

# Senate Bill 877

Sponsored by Senator PROZANSKI, Representative FAGAN; Senators COURTNEY, DEMBROW, STEINER HAYWARD, Representatives BARNHART, FREDERICK, HELM

## SUMMARY

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

Requires ballots returned by mail to be postmarked not later than date of election. Requires county clerks to announce status of tally of ballots received after election date on third and eighth calendar days after date of election.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to ballots; creating new provisions; amending ORS 253.065, 253.070, 253.690, 254.470,  
3 254.485, 254.529, 254.545, 254.546, 254.548, 254.555, 254.565, 255.295 and 260.695; and declaring an  
4 emergency.

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (5) The ballot shall contain the following warning:  
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20  
 21 Any person who, by use of force or other means, unduly influences an elector to vote in any  
 22 particular manner or to refrain from voting is subject to a fine.  
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24  
 25 (6)(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign  
 26 the return identification envelope supplied with the ballot and comply with the instructions provided  
 27 with the ballot.

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

31 (c) The ballot must be returned in the return identification envelope. *[If the elector returns the*  
 32 *ballot by mail, the elector must provide the postage.]*

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

36 (e) [A] **If the elector deposits the ballot at the office of the county clerk, at any place of**  
 37 **deposit designated by the county clerk or at any location described in ORS 254.472 or 254.474,**  
 38 **the ballot must be received at the office of the county clerk, at the designated place of deposit or**  
 39 **at any location described in ORS 254.472 or 254.474 not later than the end of the period determined**  
 40 **under subsection (1) of this section on the date of the election. If the elector returns the ballot**  
 41 **by mail, the elector must provide the postage and:**

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

44 (B) **The ballot must be postmarked not later than the date of the election and received**  
 45 **at the office of the county clerk not later than seven calendar days after the date of the**

1 election.

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

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

4 (b) A notice stating: "IF YOU MAIL YOUR BALLOT, IT MUST BE POSTMARKED NO  
5 LATER THAN ELECTION DAY." The statement shall be printed on the front of the envel-  
6 ope.

7 (c) Space for the elector to indicate the date the ballot was voted.

8 (d) A summary of the applicable penalties for knowingly making a false statement, oath  
9 or affidavit under the election laws. The summary shall be printed immediately adjacent to  
10 the space for the elector's signature.

11 (8)(a) If the elector returns the ballot by mail, and the postmark is not present or legible,  
12 the ballot shall be considered to be postmarked on the date the ballot was voted as indicated  
13 by the elector on the return identification envelope.

14 (b) If a ballot is received by the county clerk by mail after the date of the election, the  
15 ballot may not be counted if:

16 (A) The postmark is not present or legible; and

17 (B) The elector has not indicated on the return identification envelope the date that the  
18 ballot was voted.

19 (c) The Secretary of State may adopt rules necessary to implement this subsection.

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

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

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

30 (b) The envelope is signed by the elector to whom the ballot is issued; and

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

32 [(9)] (11) The county clerk shall verify the signature of each elector on the return identification  
33 envelope with the signature on the elector's registration card, according to the procedure provided  
34 by rules adopted by the Secretary of State. If the county clerk determines that an elector to whom  
35 a replacement ballot has been issued has voted more than once, the county clerk shall count only  
36 one ballot cast by that elector.

37 [(10)] (12) At 8 p.m. on election day, electors who are at the county clerk's office, a place of  
38 deposit designated under subsection (1) of this section or any location described in ORS 254.472 or  
39 254.474 and who are in line waiting to vote or deposit a voted ballot shall be considered to have  
40 begun the act of voting.

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

42 253.065. (1) For electors with mailing addresses outside this state, the county clerk shall deliver  
43 a ballot:

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

45 (b) Not sooner than the 29th day before the election to each absent elector with a mailing ad-

1 dress outside this state who is not a military or overseas elector.

2 (2) The clerk shall deliver with the ballot instructions for marking and returning the ballot, a  
3 return identification envelope and a secrecy envelope. The *[back of the envelope shall include]* **return**  
4 **identification envelope must contain:**

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

6 (b) **A notice stating: "IF YOU MAIL YOUR BALLOT, IT MUST BE POSTMARKED NO**  
7 **LATER THAN ELECTION DAY."** The statement must be printed on the front of the envel-  
8 **ope. This paragraph does not apply to ballots mailed to military or overseas electors as de-**  
9 **defined in ORS 253.510.**

10 (c) **Space for the elector to indicate the date the ballot was voted.**

11 (d) **A summary of the applicable penalties for knowingly making a false statement, oath**  
12 **or affidavit under the election laws. The summary shall be printed immediately adjacent to**  
13 **the space for the elector's signature.**

14 (e) A statement to be signed by the absent elector, stating that the elector:

15 [(a)] (A) Is qualified to vote;

16 [(b)] (B) Unless prevented by physical disability, has personally marked the ballot; and

17 [(c)] (C) Has not unnecessarily exhibited the marked ballot to any other person.

18 (3) An absent elector may obtain a replacement ballot if the ballot delivered under this section  
19 is destroyed, spoiled, lost or not received by the elector. The county clerk shall keep a record of  
20 each replacement ballot provided under this subsection.

21 (4) A replacement ballot provided under subsection (3) of this section may be mailed or shall be  
22 made available in the office of the county clerk.

23 (5) If the county clerk determines that an absent elector to whom a replacement ballot has been  
24 issued at the request of the elector has voted more than once, the county clerk shall count only the  
25 first ballot received by the clerk and provide the elector's name to the Secretary of State for further  
26 review. If the county clerk is required to reissue ballots due to a change on the ballot for any rea-  
27 son, that ballot shall be counted in lieu of any previous ballot issued unless:

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

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

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

32 253.070. *[A ballot from an absent elector must be received by a county clerk not later than 8 p.m.*  
33 *of the day of the election.]*

34 (1) **Upon receipt of a ballot the absent elector shall mark it and comply with the in-**  
35 **structions provided with the ballot. The absent elector may return the marked ballot to the**  
36 **office of the clerk, by any appropriate means.**

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

39 (3) **If the absent elector returns the marked ballot by mail, the absent elector must**  
40 **provide the postage and:**

41 (a) **The ballot must be received by a county clerk not later than 8 p.m. of the day of the**  
42 **election; or**

43 (b) **The ballot must be postmarked not later than the date of the election and received**  
44 **by a county clerk not later than seven calendar days after the date of the election. The**  
45 **postmark requirement of this paragraph does not apply to ballots returned by military or**

1 overseas electors as defined in ORS 253.510.

2 (4)(a) If the elector returns the marked ballot by mail, and the postmark is not present  
 3 or legible, the ballot shall be considered to be postmarked on the date the ballot was voted  
 4 as indicated by the elector on the return identification envelope.

5 (b) If a ballot is received by the county clerk by mail after the date of the election, the  
 6 ballot may not be counted if:

7 (A) The postmark is not present or legible; and

8 (B) The elector has not indicated on the return identification envelope the date that the  
 9 ballot was voted.

10 (c) The Secretary of State may adopt rules necessary to implement this subsection.

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

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

15 254.485. (1) Ballots may be tallied by a vote tally system or by a counting board. A counting  
 16 board may tally ballots at the precinct or in the office of the county clerk. In any event, the ballots  
 17 shall be tallied and returned by precinct.

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

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

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

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

29 (5) A counting board shall audibly announce the tally as it proceeds. The board shall use only  
 30 pen and ink to tally.

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

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

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

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

37 (8) **If ballots are received after the date of the election, the county clerk shall announce**  
 38 **the status of the tally of the ballots received after the date of the election on the third and**  
 39 **eighth calendar days after the date of the election.**

40 **SECTION 5.** ORS 254.545 is amended to read:

41 254.545. Subject to ORS 254.548, the county clerk:

42 (1) As soon as possible after any election, shall prepare abstracts of votes. The abstract for  
 43 election of Governor shall be on a sheet separate from the abstracts for other offices and measures.

44 (2) On completion of the abstracts, shall record a complete summary of votes cast in the county  
 45 for each office, candidate for office and measure. The county clerk shall sign and certify this record.

1 (3) Not later than the [20th] **27th** day after the election, shall deliver a copy of the abstracts for  
 2 other than county offices to the appropriate elections officials. The abstract for election of Governor  
 3 shall be delivered separately to the Secretary of State as provided in section 4, Article V, Oregon  
 4 Constitution.

5 (4) Not later than the [30th] **35th** day after the election, shall proclaim which county measure  
 6 is paramount, if two or more approved county measures contain conflicting provisions.

7 (5) Shall prepare and deliver a certificate of nomination or election to each candidate having  
 8 the most votes for nomination for or election to county or precinct offices.

9 (6) Shall prepare, and file with the county governing body, a certificate stating the compensation  
 10 to which the board clerks are entitled. The county governing body shall order the compensation paid  
 11 by county funds.

12 (7) As soon as possible after any election, shall send electronically the results of the election  
 13 in each precinct to the Secretary of State.

14 **SECTION 6.** ORS 254.546 is amended to read:

15 254.546. (1) In the case of a recall election held on a date other than the date of the primary  
 16 election or general election, the county clerk shall prepare an abstract of the votes and deliver it  
 17 to the elections official authorized to order the recall election not later than the [20th] **27th** day  
 18 after the election.

19 (2) Except as provided in subsection (3) of this section, for purposes of section 18, Article II,  
 20 Oregon Constitution, the result of the recall election referred to in subsection (1) of this section  
 21 shall be considered officially declared on the date the abstract of the votes is delivered.

22 (3) If the elections official authorized to order the recall election is the Secretary of State, the  
 23 Secretary of State shall officially declare the result of the election not later than the [30th] **35th**  
 24 day after the election.

25 **SECTION 7.** ORS 254.555 is amended to read:

26 254.555. (1) Except as provided in ORS 254.548, not later than the [30th] **35th** day after any  
 27 election, the Secretary of State, regarding offices for which the secretary receives filings for nomi-  
 28 nation, shall:

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

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

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

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

37 (2) Not later than the [30th] **35th** day after the election:

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

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

44 **SECTION 8.** ORS 254.565 is amended to read:

45 254.565. Subject to ORS 254.548, the chief city elections officer:

1 (1) After the primary election, shall enter in a register of nominations:

2 (a) The name of each candidate for city office nominated at the primary election.

3 (b) The office for which the candidate is nominated.

4 (c) If applicable, the name of the major political party nominating the candidate.

5 (d) The date of the entry.

6 (2) After the general election, shall prepare and deliver a certificate of election to each qualified  
7 candidate having the most votes for election to a city office.

8 (3) Not later than the [30th] **35th** day after any election, shall canvass the vote on each city  
9 measure, and if two or more of the approved measures contain conflicting provisions, proclaim which  
10 is paramount.

11 **SECTION 9.** ORS 254.529 is amended to read:

12 254.529. (1) At each general election, the county clerk shall conduct a hand count of ballots as  
13 described in this section and compare the tally of votes for those ballots produced by a vote tally  
14 system with the tally of votes for those ballots produced by the hand count.

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

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

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

30 (3) The Secretary of State shall select the precincts at random. At the general election, no fewer  
31 than 150 ballots must have been cast in at least one of the precincts selected. The county clerk shall  
32 conduct a hand count of ballots cast in the election contest between the two candidates receiving  
33 the largest number of votes in the county, an election contest for an office to be voted on in the  
34 state at large and, if possible, an election contest for a state measure.

35 (4) Not later than 5 p.m. of the third business day after the date of the general election, the  
36 Secretary of State shall advise county clerks in writing of:

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

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

39 (5) A county clerk shall begin the hand counts prescribed by this section not later than the  
40 [21st] **27th** day after the election and complete the hand counts not later than the [30th] **35th** day  
41 after the election. The results of the hand counts shall be provided to the Secretary of State, who  
42 shall make the results publicly available on the Secretary of State's website.

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

1 produced by the hand count.

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

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

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

16 (d) If the second hand count conducted under this subsection results in a tally of votes for a  
17 candidate or measure that is different from the tally of votes produced by the vote tally system for  
18 that candidate or measure, and the difference in any race is greater than one-half of one percent,  
19 the county clerk shall conduct a hand count of all ballots counted by that vote tally system. The  
20 hand count is the official tally of votes for that vote tally system. If the hand count is the official  
21 tally of votes, not later than the [30th] **35th** day after the election, the county clerk shall certify  
22 amended abstracts of votes to appropriate elections officials.

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

25 (a) Retain custody of the ballots; and

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

28 (9) This section does not apply:

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

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

33 **SECTION 10.** ORS 254.548, as amended by section 4, chapter 67, Oregon Laws 2014, and section  
34 4, chapter 112, Oregon Laws 2014, is amended to read:

35 254.548. (1) An individual nominated or elected to a public office by write-in votes shall sign and  
36 file a form indicating that the individual accepts the nomination or office before the filing officer  
37 may issue a certificate of nomination or election. The Secretary of State by rule shall prescribe the  
38 form to be used under this section.

39 (2) In the case of an individual nominated or elected by write-in votes to a public office:

40 (a) Not later than the [27th] **35th** day after the election, the filing officer shall prepare and de-  
41 liver the form described in subsection (1) of this section to the individual;

42 (b) Not later than the 35th day after the election, if the individual accepts the nomination or  
43 office, the individual shall sign and file the form with the filing officer; and

44 (c) Not later than the 40th day after the election, if the individual files the form by the deadline  
45 specified in paragraph (b) of this subsection, the filing officer shall prepare and deliver a certificate



1 of nomination or election to the individual and, if applicable, issue a proclamation declaring the  
 2 election of the candidate to the office.

3 **SECTION 11.** ORS 255.295, as amended by section 5, chapter 67, Oregon Laws 2014, and section  
 4 5, chapter 112, Oregon Laws 2014, is amended to read:

5 255.295. (1) Not later than the [20th] **27th** day after the date of an election, the county clerk  
 6 shall prepare an abstract of the votes and deliver it to the district elections authority. Not later  
 7 than the 40th day after receiving the abstract, the district elections authority shall determine from  
 8 it the result of the election.

9 (2) Subject to ORS 254.548, the county clerk may issue a certificate of election only after the  
 10 district elections authority has notified the county clerk in writing of the result of the election. The  
 11 notification to the county clerk shall contain a statement indicating whether any candidate elected  
 12 to district office is qualified to hold the office.

13 **SECTION 12.** ORS 253.690 is amended to read:

14 253.690. (1) A military or overseas elector described in ORS 253.510 may cast a ballot using a  
 15 facsimile machine or by electronic mail as provided in this section. Notwithstanding ORS 254.470  
 16 [(8)] **(10)**, a ballot cast under this section shall be counted only if the ballot:

- 17 (a) Is received in the office of the county clerk not later than 8 p.m. on the day of the election;
- 18 (b) Is accompanied by a return identification envelope containing the signature of the elector  
 19 and a signed waiver described in subsection (2) of this section; and
- 20 (c) The signature is verified as provided in subsection (4) of this section.

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

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

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

29 \_\_\_\_\_

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

33 \_\_\_\_\_

34  
 35 (c) A statement to notify the elector that the elector’s ballot will not be counted unless the  
 36 elector has complied with the provisions of this section.

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

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

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

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

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

3 **SECTION 13.** ORS 260.695, as amended by section 6, chapter 67, Oregon Laws 2014, and section  
4 6, chapter 112, Oregon Laws 2014, is amended to read:

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

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

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

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

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

28 (3) A person may not obstruct an entrance of a building in which ballots are issued or a place  
29 designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS  
30 254.474 is located. This subsection applies during the period beginning on the date that ballots are  
31 mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all  
32 persons waiting in line at the building or location who began the act of voting as described in ORS  
33 254.470 [(10)] (12) by 8 p.m. have finished voting.

34 (4) A person may not vote or offer to vote in any election knowing the person is not entitled  
35 to vote.

36 (5) A person may not make a false statement about the person’s inability to mark a ballot.

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

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

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

45 (9) An elector may not willfully leave at any place designated for the deposit of ballots under

1 ORS 254.470 or at any location described in ORS 254.472 or 254.474 anything that will show how the  
 2 elector's ballot was marked.

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

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

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

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

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

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

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

20 **SECTION 14. The amendments to ORS 253.065, 253.070, 253.690, 254.470, 254.485, 254.529,**  
 21 **254.545, 254.546, 254.548, 254.555, 254.565, 255.295 and 260.695 by sections 1 to 13 of this 2015**  
 22 **Act become operative on January 1, 2016.**

23 **SECTION 15. The Secretary of State and county clerks may take any action before the**  
 24 **operative date set forth in section 14 of this 2015 Act that is necessary to enable the secre-**  
 25 **tary and county clerks to exercise, on and after the operative date set forth in section 14**  
 26 **of this 2015 Act, all the duties, functions and powers conferred on the secretary and county**  
 27 **clerks by the amendments to ORS 253.065, 253.070, 253.690, 254.470, 254.485, 254.529, 254.545,**  
 28 **254.546, 254.548, 254.555, 254.565, 255.295 and 260.695 by sections 1 to 13 of this 2015 Act.**

29 **SECTION 16. This 2015 Act being necessary for the immediate preservation of the public**  
 30 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
 31 **on its passage.**

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