

Senate Bill 403

Sponsored by Senator GIROD (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act requires ballots that are returned by mail to be received by the date of the election. (Flesch Readability Score: 72.5).

Requires that ballots that are returned by mail must be received by the date of the election.

A BILL FOR AN ACT

1
2 Relating to ballot return date; creating new provisions; and amending ORS 247.018, 253.065, 253.070,
3 253.585, 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 (e) 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) If an active elector of the electoral district requests an absentee ballot because the elector
27 will be absent from the electoral district during the period of time described in paragraph (a) of this
28 subsection, the county clerk may, if the elector's ballot is available:

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

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

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

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

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

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

14 (c) An elector not affiliated with any political party who wishes to vote in the primary election
 15 of a major political party shall apply to the county clerk in writing. The application must be com-
 16 pleted, signed and submitted by the elector electronically, in person or by mail, in a manner deter-
 17 mined by the secretary by rule and must indicate which major political party ballot the elector
 18 wishes to receive. Except for electors described in subsection (4) of this section, and subject to ORS
 19 247.203, the application must be received by the county clerk not later than 5 p.m. of the 21st day
 20 before the date of the election.

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

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

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

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

33 _____
 34
 35 Any person who, by use of force or other means, unduly influences an elector to vote in any
 36 particular manner or to refrain from voting is subject to a fine.
 37 _____

38
 39 (6)(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
 40 the return identification envelope supplied with the ballot and comply with the instructions provided
 41 with the ballot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 *[(9)]* (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or
 30 not received by the elector. Replacement ballots shall be issued and processed as described in this
 31 section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided
 32 under this subsection. Notwithstanding any deadline for mailing ballots in subsection (2) of this
 33 section, a replacement ballot may be mailed, made available in the office of the county clerk or made
 34 available at one central location in the electoral district in which the election is conducted. The
 35 county clerk shall designate the central location. A replacement ballot need not be mailed after the
 36 fifth day before the date of the election.

37 *[(10)]* (8) A ballot shall be counted only if:

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

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

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

42 *[(11)]* (9) The county clerk shall verify the signature of each elector on the return identification
 43 envelope with the signature on the elector's registration record, according to the procedure provided
 44 by rules adopted by the Secretary of State. Rules adopted by the secretary under this subsection
 45 must limit personnel authorized to verify signatures to the personnel authorized to count ballots

1 under ORS 254.476. If the county clerk determines that an elector to whom a replacement ballot has
 2 been issued has voted more than once, the county clerk shall count only one ballot cast by that
 3 elector.

4 [(12)] (10) At 8 p.m. on election day, electors who are at the county clerk's office, a place of
 5 deposit designated under subsection (1) of this section or any location described in ORS 254.472 or
 6 254.474 and who are in line waiting to vote or deposit a voted ballot shall be considered to have
 7 begun the act of voting.

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

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

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

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

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

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

23 253.065. (1) For electors with mailing addresses outside this state, the county clerk shall deliver
 24 a ballot:

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

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

28 (2) The clerk shall deliver with the ballot instructions for marking and returning the ballot, a
 29 return identification envelope and, if used, a secrecy envelope. [*Except as provided in subsection (3)*
 30 *of this section, the return identification envelope must contain:*] **The back of the return identifica-**
 31 **tion envelope shall include a statement to be signed by the absent elector, stating that the**
 32 **elector:**

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

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

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

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

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

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

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

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

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

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

6 *[(4)] (3) An absent elector may obtain a replacement ballot if the ballot delivered under this*
 7 *section is destroyed, spoiled, lost or not received by the elector. The county clerk shall keep a re-*
 8 *cord of each replacement ballot provided under this subsection.*

9 *[(5)] (4) A replacement ballot provided under subsection [(4)] (3) of this section may be mailed*
 10 *or shall be made available in the office of the county clerk.*

11 *[(6)] (5) If the county clerk determines that an absent elector to whom a replacement ballot has*
 12 *been issued at the request of the elector has voted more than once, the county clerk shall count only*
 13 *the first ballot received by the clerk and provide the elector’s name to the Secretary of State for*
 14 *further review. If the county clerk is required to reissue ballots due to a change on the ballot for*
 15 *any reason, that ballot shall be counted in lieu of any previous ballot issued unless:*

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

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

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

20 **253.070. A ballot from an absent elector must be received by a county clerk not later than**
 21 **8 p.m. on the date of the election.**

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

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

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

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

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

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

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

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

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

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

42 **SECTION 4.** ORS 254.485, as amended by section 3, chapter 56, Oregon Laws 2024, is amended
 43 to read:

44 **254.485.** (1) Ballots may be tallied by a vote tally system or by a counting board. A counting
 45 board may tally ballots at the precinct or in the office of the county clerk. In any event, the ballots

1 shall be tallied and returned by precinct.

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

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

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

9 (4) A counting board shall audibly announce the tally as it proceeds. The board shall use only
10 pen and ink to tally.

11 (5) For ballots cast using a voting machine, the county clerk shall:

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

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

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

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

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

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

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

23 **NOTE:** Section 5 was deleted. Subsequent sections were not renumbered.

24 **SECTION 6.** ORS 253.690 is amended to read:

25 253.690. (1) A military or overseas elector described in ORS 253.510 may cast a ballot using a
26 facsimile machine or by electronic mail as provided in this section. Notwithstanding ORS 254.470
27 *[(10)]* **(8)**, a ballot cast under this section shall be counted only if the ballot:

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

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

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

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

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

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

40 _____
41
42 I, _____, acknowledge that by casting my voted ballot using a facsimile machine or by
43 electronic mail I have waived my right to a secret ballot.
44 _____
45

1 (c) A statement to notify the elector that the elector's ballot will not be counted unless the
2 elector has complied with the provisions of this section.

3 (d) Space for the elector to provide the elector's signature to attest to the information supplied.

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

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

8 (4) The county clerk shall verify the signature of each elector on the return identification en-
9 velope transmitted by facsimile machine or electronic mail under this section with the signature on
10 the elector's registration record, according to the procedure provided by rules adopted by the Sec-
11 retary of State. Rules adopted by the secretary under this subsection must limit personnel author-
12 ized to verify signatures to the personnel authorized to count ballots under ORS 254.476.

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

15 **SECTION 7.** ORS 260.695 is amended to read:

16 260.695. (1)(a) If a person prints or circulates an imitation of the ballot or sample ballot:

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

23 (B) The word "UNOFFICIAL" must be superimposed on the imitation ballot or sample ballot so
24 that the word extends diagonally across the ballot from one margin of the text to the other. The
25 superimposed word may be printed in lighter ink than other text on the ballot or sample ballot.

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

28 (2)(a) As used in this subsection, "imitation voters' pamphlet" means a document that imitates
29 the physical characteristics or appearance of a voters' pamphlet or a portion of a voters' pamphlet
30 published by the Secretary of State or county clerk, as defined in ORS 251.005, under ORS chapter
31 251 and likely misleads or confuses a reasonable person as to whether the document is an official
32 voters' pamphlet or a portion of an official voters' pamphlet in the absence of the required state-
33 ment.

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

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

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

42 (B) The word "UNOFFICIAL" must be superimposed on each page of the imitation voters'
43 pamphlet so that the word extends diagonally across the imitation voters' pamphlet from one margin
44 of text to the other. The superimposed word may be printed or displayed in lighter ink than other
45 text on the imitation voters' pamphlet.

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

12 (4) A person may not obstruct an entrance of a building in which ballots are issued or a place
13 designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS
14 254.474 is located. This subsection applies during the period beginning on the date that ballots are
15 mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all
16 persons waiting in line at the building or location who began the act of voting as described in ORS
17 254.470 [(12)] (10) by 8 p.m. have finished voting.

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

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

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

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

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

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

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

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

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

40 (14) A person, except an elections official in performance of duties, may not provide elections
41 advice or attempt to collect voted ballots within any building in which any state or local govern-
42 ment elections office designated for the deposit of ballots under ORS 254.470 is located, or within
43 100 feet measured radially from any entrance to the building.

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

1 (a) The person prominently displays at the location a sign stating: “NOT AN OFFICIAL BAL-
2 LOT DROP SITE”; and

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

4 **SECTION 8.** ORS 254.408 is amended to read:

5 254.408. (1) A person offering to vote and who claims to be an elector, but for whom no evidence
6 of active or inactive registration can be found, shall be granted the right to vote in the manner
7 provided in this section.

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

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

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

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

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

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

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

26 **SECTION 9.** ORS 253.585 is amended to read:

27 253.585. (1) The Secretary of State may receive ballots from military or overseas electors.

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

31 (3) A ballot received by the Secretary of State **not later than 8 p.m. on the date of the**
32 **election** under this section shall be considered to have been received by the county clerk as de-
33 scribed in ORS 253.070. [if:]

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

35 [(b) *The ballot;*]

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

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

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

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

44 **SECTION 10.** ORS 254.458 is amended to read:

45 254.458. (1) Notwithstanding any provision of ORS 254.470:

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

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

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

9 **SECTION 11.** ORS 247.018 is amended to read:

10 247.018. (1)(a) Subject to compliance with all applicable federal laws and regulations, the Sec-
11 retary of State shall by rule establish a schedule by which the Oregon Health Authority shall pro-
12 vide to the secretary electronic records, derived from information provided to the Oregon Health
13 Plan, containing the legal name, age, residence and citizenship information for, and, if any, the
14 electronic signature of, each person who is eligible to be a qualified elector under Article II, section
15 2, of the Oregon Constitution.

16 (b) The secretary shall establish by rule, after consultation with the authority, what electronic
17 records establish whether a person is eligible to be a qualified elector for purposes of this sub-
18 section.

19 (c) Notwithstanding paragraph (a) of this subsection, the authority may not provide to the sec-
20 retary any electronic records for a person who is not a citizen of the United States.

21 (2) When establishing a schedule under subsection (1) of this section, the secretary may adopt
22 rules governing the format and frequency of data transfer. Any rules adopted under this subsection:

23 (a) Are subject to input and public comment, including comment from the authority; and

24 (b) May come into effect only after the secretary and authority test and verify the data transfer
25 processes.

26 (3) The secretary:

27 (a) Shall by rule develop a process to obtain an electronic signature from the Department of
28 Transportation for each person described in subsection (1) of this section for whom the authority
29 does not provide an electronic signature under this section; and

30 (b) May use an electronic signature that is obtained under paragraph (a) of this subsection or
31 that is otherwise in the secretary's possession, for the purpose of registering electors to vote under
32 this section.

33 (4) Upon receiving the electronic record for a person described in subsection (1) of this section,
34 the secretary shall provide the information to the county clerk of the county in which the person
35 may be registered as an elector. The secretary or county clerk shall notify each person of the pro-
36 cess to:

37 (a) Decline being registered as an elector;

38 (b) Adopt a political party affiliation; and

39 (c) Provide a signature if no signature was provided under subsection (1) of this section and the
40 secretary does not have a copy of the signature and is unable to obtain an electronic copy of the
41 signature from the Department of Transportation under subsection (3) of this section.

42 (5) Notwithstanding the absence of any signature, if a person notified under subsection (4) of this
43 section does not decline to be registered as an elector within 21 calendar days after the secretary
44 or county clerk issues the notification, the person's electronic record submitted to the county clerk
45 under subsection (4) of this section will constitute a completed registration card for the person for

1 purposes of this chapter. The person shall be registered to vote if the county clerk determines that
2 the person is qualified to vote under Article II, section 2, of the Oregon Constitution, and the person
3 is not already registered to vote.

4 (6) A county clerk may not send a ballot to, or add to an elector registration list, a person who
5 is determined under subsection (5) of this section to be qualified to vote, and who is not already
6 registered to vote, until at least 21 calendar days after the secretary or county clerk provided no-
7 tification to the person as described in subsection (4) of this section.

8 (7) The transfer of personal information and data by the authority or department to the secre-
9 tary under this section is limited to the information and data that is necessary to register electors.
10 Information and data transferred to the secretary under this section may be used only for the pur-
11 pose of registering electors.

12 (8) The secretary shall adopt rules required to implement this section, including rules to ensure
13 that no ballot is counted for a person registered to vote under this section whose registration record
14 does not contain an electronic signature.

15 (9) As used in this section, “electronic signature” means an electronic form of a handwritten
16 signature that can be verified, in the manner described in ORS 254.470 [(11)] (9), for the purpose of
17 tallying ballots.

18 **SECTION 12. The amendments to ORS 247.018, 253.065, 253.070, 253.585, 253.690, 254.408,**
19 **254.458, 254.470, 254.485 and 260.695 by sections 1 to 11 of this 2025 Act apply to elections held**
20 **on or after the effective date of this 2025 Act.**

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