospective petition for a state measure to be initiated the secretary shall prepare official templates of the cover and signature sheets. The templates of signature sheets to be used by persons who are being paid to obtain signatures on the prospective petition shall be a different color from the sheets to be used by persons who are not being paid to obtain signatures on the prospective petition. Each signature sheet for the prospective petition shall:

(A) Contain a notice describing the meaning of the color of the signature sheet; and

(B) If one or more persons will be paid for obtaining signatures of electors on the prospective petition, contain a notice stating: "Some Circulators For This Prospective Petition Are Being Paid." The notice shall be in boldfaced type and shall be prominently displayed on the sheet.

(2) A person obtaining signatures on a state initiative, referendum or recall petition or a prospective petition for a state measure to be initiated may use only the cover and signature sheets contained in the official templates prepared for the petition or prospective petition. A person who is being paid to obtain signatures on the petition or prospective petition shall use the signature sheet template designated for use by persons being paid to obtain signatures. A person who is not being paid to obtain signatures on the petition or prospective petition shall use the signature sheet template designated for use by persons who are not being paid to obtain signatures.

(3)(a) The secretary shall issue templates for a petition or prospective petition only to a chief petitioner of the petition or prospective petition or to an agent designated by a chief petitioner.

(b) If the ballot title for a state initiative petition has been challenged under ORS 250.085, the secretary may not issue an official template for the initiative petition until the Supreme Court has certified a final ballot title.

(4) The secretary shall issue official templates to a chief petitioner or designated agent not later than:

(a) Three business days after the deadline for filing a petition under ORS 250.085 relating to a ballot title certified by the Attorney General for the state initiative petition or, if a petition is filed with the Supreme Court under ORS 250.085, three business days after the Supreme Court certifies to the secretary a final ballot title for the state initiative petition;

(b) Three business days after a prospective petition is filed under ORS 249.865 or 250.045 for a state recall petition or state referendum petition; or

(c) Three business days after the chief petitioner files a statement with the secretary under ORS 250.045 (2) for a prospective petition for a state measure to be initiated.

(5) The secretary by rule shall establish a process by which a chief petitioner of a state initiative, referendum or recall petition or a prospective petition for a state measure to be initiated may request a modification of the templates issued under subsection (4) of this section.

(6)(a) In addition to the templates prepared under subsections (1) to (5) of this section, for each state initiative, referendum or recall petition or prospective petition, the secretary shall prepare an official electronic template of a signature sheet for the petition or prospective petition.

(b)(A) A template prepared under this subsection shall provide[:]

[*i*] space for the signature of one elector to:

(i) Signify support for the state initiative, referendum or recall petition or prospective petition; and

(ii) [*Space for the signature of the same elector to*] Certify that the elector received a copy of the electronic signature sheet in compliance with paragraph (c)(B) of this subsection.

(B) The Secretary of State or county clerk may tally only electronic signature sheets that are signed [*in both spaces described in this paragraph*].

(c)(A) An elector may print a copy of the electronic signature sheet for a petition or prospective petition, sign the sheet and deliver the signed sheet to a chief petitioner or an agent designated by a chief petitioner.

(B) Only an elector who either has personally printed a copy of the electronic signature sheet of a petition or prospective petition or has requested that a separate person print a copy of the electronic signature sheet specifically for the elector may sign the sheet. A copy of an electronic

signature sheet may not be signed by an elector who did not either print the sheet or request that the sheet be printed specifically for the elector.

(d) Electronic templates described in this subsection are subject to the requirements of ORS 250.045, other than ORS 250.045 (9) and (10), and the template must include a full and correct copy of the measure to be initiated or referred.

(e) Except as provided in paragraph (c)(B) of this subsection, a person who is obtaining signatures on a petition or prospective petition, whether paid or unpaid, may not provide a printed electronic signature sheet to an elector.

(7) The secretary shall adopt rules prescribing the contents and method of production of official templates required under this section.

SECTION 17. Section 18 of this 2023 Act is added to and made a part of ORS chapter 246.

SECTION 18. Notwithstanding any other statute in ORS chapters 246 to 260, the Secretary of State may by rule alter the specific language required to be written in documents relating to an election, provided that the alteration in language does not materially change the meaning of the language being altered.

SECTION 19. ORS 254.505 is amended to read:

254.505. (1) Only official ballots may be counted. Any vote from which it is impossible to determine the elector's choice for the office or measure may not be counted. An elector may not place on the ballot a sticker bearing the name of a person [*or use any other method or device, except writing or using a voting machine,*] to vote for a person whose name is not printed on the ballot. Any ballot that has a sticker or other device is void and may not be counted. Counting board clerks shall disregard misspelling or abbreviations of the names of candidates if it can be ascertained from the ballot for whom the vote was intended.

(2) When ballots are counted by counting boards, the board chairperson, using ink, immediately shall initial the back of the wholly or partially void ballot and write on it "Not counted for _____" (stating the office or measure). The counting board shall seal the wholly void ballots in an envelope.

SECTION 20. ORS 260.043 is amended to read:

260.043. (1) A candidate who serves as the candidate's own treasurer and who expects neither the aggregate contributions to be received nor the aggregate expenditures to be made by or on behalf of the candidate to exceed \$750 in total amount during a calendar year is not required to:

- (a) File a statement of organization under ORS 260.039;
- (b) Establish a single exclusive campaign account under ORS 260.054; or
- (c) File statements under ORS 260.057.

(2) A candidate described in subsection (1) of this section must keep contribution and expenditure records for the previous 24 months.

(3)(a) If at any time during the calendar year either the aggregate contributions or aggregate expenditures exceed \$750, the candidate must file a statement of organization under ORS 260.039, establish a single exclusive campaign account as required under ORS 260.054 and file statements as required in paragraph (b) of this subsection.

(b)(A) Except as provided in subparagraph (B) of this paragraph, if at any time during the calendar year either the aggregate contributions or aggregate expenditures exceed \$750, the candidate must file a statement under ORS 260.057 showing all contributions received and expenditures made. After aggregate contributions or aggregate expenditures exceed \$750 during a calendar year, the statement shall be filed under the time frames established in ORS 260.057 (3).

(B) If the candidate expects neither the aggregate contributions to be received nor the aggregate expenditures to be made by or on behalf of the candidate to exceed \$3,500 during the calendar year, the candidate may file a statement to that effect under ORS 260.112, rather than file statements under ORS 260.057. Notwithstanding ORS 260.112 (2), the statement shall be filed not later than seven calendar days after aggregate contributions or aggregate expenditures exceed \$750 during a calendar year.

(4)(a) For purposes of this section, a fee paid under ORS 251.095, **a fee paid for a candidate to be included in a county voters' pamphlet or de minimis costs associated with printing and circulating a petition in lieu of a candidate paying a fee for inclusion in a voters' pamphlet** [is] are exempt and may not be considered when calculating:

[(a)] (A) The expected aggregate amount of contributions received or expenditures made; or

[(b)] (B) The actual aggregate amount of contributions received or expenditures made.

(b) The Secretary of State by rule shall define "de minimis costs" for purposes of this subsection.

(5) This section does not apply to candidates for federal office.

SECTION 21. ORS 260.007 is amended to read:

260.007. As used in this chapter, "contribute," "contribution," "expend" or "expenditure" does not include:

(1) Any written news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other regularly published publication, unless a political committee owns the facility.

(2) An individual's use of the individual's own personal residence, including a community room associated with the individual's residence, to conduct a reception for a candidate or political committee and the individual's cost of invitations, food and beverages provided at the reception.

(3) A vendor's sale of food and beverages for use in a candidate's or political committee's campaign at a charge less than the normal comparable charge, if the charge is at least equal to the cost of the food or beverages to the vendor.

(4) Any unreimbursed payment for travel expenses an individual, including a candidate, makes on behalf of a candidate or political committee.

(5) Any loan of money made by a financial institution as defined in ORS 706.008, other than any overdraft made with respect to a checking or savings account, if the loan bears the usual and customary interest rate for the category of loan involved, is made on a basis that ensures repayment, is evidenced by a written instrument and is subject to a due date or amortization schedule. However, each indorser or guarantor of the loan shall be considered to have contributed that portion of the total amount of the loan for which that person agreed to be liable in a written agreement, except if the indorser or guarantor is the candidate's spouse.

(6) Nonpartisan activity designed to encourage individuals to vote or to register to vote, including but not limited to activity that is allowed for a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code.

(7) Any communication a membership organization or corporation makes to its members, shareholders or employees if the membership organization or corporation is not organized primarily for the purpose of influencing an election.

(8) The payment of compensation for legal and accounting services rendered to a candidate or political committee if the person paying for the services is the regular employer of the individual rendering the services and the services are solely for the purpose of ensuring compliance with the provisions of this chapter.

(9) The payment by a state or local committee of a political party of the costs of preparation, display or mailing or other distribution incurred by the committee with respect to a printed slate card or sample ballot, or other printed listing, of three or more candidates for any public office for which an election is held in this state. This subsection does not apply to costs incurred by the committee with respect to a display of any such listing made on broadcasting stations or in newspapers, magazines or similar types of general public political advertising.

(10) A candidate debate or forum for a state office, or a communication publicizing a candidate debate or forum for a state office, when [*all major political party*] candidates for the state office [*have been*] **are** invited to participate in the candidate debate or forum **based on neutral criteria that are publicized in advance of the invitation.**

(11) The following nonpartisan communications that refer to a candidate or political party within 30 calendar days before a primary election or 60 calendar days before a general election:

- (a) The publication of a nonpartisan voters' guide that:
 - (A) Is permitted to be published by a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code; or
 - (B) With respect to each state office referenced in the voters' guide:
 - (i) Includes information from all major political party candidates for the state office referenced; or
 - (ii) Offers all major political party candidates for the state office referenced a reasonable opportunity to be included in the voters' guide.
- (b) A commercial communication that depicts a candidate's name, image, likeness or voice only in the candidate's capacity as owner, operator or employee of a business that existed prior to the candidate's declaration of candidacy.
- (c) Official publications produced or distributed by public employees while on the job during working hours.
- (d) A communication by a labor union, membership organization or corporation to its members, stockholders or executive or administrative personnel.
- (e) Any other nonpartisan communication identified by the Secretary of State by rule.

SECTION 22. ORS 260.345, as amended by section 4, chapter 84, Oregon Laws 2022, is amended to read:

260.345. (1) Any elector may file with any filing officer a written complaint alleging that a violation of an election law or rule adopted by the Secretary of State under ORS chapters 246 to 260 has occurred and stating the reason for believing that the violation occurred and any evidence relating to it. A complaint and any evidence relating to it may be filed electronically. A complaint alleging a violation involving the Secretary of State, a candidate for the office of Secretary of State, or any political committee or person supporting the Secretary of State or a candidate for the office of Secretary of State may be filed with the Attorney General. The Secretary of State or Attorney General shall not accept an anonymous complaint.

(2) The Secretary of State by rule shall prescribe the procedure for processing a complaint filed with any person other than the Secretary of State. If the complaint concerns the Secretary of State, any candidate for the office of the Secretary of State, or any political committee or person supporting the candidacy of the Secretary of State or of another person for the office of Secretary of State, the complaint and any additional information relating to the complaint shall be sent to the Attorney General.

(3) Upon receipt of a complaint under subsection (1) or (2) of this section the Secretary of State or Attorney General immediately shall examine the complaint to determine whether a violation of an election law or rule has occurred and shall make any investigation the Secretary of State or Attorney General considers necessary. Except as provided in this subsection, within three business days of **determining that an investigation is necessary to determine whether a violation of an election law or rule has occurred**, *[receiving a complaint under subsection (1) or (2) of this section,]* the Secretary of State or Attorney General shall notify the person who is the subject of the complaint that *[a complaint has been received]* **an investigation will take place**. If the Secretary of State or Attorney General receives a complaint or complaints involving 10 or more individuals, political committees or petition committees in any 48-hour period, the Secretary of State or Attorney General need not notify the persons who are the subjects of those complaints within three business days of receiving the complaints but shall notify those persons not later than 10 business days after *[receiving the complaint or complaints]* **determining that an investigation is necessary to determine whether a violation of election law or rule has occurred**.

(4) If the Secretary of State believes after an investigation under subsection (3) of this section that a violation of an election law or rule has occurred, the secretary:

- (a) In the case of a violation that is subject to a penalty under ORS 260.993, immediately shall report the findings to the Attorney General and request prosecution. If the violation involves the Attorney General, a candidate for that office or a political committee or person supporting or op-

posing the Attorney General or a candidate for that office, the Secretary of State shall appoint another prosecutor for that purpose;

(b) In the case of a violation not subject to a penalty under ORS 260.537 or 260.993, may impose a civil penalty under ORS 260.995; or

(c) In the case of a violation under ORS 260.537, may institute civil proceedings in the manner described in ORS 260.537.

(5) Upon receipt of a complaint or report under subsection (1), (2) or (4) of this section involving an alleged violation subject to a penalty under ORS 260.993 or an alleged violation of ORS 260.537, the Attorney General or other prosecutor immediately shall examine the complaint or report to determine whether a violation of an election law has occurred. If the Attorney General or prosecutor determines that a violation has occurred, the Attorney General or prosecutor immediately shall begin prosecution or civil proceedings in the name of the state. The Attorney General or other prosecutor shall have the same powers in any county of this state as the district attorney for the county.

(6) Upon receipt of a complaint under subsection (1) or (2) of this section involving an alleged violation of an election law or rule not subject to a penalty under ORS 260.537 or 260.993, the Attorney General shall examine the complaint to determine whether a violation of an election law or rule has occurred and shall make any investigation the Attorney General considers necessary. If the Attorney General believes after an investigation that a violation of an election law or rule has occurred, the Attorney General may impose a civil penalty under ORS 260.995.

(7) In the case of an alleged violation subject to a civil penalty under ORS 260.995 or an alleged violation of ORS 260.537, a complaint shall be filed by an elector under this section no later than 90 days following the election at which a violation of an election law or rule is alleged to have occurred, or 90 days following the date the violation of an election law or rule is alleged to have occurred, whichever is later.

(8) A filing officer having reason to believe that a violation of an election law or rule has occurred shall proceed promptly as though the officer had received a complaint. Except as provided in ORS 260.234, a filing officer shall proceed under this subsection no later than two years following the election at which a violation of an election law or rule is alleged to have occurred, or two years following the date the violation of an election law or rule is alleged to have occurred, whichever is later. If a filing officer has not proceeded within two years because of fraud, deceit, misleading representation or the filing officer could not have reasonably discovered the alleged violation, the filing officer shall proceed no later than five years following the election at which a violation of an election law or rule is alleged to have occurred, or five years following the date the violation of an election law or rule is alleged to have occurred, whichever is later.

SECTION 23. ORS 260.315 is amended to read:

260.315. (1) The Secretary of State, at the expense of the state, shall *[furnish]* **make available** to the other filing officers copies of this chapter.

(2) A filing officer shall *[deliver]* **make available** a copy of this chapter to each candidate or person whom the officer has reason to believe is required to file a statement with the officer under ORS 260.057, 260.076, 260.083, 260.112 or 260.118.

SECTION 24. ORS 254.555 is amended to read:

254.555. (1) Except as provided in ORS 254.548, not later than the 37th day after any election, the Secretary of State, regarding offices for which the secretary receives filings for nomination, shall:

(a) Canvass the votes for the offices, except the office of Governor after the general election.

(b) Enter in a register of nominations after the primary election the name and, if applicable, major political party of each candidate nominated, the office for which the candidate is nominated and the date of entry.

(c) Prepare and deliver a certificate of nomination or election to each candidate having the most votes for nomination for or election to the office. The Secretary of State shall sign the certificate under the seal of the state.

(d) Issue a proclamation declaring the election of candidates to the offices.

(2) Not later than the [37th] **30th** day after the election:

(a) The Secretary of State, regarding measures for which the secretary is the filing officer, shall canvass the votes for each measure.

(b) The Governor shall issue a proclamation giving the number of votes cast for or against each such measure, and declaring the approved measures as the law on the effective date of the measure. If two or more approved measures contain conflicting provisions, the Governor shall proclaim which is paramount.

SECTION 25. ORS 249.068 is amended to read:

249.068. (1) Except as otherwise provided for a candidate for nonpartisan office in ORS 249.072:

(a) A nominating petition for an office to be voted for in the state at large or for a candidate for Representative in Congress shall contain signatures of members of the same major political party as the candidate. Except as provided in this subsection, there shall be at least 1,000 signatures or the number of signatures at least equal to two percent of the vote cast in the state or congressional district, as the case may be, for the candidates of that major political party for presidential electors at the last presidential election, whichever is less;

(b) For [an] **all elections beginning with the** election next following any change in the **district boundaries of a congressional district and ending with the presidential election next following any change in the district boundaries of the congressional district**, there shall be at least 1,000 signatures or the number of signatures at least equal to two percent of the average number of votes cast in all congressional districts in this state, as the case may be, for the candidates of that major political party for presidential electors at the last presidential election, whichever is less;

(c) In the case of a candidate nominated by a major political party that did not nominate presidential electors at the last presidential election, there shall be at least 1,000 signatures; and

(d) If the office is one to be voted for in the state at large, the signatures shall include those of at least 100 electors registered in each congressional district.

(2) Except as otherwise provided in this section or for a candidate for nonpartisan office in ORS 249.072:

(a) A nominating petition for an office not provided for in subsection (1) of this section shall contain the signatures of electors who are members of the same major political party as the candidate. There shall be at least 500 signatures or the number of signatures at least equal to two percent of the vote in the electoral district for the candidates of that major political party for presidential electors at the last presidential election, whichever is less;

(b) In the case of major political party candidates for the office of state Senator or state Representative, for [an] **all elections beginning with the** election next following any change in the [boundaries of the districts] **district boundaries** of state Senators or state Representatives under Article IV, section 6, of the Oregon Constitution, **and ending with the presidential election next following any change in the district boundaries of state Senators or state Representatives**, there shall be at least 500 signatures or the number of signatures at least equal to two percent of the average number of votes cast in all state senatorial or state representative districts in this state, as the case may be, for the candidates of that major political party for presidential electors at the last presidential election, whichever is less; and

(c) In the case of a candidate nominated by a major political party that did not nominate presidential electors at the last presidential election, there shall be at least 500 signatures.

SECTION 26. ORS 249.740 is amended to read:

249.740. (1)(a) A certificate of nomination made by individual electors shall contain a number of signatures of electors in the electoral district equal to not less than one percent of the total votes cast in the electoral district for which the nomination is intended to be made, for all candidates for presidential electors at the most recent presidential election.

(b) For [an] **all elections beginning with the** election next following any change in the boundaries of an electoral district **and ending with the presidential election next following any change in the boundaries of the electoral district**, a certificate of nomination made by individual

electors shall contain a number of signatures of electors equal to not less than one percent of the average number of votes cast in all of the same form of electoral districts in this state for all candidates for presidential electors at the most recent presidential election.

(2) Each elector signing a certificate of nomination made by individual electors shall include the residence or mailing address of the elector. Except for a certificate of nomination of candidates for electors of President and Vice President of the United States, a certificate of nomination made by individual electors shall contain the name of only one candidate.

(3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certificate shall file a signed copy of the prospective certificate with the filing officer referred to in ORS 249.722. The chief sponsor of the certificate shall include with the prospective certificate a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the certificate. After the prospective certificate is filed, the chief sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective certificate declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective certificate declared that one or more such persons would be paid.

(4) The circulator shall certify on each signature sheet that the circulator:

(a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and

(b) Believes each individual is an elector registered in the electoral district.

(5) The signatures contained in each certificate of nomination made by individual electors shall be certified for genuineness by the county clerk or the Secretary of State under ORS 249.008.

(6) As used in this section, "prospective certificate" means the information, except signatures and other identification of certificate signers, required to be contained in a completed certificate of nomination.

SECTION 27. ORS 254.529 is amended to read:

254.529. (1) At each primary election, general election and special election, the county clerk shall make a determination on whether to conduct:

(a) A hand count of ballots as described in this section and compare the tally of votes for those ballots produced by a vote tally system with the tally of votes for those ballots produced by the hand count; or

(b) A risk-limiting audit in the manner described in ORS 254.532.

(2) If the county clerk determines that a hand count will be conducted:

(a) In the event that the unofficial tally of ballots produced by a vote tally system reveals that the margin of victory between the two candidates receiving the largest number of votes in the county is less than one percent of the total votes cast in that election in the county, the county clerk shall conduct a hand count of ballots in at least 10 percent of all precincts or of ballots in at least 10 percent of all batches of ballots collected by the county clerk.

(b) In the event that the unofficial tally of ballots reveals that the margin of victory between the two candidates receiving the largest number of votes in the county is greater than or equal to one percent but less than two percent of the total votes cast in the county, the county clerk shall conduct a hand count of ballots in at least five percent of all precincts or of ballots in at least five percent of all batches of ballots collected by the county clerk.

(c) In the event that the unofficial tally of ballots reveals that the margin of victory between the two candidates receiving the largest number of votes in the county is greater than or equal to two percent of the total votes cast in the county, the county clerk shall conduct a hand count of ballots in at least three percent of all precincts or of ballots in at least three percent of all batches of ballots collected by the county clerk.

(3) If the county clerk determines that a hand count will be conducted, the county clerk shall conduct a hand count of ballots cast in the election contest between the two candidates receiving

the largest number of votes in the county, an election contest for an office to be voted on in the state at large and, if possible, an election contest for a state measure. The Secretary of State shall select the precincts or batches at random. At the election:

(a) If selecting precincts, no fewer than 150 ballots must have been cast in at least one of the precincts selected.

(b) If selecting batches, the number of ballots contained in the batches selected must in the aggregate be equal to or greater than:

(A) Ten percent of the total number of ballots cast in the election for a hand count required under subsection (2)(a) of this section.

(B) Five percent of the total number of ballots cast in the election for a hand count required under subsection (2)(b) of this section.

(C) Three percent of the total number of ballots cast in the election for a hand count required under subsection (2)(c) of this section.

(4) Not later than 5 p.m. of the 15th business day after the date of the election, the Secretary of State shall in writing advise the county clerks who made a determination that a hand count will be conducted of:

(a) The election contests for which ballots are to be hand counted; and

(b) The precincts or batches in which ballots are to be hand counted.

(5) A county clerk shall begin the hand counts under this section not later than the 27th day after the election and complete the hand counts not later than the 35th day after the election. The results of the hand counts shall be provided to the Secretary of State, who shall make the results publicly available on the Secretary of State's website.

(6) A comparison of the tally of votes produced by a vote tally system with the tally of votes produced by the hand count under this section must show that the tally of votes produced by the vote tally system differs by no more than one-half of one percent from the tally of votes produced by the hand count.

(7)(a) If a hand count conducted under this section results in a tally of votes for a candidate or measure that is different from the tally of votes produced by the vote tally system for that candidate or measure, and the difference for each race is equal to or less than one-half of one percent, the tally of votes produced by the vote tally system is the official tally of votes for that vote tally system.

(b) If a hand count conducted under this section results in a tally of votes for a candidate or measure that is different from the tally of votes produced by the vote tally system for that candidate or measure, and the difference in any race is greater than one-half of one percent, the county clerk shall conduct a second hand count of the same ballots.

(c) If the second hand count conducted under this subsection results in a tally of votes for a candidate or measure that is different from the tally of votes produced by the vote tally system for that candidate or measure, and the difference for each race is equal to or less than one-half of one percent, the tally of votes produced by the vote tally system is the official tally of votes for that vote tally system.

(d) If the second hand count conducted under this subsection results in a tally of votes for a candidate or measure that is different from the tally of votes produced by the vote tally system for that candidate or measure, and the difference in any race is greater than one-half of one percent, the county clerk shall conduct a hand count of all ballots counted by that vote tally system. The hand count is the official tally of votes for that vote tally system. If the hand count is the official tally of votes, not later than the **30th day after the election for a measure, or the 37th day after the election for a candidate**, the county clerk shall certify amended abstracts of votes to appropriate elections officials.

(8) For purposes of conducting the hand counts under this section, the county clerk shall:

(a) Retain custody of the ballots; and

(b) Provide for security for the ballots and the information required to be collected under this subsection.

(9) This section does not apply:

(a) To precincts that are subject to a recount under ORS 258.161, 258.280 or 258.290.

(b) If federal law requires a post-election hand count of ballots at the primary election, general election or special election to verify election results and the Secretary of State determines that the requirements of federal law are at least as stringent as the requirements of subsections (1) to (8) of this section.

SECTION 28. ORS 198.775 is amended to read:

198.775. (1) A petition for formation, annexation, withdrawal or dissolution shall not be accepted for filing unless the petition is accompanied by a bond, a cash deposit or other security deposit as follows:

(a) The bond shall be in a form and in an amount approved by the county board, not to exceed \$100 for each precinct in the affected district and any territory to be included in the district, up to a maximum of \$10,000. The bond shall be conditioned that, if the attempted formation, annexation, withdrawal or dissolution is not effected, the chief petitioners will pay the costs thereof, excluding any costs incurred by a local government boundary commission under ORS 199.410 to 199.519.

(b) The cash deposit shall be in an amount approved by the county board, not to exceed \$100 for each precinct in the affected district and any territory to be included in the district, up to a maximum of \$10,000. The cash deposit shall be accompanied by a form prescribed by the Secretary of State. The form shall include the names and addresses of all persons and organizations providing any part of the cash deposit and the amount provided by each, and a statement signed by the chief petitioners that if the costs of the attempted formation, annexation, withdrawal or dissolution exceed the deposit, the chief petitioners shall pay to the county treasurer the amount of the excess costs.

(c) The security deposit other than a bond or cash deposit shall be of a kind and in an amount approved by the county board, not to exceed \$100 for each precinct in the affected district and any territory to be included in the district, up to a maximum of \$10,000. The security deposit shall be accompanied by a form prescribed by the Secretary of State. The form shall include the names and addresses of all persons and organizations providing any part of the security deposit and the amount and kind provided by each, and a statement signed by the chief petitioners that if the costs of the attempted formation, annexation, withdrawal or dissolution exceed the security deposited, the chief petitioners shall pay to the county treasurer the amount of the excess costs.

(2) If the proposed formation, annexation, withdrawal or dissolution is effected, the district shall be liable for the costs. Not later than *[the 30th day after the election]* **45 days after the results of the election are certified**, if a cash deposit or security deposit other than a bond was made under subsection (1) of this section, the county clerk shall refund the deposit to the persons who made the deposit.

(3) If the proposed formation, annexation, withdrawal or dissolution is not effected, the county shall collect the costs of the attempted formation, annexation, withdrawal or dissolution as follows:

(a) If the chief petitioners posted a bond, the county shall collect on the bond.

(b) If the chief petitioners made a cash deposit, not later than *[the 30th day after the election]* **45 days after the results of the election are certified**, the county clerk shall pay into the general fund of the county that portion of the deposit needed to reimburse the county for the costs. If any portion of the deposit remains after the costs have been paid, the county clerk shall refund the portion to the persons shown on the form filed under subsection (1) of this section as having made the deposit. If the costs exceed the amount of the deposit, the chief petitioners shall pay to the county treasurer the amount of the excess costs.

(c) If the chief petitioners made a security deposit other than a bond or cash deposit, not later than *[the 30th day after the election]* **45 days after the results of the election are certified**, the county clerk shall negotiate or otherwise collect on as much of the security deposit as necessary to reimburse the county for the costs and shall pay the proceeds into the general fund of the county. If any portion of the security deposit or any proceeds of the security deposit remain after the costs have been paid, the county clerk shall return the portion or the remaining proceeds to the persons shown on the form filed under subsection (1) of this section as having made the deposit. If the costs

exceed the amount of the proceeds, the chief petitioners shall pay to the county treasurer the amount of the excess costs.

(4) Notwithstanding subsection (1) of this section, the costs of proceedings initiated by a county or district board, excluding costs incurred by a local government boundary commission under ORS 199.410 to 199.519, shall be paid by the initiating board out of county or district funds.

SECTION 29. ORS 198.820 is amended to read:

198.820. (1) After the election if any is held, if it is determined by the county board that the majority of the votes cast were in favor of formation of the district, the board shall enter an order establishing and forming the district. If a majority of the votes cast oppose the formation of the district, the board shall enter an order dismissing the petition. The order shall be entered within [30 days after the date of the election] **15 days after the results of the election are certified.** The county board shall also canvass the votes for members of the district board and, if formation of the district is approved, cause the county clerk to issue certificates of election to the number of persons, equal to the number of board members named in the petition for formation, receiving the highest number of votes.

(2) After the date of the formation order, the inhabitants of the territory within the district shall be a municipal corporation to be known by the name specified in the order, and as such shall have perpetual succession, and by such name shall exercise and carry out the corporate powers and objects conferred by the principal Act of the district.

(3) An order creating a district, whether the district is formed with or without an election, shall state the name and purpose of the district, describe its boundaries, and declare the district formed. From the date of the formation order the district shall be considered established.

SECTION 30. 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 the 21st day before the date of the election.

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The ballot shall contain the following warning:

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

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

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

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

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

(e) If the elector deposits the ballot at the office of the county clerk, at any place of deposit designated by the county clerk or at any location described in ORS 254.472 or 254.474, the ballot must be received at the office of the county clerk, at the designated place of deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the period determined under subsection (1) of this section on the date of the election. If the elector returns the ballot by mail:

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

(B) The ballot must:

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

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

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

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

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

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

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

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

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

(10) A ballot shall be counted only if:

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

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

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

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

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

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

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

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

(c) As used in this subsection, “filing officer” has the meaning given that term in ORS 254.165.
(14) As used in this section, “postal indicator” means a postmark or other indicator on a mailed ballot, identified by the Secretary of State by rule, that demonstrates the date or time at which a ballot was mailed.

SECTION 31. ORS 254.115 is amended to read:

254.115. (1) The official primary election ballot shall be styled “Official Primary Nominating Ballot for the _____ Party.” and shall state:

- (a) The name of the county for which it is intended.
- (b) The date of the primary election.
- (c) The names of all candidates for nomination at the primary election whose nominating petitions or declarations of candidacy have been made and filed, and who have not died, withdrawn or become disqualified.
- (d) The names of candidates for election as precinct committeeperson.
- (e) The names of candidates for the party nomination for President of the United States who qualified for the ballot under ORS 249.078.

(2) The primary election ballot may include any city, county or nonpartisan office or the number, ballot title and financial estimates under ORS 250.125 of any measure.

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

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

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

SECTION 32. ORS 247.555 is amended to read:

247.555. (1) A county clerk may cancel the registration of an elector:

- (a) At the request of the elector;
- (b) Upon the death of the elector;
- (c) If the county clerk receives written evidence that the elector has registered to vote [in another county in this state or] in another state; or
- (d) If the elector has not responded to a notice described in ORS 247.563 and has not voted or updated a registration during the period beginning on the date the notice is sent and ending on the day after the date of the second regular general election that occurs after the date the notice was sent.

(2) If the registration of an elector is canceled, the elector, in order to vote in an election, must register as provided in this chapter.

SECTION 33. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

Passed by Senate April 5, 2023

Repassed by Senate June 15, 2023

.....
Lori L. Brocker, Secretary of Senate

.....
Rob Wagner, President of Senate

Passed by House June 1, 2023

.....
Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

.....
Secretary of State