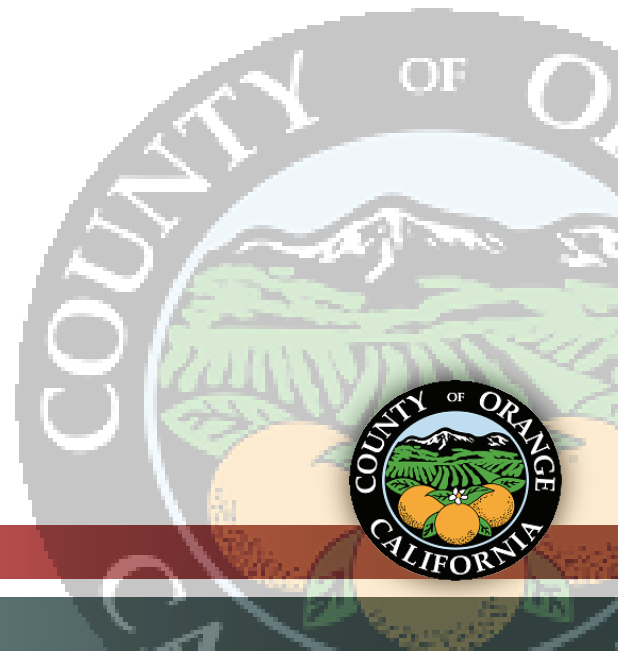


# ORANGE COUNTY REGISTRAR OF VOTERS



## Orange County Vote-by-Mail Program Report

**Response to  
Orange County Board of Supervisors  
Directive**



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## Executive Summary

Elections in the State of Oregon have been conducted by mail for the last 30 years. Since 2005 local election officials in Washington State have had the option to conduct vote by mail elections. Election officials in both states vigorously defend the benefits of voting by mail, including reduction of costs, increased voter participation, and increased oversight and security.

A review of costs over the past few decades indicates that Oregon vote by mail elections are less expensive than traditional polling place elections. These costs savings have been realized due to a variety of factors, including the elimination of sample ballots, poll site costs, poll worker pay, and poll worker training. Washington's Secretary of State does not collect data on the cost difference between vote by mail elections and traditional elections; all-mail ballot elections are a relatively new practice in Washington and more time is needed for an accurate assessment of costs. If state law were to allow statewide vote by mail and should Orange County choose to implement an all-mail ballot voting system, a savings of approximately \$200,000 per election would be realized.

Despite claims to the contrary, data from the Oregon and Washington Secretary of State's offices does not show an increase in voter turnout when vote by mail elections are held. This report compares voter turnout in several different types of elections: presidential general, presidential primary, state primary, state general, and special. Voter turnout varied from election to election, and did not show any increase when vote by mail elections were instituted. At this time it would seem unwise and premature to draw any long-term conclusions about the effectiveness of Oregon and Washington's vote by mail elections with respect to increasing voter turnout. Even as time passes and more election data is available to draw from it would be impossible to determine, should an increase in voter turnout occur, that the system of voting used should be credited. Other important factors – dynamic candidates, competitive races, divisive ballot measures, campaign outreach and financing, regional economic successes or failures – all need to be considered as potential catalysts for increased voter participation.

More certain is Oregon and Washington's preference for the system over traditional voting systems. Both voters and election officials ardently prefer the system for its reduced costs, lessened work load, and increased oversight. Voters have a greater opportunity to review the ballot and make informed decisions, and voters with disabilities are not inhibited by inaccessible polling places or transportation to and from the polls. In Oregon's 30 year history of vote by mail elections, there has been only a single documented case of voter fraud. Both states have implemented a number of security measures to ensure the privacy of a voter's ballot, and the integrity of the election system.

Should Orange County choose to pursue an all-mail ballot voting system a substantial portion of the County's current investment made in equipment would be lost. Based on current market conditions, there is little to zero demand for voting equipment throughout the United States. This will likely not improve over time as new systems and upgrades are developed by voting equipment vendors. The current total financial investment is \$47 million.

Legislative proposals in California to change to an all-mail ballot voting system have met resistance over the years. Very few pieces of legislation have ever been passed to allow counties the option to conduct vote by mail elections. The majority of bills have either died in committee or have been vetoed by the Governor. These bills have ranged from small pilot programs to statewide implementation. Since 2007, the Legislature has seen a drop in the number of bills proposed on the issue of voting by



mail, likely in response to the constant rejection they have encountered in recent years. Overall, instituting vote by mail elections in Orange County would reduce election administration costs, though the investment in voting equipment would be lost. Given the experiences in Oregon and Washington, it is unlikely that Orange County would experience an increase in voter participation with a vote by mail system. Common concerns over voter fraud and ballot security could be appeased by expanding the vote by mail security measures already in place in the County. Neither Oregon nor Washington has experienced issues of voter fraud to an extent that would call into question the security of the system. The biggest challenge would likely be found in the Legislature, where proposals to implement vote by mail elections have frequently been met with resistance.

  
Neal Kelley  
Registrar of Voters





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## The Nature of Vote by Mail in Oregon

### The Oregon Experience

The State of Oregon has experimented with various forms of voting-by-mail for nearly 30 years. Their test began in 1981 when the Oregon Legislature approved a test of vote by mail for local elections, and culminated in 1998 when all-mail ballot elections became a permanent fixture. Oregon's vast and varied voting history provides insight into the consequences of an all-mail ballot system.

In the mid-1990's Oregon experimented with conducting vacancy and special elections by mail, and was the first state to conduct primary and general elections by mail to fill federal office vacancies. In 1995 the Oregon Legislature attempted to require all primary and general elections be held by mail. While SB 319 passed through the House and Senate, it was vetoed by Governor John Kitzhaber. During the same session, the Governor signed SB 928, an omnibus elections bill that required the presidential preference primary be held entirely by mail. In March 1996 Oregon became the second state in the country to hold a vote by mail presidential primary election.<sup>1</sup>

Despite seven successful special statewide elections conducted by mail, legislation to extend vote by mail provisions to all elections remained deadlocked in the Oregon Legislature. Then Secretary of State Phil Keisling stated in a report issued by his office that "one of my top priorities in the next legislative session is to make all Oregon elections vote-by-mail." Despite this goal, it was ultimately the voters who enacted all mail ballot elections in the State. In an attempt to bypass the legislature, a group of vote by mail proponents qualified an initiative for the November 1998 ballot that would require an all mail ballot voting system for primary and general elections. In 1998 Oregon voters approved Measure 60, sponsored by the League of Women Voters, with 69.4% of the vote. This measure was later enacted into law under SB 1178.

Since the passage of vote by mail, Oregon has conducted 15 presidential, general, primary, and special elections using all-mail ballots.

### Oregon Revised Statutes

The current law mandating vote by mail in Oregon states that "county clerks shall conduct all elections in this state by mail." Procedures for conducting vote by mail elections are outlined in the Oregon Revised Statutes<sup>2</sup>, and include the following:

- The Secretary of State shall establish requirements and criteria for the designation of places of deposit for the ballots cast in an election. At minimum, the places designated 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.

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<sup>1</sup> The first VBM presidential primary was held by North Dakota, just weeks prior to Oregon's election.

<sup>2</sup> The full text of the statutes relating to vote by mail elections can be found in Appendix B.





- The County clerk shall mail by nonforwardable mail an official ballot with a return identification envelope and secrecy envelope not sooner than the 18<sup>th</sup> day before the date of an election and not later than the 14<sup>th</sup> day.
- For those voters who do not receive daily mail service, the county clerk shall mail an official ballot to the elector not sooner than the 20<sup>th</sup> day before the date of an election and not later than the 18<sup>th</sup> day.
- For those voters who reside outside of the state, the county clerk may mail the ballots not sooner than the 29<sup>th</sup> day before the date of the election.
- 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 no later than the 21<sup>st</sup> day before the date of the election.
- 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.”
- To return a voted ballot, the voter must mark the ballot, sign the return envelope, and return the ballot either by mail or by depositing the ballot at the office of the county clerk or at any place of deposit designated by the county clerk. If the elector chooses to mail the ballot, they must provide the postage.
- A ballot shall only be counted if:
  - It is returned in the return identification envelope.
  - The envelope is signed by the elector to whom the ballot is issued; and
  - The signature is verified by the county clerk to match the signature on the elector’s registration card.

The following table outlines significant dates leading up to a vote by mail election in Oregon.

60 days prior	Cutoff for ballot content.
45 days prior	Overseas ballots are mailed.
21 days prior	Last day to register to vote for the election.
14-18 days prior	Vote by mail ballots are mailed to all registered voters. On the day the ballots are first mailed, ballot drop sites are open throughout the county. County officials are required to mail ballots 14 to 18 days prior to election day.
14 days prior until 8 p.m. on Election Day	Voters may mail in or drop off their voted ballots.
7 days prior	County election officials may begin to open and sort the voted ballots, preparing them for the tally.





Election Day	County election officials may begin to tally the ballots at any time on Election Day. The polls close at 8 p.m., and all ballots must be received by then in order to be counted.
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## **Oregon: Voter Turnout Levels**

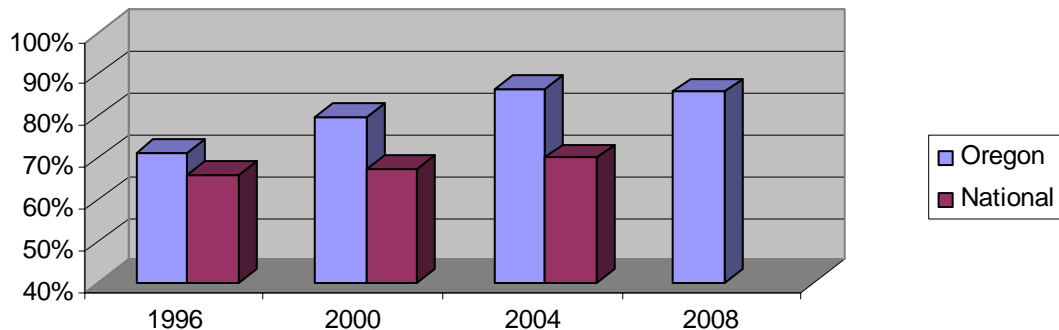
Vote by mail was initially introduced in Oregon as a means to reverse the trend of steadily declining voter turnout due to decentralized and too-frequent elections. Oregon experienced its all-time low voter turnout during the Primary election of 1998, with only 35% of voters casting a ballot. Since 1987 Oregon has experimented with vote by mail in various forms, with inconclusive results as to its effectiveness in increasing voter participation. Future elections conducted by mail will allow for a better understanding of the long term effects on voter participation.

In order to demonstrate the effect that an all-mail ballot voting system has on turnout, it is important to compare the turnout levels of similar elections. The following graphs are provided to show the levels of voter turnout in presidential general, presidential primary, state primary, state general, and special elections.

### **Presidential General Elections**

Since its full inception in 1999, Oregon has conducted three presidential general elections entirely by mail. The graph below shows the steady increase in participation from 2000-2008 relative to the turnout in 1996, when vote by mail was not yet fully implemented. Also included in the graph is the national voter turnout for each election as provided by the Election Assistance Commission.

**Voter Turnout: Presidential General Elections  
1996-2008**



Oregon has followed the national trend of increasing voter participation in presidential general elections. National voter turnout data is not yet available for 2008.

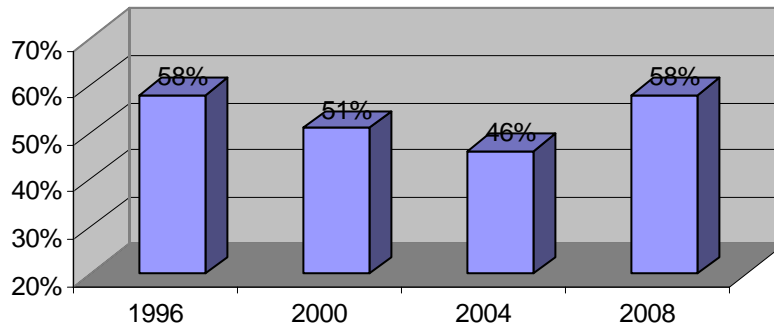




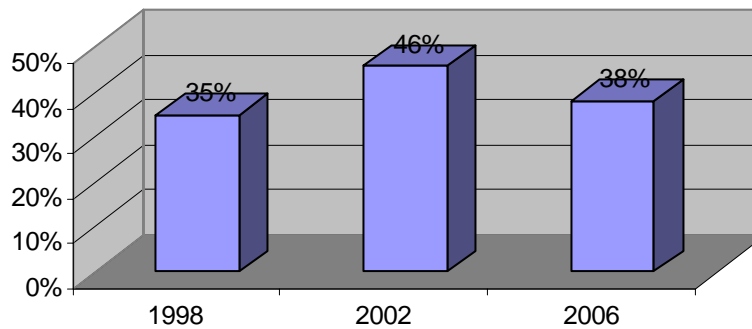
### Presidential Primary, State Primary, & Special Elections

By contrast, both presidential primary and primary elections conducted by mail have shown to have minimal impact on voter turnout. Below are two tables showing the varying turnout figures over time.

**Voter Turnout: Presidential Primary Elections  
1996-2008**



**Voter Turnout: Primary Elections  
1998-2006**

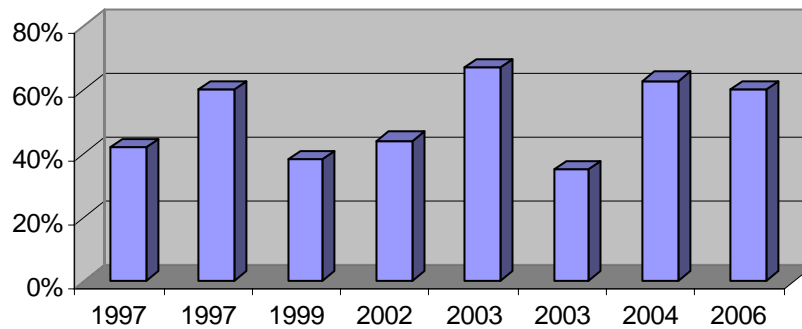


The graph on the following page shows a comparison of special elections where ballot measures were voted on from 1997 to 2006. The data shows no visible increase in turnout, but rather sporadic levels of turnout. This variation can likely be attributed to the subject matter of the ballot measures and other outside influences.





### Voter Turnout: Special Elections, Ballot Measures 1997-2006



### Oregon: Voter Fraud & Security Measures

In the many years that Oregon has been voting by mail, there has been only one single case of voter fraud. This instance occurred in 2003, and involved an individual who was not a US citizen but who registered to vote. His citizenship status came to light when he was called for jury duty and admitted that he was not eligible to serve because he was not a US citizen.

Election officials in Oregon have taken a number of security precautions to ensure ballot secrecy and election integrity. The following are some of the procedures that have helped to ensure that elections are free from fraud, intimidation, and malpractice.

- In an effort to ensure the secrecy of the ballot, Oregon developed a three-envelope ballot system. Included in the main envelope is a privacy envelope that contains the voted ballot, both of which are to be placed in the return envelope. This process was implemented to ensure that the voter's identity could not be ascertained.
- Oregon election officials have developed a strong relationship with the United States Postal Service by working together on Election Day plans and ballot pick-up schedules.
- Once an envelope containing a voter's ballot is returned to the local elections official, the signature is verified prior to counting. After signature verification is complete, the secrecy envelope containing the ballot is removed from the return envelope and separated to protect the privacy of the voter.
- Though not required by law, the Oregon State Police provide periodic handwriting analysis training for those responsible for signature verification.
- County elections officials are required to develop a security plan<sup>3</sup>, provided to the Secretary of State, which outlines security measures at ballot drop-off sites, accounts for the transportation of ballots to the central counting office, and includes the location of vendors responsible for the assembly and mailing of ballots.

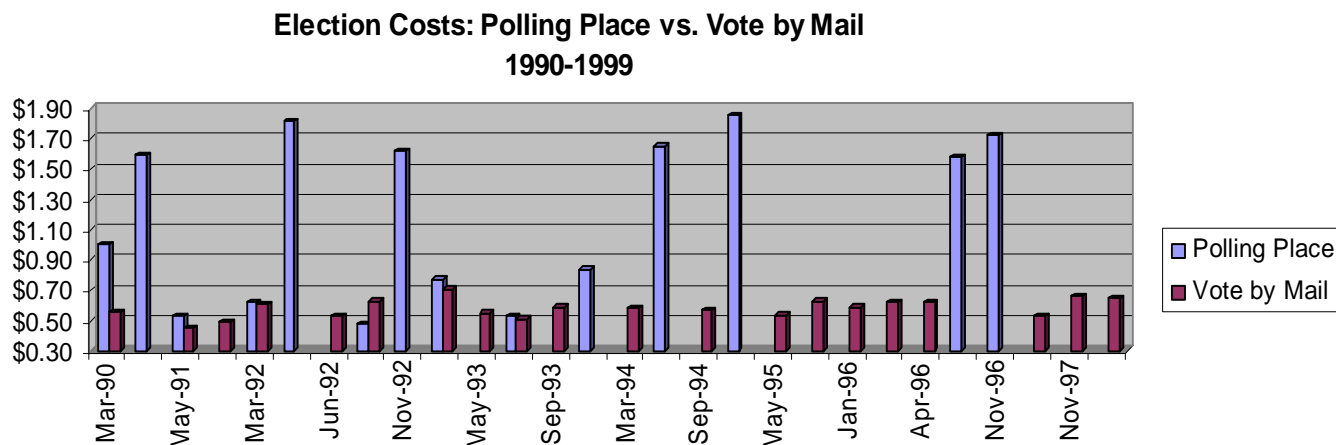
<sup>3</sup> The complete security requirements of Oregon's elections code can be found in Appendix B.





## Oregon: Cost of a Vote by Mail System

Election officials in Oregon are vocal supporters of an all-mail ballot system in part because it is less expensive than traditional polling place elections. The graph below shows the cost per voter of various elections from 1990 to 1999.



On average polling place elections between 1990 and 1999 cost \$1.19 per voter, while vote by mail elections during the same time period cost an average of \$0.58 per voter.

The following may be ascertained from the above data:

- Polling place elections in Oregon vary greatly in their costs, and show little consistency over time. There are a variety of factors that influence the cost of a polling place election that would account for the inconsistencies. They include, but are not limited to:
  - Printing and mailing a county sample ballot. This varies depending on the number of registered voters in the county.
  - Large elections that call for a greater than normal number of poll workers and polling places.
  - Size of the ballot.
  - Voting equipment requirements and type of voting system used.
- Vote by mail election costs in Oregon have been consistent since the implementation of the system, regardless of whether the election was a general, primary, or special election.
- In Oregon, vote by mail elections are less expensive than polling place elections. Reductions in the number of temporary staff needed for polling place work, such as poll workers and trainers,





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account for the majority of these savings. Additionally, not all counties publish a sample ballot.<sup>4</sup> This is a large expense for counties that is required by law in California but not in Oregon. The cost of producing and distributing Orange County's November 2008 sample ballot was \$1.3 million, or \$0.81 per registered voter. Based on similar costs, if Oregon were required to produce and mail a sample ballot prior to the November 2008 election, it would have increased their statewide costs by \$2,607,402. This is assuming a sample ballot would have been sent to each of their 3,219,015 registered voters.<sup>5</sup>

Overall vote by mail elections in Oregon are less expensive than polling place elections. They also show greater cost consistency over time, with fewer variables than polling place elections.

### **Oregon: Overall Voter Participation**

A public opinion survey conducted after the 1996 special election revealed widespread support for all-mail ballot voting. This support has not waivered in recent years; a 2003 study<sup>6</sup> showed 80.9% of respondents prefer voting by mail to polling place elections. Support for the system varies based on factors such as gender, employment status, party identification, ideology, age, income, and race. The lowest level of support (71.4%) for mail ballot elections comes from those who are unemployed, and the highest level of support (93.3%) comes from homemakers. Regardless of their preference towards or against all-mail ballot elections, most voters indicated that the type of voting system did not influence them to vote more or less. The graphs on the following page demonstrate some of the findings of the survey.

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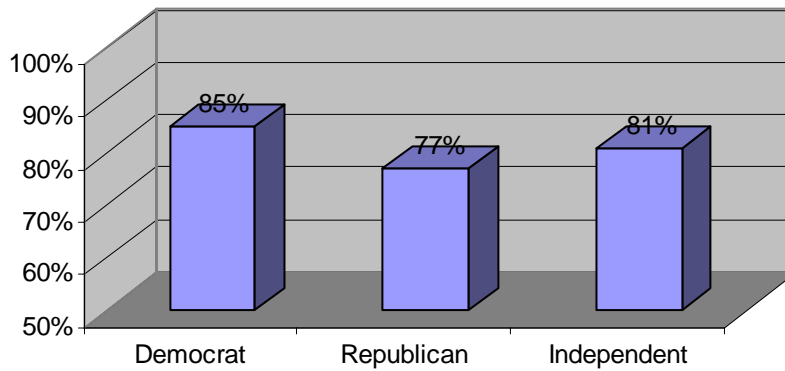
<sup>4</sup> Oregon election law now provides counties with the option of mailing voters a sample ballot. Oregon Revised Statutes, Section 254.195 Ballot specifications.

<sup>5</sup> Pierce County has been excluded from these numbers, as they mail sample ballots to voters for primary and general elections.

<sup>6</sup> Source: 2003 Oregon Annual Social Indicators Survey

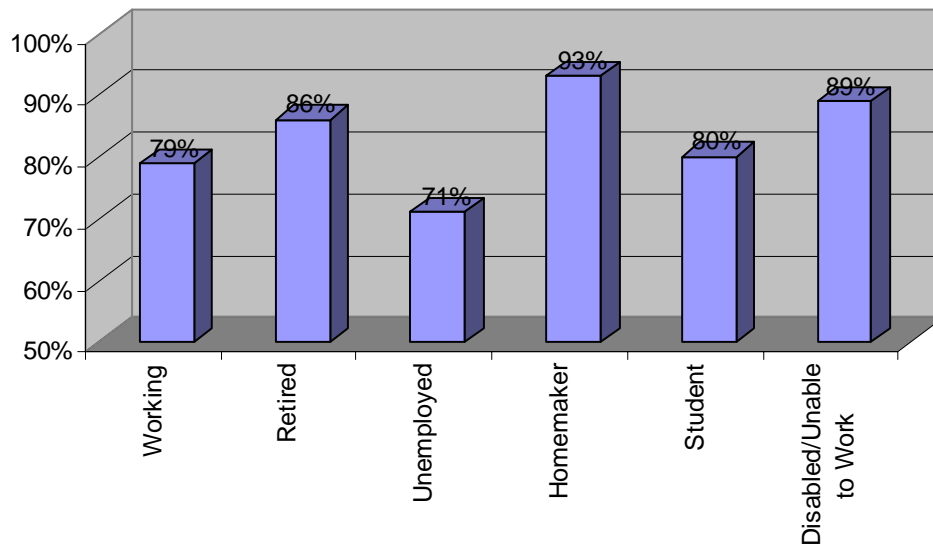


### Vote by Mail Preference: Party identification



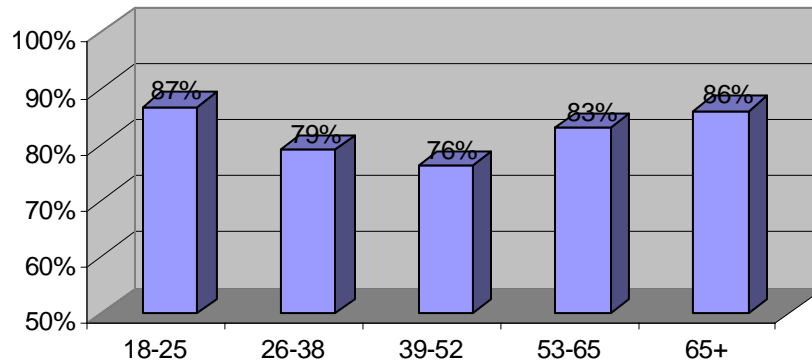
Party identification does not appear to have a large impact on voters' support for an all-mail ballot system.

### Vote by Mail Preference: Employment Status



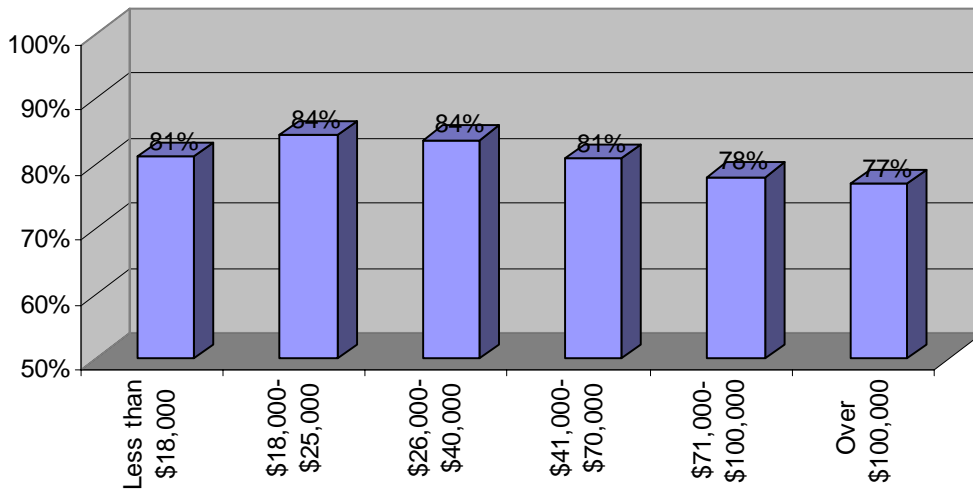
Unemployed voters showed the lowest level of support of any category, at 71.4%. Homemakers showed the highest level of support, at 93.3%.

### Vote by Mail Preference: Age



The youngest and oldest voters prefer voting by mail more than any other age category. 86% of these two age groups prefer voting by mail, whereas an average of 79.4% of all other voters polled preferred the system to polling place elections.

### Vote by Mail Preference: Income



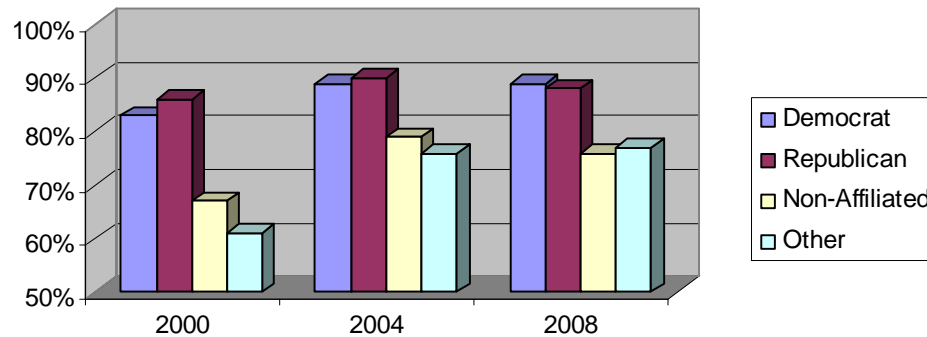
Though voter support for vote by mail elections is high regardless of income, a decline in support occurs as income increases.



### Partisanship

A common concern with mail ballot elections is the fear that one political party will benefit more than the other. In Oregon, this does not seem to be the case. As demonstrated in the graph and table below, both Democrat and Republican voter participation remained fairly constant during the past three presidential general elections, while voters unaffiliated with either party have experienced the largest increase in turnout.

**Partisan Participation: 2000-2008**



Year	Democrats	Republicans	Non-Affiliated	Other	Total
2000	82.9%	85.6%	67.4%	60.7%	79.8%
2004	88.8%	89.7%	78.9%	76.1%	86.5%
2008	89.1%	88.3%	76.0%	77.1%	85.7%

### Accessibility

Oregon has taken several steps to meet the accessibility requirements of the Help American Vote Act of 2002. Voters with disabilities can access various voting assistance services. Electronic voting machines are available at the county elections office, at any of the county's satellite locations, or at a voter's home. These services are offered during the 18 days leading up to the election, or after the ballots have been mailed to voters.

Some counties have provided drive-up drop boxes at their county courthouses or at other convenient locations within their county for voters to drive-up and drop their ballots without having to exit their vehicle. These drive-up drop boxes provide improved access for people with disabilities and seniors.





To assist voters with vision impairments:

- The State utilizes a ballot encased in a sleeve containing tactile markings.
- Accompanying the ballot is an audio tape to guide the voter through the ballot.

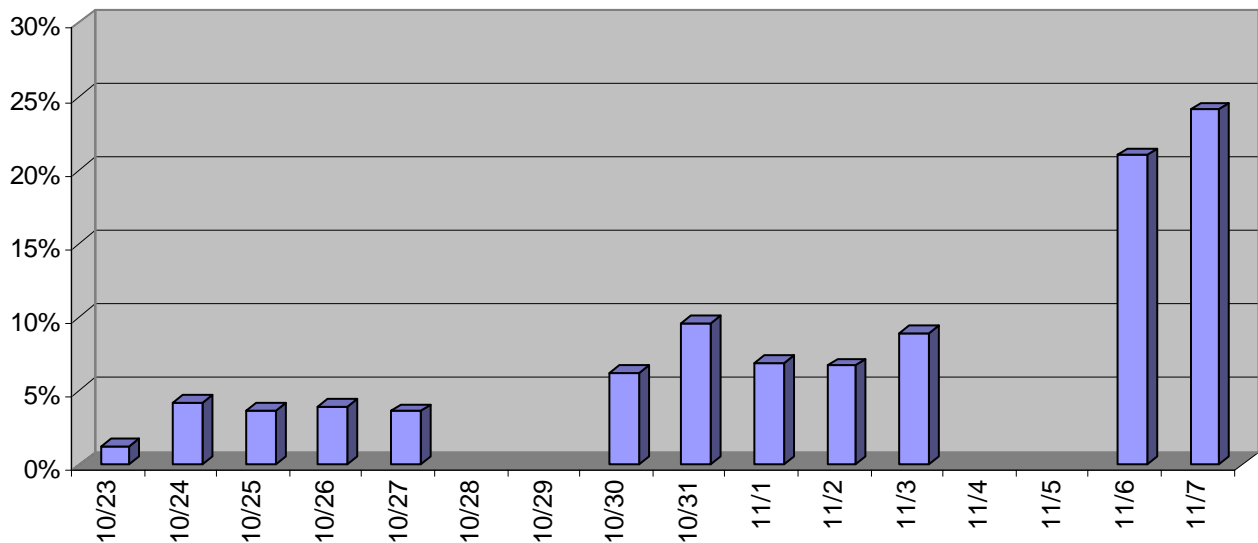
To assist voters with other disabilities:

- A telephone voting system is used in all counties.
- The Assistive Ballot Marking System allows voters to cast their ballot through the use of a phone and fax machine system operated out of the county clerk's office.
- The Secretary of State allows voters to download their ballot from their website, fill it in using their computer, print the completed ballot, and mail it to their local election official.

### Ballot Returns

A concern for states when considering an all-mail ballot voting system is the increase in quantity of ballots and their rate of return. An influx of returned ballots on the day before and day of the election requires an increase in labor and may overwhelm an office and slow down the vote tally process.

**Statewide Daily Ballot Returns November 2000 Presidential Election**



The graph above shows the influx of ballots received in the final two days during Oregon's 2000 General Election.

This data is important for election officials when determining how to best utilize their limited resources and labor.





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## The Nature of Vote by Mail in Washington

### The Washington Experience

Beginning in 1915, Washington voters who expected that they would be at least 25 miles away from their assigned precinct on Election Day were able to visit a local poll site and cast their vote by mail ballot. Over time more and more voters were given the opportunity to vote by mail. In 1974 the Legislature passed a bill allowing no-excuse voting, permitting those voters who provided a specific reason the option to vote by mail. In 1985 this right was opened up to voters with disabilities and those over the age of 65. In 1993 vote by mail voting was expanded to all citizens.

Between 2002 and 2005 five rural counties conducted all of their elections by mail, and in 2005 all counties in the State of Washington were granted the option of voting by mail. Currently, all but one county in Washington conduct their elections entirely by mail. Pierce County, one of Washington's largest counties, maintains traditional polling places.

### Washington Revised Statutes

The current law mandating vote by mail in Washington states that “with express authorization from the county legislative authority, the county auditor may conduct all primary, special, and general elections entirely by mail ballot. County clerks shall conduct all elections in this state by mail.” Procedures for conducting vote by mail elections are outlined in the Washington Revised Statutes<sup>7</sup>, and include the following:

- The auditor shall mail each active voter a ballot at least eighteen days before a primary, general election, or special election.
- The auditor shall send each inactive voter either a ballot or an application to receive a ballot at least eighteen days before a primary, general election, or special election.
- The county auditor shall designate one or more places for the deposit of ballots not returned by mail. These shall be open on the date of the election for a period of thirteen hours, beginning at 7:00 a.m. and ending at 8:00 p.m.
- A voter may request a replacement mail ballot in person, by mail, by telephone, or by other electronic transmission for himself or herself and for any member of his or her immediate family.
- If mailed, a ballot must be postmarked not later than the date of the primary or election. Otherwise, the ballot must be deposited at the office of the county auditor or the designated place of deposit not later than 8:00 p.m. on the date of the election.
- All personnel assigned to verify signatures on the return envelope must receive training on statewide standards for signature verification.

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<sup>7</sup> The full text of the statutes relating to vote by mail elections can be found in Appendix F.

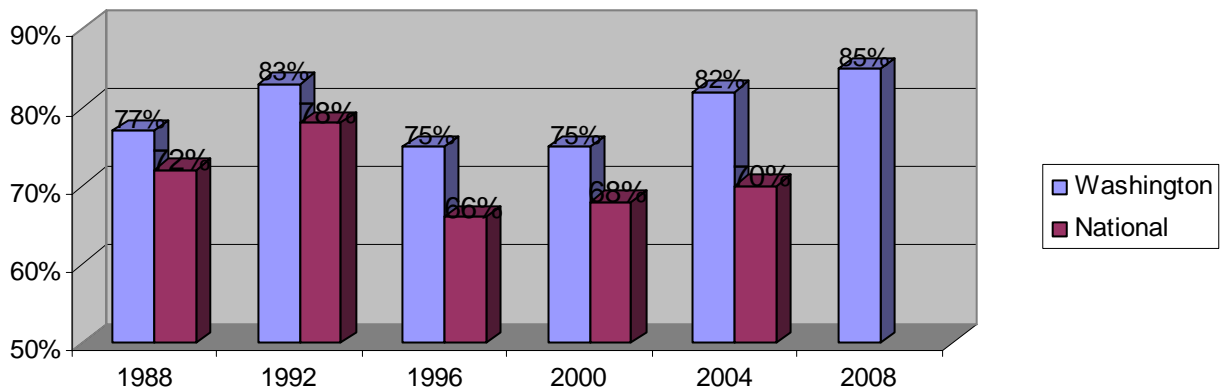




## Washington: Voter Turnout Levels

Proponents of vote by mail in Washington State cite an increase in voter participation as one of the benefits, though data provided by the Secretary of State is inconclusive on this matter. Washington voters certainly prefer voting by mail, but there is no indication that a vote by mail system increases voter turnout.

**Voter Turnout: Presidential General Elections  
1988-2008**



In the Presidential General election of 2008, where 38 of 39 counties held vote by mail elections, voter turnout was only 2 points higher than in 1992.

As is the case with Oregon, turnout in Washington has followed the national trend over the past 6 presidential election cycles. National voter turnout data is not yet available for 2008.

### County Comparison

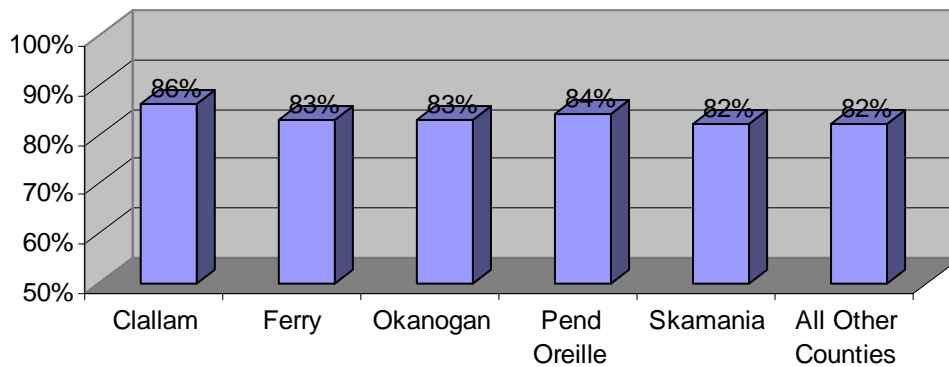
In 2002 legislation was passed allowing small counties the option of conducting their elections entirely by mail. The participating counties included: Clallam, Ferry, Okanogan, Pend Oreille, and Skamania. This law was extended to all counties in 2005. By 2008, 38 of 39 counties had chosen to conduct all mail ballot elections.

In the interest of determining the effect of an all-mail ballot system on voter turnout, the graphs on the following page show the various turnout percentages of the above listed counties versus all other counties.





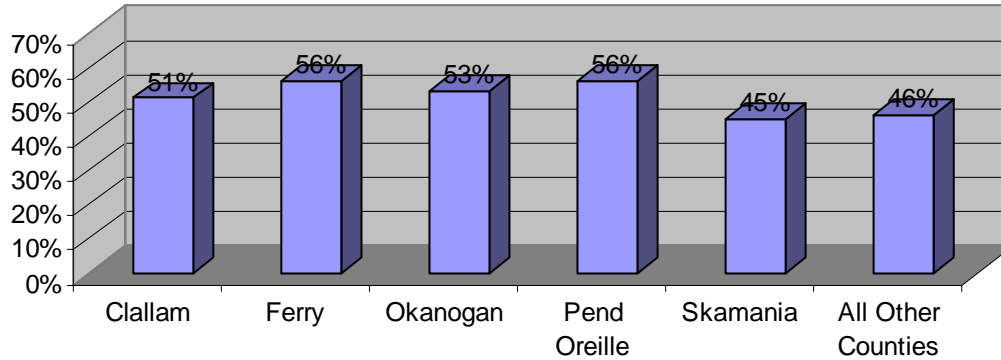
### Voter Turnout: 2004 Presidential General Election



In the Presidential General election of 2004, the average voter turnout for vote by mail counties was 83.5%.

Turnout amongst all other counties was 82.2%.

### Voter Turnout: 2004 Primary Election Vote by Mail Counties



In the Primary election of 2004, the average turnout for the vote by mail counties was 52.28%, while the non-vote by mail counties experienced a turnout of 46.06%.

In this case, the vote by mail counties experienced higher turnout than the traditional counties.

It would be premature given the limited data available to suggest a connection between an increase in turnout and the type of voting system used. As in Oregon, additional factors influencing voter turnout must always be considered when making broad assessments about voter participation.





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## **Washington: Voter Fraud & Security Measures**

Election officials in Washington have taken a number of security precautions to ensure ballot secrecy and election integrity:

- When registering to vote, citizens must provide identification and sign an oath. Acceptable identification includes: Washington State driver's license, Washington State ID card, or a Social Security number. If a voter does not have any of these forms of identification, he or she will need to provide one of the following items when casting a ballot:
  - Valid photo ID
  - Valid tribal ID of a federally recognized Indian tribe in Washington State
  - Copy of a current utility bill
  - Current bank statement
  - Copy of a current government check
  - Copy of a current paycheck
  - A government document that shows both your name and address
- Voted ballots are placed by the voter in an inner security envelope, which is then placed in a return envelope.
- The outer return envelope includes a secrecy flap that covers each voter's signature during transit.

The procedures followed by local elections officials upon receipt of a vote by mail ballot include:

- Ensuring that ballots were returned by mail to the elections office no later than Election Day;
- Verifying that the voter's signature matches the signature attached to their voter registration affidavit;
- Alerting the voter should a signature match fail;
- Separating the outer envelope from the envelope containing the ballot to ensure the voter's privacy is protected;
- Inspecting the ballots for any markings that would prevent them from being read correctly;
- Placing the ballots in a secure storage location until Election Day.

The most common objection in Washington to an all-mail ballot voting system is that it allows for greater opportunities for fraud. As with Oregon, these claims are unsubstantiated. Contrary to allegations made by opponents of vote by mail, there have been no confirmed reports of voter coercion or fraud.

In 2006 Washington implemented a statewide voter registration database, as required by the Help America Vote Act, to ensure that only registered voters would receive a ballot. The voter registration





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database is screened daily for duplicate registrations, monthly for deceased voters, and quarterly for felons.

In 2006:

- 39,814 duplicate voter registrations were identified and cancelled;
- 40,105 registrations of deceased voters were identified and cancelled;
- 4,500 registrations of convicted felons were identified and cancelled; and
- 91,954 active and inactive voter registrations were cancelled for a variety of reasons, including:
  - the voter's request;
  - the voter moved and failed to re-register;
  - the voter moved out of state; or
  - the voter had been on inactive status for more than two federal elections.

In addition to the manual methods of ballot accountability, several Washington counties have purchased automated ballot tracking systems. Depending on the particular features implemented by the county, the system can track any of the following:

- ballots mailed to voters;
- ballots returned by voters;
- signatures on returned envelopes;
- when inner envelopes are removed from outer return envelopes;
- when ballots are removed from inner envelopes; and
- which ballots have been tabulated.

Because the ballots are tracked in batches, the privacy of the voters' ballots is never compromised. These automated tracking systems provide a more accurate accounting of the ballots than traditional reconciliation methods implemented at polls. This has also been implemented here in Orange County.

## **Washington: Cost of a Vote by Mail System**

The Washington Secretary of State's office currently has no data on the cost of running vote by mail elections versus traditional polling place elections. This data varies from county to county, and it not compiled by the State. King County, Washington's largest county, began conducting all-mail ballot elections in 2005 but has not experienced any savings associated with the change. Despite the reduced costs for polling places, poll workers, trainers, and sample ballots, they have seen an increase in start-up costs for things like voter education, staff to process ballots, and improved accessibility and accountability. Vote by mail elections have not been in effect long enough in the state to determine what cost savings, if any, occur when polling place elections are eliminated.





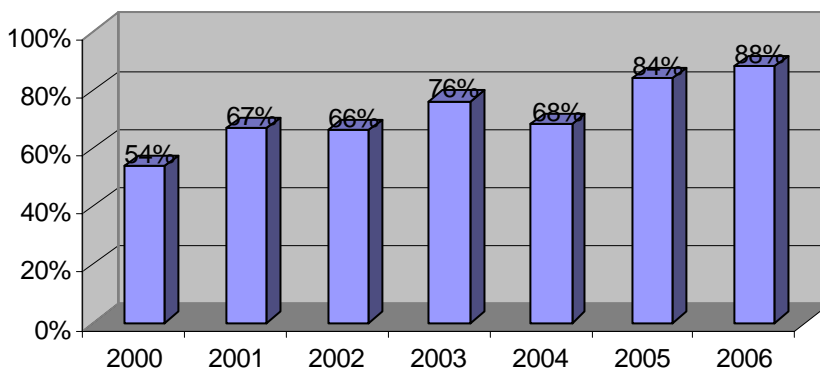
## Washington: Overall Voter Participation

As in Oregon, Washington voters enjoy voting by mail because of the convenience it provides and the additional time voters are afforded to study election materials and campaign literature. Data provided by the Washington Secretary of State shows an increase in the number of voters who are casting their ballot by mail, as demonstrated in the graph below. Though it may seem that this data indicates an increased turnout over time, it is more reflective of the preference of voters to vote by mail.

Between 2000 and 2008 the number of voters voting by mail dramatically increased. This is a direct result of changes to Washington law that gradually expanded voting by mail to the counties. In 2000 just five rural counties were conducting their elections by mail, but by 2005 all counties were given the option, and in 2008 all but one county conducted their elections entirely by mail.

In Pierce County, the one remaining county where both vote by mail and polling place voting are offered, 80-90% of voters choose to vote by mail. It is no doubt popular and the preferred method of voting for voters in Washington, but no data exists to show that it increases voter participation.

**Number of Vote by Mail Voters 2000-2006**



Expansion of Washington's vote by mail laws has allowed more people to cast their ballot by mail. In 2006 King and Pierce counties conducted polling place elections. These are the two largest counties in the State, and account for the 12% of voters who voted at polling places.

### Accessibility

Beginning in 2006, all county offices offered accessible voting equipment to accommodate those voters with disabilities, such as audio assistance and touch screen voting machines. This equipment in the past has been available for up to 20 days prior to an election, but due to recent budget cuts some counties have had to scale back. Many counties provide equipment in several locations, such as community centers, libraries, or nursing homes. Counties are required to establish procedures and advisory committees to make elections more accessible to people with disabilities.

### Military and Overseas Voters

Washington State is exceptionally accommodating to overseas and military voters. They exceed the





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requirements of the Federal Uniform and Overseas Citizens Absentee Voting Act, allowing military personnel overseas to request a ballot regardless of their voter registration status. Overseas voters are able to request a ballot via phone, fax, email, or mail, and are allowed to return their ballots up to 15 days after a special or primary election and 21 days after a general election. Beginning in 2008 the Washington Secretary of State offered online voter registration; a convenient service for those voters overseas.





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## The Cost of Vote by Mail in Orange County

The Registrar of Voters (ROV) choose to assess the impact of an all vote by mail election by adjusting the actual costs of elections over the last five years to reflect three scenarios:

- an all vote by mail ballot election;
- a vote by mail ballot election with 50 polling sites for Americans with Disabilities Act (ADA) compliance;
- and a vote by mail ballot election with 100 polling sites for ADA compliance.

In order to do this, the ROV looked at the detailed election billing for 15 elections which occurred over the last five years. These elections represent a variety of situations from high-turnout presidential elections to low-interest special elections to local district and city elections.

To calculate the all vote by mail (VBM) costs, the election billing calculations for each election was adjusted to reflect certain assumptions.

First, any cost related to poll sites was changed to zero. In an all VBM election, there would not need to be any poll sites, poll workers, or costs associated with outreach, recruitment, and training to name a few.

Second, any cost related to VBM activities was increased by the ratio of the number of registered voters at that time to the number of VBM ballots actually sent out. In an all VBM election, the ROV would be required to create, print and send a ballot to every registered voter, not just those who requested to vote by mail. In addition, all of the usual VBM labor and supply costs would increase by that same factor as the number of people requesting a second ballot due to a new mailing address or misplacing it would increase proportionately.

Third, for all of the large, countywide elections a consistent amount was added to the labor costs to reflect the increased cost of inserting ballots to mail out and preparing and scanning the VBM ballots which would be returned. We chose a fixed cost due to the fact that these costs had not been an important component of past election billing and were not adequately captured any other way. It was estimated that the increased inserting would need eight workers for 14 hours per day for ten days. This amount, \$134,478.25, was calculated using actual labor costs from the November 4, 2008 election. It was further estimated that preparing and scanning the paper ballots would need 42 people working 10 hours a day for 8 days to prepare the ballots and another six people working 12 hours a day for 15 days to scan the paper ballots. This resulted in an addition of \$163,725.55 for ballot preparation and \$141,009.73 for scanning to each of the countywide elections.

Fourth, costs which were not dependent on poll sites versus voting by mail remained the same. This includes the costs for the sample ballots, candidate filing and the public phone bank which would need to take place regardless of the type of election. For the scenarios with 50 and 100 poll sites, any cost related to a poll site was reduced by the ratio of the total number of poll sites to the number of poll sites in the scenario. For example, if an election actually had 1000 poll sites and we assumed a scenario of 100 poll sites, then all of the costs related to poll sites were reduced to 10 percent of the actual costs.





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All other assumptions listed in the all VBM election remained constant.

Overall, the all vote by mail election, as well as the 50 and 100 poll site scenarios demonstrates a costs savings over a traditional poll site based election. The cost savings is the most pronounced in the elections occurring in 2008 given the high turnout of voters at the polls and the increased printing costs associated with ensuring sufficient paper ballots at the polls.

Two elections show an increase in the projected cost of an all VBM election: The November 8, 2005 Special Election and the City of Santa Ana Special Election. Both of these elections had significant consolidation of poll sites. As a result, the savings from eliminating the poll site related costs were outweighed by the anticipated increase in costs of processing VBM ballots.

In the scenarios of vote by mail ballots with 50 and 100 poll sites, the cost savings is still seen in the countywide elections such as the primary and general elections. However in the smaller city and district elections the cost savings is eliminated. In some cases, such as Yorba Linda and Laguna Beach, the 50 and 100 poll site scenarios are not relevant since each full city election had less than 50 poll sites. In other cases, the costs of having a VBM election plus running 50 or 100 poll sites appears to be greater than the original cost of the election.

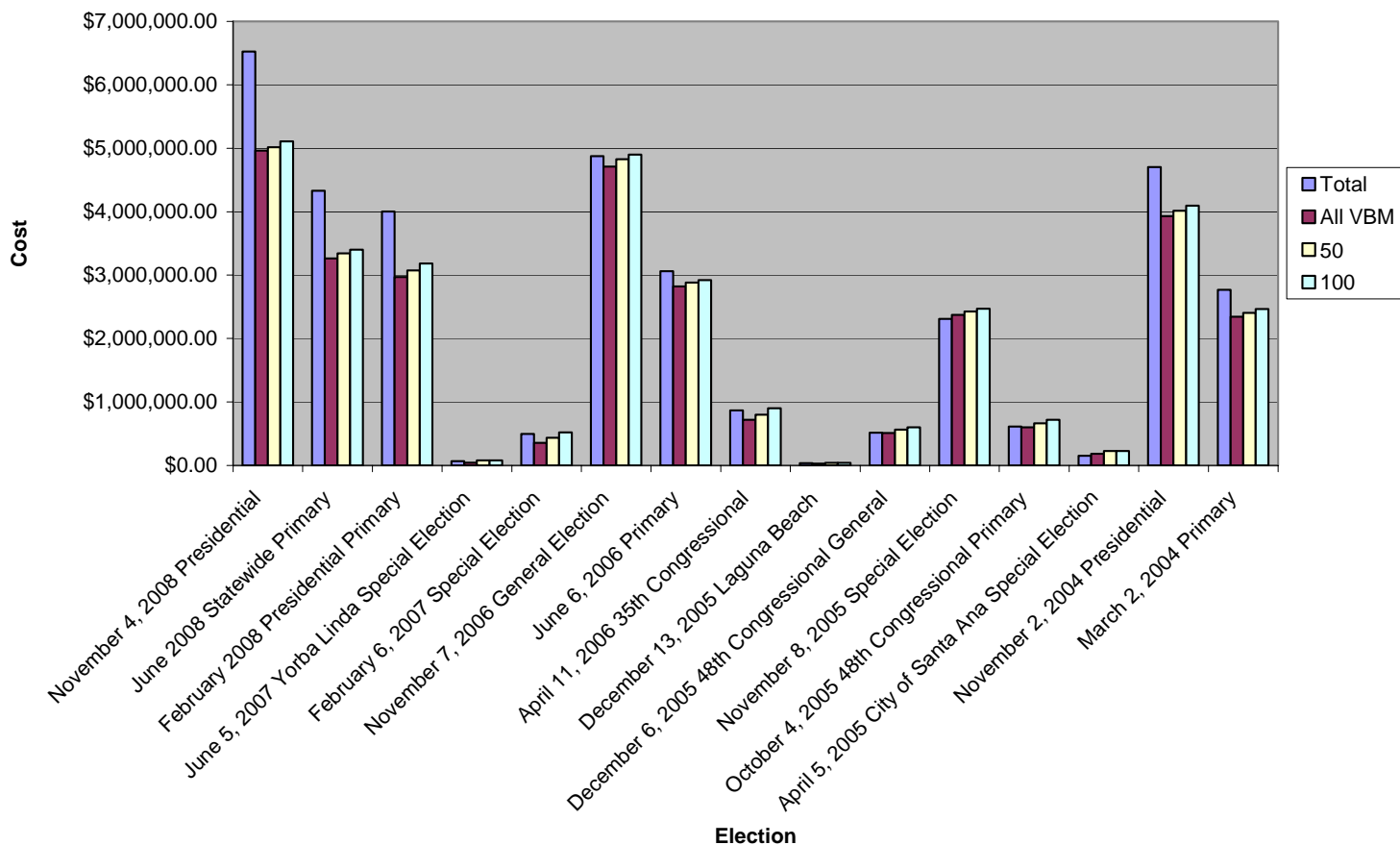
The Registrar of Voters also anticipates \$1,163,888 in one time, start up costs. A chart showing the impact of these costs on statewide elections can be found in Appendix G.

Since the cost comparisons were done by formula, the actual cost savings may differ. It is anticipated that an all vote by mail ballot election would demonstrate cost savings for Orange County, including the scenarios of running an additional 50 or 100 poll sites.





### Vote By Mail Comparison



### Abandoning the Investment

The following outlines the cost of abandoning the investment the Orange County Registrar of Voters recently made in Secretary of State-compliant voting machines, including hardware and software.

#### Hardware

If Orange County were to transition to all vote by mail elections, we would no longer need 9,500 eSlates, 1,700 Judge’s Booth Controllers (JBCs) and 9,500 Voter Verifiable Paper Audit Trails (VVPATs). Hart InterCivic, the manufacturer of our voting system, has indicated that there are no customers currently seeking additional equipment. In 2008 many counties increased their quantities of voting equipment to meet the demand of the Presidential Election. Those counties are now prepared to meet the demand of future elections with high turnout, without requiring additional equipment. Additionally, due to the increased regulations of electronic voting, customers who have recently upgraded or changed their voting systems turned to paper balloting systems. These systems allow paper ballots to be scanned and recorded at the poll site. The cards used to record the votes are tallied on election night as the equipment is returned to the Registrar of Voters’ office.

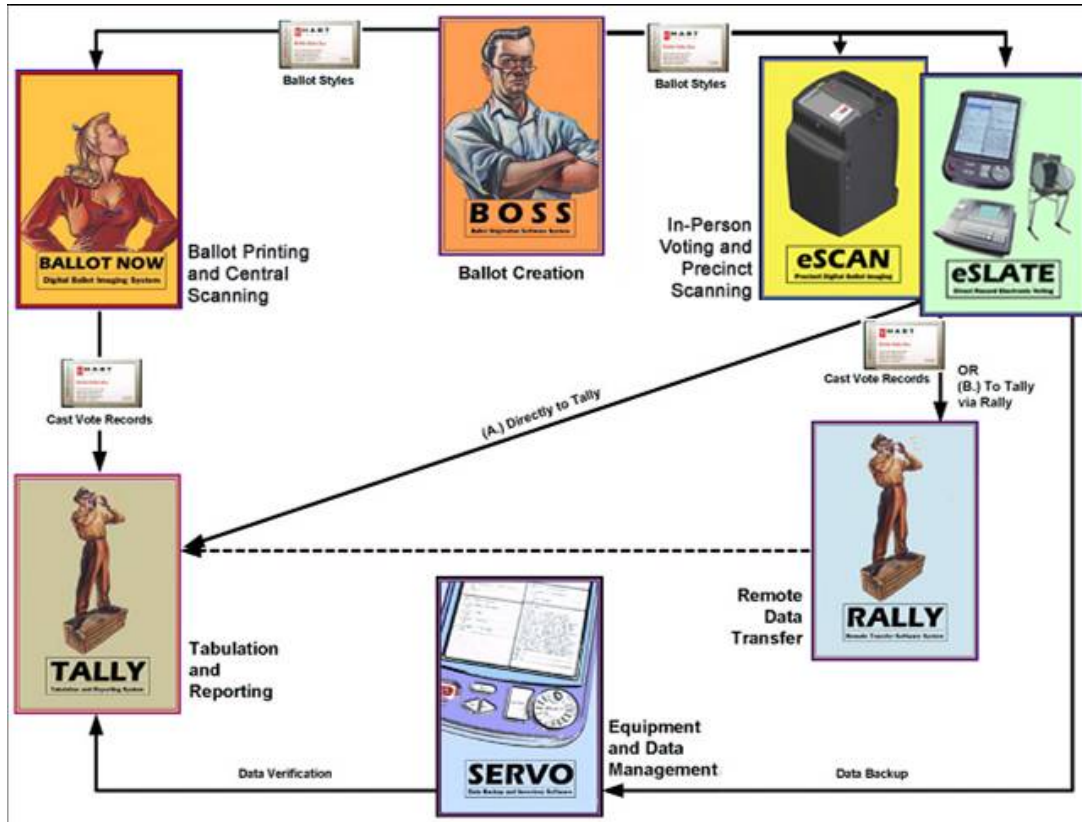




The above image is an example of a paper balloting system used at poll sites.

### Software

The Hart InterCivic voting system uses one central system to create ballots, scan the ballots, tally the ballots and report the results. The same ballot card (or Mobile Ballot Box) that is loaded into the eSlate is also loaded into the scanners for scanning paper ballots. These same cards are used to record votes, whether the vote was cast on an eSlate or a paper ballot. If we were to transition to all vote by mail voting, we would continue to use the same software for ballot creation, ballot scanning, tallying and reporting; therefore, there would be no savings in software licensing.



This flowchart displays the flow of data for all Hart InterCivic software. The data from the ballot creation software is fed into the other components of the voting system. If we eliminate the eSlates, we would still require the same software to conduct the election.

## Additional Equipment Requirements: Hardware and Software

### Ballot Preparation

We will nearly triple the amount of vote by mail ballots that need to be prepared for mailing. Our current capacity allows us to prepare the ballots for our permanent vote by mail voters in approximately ten working days, finishing 29 days prior to the election. With the increased capacity of an all vote by mail election, in order to meet the mailing requirement we will need to process twice as many pieces in the same amount of time. This will increase the amount spent on labor and additional mailing equipment.

Estimation of Additional Cost of Labor:

TITLE	EXTRA HOURS REQUIRED	OVERTIME	PAY RATE	TOTAL WAGES	OVERHEAD RATES 291.11% 244.62%	TOTAL
System Analyst II, per hour	80.00		\$41.04	\$3,283.20	\$9,557.72	\$12,840.92
System Analyst I, per hour	80.00		\$36.82	\$2,945.60	\$8,574.94	\$11,520.54
System Analyst I, per hour	80.00		\$31.34	\$2,507.20	\$7,298.71	\$9,805.91
Extra Help IT Technician, per hour	80.00		\$23.90	\$1,912.00	\$5,566.02	\$7,478.02
Extra Help IT Technician, per hour	80.00		\$23.90	\$1,912.00	\$5,566.02	\$7,478.02
Extra Help IT Technician, per hour	80.00		\$23.90	\$1,912.00	\$5,566.02	\$7,478.02
System Analyst II, per hour	60.00	Y	\$41.04	\$3,693.60	\$9,035.28	\$12,728.88
System Analyst I, per hour	60.00	Y	\$36.82	\$3,313.80	\$8,106.22	\$11,420.02
System Analyst I, per hour	60.00	Y	\$31.34	\$2,820.60	\$6,899.75	\$9,720.35
Extra Help IT Technician, per hour	60.00	Y	\$23.90	\$2,151.00	\$5,261.78	\$7,412.78
Extra Help IT Technician, per hour	60.00	Y	\$23.90	\$2,151.00	\$5,261.78	\$7,412.78
Extra Help IT Technician, per hour	60.00	Y	\$23.90	\$2,151.00	\$5,261.78	\$7,412.78
Warehouse Worker IV, per hour	80.00		\$21.55	\$1,724.00	\$5,018.74	\$6,742.74
Extra Help Election Worker, per hour	80.00		\$13.39	\$1,071.20	\$3,118.37	\$4,189.57
Warehouse Worker IV, per hour	60.00	Y	\$21.55	\$1,939.50	\$4,744.40	\$6,683.90
Extra Help Election Worker, per hour	60.00	Y	\$13.39	\$1,205.10	\$2,947.92	\$4,153.02
						<b>\$134,478.25</b>

Cost of Additional Inserter:  
\$818,888.03



The above image shows the current equipment used to process ballots. We are currently able to process 50,000 mail pieces each day.

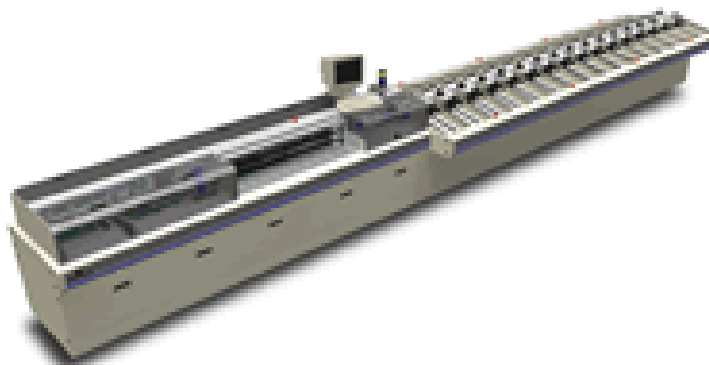
There will also be an increase in costs for ballot printing, envelopes and vote by mail instructions.

### Processing of Returned Ballots

We would approximately double the amount of vote by mail ballots received if we transition to all vote by mail voting<sup>8</sup>. We use a high speed, Pitney Bowes sorter to process the hundreds of thousands of ballots returned to our office. This sorter takes a digital image of each ballot, which is used for our signature verification process. The sorter also simultaneously sorts and groups the ballots into each of Orange County's 2,000 precincts. With our current configuration of vote by mail ballot sorting equipment, we are only able to keep up with the current volume of ballots. If we were to double the volume of ballots received, we would need to increase the capacity of our current ballot sorters. We currently have two sorting machines, one with 56 sorting pockets, and one with 8 sorting pockets. The 8 pocket sorter is used to image ballots in preparation for mailing, but 56 pockets are required for precinct level sorting. If we upgrade the 8 pocket sorter to 56 pockets, we would be able to sort mail into precinct order on both machines simultaneously, thus doubling our capacity and enabling us to handle the volume of ballots.

Additional Cost of Sorter Upgrade:

**\$60,000.00**



The above image is of the equipment that is used to process and sort returned vote by mail ballots.

The increased amount of vote by mail ballots received would require us to increase the amount of scanners used to scan and record the actual ballots. We currently have 4 Kodak i830 scanners<sup>9</sup>, as well as 2 Kodak i620<sup>10</sup> scanners (slower scanners used for smaller batches of scanning). Currently, the Kodak i830 is no longer manufactured. In order to double the current capacity to scan ballots, we

<sup>8</sup> On November 4, 2008 38.8% of the ballots were cast at the polling place, 32.4% were vote by mail. On February 5, 2008 26.6% of the ballots were cast at the polling place, 21.9% were vote by mail. On November 7, 2006 26.2% of the ballots were cast at the polling place, 24.1% were vote by mail.

<sup>9</sup> Scans 120 pages per minute and holds 1000 pages in its tray.

<sup>10</sup> Scans 80 pages per minute and holds 500 pages in its tray.



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would need to purchase 5 additional i1840<sup>11</sup> Kodak scanners. We would need to provide additional staff during the scanning process to utilize the extra scanners, open the ballot envelopes, and prepare the ballots. The tables on the following pages reflect the added costs which would be required to expand current vote by mail capacity.

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<sup>11</sup> Scans up to 160 pages per minute and holds 500 pages in its tray.





Additional Cost of Scanners:

5 Kodak i1840 Scanners	<b>57,000.00</b>	5		<b>\$285,000.00</b>
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Additional Cost of Ballot Preparation Labor:

TITLE	EXTRA HOURS REQUIRED	OVERTIME	PAY RATE	TOTAL WAGES	OVERHEAD RATES 291.11% 244.62%	TOTAL
Extra Help Office Assistant	64		\$10.75	\$12,384.00	\$36,051.06	\$48,435.06
Extra Help Office Assistant	64		\$15.21	\$5,840.64	\$17,002.69	\$22,843.33
Extra Help Office Assistant	16	Y	\$10.75	\$4,644.00	\$11,360.15	\$16,004.15
Extra Help Office Assistant	16	Y	\$15.21	\$2,190.24	\$5,357.77	\$7,548.01
Extra Help Office Assistant	64		\$10.75	\$10,320.00	\$30,042.55	\$40,362.55
Extra Help Office Assistant	64		\$15.21	\$2,920.32	\$8,501.34	\$11,421.66
Extra Help Office Assistant	16	Y	\$10.75	\$3,870.00	\$9,466.79	\$13,336.79
Extra Help Office Assistant	16	Y	\$15.21	\$1,095.12	\$2,678.88	\$3,774.00
						<b>\$163,725.55</b>

Additional Cost of Ballot Scanning Labor:

TITLE	EXTRA HOURS REQUIRED	OVERTIME	PAY RATE	TOTAL WAGES	OVERHEAD RATES 291.11% 244.62%	TOTAL
System Analyst II, per hour	120.00		\$41.04	\$4,924.80	\$14,336.59	\$19,261.39
System Analyst I, per hour	120.00		\$36.82	\$4,418.40	\$12,862.40	\$17,280.80
System Analyst I, per hour	120.00		\$31.34	\$3,760.80	\$10,948.06	\$14,708.86
Extra Help IT Technician, per hour	120.00		\$23.90	\$2,868.00	\$8,349.03	\$11,217.03
Extra Help IT Technician, per hour	120.00		\$23.90	\$2,868.00	\$8,349.03	\$11,217.03
Extra Help IT Technician, per hour	120.00		\$23.90	\$2,868.00	\$8,349.03	\$11,217.03
System Analyst II, per hour	60.00	Y	\$41.04	\$3,693.60	\$9,035.28	\$12,728.88
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Extra Help IT Technician, per hour	60.00	Y	\$23.90	\$2,151.00	\$5,261.78	\$7,412.78
Extra Help IT Technician, per hour	60.00	Y	\$23.90	\$2,151.00	\$5,261.78	\$7,412.78
Extra Help IT Technician, per hour	60.00	Y	\$23.90	\$2,151.00	\$5,261.78	\$7,412.78
						<b>\$141,009.73</b>

**The Ability to Sell Our Voting Machines to Other Counties**

It is unlikely that we would be able to sell our current electronic voting equipment to other counties because of the lack of demand for Direct Recording Electronic devices (DREs).





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The demand for electronic voting equipment has dropped due to the following factors:

1. Jurisdictions have acquired extra voting equipment in preparations for the 2008 election cycle. These jurisdictions are prepared for any future elections with high turnout.
2. Jurisdictions upgrading or changing their voting systems are choosing paper based solutions, due to the burden of regulations imposed on DREs.
3. Jurisdictions lack funding to make large purchases of voting equipment. HAVA funding, which has been used for recent purchases of voting equipment, is no longer available.

As a recent example, the State of Hawaii has returned 450 Judges Booth Controllers, Disabled Access Units and eScans to Hart InterCivic. Hart has been actively seeking customers to purchase this extra equipment, but have been unable to locate any potential buyers.





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## History of Vote by Mail Legislative Proposals in California

### 1909-1977

A bill to establish the first mail ballot primaries was introduced in 1909 by California State Senator L.H. Rosenberry. Rosenberry, like his counterparts today, felt that establishing mail ballot elections would help to increase voter turnout in elections. The idea of voting by mail surfaced again in the 1950s when California's Secretary of State Frank Jordan advocated for its implementation, but it was not until 1965 that the first steps were taken to permit voting by mail. In 1965 provisions were made for new resident voters who did not meet state residency requirements and for exceptionally small precincts. Over the next decade, state election law was expanded to allow mail ballot elections in special-purpose districts and on special tax and bonding measures.

Eventually the forward progress of voting by mail was challenged constitutionally, and in August 1983 the California Supreme Court issued the opinion that voting by mail was indeed constitutional.

In April 1977 Monterey County became the first county in California to conduct an all-mail ballot election. Legislation was passed that allowed Monterey County to conduct vote by mail elections for the directors of the Monterey Peninsula Water Management District. In 1981 the city of San Diego held the largest mail ballot election and exceeded the expected turnout of a polling place election,<sup>12</sup> paving the way for acceptance of a mail ballot voting system. This is the only election that the City of San Diego ever conducted entirely by mail. The City of San Diego's charter permits the city to use all-mail ballot elections to fill vacancies of elected officials or for citywide referendums, when the election is not consolidated with a county or statewide election.

### 1992-Present

Since 1992 the California Legislature has seen numerous bills attempting to establish all-mail ballot elections. Of the 19 bills that have been introduced during this time, 15 died in committee or as a result of Governors' vetoes. Of the 4 bills that were passed into law, two were small county pilot programs whose sunset clauses were allowed to expire in the mid-1990s, one permitted all-mail voting in a small and unique county, and one simply increased the size of a city allowed to conduct all-mail ballot elections.

Whether dealing with city, county, or statewide elections, the Legislature has consistently rejected bills proposing an all-mail ballot system for the State. These rejected bills have ranged from small pilot programs to full-scale statewide elections. As a result of these multiple failed attempts, in recent years the Legislature has seen fewer and fewer bills proposing all-mail ballot elections, and at this time has apparently stopped introducing bills of this nature.

The most recent bills to be introduced on this topic were from 2006 and 2007, and both were immediately gut and amended after introduction. Given the consistent rejection of any type of all-mail ballot election proposal, it is clear that the Legislature is in no position to move forward with the concept.

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<sup>12</sup> Voter turnout for this election was 60.8%.





## History of Vote by Mail Legislation

<b>Year</b>	<b>Bill</b>	<b>Author</b>	<b>Purpose</b>	<b>Action</b>
1992	AB 1590	Eaves	<i>Authorized all-mail ballot elections in Stanislaus and Placer counties. Stanislaus County conducted an all-mail election in November, 1993. This law sunset in January 1995. Placer County did not conduct any all-mail elections during this time.</i>	<i>Chaptered</i>
1993	AB 1466	Statham	<i>Authorize any county authorized to conduct an all-mail ballot election to do so at the general election to be held on November 2, 1993.</i>	<i>Chaptered</i>
1994	AB 3062	Snyder	Extend the date of authorization for Stanislaus County, and would permit San Joaquin County, to conduct mail-ballot elections until January 1, 1996.	Vetoed by Governor Wilson due to the lack of a report from the counties on incidents of voter fraud.
1994	SB 2001	Marks	A special election to fill a vacancy in the office of State Senator, Member of the Assembly, or Representative in Congress may be conducted as an all-mail ballot election.	Died in committee.
1994	SB 2002	Marks	Any election held only for the purpose of either voting on a ballot measure or voting for an elected official of a city, county, or district may be conducted as an all-mail ballot election.	Died in committee.
1996	AB 2325	McPherson	Authorize the governing body of a city or district in, or the governing body of, Monterey County and Santa Cruz County to conduct an all-mail ballot election.	Died on inactive file.
1996	AB 3178	Brown	This bill would authorize any county, city, or district election in the County of Napa be conducted as an all-mail ballot election.	Died on inactive file.





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1997	SB 59	Kopp	Permit the County of San Mateo to conduct one countywide special election by mail.	Vetoed by Gray Davis. Bill written for a specific election, which occurred before the bill passed.
1998	SB 2203	McPherson	Authorize the governing body of a city or district in, or the governing body of, Monterey County to conduct an all-mail ballot election.	Vetoed by Governor Wilson over concerns of poorly maintained county voter files and their potential for fraud.
1999	SB 1135	Murray	Permit any local, special, or consolidated election to be conducted wholly by mail, except vacancy elections for statewide office or the office of Representative in US Congress, State Senator, or Member of the Assembly.	Vetoed by Governor Davis over concerns of poorly maintained county voter files and their potential for fraud.
2000	SB 682	McPherson	Authorize the governing body of a city or district in, or the governing body of, Monterey County to conduct an all-mail ballot election.	Died in committee.
2001	AB 319	Salinas	<i>Permit Monterey County to conduct any election entirely by mail.</i>	<i>Chaptered</i>
2003	AB 718	Pacheco	Expand current mail ballot elections provisions by permitting a municipal election to be conducted wholly by mail for measures.	Vetoed by Governor Davis due to the State's financial hardships.
2003	AB 1544	Simitian	<i>Permit a small city with a population of 100,000 or less to conduct an election therein wholly by all-mail ballot.</i>	<i>Chaptered</i>
2005	AB 1309	Salinas	Permit mail ballot elections in Monterey County through December 31, 2008.	Gut & amend.
2006	AB 591	Salinas	Extend the expiration date to December 31, 2008 for Monterey County's all mail ballot elections.	Died in committee.





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2006	SB 867	Liu	Permits, until January 1, 2001, 7 specified counties to participate in a vote by mail pilot program. Applies to the counties of Calaveras, Mendocino, San Benito, San Mateo, Santa Cruz, Sierra, and Ventura.	Died in committee.
2006	AB 2249	Coto	Authorize a county board of supervisors or a city council to conduct all statewide direct primary and general elections entirely by mail.	Gut & amend.
2007	AB 1654	Huffman	Permit, until December 31, 2013, any election in a county to be conducted as an all-mailed ballot election if the board of supervisors, by resolution, authorizes the all-mailed ballot election. This would apply to specified counties in which at least 55% of the ballots cast in the November 7, 2006, statewide general election were cast by mail.	Gut & amend.





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## Conclusion

### Findings

In researching the vote by mail voting systems used in Oregon and Washington, we are able to arrive at several conclusions regarding its implementation in Orange County.

Vote by mail elections have the potential to reduce election administration costs. In Orange County, it is estimated that we would save approximately \$200,000 per election.

At this time there is not enough data available to suggest that vote by mail elections increase voter turnout.

Vote by mail elections are secure; increased oversight by election officials through signature verification, privacy envelopes, and cooperation with the United States Postal Service ensure the security of ballots and integrity of the election.

Vote by mail elections are popular with both voters and election officials, and provide voters with disabilities the opportunity to vote independently.

Vote by mail legislation in California has been met with resistance, and passing legislation that gives counties the option to conduct all-mail ballot elections would be a challenge.





## Appendix A. History of Vote by Mail in Oregon

Year	Election Information	Turnout
1981	<i>The Oregon Legislature approves a test of vote by mail (VBM) for local elections.</i>	
1987	<i>VBM made permanent; majority of counties use it for local/special elections.</i>	
June 1993	First special statewide election by mail.	39%
May 1995	Second special statewide election by mail.	44%
<i>Spring/Summer 1995</i>	<i>The Oregon Legislature approves a proposal to expand VBM to primary and general elections. The Governor vetoes the bill.</i>	
December 1995	Oregon becomes the first state to conduct a primary election totally by mail to nominate candidates to fill a vacancy in a federal office.	58%
January 1996	Oregon becomes the first state to conduct a general election totally by mail to fill a vacancy in a federal office when it selects Senator Ron Wyden to replace Bob Packwood.	66%
March 1996	Oregon holds the country's second VBM presidential primary. (The first VBM presidential primary was held by North Dakota, just weeks prior to Oregon's election.)	58%
May 1996	Biennial Primary Election	37.75%
<i>September 1996</i>	<i>Report issued by the Vote by Mail Citizen Commission on the nature of vote by mail in Oregon.</i>	
November 1996	General Election.	71.31%
May 1997	Sixth special statewide election by mail.	42%
<i>Spring/Summer 1997</i>	<i>The Oregon House of Representatives approves a proposal to expand VBM to primary and general elections. The bill dies in a Senate committee. The Governor would have signed the bill into law.</i>	
November 1997	Seventh special statewide election by mail.	60%
May 1998	Primary election at the polls. Forty-one percent of registered voters in Oregon are permanent absentee voters. Overall, the state posts a record low turnout at 35 percent. Absentee ballots represent nearly two-thirds of all ballots cast; Oregon becomes the first state to have more ballots cast by mail than at the polls during a polling place election. Absentee voter turnout was 53 percent, compared to a turnout at the polls of 22 percent.	35% (record low)
<i>June 1998</i>	<i>Supporters of expanding VBM to primary and general elections use the initiative to put the issue on the November general election ballot. No paid signature gatherers were used to put the measure on the ballot – a first since 1994.</i>	
<b>November 3, 1998</b>	<b>Oregon voters decide to expand VBM to primary and general elections by a vote of 757,204 to 334,021. (69.4% of the vote)</b>	<b>59.2%</b>
November 2, 1999	Eighth special statewide election by mail.	38%
May 2000	Presidential Primary election VBM.	51%





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November 2000	First VBM Presidential General election.	79%
May 2002	Primary election VBM.	46%
September 2002	Special election for two statewide measures VBM.	44%
November 2002	General election VBM.	69%
January 2003	Special election for a statewide measure VBM.	66%
September 2003	Special election for a statewide measure VBM.	35%
February 2004	Special election for a statewide measure VBM.	63%
May 2004	Presidential Primary election VBM.	46%
November 2004	Presidential General election VBM. Voter registration exceeds 2 million.	86%
May 2006	Primary election VBM.	38%
November 2006	General election VBM.	70%
November 2007	Special election VBM.	60.3%
May 2008	Presidential Primary election VBM.	58.3%
November 2008	Presidential General election VBM.	85.7%





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## Appendix B. Oregon Revised Statutes

### Vote by Mail Elections

#### **254.465 Elections to be conducted by mail; rules.**

- (1) County clerks shall conduct all elections in this state by mail.
- (2) The Secretary of State shall adopt rules to:
  - (a) Provide for uniformity in the conduct of state elections by mail; and
  - (b) Govern the procedures for conducting elections by mail.

#### **254.470 Procedures for conducting election by mail; rules.**

(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) and (c) 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 18th 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 long-term absent electors, the county clerk may mail the ballots not sooner than the 29th day before the date of the election.

(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 shall 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.





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(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) 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.

(5) The ballot shall contain the following warning:

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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.

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(6) 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. 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. The ballot must be returned in the return identification envelope. If the elector returns the ballot by mail, the elector must provide the postage. A 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.

(7) 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.

(8) 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; and
- (c) The signature is verified as provided in subsection (9) of this section.

(9) The county clerk shall verify the signature of each elector on the return identification envelope with the signature on the elector's registration card, 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.





(10) 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.

**254.471 Extension of deadline for returning ballots in case of emergency.**

(1) Notwithstanding ORS 171.185, 203.085, 221.230, 221.621, 254.056, 254.470, 254.655, 255.335, 255.345, 258.075, 545.135 and 568.520, the Governor by written proclamation may extend the deadline for returning ballots in any state, county, city or district election if the Governor receives a written request for the extension from the Secretary of State. The secretary may request the Governor to extend the deadline for returning ballots under this section if, after consultation with affected county clerks, the secretary determines that it would be impossible or impracticable for electors to return ballots or for elections officials to tally ballots due to an emergency as defined in ORS 401.025 (4).

(2) The Governor may not extend the deadline for returning ballots in any state, county, city or district election under subsection (1) of this section for more than seven calendar days after the date of the election.

(3) The written proclamation required under subsection (1) of this section shall state:

- (a) The determination of the Governor;
- (b) The reason the deadline for returning ballots was extended; and
- (c) The date and time by which ballots must be returned in the election.

(4) Notwithstanding any other provision of this chapter, if the Governor extends the deadline for returning ballots under subsection (1) of this section, a county clerk in any county in this state may not order a tally report from any vote tally machine in the election until the date and time set by the Governor by which ballots must be returned in the election.

**254.472 Compartments for marking ballots.** The county clerk shall provide, at any location where ballots are issued, at least three suitable compartments, shelves or tables at which electors may mark their ballots. The arrangement of the compartments, shelves or tables shall ensure that the elector may conveniently mark the ballot with absolute secrecy. The compartments, shelves or tables shall be available during the entire time that ballots may be issued.

**254.474 Voting booths for primary and general elections.**

(1) At each primary election and general election, the county clerk shall maintain voting booths in the county as follows:

- (a) In each county with 35,000 or more electors in the county, the county clerk shall maintain a number of voting booths equal to at least one voting booth for every 20,000 electors in the county; and
- (b) In each county with fewer than 35,000 electors in the county, the county clerk shall maintain at least one voting booth.

(2) The county clerk may determine the location of the voting booths required under this section.





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**254.476 Personnel for counting ballots.** The county clerk may employ personnel as necessary to open envelopes, prepare ballots for counting and count ballots. Such personnel shall not all be members of the same political party. A person who is the spouse, child, son-in-law, daughter-in-law, parent, mother-in-law, father-in-law, sibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of a candidate on the ballot at an election shall not be employed and may not serve as a volunteer in the capacity described in this section.

**254.478 Preparation for counting ballots.** Not sooner than the seventh day before the date of an election, in preparation for counting ballots delivered by mail, the county clerk may begin opening return identification and secrecy envelopes of ballots delivered by mail and received by the county clerk. The county clerk may take any other actions that are necessary to allow the counting of ballots delivered by mail to begin on Election Day.

**254.480 Replacement ballots.**

- (1) An elector may obtain a replacement ballot described in ORS 254.470. To vote a replacement ballot, the elector must complete and sign a replacement ballot request form. The request for a replacement ballot may be made electronically, by telephone, in writing, in person or by other means designated by the Secretary of State by rule.
- (2) The replacement ballot request form shall be mailed or made available to the elector along with the replacement ballot.
- (3) Upon receiving a request for a replacement ballot, the county clerk shall:
  - (a) Verify the registration of the elector and ensure that another ballot has not been returned by the elector;
  - (b) Note in the list of electors that the elector has requested a replacement ballot;
  - (c) Mark the return identification envelope clearly so that it may be readily identified as a replacement ballot; and
  - (d) Issue the replacement ballot by mail or other means.
- (4) The completed and signed replacement ballot request form and the voted replacement ballot must be received at the office of the county clerk, a place of deposit designated by the county clerk or at any location described in ORS 254.472 or 254.474 not later than the end of the period determined under ORS 254.470 (1) on the date of the election.
- (5) Upon receiving a voted replacement ballot, the county clerk shall verify that a completed and signed replacement ballot request form has been received by the county clerk or is included with the voted replacement ballot. If a request form has been completed and signed by the elector and received by the county clerk, the county clerk shall process the ballot. If the request form is not completed or signed by the elector or received by the county clerk, the county clerk may not process the ballot.

**254.482 Persons authorized to watch receiving and counting of votes.** After the date that ballots are mailed as provided in ORS 254.470, the county clerk, if requested, shall permit authorized persons to be at the office of the county clerk to watch the receiving and counting of votes. The authorization shall be in writing, shall be signed by an officer or its county affiliate of a political party, a candidate or





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the county clerk and shall be filed with the county clerk. The county clerk shall permit only so many persons as watchers under this section as will not interfere with an orderly procedure at the office of the county clerk.

### Election Security

#### **254.074 County elections security plan.**

(1) 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; and
- (b) One business day after any revision is made to the county elections security plan.

(2) 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 governing election observers;
- (f) Security procedures for ballots located in county elections work areas, buildings and storage areas;
- (g) Security procedures for vote tally systems, including computer access to vote tally systems; and
- (h) Post-election ballot security.

(3) A security plan developed and filed under this section is confidential and not subject to disclosure under ORS 192.410 to 192.505.

#### **254.235 Testing of voting machines and vote tally systems; notice of test.**

(1) Not later than five business days before an election in which voting machines or vote tally systems are used, the county clerk shall:

- (a) Conduct a preparatory test of the machine and system for logic and accuracy to ensure that each ballot format, where appropriate, correctly tallies ballots in each electoral contest by precinct; and
- (b) Conduct a public certification test for the vote tally system using a selection of precincts, ballot formats and electoral districts from the preparatory test conducted under this subsection.

(2) Prior to the public certification test under subsection (1)(b) of this section, the county clerk shall mail to each affiliate of a major or minor political party within the county that has notified the clerk that notice is desired, a notice of the time and place where the vote tally system will be publicly tested. One representative of each party is entitled to be present to ensure that the testing is done properly. In nonpartisan elections each candidate may designate one representative who has the same powers as the political party representatives. The party and candidate representatives shall certify that they have witnessed the testing. The certificates shall be filed with the county clerk.





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## Appendix C. Text of Ballot Measure 60, November 1998, Oregon

### REQUIRES VOTE BY MAIL IN BIENNIAL PRIMARY, GENERAL ELECTIONS

*RESULT OF "YES" VOTE:* "Yes" vote amends existing law to require vote by mail in biennial primary, general elections.

*RESULT OF "NO" VOTE:* "No" vote retains current law prohibiting vote by mail in biennial primary or general elections.

*SUMMARY:* Current law prohibits vote by mail for biennial primary or general elections. This proposal eliminates the prohibition and requires vote by mail for biennial primary or general elections. The proposal does not affect existing law permitting the Secretary of State and county clerk to conduct other elections either at the polls or by mail.

*ESTIMATE OF FINANCIAL IMPACT:* County government expenditures are estimated to be reduced each primary and general election year by \$3,021,709.

### TEXT OF MEASURE

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

**SECTION 1.** ORS 254.465 is amended to read:

254.465. The following rules apply to elections conducted by mail:

- (1) A presidential preference primary election described in ORS 254.056 shall be conducted by mail in all counties, under the supervision of the Secretary of State.
- (2) An election held on the date of the biennial primary or general election shall be conducted by mail.
- (3) A state election not described in subsections (1) or (2) of this section may be conducted by mail. The Secretary of State by rule shall direct that a state election authorized to be conducted by mail under this subsection be conducted uniformly by mail or at polling places.
- (4) A county clerk may conduct an election not described in subsections (1) to (3) of this section by mail in the county, in a city or in a district defined in ORS 255.012, under the supervision of the Secretary of State. In deciding to conduct an election by mail, the county clerk may consider requests from the governing body of the county, city or district and shall consider whether conducting the election by mail will be economically and administratively feasible.
- (5) The Secretary of State shall adopt rules to provide for uniformity in the conduct of state elections by mail.





## Appendix D. Text of Vote by Mail Legislation in Oregon

70th OREGON LEGISLATIVE ASSEMBLY--1999 Regular Session

Enrolled

Senate Bill 1178

Sponsored by Senator STARR (at the request of Oregon Association of County Clerks)

AN ACT

Relating to elections; creating new provisions; amending ORS 246.270, 246.410, 246.420, 247.012, 247.013, 247.025, 247.290, 247.298, 247.302, 247.304, 247.420, 247.435, 247.550, 247.563, 247.580, 247.965, 249.068, 249.072, 249.078, 251.026, 251.315, 253.005, 253.045, 253.065, 253.080, 253.085, 253.135, 253.575, 253.700, 254.005, 254.115, 254.125, 254.135, 254.145, 254.165, 254.175, 254.195, 254.226, 254.321, 254.408, 254.411, 254.415, 254.445, 254.470, 254.485, 254.505, 254.515, 254.525, 254.535, 254.545, 255.095, 255.245 and 258.200; and repealing ORS 247.028, 247.294, 247.306, 247.330 and 253.040.

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

**SECTION 1.** { + Section 2 of this 1999 Act is added to and made a part of ORS chapter 246. + }

**SECTION 2.** { + ORS 246.310, 246.320, 246.330, 246.335 and 246.420 apply only to elections conducted at polling places as provided in ORS chapter 254. + }

**SECTION 3.** ORS 246.270 is amended to read:

246.270. On the day of any biennial primary election, presidential preference primary election, general election or special election held throughout the county, the county clerk's office shall remain open for business pertaining to the election { - while the polls are open - } { + from 7 a.m. to 8 p.m. of the same day + }.

**SECTION 4.** ORS 246.410 is amended to read:

246.410. { - (1) Not later than January 31 of each even-numbered year, the county clerk shall divide all precincts having more than 750 electors. A precinct located in a single multiple dwelling may have more than 750 electors. The county clerk shall fix the boundaries of the precincts and designate the precincts by numbers or names. - }

{ - (2) - } The county clerk, not later than the 30th day before an election, may create, combine or divide one or more precincts { - in which voting machines or vote tally systems are used - }. The number of electors to be included in a precinct shall not exceed { - 2,000 - } { + 5,000 + }. { + The county clerk shall fix the boundaries of the precincts and designate the precincts by numbers or names. + }

{ - (3) At any election other than a biennial primary election, presidential preference primary election or general election, the county clerk, not later than the 30th day before the election, may combine two or more precincts for the election. In combining precincts, the county clerk shall consider the convenience of the elector. No combination of precincts shall number more than 2,000 electors. - }

{ - (4) Subject to the limitations of subsection (1) of this section, at any time after June 1 of each even-





numbered year and before the next general election, the county clerk shall make such other changes in the boundaries of precincts as are necessary or convenient for voting purposes. - }

**SECTION 5.** ORS 246.420 is amended to read:

246.420. (1) Not later than the 10th day before any election { + conducted at polling places as provided in ORS chapter 254, + } the county clerk shall designate one polling place for each precinct. The county clerk shall take into account the desirability that a polling place have adequate parking and lighting facilities and be accessible to individuals with disabilities in accordance with rules adopted under ORS 447.231. The county clerk may designate as a polling place any public building, including any schoolhouse, owned or leased by the state or any political subdivision thereof, and the public building may be used as a polling place without expense to the county. No official in charge of the public building may refuse its use as a polling place. If the public building has an entrance free of architectural barriers as defined by rules adopted under ORS 447.231, that entrance shall be kept unlocked during the hours the polls are open and its location clearly indicated at the main entrance of the building. More than one polling place may be designated in the same building.

(2) Any published list of polling places for use by electors shall indicate by a uniform, nationally recognized symbol those polling places which are accessible to electors with disabilities.

**SECTION 6.** ORS 247.012 is amended to read:

247.012. (1) A qualified person may register to vote or update a registration to vote by:

- (a) Delivering by mail or otherwise a completed registration card to any county clerk, the Secretary of State, any office of the Department of Transportation or any designated voter registration agency as described in ORS 247.208;
- (b) Personally delivering the card to an official designated by a county clerk under subsection (8) of this section; or
- (c) Completing the voter registration portion of the application for issuance or renewal of a driver license, issuance of a state identification card under ORS 807.400 or a change of address at an office of the Department of Transportation under ORS 247.017.

(2) If a registration card is mailed or delivered to:

- (a) Any person other than a county clerk or the Secretary of State, the person shall forward the card to a county clerk or the Secretary of State not later than the fifth day after receiving the card; or
- (b) The Secretary of State or a county clerk for a county other than the county in which the person applying for registration resides, the Secretary of State or county clerk shall forward the card to the county clerk for the county in which the person resides not later than the fifth day after receiving the card.

(3) Registration of a qualified person occurs:

- (a) When a legible, accurate and complete registration card is received in the office of any county clerk, the Office of the Secretary of State, an office of the Department of Transportation, a designated voter registration agency under ORS 247.208 or at a location designated by a county clerk under subsection (8) of this section;
- (b) On the date a registration card is postmarked if the card is received after the 21st day immediately preceding an election but is postmarked not later than the 21st day immediately preceding the election; or





(c) In the case of a registration card containing an unintentional scrivener's error that is corrected as described in subsection (6) of this section, on the date that registration would have occurred if the registration card had not contained the scrivener's error.

(4) If a registration card is legible, accurate and contains, at a minimum, the registrant's name, residence address and signature, the county clerk shall register the person. If this information is missing from the registration card, the county clerk shall attempt to contact the person to obtain the missing information.

(5) If a registration card meets the requirements of subsection (4) of this section but is missing an indication of political party affiliation, the registrant shall be considered not affiliated with any political party. This subsection does not apply if an elector is updating a registration within the same county.

(6) If a registration card contains an unintentional scrivener's error, the county clerk may attempt to contact the person to correct the error.

(7) If a registration card is missing the date of birth of the registrant, the county clerk may attempt to contact the person to obtain the missing information.

(8) A county clerk may appoint officials to accept registration of persons at designated locations. The appointments and locations shall be in writing and filed in the office of the county clerk. The county clerk shall be responsible for the performance of duties by those appointed.

(9) A registration card received and accepted under this section shall be considered an active registration.

(10) { - Subject to ORS 247.306, - } A registration may be updated at any time.

**SECTION 7.** ORS 247.013 is amended to read:

247.013. (1) A qualified person shall be considered registered to vote in a county when the person's first registration in the county occurs as described in ORS 247.012.

(2) An elector who changes residence address from the county in which the elector is registered to a different county within the state, in order to vote in an election, must be an elector registered in the county in which the new residence address of the elector is located.

(3) { - Except as provided in ORS 247.294 and 247.330, - } If there is a change in any information required for registration under this chapter, and the elector has not changed residence address to another county, the registration of the elector may be updated as provided in this chapter.

(4) Notwithstanding subsections (2) and (3) of this section, if an elector changes residence address from the county in which the elector is registered to a different county within the state, the elector need not register again if the registration of the elector is updated { - as provided in ORS 247.294 - } .

(5) If the county clerk does not have evidence of a change in any information required for registration under this chapter for an elector, the registration of the elector shall be considered active. If the county





clerk has received evidence that there has been a change in the information required for registration under this chapter for an elector, and the county clerk has mailed the notice described in ORS 247.563, the registration of the elector shall be considered inactive. The inactive registration of an elector shall be updated before the elector may vote in an election.

**SECTION 8.** ORS 247.025 is amended to read:

247.025. { - (1) - } To vote in an election: { - (a) - } { + (1) + } A person's registration card must be received at an office or location described in ORS 247.012 not later than the time the office or location closes for business on the 21st day immediately preceding the election, but in no case later than midnight of the 21st day immediately preceding the election; or { - (b) - } { + (2) + } A person's registration card must be postmarked not later than the 21st day immediately preceding the election.

{ - (2) If a person registers before the 20th day before the election, the person's name shall be listed in the poll book of the person's precinct. - }

**SECTION 9.** { + Sections 10 and 11 of this 1999 Act are added to and made a part of ORS chapter 247. + }

**SECTION 10.** { + Notwithstanding ORS 247.025, an elector whose registration is active or inactive may update the registration at any time before 8 p.m. on the day of the election. + }

**SECTION 11.** { + (1) In an election conducted by mail as provided in ORS chapter 254, if the county clerk receives information updating the registration of an elector after the deadline in ORS 247.025:

- (a) The county clerk shall issue a ballot to the elector if the elector's registration was inactive prior to updating.
- (b) The county clerk shall issue a replacement ballot upon request from the elector if the elector's registration was active prior to updating.

(2) Ballots issued under this section need not be mailed after the fifth day before the date of the election and may be obtained in person from the county clerk up until and including the date of the election. + }

**SECTION 12.** ORS 247.290 is amended to read:

247.290. (1) An elector shall update a registration if: (a) The residence address of the elector is changed for any reason within the county in which the elector is registered, except as provided in subsection (3) of this section.

- (b) The elector desires to change or adopt a political party affiliation.
- (c) The mailing address of the elector is changed, except as provided in subsection (3) of this section.
- (d) The name of the elector is changed except as provided in ORS 254.411.

(2) The elector shall update a registration in the same manner as original registration.





(3) Notwithstanding subsection (1) of this section:

(a) An elector need not update a registration if:

(A) The United States Postal Service or a city or county changes the residence or mailing address of the elector and the residence of the elector has not been relocated; or

(B) The registration of the elector has been updated by the county clerk under ORS 247.292 { - , 247.294 - } or 247.296.

(b) An elector whose mailing address has changed but whose residence address has not changed, and whose registration has not been canceled, may vote once in the precinct in which the elector is registered. The following apply:

(A) The election board clerk shall enter into the poll book the fact that the elector's mailing address has changed. Following the election, the county clerk shall send the elector the notice described in ORS 247.563 and the registration of the elector shall be considered inactive.

(B) The registration of an elector whose mailing address has changed must be updated in order for the elector to vote in any subsequent election.

**SECTION 13.** ORS 247.298 is amended to read:

247.298. If there are fewer than 22 days between the date of an election and the registration deadline for the next succeeding election, the county clerk may update registrations as required under ORS 247.292 { - or 247.294 - } after the next succeeding election.

**SECTION 14.** ORS 247.302 is amended to read:

247.302. The effective date of a voter registration updated under ORS 247.292 { - , 247.294 - } or 247.296 is the date that the county clerk changes the address information on the voter registration file.

**SECTION 15.** ORS 247.304 is amended to read:

247.304. Notwithstanding ORS 247.025, { - 247.306 and 247.330 - } { + in an election conducted at polling places as provided in ORS chapter 254 + }:

(1) If a county clerk receives information updating the registration of an elector after the deadline in ORS 247.025 and { - before the seventh - } { + not later than the eighth + } day before { - any - } { + an + } election { - conducted at the polls - }, { + and the registration of the elector has not been canceled, + } the county clerk may include the elector's updated registration information in the poll book. If the elector's updated registration information is not in the poll book, the clerk shall provide the elector a certificate of registration allowing the elector to vote { - the entire ballot - } at the elector's new polling place. { + A person issued a certificate of registration who desires to vote must give the certificate to the election board of the precinct before the elector is given a ballot. + }

{ - (2) If a county clerk receives information updating the registration of an elector after the deadline in ORS 247.025 and before the seventh day before an election held by mail, the county clerk shall issue the entire ballot under ORS 254.470 (5). - } { + (2) An elector who updates a registration after the eighth day before an election may vote at any polling place or at a county elections office. + }

(3) Notwithstanding subsection (1) of this section, { - for an election conducted at the polls - }, the county clerk need not issue a certificate of registration to an elector who is voting by absentee ballot.





**SECTION 16.** ORS 247.420 is amended to read:

247.420. (1) A county clerk shall give a { - certificate of registration - } { + ballot + } marked 'Presidential only' to any person eligible under ORS 247.410 who personally appears in the office of the county clerk, completes a registration card and verifies eligibility to vote under ORS 247.410.  
(2) No person shall supply any information under subsection (1) of this section, knowing it to be false.

**SECTION 17.** ORS 247.435 is amended to read:

247.435. An elector of this state who moves to another state after the 31st day before a presidential preference primary or general election for President or for electors of President and Vice President, and who does not qualify to vote in the state of the elector's present residence, may vote for these offices in the presidential preference primary or general election in this state. { - If voting in person, the elector must obtain a certificate of registration marked 'Presidential only.' If voting by absentee ballot, the elector must apply for an absentee ballot that will be marked 'Presidential only.' - } { + The ballot for a person voting under this section shall be marked 'Presidential only.' + }

**SECTION 18.** ORS 247.550 is amended to read: 247.550. (1) { + Whenever an election is conducted at polling places as provided in ORS chapter 254, + } an elector or member of an election board may question an entry in the poll book. The question shall be noted in the remarks column following the name stating the reason, such as 'died,' 'moved,' or 'incorrect address.'

(2) Not later than the 60th day after each election, the county clerk shall send the notice described in ORS 247.563 to electors questioned under subsection (1) of this section.

**SECTION 19.** ORS 247.563 is amended to read:

247.563. (1) Except as provided in subsection (4) of this section and ORS 247.555, whenever it appears to the county clerk that an elector needs to update the elector's registration or that the elector has changed residence address to another county, the county clerk shall mail a notice to the elector.

(2) The notice shall be sent by forwardable mail and shall include a postage prepaid, preaddressed return card on which the elector may state the elector's current residence and mailing address. The notice shall advise the elector that:

- (a) The elector should return the card promptly;
- (b) If the card is not returned by the 21st calendar day immediately preceding an election, the elector may be required to complete a new registration card in order to vote in an election { - and may only receive a limited ballot - } ; and
- (c) The elector's registration will be canceled if the elector does not vote before two general elections have been held.

(3) When the county clerk mails a notice under this section, the registration of the elector shall be considered inactive until the elector updates the registration, the registration is canceled or the clerk determines that the registration should be considered active.

(4) This section does not apply when the county clerk receives written evidence from the elector, the United States Postal Service or another county clerk indicating a change of residence or mailing address and the registration of the elector is automatically updated by the county clerk under any provision of this chapter.





**SECTION 20.** ORS 247.580 is amended to read:

247.580. (1) Copies of all notices and other correspondence issued under ORS 247.195, 247.292, { - 247.294, - } 247.296, 247.563 and 247.570 shall be retained by the county clerk for two years.

(2) If the elector registration records of a county are mechanically maintained, the county clerk may satisfy the requirements of subsection (1) of this section by maintaining for two years:

- (a) Computer listings of electors to whom the clerk issued notices or any other correspondence under ORS 247.195, 247.292, { - 247.294, - } 247.296, 247.563 and 247.570 and facsimile copies of notices and correspondence; or
- (b) Microfilm records of the listings and copies.

**SECTION 21.** ORS 247.965 is amended to read:

247.965. (1) Any elector may request the county clerk to keep the residence address of the elector exempt from disclosure as a public record under ORS 192.410 to 192.505.

(2) The county clerk shall keep the residence address of an elector exempt from disclosure as a public record under ORS 192.410 to 192.505 if 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.

(3) { - Any - } { + The county clerk shall automatically mail a ballot to an + } elector whose residence address is exempt from disclosure under this section { - shall be considered an absent elector until the elector requests termination of the exemption or the elector is required to update the elector's registration. The elector shall provide the county clerk with a mailing address other than the residence address of the elector that is exempt from disclosure - } .

(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 { - or 253.040 - } .

(6) A county clerk 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.

**SECTION 22.** 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 election next following any change in the boundaries of a 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 or the number of signatures at least equal to two percent of the total number of votes cast for the candidate described in ORS 248.006 (1)(b) at the general election at which the affiliation of electors last became a major political party. If more than one candidate described in ORS 248.006 (1)(b) received at least 15 percent of the total votes cast for an office, the number of signatures required shall be two percent of the lower number of votes received; and

(d) If the office is one to be voted for in the state at large the signatures shall include those of electors registered in at least { - one-tenth - } { + five percent + } of the precincts in each of at least seven counties. If the office is one to be voted for in a congressional district the signatures shall include those of electors registered in at least { - one-tenth - } { + five percent + } of the precincts in each of at least one-fourth of the counties in the 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 election next following any change in the boundaries of the districts of state Senators or state Representatives under section 6, Article IV of the Oregon Constitution, 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;

(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 or the number of signatures at least equal to two percent of the total number of votes cast for the candidate described in ORS 248.006 (1)(b) at the general election at which the affiliation of electors last became a major political party. If more than one candidate described in ORS 248.006 (1)(b) received at least 15 percent of the total votes cast for an office, the number of signatures required shall be two percent of the lower number of votes received;

(d) If the office under this subsection is to be voted for in more than one county, the signatures shall include those of electors registered in at least { - one-eighth - } { + six percent + } of the precincts in the electoral district that are located in each of two or more of the counties, or





portions of the counties, within which the electoral district is located. If { - one-eighth - } { + six percent + } of the precincts of the electoral district in one of the counties or portion thereof does not constitute a whole precinct, the nominating petition shall contain signatures from at least one precinct in that county; and

(e) If the office is to be voted for in only one county or in a city, the signatures shall include those of electors registered in at least { - one-fifth - } { + 10 percent + } of the precincts in the electoral district.

**SECTION 23.** ORS 249.072 is amended to read:

249.072. (1) If the nonpartisan office is to be voted for in the state at large, the nominating petition shall contain at

least 1,000 signatures of electors, or a number of signatures of electors equal to at least one percent of the vote cast in the state for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term, whichever is less. The signatures shall include those of electors registered in each of at least { - one-tenth - } { + five percent + } of the precincts in each of at least seven counties.

(2) The nominating petition for a nonpartisan office not provided for in subsection (1) of this section shall contain at least 500 signatures of electors in the electoral district, or a number of signatures of electors equal to at least one percent of the vote cast in the electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term, whichever is less. In addition:

(a) If an office under this subsection is to be voted for in more than one county, the signatures shall include those of electors registered in each of at least { - one-eighth - } { + six percent + } of the precincts in the electoral district that are located in each of two or more of the counties, or portions of the counties, within which the electoral district is located. If { - one-eighth - } { + six percent + } of the precincts of the electoral district in one of the counties or portion thereof does not constitute a whole precinct, the nominating petition shall contain signatures from at least one precinct in that county.

(b) If the office is to be voted for in only one county or in a city, the signatures shall include those of electors registered in each of at least { - one-fifth - } { + 10 percent + } of the precincts in the electoral district.

**SECTION 24.** ORS 249.078 is amended to read:

249.078. (1) The name of a candidate for a major political party nomination for President of the United States shall be printed on the ballot or ballot label only:

(a) By direction of the Secretary of State who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or

(b) By nominating petition described in this section and filed with the Secretary of State.

(2) A petition nominating a candidate under this section shall contain from each congressional district the signatures of at least 1,000 electors who are registered in the district and who are members of the major political party of the candidate. The electors in each congressional district shall include electors registered in at least { - one-tenth - } { + five percent + } of the precincts in each of at least one-fourth





of the counties in the congressional district. The petition shall contain the printed name, residence address and name or number of the precinct, if known, of each elector whose signature appears on the petition. The signatures shall be certified for genuineness by the county clerks under ORS 249.008. Before circulating the petition, the chief sponsor shall file with the Secretary of State a signed copy of the prospective petition. The chief sponsor shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the Secretary of State 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 petition declared that no such person would be paid.
- (b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(3) A nominating petition under this section shall be filed not sooner than the 250th day and not later than the 70th day before the date of the presidential preference primary election.

**SECTION 25.** ORS 251.026 is amended to read:

251.026. (1) The Secretary of State shall prepare and have printed in the state biennial primary election and general election voters' pamphlet a statement containing the following information:

- (a) Requirements for a citizen to qualify as an elector.
- (b) When an elector is required to register or update a registration.
- { - (c) How an elector may obtain an absentee ballot. - }
- { - (d) How an elector may obtain a certificate of registration. - }
- { - (e) - } { + (c) + } In the voters' pamphlet for the biennial primary election, a statement of the duties and responsibilities of a precinct committeeperson to be elected at the biennial primary election.

(2) The Secretary of State shall include a statement on the cover of the voters' pamphlet that the pamphlet may be used to assist electors { - at the polls - } { + in voting + }.

(3) The Secretary of State may include in the voters' pamphlet the following information:

- (a) Maps showing the boundaries of senatorial and representative districts.
- (b) Voter registration forms.
- (c) Elector instructions, including the right of an elector to request a second ballot if the first ballot is spoiled { - , the right of an elector to take into the voting booth a sample ballot marked in advance - } and the right of an elector to seek assistance { - of the election board clerks or someone of the elector's own choosing - } in marking the ballot.

**SECTION 26.** ORS 251.315 is amended to read:

251.315. (1) If a county produces a county voters' pamphlet, the county voters' pamphlet shall include, when applicable, at least the following information:

- (a) { + If the election is conducted at polling places under ORS chapter 254, + } a sample ballot containing the names of candidates for all offices appearing on the ballot, and the ballot titles of all measures appearing on the ballot in the county.





- (b) Requirements for a citizen to qualify as an elector.
- (c) Requirements for registration and updates of registration.
- { - (d) Instructions as to how an elector may obtain and use: - }
  - { - (A) An absentee ballot; and - }
  - { - (B) A certificate of registration. - }
- { - (e) A statement that the voters' pamphlet may be used to assist electors at the polls. - }
- { - (f) - } { + (d) + } Elector instructions, including the right of an elector to request a second ballot if the first ballot is spoiled { - , the right of an elector to take into the voting booth a sample ballot marked in advance - } and the right of an elector to seek assistance { - of the election board clerks or someone of the elector's own choosing - } in marking the ballot.
- { - (g) - } { + (e) + } The hours { - that the county elections office or other polling places are open - } { + and locations of sites designated under ORS 254.470 (2) for deposit of official ballots + }.
- { - (h) - } { + (f) + } Any portraits and statements relating to candidates submitted in accordance with the provisions of ORS 251.305 to 251.435.
- { - (i) - } { + (g) + } Any ballot titles, explanatory statements and arguments submitted in accordance with the provisions of ORS 251.305 to 251.435.
- { - (j) - } { + (h) + } { - Notice to electors of whether the election will be conducted by mail or at the polls, and - } If the election is to be at the polls, a listing of the polling places.
- { - (k) - } { + (i) + } Such other information as the county clerk considers to be appropriate or necessary to inform the voters.

(2) The county clerk shall mail or otherwise distribute the county voters' pamphlet not later than the seventh day before the election or the last day for mailing ballots if the election is conducted by mail.

**SECTION 27.** ORS 253.005 is amended to read:

253.005. As used in this chapter:

- (1) 'Clerk' means the county clerk.
- (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, Oregon Constitution.
- { + (4) 'Absent elector' means a person to whom the county clerk has issued a ballot prior to 8 p.m. the day of the election in the case of an election conducted at polling places, or prior to the mailing of ballots under ORS 254.470 (3)(a) for an election conducted by mail. + }

**SECTION 28.** ORS 253.045 is amended to read:

253.045. (1) The clerk shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, but not later than the 45th day before the election.

- (2) { + For an election conducted at polling places as provided in ORS chapter 254:
  - (a) + } The initials of the clerk may be placed on each ballot stub to identify it as an absentee ballot.





{ + (b) + } The ballot stubs of each set of ballot forms containing the same information may be numbered consecutively.

{ + (3) + } The clerk shall be responsible for the safekeeping and disposition of the ballots, and shall destroy all unused ballots as soon as practicable after the { - closing of the polls on - } election { - day - } .

SECTION 29. ORS 253.065 is amended to read:

253.065. (1) As soon as the absentee ballots are printed the clerk shall deliver a ballot to each long term absent elector. Otherwise, the absentee ballots shall be delivered not later than the deadline described in ORS 253.045. The ballot may be delivered to the absent elector in the office of the clerk, by postage prepaid mail, or by any other appropriate means. { - Ballots mailed to electors in foreign countries shall be sent by airmail. - }

(2) The clerk shall deliver with the ballot instructions for marking and returning the ballot and an envelope to use for the return. The name, official title and office address of the clerk shall appear on the front of the envelope. On the back shall appear a statement to be signed by the absent elector, stating that the elector:

- (a) Is qualified to vote;
- (b) Unless prevented by physical disability, has personally marked the ballot; and
- (c) Has not unnecessarily exhibited the marked ballot to any other person.

(3) Notwithstanding subsection (1) of this section, if the county clerk receives an application for an absentee ballot after the fifth day before an election, the county clerk need not mail the ballot for that election but may deliver the ballot by making it available in the office of the clerk.

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

(5) A replacement ballot { - may - } { + need not + } be mailed { - not later than - } { + after + } the fifth day before the date of the election. { - After the fifth day before the date of an election, the county clerk shall deliver the ballot by making it - } { + A replacement ballot may be mailed or shall be made + } available in the office of the county clerk.

(6) If the county clerk determines that an elector to whom a replacement ballot has been issued at the request of the elector has voted more than once, the county clerk shall not count any ballot cast by the elector. If the county clerk is required to reissue ballots due to a change on the ballot for any reason, that ballot shall be counted in lieu of any previous ballot issued unless:

- (a) Only the original ballot was voted and returned; or
- (b) The county clerk issued a supplemental ballot that is not a complete replacement of the original ballot.

SECTION 30. ORS 253.080 is amended to read:

253.080. { + (1) + } Upon receipt of an envelope containing a marked absentee ballot, the clerk shall





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keep it safely in the office and, before delivering the ballot for counting { + , + } shall compare the signature of the absent elector which appears on the back of the absentee ballot envelope with that upon the applicant's registration card. If the signatures appear to be the same, the envelope shall be marked in order to indicate { - to the election board or special counting board that it may count the ballot - } { + that the ballot may be counted + }. { - The clerk then shall deliver the valid ballot to the proper election board before closing of the polls or to a special counting board appointed under ORS 253.085. - }

{ + (2) Except as otherwise provided in this chapter, the absentee ballots shall be counted and returns shall be made, as nearly as possible, in the same manner as for other ballots cast at the election. + }

**SECTION 31.** { + Sections 32 and 33 of this 1999 Act are added to and made a part of ORS chapter 253. + }

**SECTION 32.** { + ORS 253.085, 253.090, 253.095, 253.100 and 253.120 apply only to elections conducted at polling places as provided in ORS chapter 254. + }

**SECTION 33.** { + The clerk shall deliver valid absentee ballots to the proper election board before closing of the polls or to a special counting board appointed under ORS 253.085. + }

**SECTION 34.** ORS 253.085 is amended to read:

253.085. (1) The county clerk shall appoint as many special counting boards as may be necessary to conduct the count of absentee ballots not delivered to the election boards. Each member of a special counting board shall be an elector of the county, but no member shall be a candidate for any office at the election. The members of a special counting board shall not all be members of the same political party. Each member of a special counting board shall be compensated at not less than the rate of a member of a regular election board at the election.

(2) The special counting boards may begin to { - count - } { + process + } the absentee ballots as soon as the poll books used at the election are delivered to the counting board { - and shall complete the count not later than the third day after the date of the election. Except as otherwise provided in this chapter, the absentee ballots shall be counted and returns shall be made in as nearly as possible the same manner as other ballots cast at the election - } .

{ + (3) Absentee ballots may be counted by the special counting boards or by use of an automated vote tally system. The count of absentee ballots shall be completed not later than the third day after the date of the election. + }

**SECTION 35.** ORS 253.135 is amended to read:

253.135. (1) An elector who, on the day of an election, will be absent from the county in which the elector is registered may vote at the elections office of any county clerk or at any polling site in this state.

(2) An elector voting under this section shall complete and sign a voter registration card { - and shall be permitted to vote a limited ballot. The elector shall be permitted to vote for the offices of President and Vice President of the United States, United States Senator, Representative in Congress if the elector





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votes in a county located in the congressional district in which the elector resides and all statewide offices and statewide measures - } .

(3) The elector shall insert the ballot into a small envelope provided by the election board and then shall insert the small envelope into a larger envelope. The larger envelope shall be deposited into the ballot box.

(4) A ballot cast under this section shall be forwarded to the county clerk of the county in which the elector resides not later than the eighth day after the election. The ballot shall be counted in the county in which the elector resides if the elector is qualified to vote in that county. { + A vote shall be counted only if the elector is qualified to vote for the particular office or on the measure. + }

(5) This section does not apply to persons registered under ORS 247.410 and 247.420.

**SECTION 36.** ORS 253.575 is amended to read:

253.575. (1) Upon receipt of an application made under ORS 253.565, if the applicant's residence is in the county, the county clerk, without regard to whether the applicant is an elector of the county, shall mail to the applicant { - , by airmail, - } a special absentee ballot, instructions for filling in and returning the ballot and an envelope to use for the return. The name, official title and office address of the clerk shall appear on the front of the envelope. On the back shall appear a statement to be signed by the absent elector, stating that the elector:

- (a) Is qualified to vote;
- (b) Unless prevented by physical disability, has personally marked the ballot; and
- (c) Has not unnecessarily exhibited the marked ballot to any other person.

(2) The completed and signed { - statement on the envelope containing a special absentee ballot - } { + application submitted under ORS 253.565 + } shall constitute a valid registration for the { - election for which the ballot is submitted - } { + applicant + }.

(3) If the county clerk receives an application for a special absentee ballot on or after the 45th day before the election specified in the application, the county clerk shall treat the application as an application made under ORS 253.540.

(4) A long term absent elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the elector. The county clerk shall keep a record of each replacement ballot provided under this subsection.

(5) Notwithstanding subsection (3) of this section, a replacement ballot may be mailed not later than the fifth day before the date of the election. After the fifth day before the date of an election, the county clerk shall deliver the ballot by making it available in the office of the county clerk.

(6) If the county clerk determines that a long term absent elector to whom a replacement ballot has been issued at the request of the elector has voted more than once, the county clerk shall not count any ballot cast by the elector. If the county clerk is required to reissue ballots due to a change on the ballot for any reason, that ballot shall be counted in lieu of any previous ballot issued unless:





- (a) Only the original ballot was voted and returned; or
- (b) The county clerk issued a supplemental ballot that is not a complete replacement of the original ballot.

**SECTION 37.** ORS 253.700 is amended to read:

253.700. (1) The county clerk, a member of the election board or special counting board or any elector shall challenge the absentee ballot of any person offering to vote as an absent elector whom the clerk, member or elector knows or suspects not to be qualified as an elector. The person's ballot may be challenged at any time before the ballot is removed from its return envelope for processing.

(2) { - The clerk, member or elector who challenges the - } { + A challenge to an + } absentee ballot of a person offering to vote shall { - make - } { + be made + }, under oath or affirmation before { + the clerk, + } a member of the election board or special counting board, { - a written statement of challenge - } { + and shall be in writing + } on a numbered challenge form. The statement shall contain the name and residence address of the challenger, the name of the person challenged and a statement of the facts upon which the challenge is based. Any elections official or member of an election board or special counting board may administer the oath or affirmation required under this subsection.

**SECTION 38.** { + Sections 39, 40, 41 and 42 of this 1999 Act are added to and made a part of ORS chapter 254. + }

**SECTION 39.** { + ORS 254.205, 254.215, 254.226, 254.245, 254.265, 254.275, 254.295, 254.305, 254.315, 254.325, 254.335, 254.345, 254.355, 254.385, 254.395, 254.405, 254.419, 254.426, 254.435, 254.455, 254.475 and 254.525 apply only to elections conducted at polling places. + }

**SECTION 40.** { + ORS 254.465 and 254.470 and sections 41 and 42 of this 1999 Act apply only to elections conducted by mail. + }

**SECTION 41.** { + The county clerk may employ personnel as necessary to open envelopes, prepare ballots for counting and count ballots. Such personnel shall not all be members of the same political party. A person who is the spouse, child, son-in-law, daughter-in-law, parent, mother-in-law, father-in-law, sibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of a candidate on the ballot at an election shall not be employed and may not serve as a volunteer in the capacity described in this section. + }

**SECTION 42.** { + The county clerk shall provide, at any location where ballots are issued, at least three suitable compartments, shelves or tables at which electors may mark their ballots. The arrangement of the compartments, shelves or tables shall ensure that the elector may conveniently mark the ballot with absolute secrecy. The compartments, shelves or tables shall be available during the entire time that ballots may be issued. + }

**SECTION 43.** ORS 254.005 is amended to read:

254.005. As used in this chapter: (1) 'Ballot' means any material on which votes may be cast for candidates or measures. { + In the case of a recall election, 'ballot' includes material posted in a voting compartment or delivered to an elector by mail. + }





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- (2) 'Ballot label' means the material containing the names of candidates or the measures to be voted on.
- (3) 'Chief elections officer' means the:
- (a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the state at large or in a congressional district, or a measure to be voted on in the state at large.
  - (b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a county only.
  - (c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be voted on in a city only.
- (4) 'County clerk' means the county clerk or the county official in charge of elections.
- (5) 'Elector' means an individual qualified to vote under section 2, Article II, Oregon Constitution.
- (6) 'Major political party' means a political party that has qualified as a major political party under ORS 248.006.
- (7) 'Measure' includes any of the following submitted to the people for their approval or rejection at an election:
- (a) A proposed law.
  - (b) An Act or part of an Act of the Legislative Assembly.
  - (c) A revision of or amendment to the Oregon Constitution.
  - (d) Local, special or municipal legislation.
  - (e) A proposition or question.
- (8) 'Minor political party' means a political party that has qualified as a minor political party under ORS 248.008.
- (9) 'Nonpartisan office' means the office of judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court, Superintendent of Public Instruction, 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, sheriff, district attorney or any office designated nonpartisan by a home rule charter.
- (10) 'Prospective petition' means the information, except signatures and other identification of petition signers, required to be contained in a completed petition.
- (11) 'Regular district election' means the election held each year for the purpose of electing members of a district board as defined in ORS 255.005 (2).
- (12) 'Voting machine' means:
- (a) Any device which will record every vote cast on candidates and measures and which will either internally or externally total all votes cast on that device.
  - (b) Any device into which a ballot may be inserted and which is so designed and constructed





that the vote for any candidate or measure may be indicated by punching or marking the ballot.

(13) 'Vote tally system' means one or more pieces of equipment necessary to examine and tally automatically the marked or punched ballots.

**SECTION 44.** ORS 254.115 is amended to read:

254.115. (1) The official biennial primary election ballot or ballot label shall be styled 'Official Biennial Primary

Nominating Ballot for the \_\_\_ Party.' and shall state:

- (a) The { - number or - } name of the { - precinct and - } county for which it is intended.
- (b) The date of the biennial primary election.
- (c) The names of all candidates for nomination at the biennial 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.

{ + (2) If the election is conducted at polling places as provided in this chapter, any ballot to be issued at a polling place shall also state the number or name of the precinct for which it is intended. + }

{ - (2) - } { + (3) + } The biennial 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) - } { + (4) + } The ballot shall not contain the name of any person other than those referred to in subsections (1) and { - (2) - } { + (3) + } of this section. 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. In the event that two or more candidates for the same nomination or office have the same or similar surnames, the location of their places of residence shall be printed opposite their names to distinguish one from another.

**SECTION 45.** ORS 254.125 is amended to read:

254.125. (1) The names of candidates for a nonpartisan office at a nominating election held on the date of the biennial primary election shall be listed without political party designation on a nominating ballot or ballot label under the title, and department or position number if any, of the office.

(2) At the biennial primary election or general election:

- (a) The names of candidates who are opposed for nomination or election to the Supreme Court, Court of Appeals, Oregon Tax Court and circuit court shall be printed on the ballot before the names of candidates for those offices who are unopposed; and
- (b) The word 'incumbent' shall follow the name of each candidate for the Supreme Court, Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Secretary of State under ORS 254.085.

{ - (3) Notwithstanding subsection (2) of this section, the word ' incumbent' shall follow the name of each judge: - }

{ - (a) Who is a district court judge on January 15, 1998; - }

{ - (b) Whose office as a district court judge is merged into the circuit court under section 1,





chapter 658, Oregon Laws 1995; and - }

{ - (c) Who is a candidate for that same position that merged into the circuit court at the election next following January 15, 1998. - }

**SECTION 46.** ORS 254.135 is amended to read:

254.135. (1) The official general or special election ballot or ballot label shall be styled 'Official Ballot' and shall state:

- (a) The { - number or - } name of the { - precinct and - } county for which it is intended.
- (b) The date of the election.
- (c) The names of all candidates for offices to be filled at the election whose nominations have been made and accepted and who have not died, withdrawn or become disqualified. The ballot or ballot label shall not contain the name of any other person.
- (d) The number, ballot title and financial estimates under ORS 250.125 of any measure to be voted on at the election.

{ + (2) If the election is conducted at polling places as provided in this chapter, any ballot to be issued at a polling place shall also state the number or name of the precinct for which it is intended. + }

{ - (2) - } { + (3) + } The names of candidates for President and Vice President of the United States shall be printed in groups together, under their political party designations. The names of the electors shall not be printed on the general election ballot. A vote for the candidates for President and Vice President shall be a vote for the group of presidential electors supporting those candidates and selected as provided by law. The general election ballot shall state that electors of President and Vice President are being elected and that a vote for the candidates for President and Vice President shall be a vote for the electors supporting those candidates.

{ - (3)(a) - } { + (4)(a) + } The name of each candidate nominated shall be printed upon the ballot or ballot label in but one place, without regard to how many times the candidate may have been nominated. The name of a political party shall be added opposite the name of a candidate for other than nonpartisan office according to the following rules:

- (A) For a candidate not affiliated with a political party who is nominated by a minor political party, the name of the minor political party shall be added opposite the name of the candidate;
- (B) For a candidate not affiliated with a political party who is nominated by more than one minor political party, the name of the minor political party selected by the candidate shall be added opposite the name of the candidate;
- (C) For a candidate who is a member of a political party who is nominated by a political party of which the candidate is not a member, the name of the political party that nominated the candidate shall be added opposite the name of the candidate;
- (D) For a candidate who is a member of a political party who is nominated by more than one political party of which the candidate is not a member, the name of the political party selected by the candidate shall be added opposite the name of the candidate; and
- (E) For a candidate who is nominated by a political party of which the candidate is a member, the name of the political party of which the candidate is a member shall be added opposite the name of the candidate.





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- (b) If a candidate is required to select the name of a political party to be added on the ballot under paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection not later than the 61st day before the day of the election.
- (c) The word 'incumbent' shall follow the name of each candidate for the Supreme Court, Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Secretary of State under ORS 254.085.
- (d) If two or more candidates for the same office have the same or similar surnames, the location of their places of residence shall be printed opposite their names to distinguish one from another.

**SECTION 47.** ORS 254.145 is amended to read:

254.145. (1) The names of candidates for nomination for or election to each office shall be arranged on the ballot or ballot label in the order determined under ORS 254.155. The names of candidates for the offices of President and Vice President of the United States, however, shall be arranged in groups. Except as provided in ORS 254.125, 254.135 and this section, no information about the candidate, including any title or designation, other than the candidate's name, shall appear on the ballot. In a precinct in which voting machines are used, spaces shall be provided, either on the ballot or on separate material delivered to the elector with the ballot, in which the elector may write the names of persons for any offices appearing on the ballot label. In other precincts, at the end of the list of candidates for each office shall be a blank space in which the elector may write the name of any person not printed on the ballot. On the left margin of the ballot or ballot label the name of each group or candidate may be numbered. The blank spaces shall not be numbered. A particular number shall not be used to designate more than one candidate at any election.

(2) The names of all candidates for the same office shall be listed in the same column on the ballot or ballot label. If more than one column is needed to list names of all candidates for that office, the names may be arranged in one or more columns in block form. The block shall be set apart by rulings under the title of the office. If a blank space follows the list of candidates, the space shall be in the same column as the names of candidates for that office. If blocks of columns are used, blank spaces shall be included within the ruled block.

(3) In precincts using voting machines, the ballot label shall be clearly marked to indicate when names of candidates for the office are continued on the following page.

(4) When a measure is submitted to the people, the number, ballot title and financial estimates under ORS 250.125 of each measure shall be printed after the list of candidates. A measure referred by the Legislative Assembly shall be designated 'Referred to the People by the Legislative Assembly.' A state measure referred by petition shall be designated 'Referendum Order by Petition of the People.' A state measure proposed by initiative petition shall be designated 'Proposed by Initiative Petition.'

(5) { + For an election conducted at polling places under this chapter, + }each official ballot shall have a removable stub. The stub on the ballots for a precinct shall be numbered consecutively.

(6) The ballot shall be printed to give the elector a clear opportunity to designate the elector's choice





for candidates and approval or rejection of measures submitted. In precincts not using voting machines the elector shall indicate a preference by making a cross or check mark inside a voting square corresponding to the candidate or answer for which the elector wishes to vote. A voting square may be printed on the blank, write-in vote spaces. However, the elector is not required to place a mark in the voting square corresponding to a name written in a blank space. On the ballot or ballot label shall be printed words to aid the elector, such as 'Vote for one,' 'Vote for three,' and regarding measures, 'Yes' and 'No. '

**SECTION 48.** ORS 254.165 is amended to read:

254.165. (1) If the filing officer determines that a candidate has died, withdrawn, become disqualified, or that the candidate will not qualify in time for the office if elected, the name of the candidate shall not be printed on the ballots or ballot labels or, if they have already been printed, shall be erased or canceled before the ballots are given to the electors. The name of a candidate nominated to fill a vacancy in nomination or office shall be printed on the ballots or ballot labels or, if they have already been printed, the county clerk shall cause the name to appear on the ballots or ballot labels before the ballots are given to the electors. A filing officer, other than the Secretary of State, shall notify the Secretary of State of any action taken under this section.

{ + (2) - } { + (3) + } As used in this section: + }

{ - (2) - } { + (3) + } As used in this section:

(a) 'District' means a district defined in ORS 255.012.

(b) 'Filing officer' means the:

(A) Secretary of State, regarding a candidate for a state office or an office to be voted on in the state at large or in a congressional district.

(B) County clerk, regarding a candidate for a county office.

(C) County clerk of the county in which the administrative office of the district is located, regarding a candidate for a district office to be voted on in a district located in more than one county.

(D) County clerk, regarding a candidate for a district office to be voted on in a district situated wholly within the county.

(E) City clerk, auditor or recorder, regarding a candidate for a city office.

**SECTION 49.** ORS 254.175 is amended to read:

254.175. (1) In lieu of printing the complete ballot title of any measure, other than a state measure, the county clerk may print the caption and the question of the ballot title and the measure number on the ballot or ballot label. If the complete ballot title is omitted from the ballots or ballot labels { + and the election is conducted at polling places + }, the complete ballot title shall be printed in 14-point type or larger and posted in each voting compartment within view of the elector.

(2) In lieu of printing the complete ballot title and financial estimates of any state measure to be initiated or referred, the county clerk may print the caption of the ballot title, the statements described in ORS 250.035 (2)(b) and (c) and the measure number on the ballot or ballot label. If the complete ballot title and financial estimates are omitted from the ballots or ballot labels { + and the election is





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conducted at polling places + }, they shall be printed in 14-point type or larger and posted in each voting compartment within view of the elector.

{ + (3) In the case of a recall election:

(a) If the election is conducted at polling places, the statements described in section 18, Article II of the Oregon Constitution, and ORS 249.877 may be posted in each voting compartment within view of the elector; and

(b) If the ballot is delivered by mail, the statements described in section 18, Article II of the Oregon Constitution, and ORS 249.877 shall be included with material delivered to the elector.

+ }

{ - (3) - } { + (4) + } The complete text of each ballot title and any financial estimates shall be included with any

{ - absent elector's - } { + absentee or mailed + } official ballot.

{ - (4) - } { + (5) + } Sample ballots and the publication of any facsimile sample ballots shall include the full text of the ballot title and any financial estimates.

**SECTION 50.** ORS 254.195 is amended to read:

254.195. (1) Official ballots and ballot labels shall be printed in black ink upon good quality material. The biennial or presidential preference primary election ballots or ballot labels shall be of different colors for the major political parties.

(2) { + If the election is conducted at polling places, + } sample ballots shall be prepared for the information of the elector. The sample ballot shall contain the offices, candidates, measures and other information on the ballots or ballot labels of the precincts for which the sample ballot is issued. The sample ballot need not contain the office of, or candidates for, precinct committeeperson. The sample ballots shall be identified as such, and printed on cheaper, colored paper to distinguish them from official ballots. A sample ballot shall not be voted or counted.

(3) The governing body of a city, county or district may mail sample ballots to all electors within the city, county or district to assist the electors' preparation for voting.

**SECTION 51.** ORS 254.226 is amended to read:

254.226. (1) The county clerk shall prepare the poll book of each precinct. The poll book shall list alphabetically the electors in the precinct, and the residence address and political affiliation of each. The poll book shall indicate clearly each electoral district in which the elector is eligible to vote.

{ + (2) If a person registers before the 20th day before the election, the person's name shall be listed in the poll book of the person's precinct. + }

{ - (2) - } { + (3) + } The poll book shall be ruled so that in a column for ballot numbers sufficient space appears for inserting the number of the ballot given to the elector.





{ - (3) - } { + (4) + } The county clerk shall have attached to, or printed in, the poll book blank oaths of office for the election board clerks.

**SECTION 52.** ORS 254.321 is amended to read:

254.321. At any election in which the question of establishing or changing the exterior boundaries of a county or city is submitted to a vote, the county clerk shall { + : (1) + } Post in each voting compartment { - or by each shelf or table, within view of the elector, a map indicating the proposed boundaries - } { + a map indicating the proposed boundaries;

(2) Include with any mailed ballot a map indicating the proposed boundaries; or

(3) Print in a voters' pamphlet prepared for the election a map indicating the proposed boundaries + }.

**SECTION 53.** ORS 254.408 is amended to read:

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

(2) Whenever an elector updates a registration at a polling place on the date of the election { - and votes under ORS 247.306 - } , the elector shall vote in the manner provided in this section.

(3) An elector voting under this section shall complete and sign a registration card { - and shall vote a limited ballot. The limited ballot shall include only federal and statewide offices and statewide measures - } .

(4) The elector shall insert the ballot into a small envelope provided by the election board and then insert the small envelope into a larger envelope. The larger envelope shall be deposited in the ballot box. When the ballot box is opened, the larger envelopes shall be segregated and not counted until the registration of the elector is verified under this section.

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

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

**SECTION 54.** ORS 254.411 is amended to read:

254.411. (1) Any elector whose name has been changed may vote once in the precinct in which the elector is registered under the elector's former name.

(2) { + If the elector votes at a polling place, + } the election board clerk shall enter into the poll book the fact that the elector's name has changed.





{ + (3) + } Following the election, the registration of the elector shall be considered inactive.

{ - (3) - } { + (4) + } In order to vote at subsequent elections the elector whose name has changed must update the elector's registration.

**SECTION 55.** ORS 254.415 is amended to read:

254.415. The county clerk, a member of an election board or any elector shall challenge the ballot of any person offering to vote whom the clerk, member or elector knows or suspects not to be qualified as an elector. The clerk, member or elector challenging the ballot shall make, under oath or affirmation before a county clerk or member of an election board, a written and numbered statement of challenge. The statement shall contain the name and residence address of the challenger, the name of the person challenged and a statement of the facts upon which the challenge is based. { + For an election conducted by mail, a person's ballot may be challenged at any time before the ballot is removed from its return envelope for processing. + }

**SECTION 56.** ORS 254.445 is amended to read:

254.445. (1) Any elector who { + is within the county and + }, because of a physical disability or an inability to read or write, is unable to mark or punch the ballot, upon request, shall receive the assistance of two { - election board clerks - } { + persons + } of different parties { + provided by the clerk + } or of some other person chosen by the elector in marking or punching the ballot. The persons assisting the elector shall ascertain the wishes of the elector and assist the elector in voting the ballot accordingly, and thereafter shall give no information regarding the vote. { - The board chairperson may require a declaration of disability to be made by the elector under oath. Whenever an elector receives assistance in this manner, a clerk shall make a notation of it in the poll book following the name of the elector. - }

(2) A person may not assist an elector under subsection (1) of this section if the person:

- (a) Is an employer of the elector or an agent of the employer; or
- (b) Is an officer or agent of the union of which the elector is a member.

{ + (3) If the election is conducted at polling places:

- (a) The board chairperson may require a declaration of disability to be made by the elector under oath. Whenever an elector receives assistance in this manner, a clerk shall make a notation of it in the poll book following the name of the elector. + }

{ - (3) - } { + (b) + } When any elector, because of a physical disability or an inability to read or write, is unable

to sign the poll book, a clerk, under supervision of the chairperson, shall enter the words 'unable to sign' in the place provided for the elector's signature.

(4) In preparing the ballot, an elector may use or copy a sample ballot, which may be marked in advance to assist the elector in marking or punching the official ballot.

**SECTION 57.** ORS 254.470 is amended to read:





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254.470. (1) An election by mail shall be conducted as provided in this section. The Secretary of State may adopt rules governing the procedures for conducting an election by mail. { - The Secretary of State by rule may modify the provisions of ORS chapters 254 and 255 as necessary for the conduct of an election by mail. - }

(2) When conducting an election by mail, the county clerk may designate the county clerk's office or one central location in the electoral district in which the election is conducted as the single place to obtain a replacement ballot under subsection (9) of this section. The Secretary of State by rule shall establish requirements and criteria for the designation of places of deposit for the ballots cast in the election. The places designated under this section shall be open on the date of the election for a period, determined by the county clerk, of eight or more hours, but must be open until at least 8 p.m.

(3)

(a) Except as provided in paragraph (b) { + or (c) + } 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 conducted by mail 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) Notwithstanding paragraph (a) of this subsection, the Secretary of State by rule shall specify the date on which all ballots shall be mailed for any state election conducted by mail under ORS 254.465 { + (3) + }.

{ + (c) Notwithstanding paragraph (a) of this subsection, in the case of ballots to be mailed to addresses outside this state to electors who are not long-term absent electors, the county clerk may mail the ballots not sooner than the 29th day before the date of the election. + }

(4) For an election held on the date of a { + biennial or + } presidential preference 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. { - The elector shall not be mailed a ballot of any other political party for that presidential preference primary election. - }

(b) An elector not affiliated with any political party shall be mailed the ballot of a major political party in whose { + biennial or + } presidential preference primary election the elector wishes to vote if the elector has applied for the ballot as provided in this subsection and that party has provided under ORS 254.365 for a { + biennial or + } presidential preference primary election that admits electors not affiliated with any political party.

(c) { - Except for electors described in subsection (5) of this section, and subject to ORS 247.203, - } An elector not affiliated with any political party who wishes to vote in the { + biennial or + } presidential preference primary election of a major political party shall apply to the county clerk in writing. { + Except for electors described in subsection (5) of this section, and subject to ORS 247.203, + } the application must be received by the clerk not later than 5 p.m. of the 21<sup>st</sup> day before the date of the election.

(d) If the { + biennial or + } presidential preference primary election ballot includes city, county or nonpartisan offices or measures, an elector not eligible to vote for party candidates shall be mailed a ballot limited to those offices and measures for which the elector is eligible to vote.





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(5) For each elector who updates a voter registration { - under ORS 247.304 (2) - } { + after the deadline in ORS 247.025 + }, the county clerk shall make the official ballot, the return identification envelope and the secrecy envelope available { - only - } { + by mail + } at the county clerk's office or { - other - } { + at another + } place designated by the county clerk. An elector to whom this subsection applies must { - vote at the election in the county clerk's office or other place designated by the county clerk - } { + request a ballot from the county clerk + }. The elector shall mark the ballot, sign the return identification envelope, comply with the instructions provided with the ballot and return the ballot in the return identification envelope to the county clerk.

(6) Notwithstanding subsection (3) or (4) of this section, replacement ballots { - may - } { + need not + } be mailed { - by nonforwardable mail not later than - } { + after + } the fifth day before the date of the election { - or obtained in person up until and including the date of the election from the county clerk - } . { + A replacement ballot may be mailed or shall be made available in the office of the county clerk. + }

(7) The ballot or ballot label shall contain the following warning:

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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, upon conviction, to imprisonment or to a fine, or both.

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(8) This subsection applies to an elector to whom subsection (3) or (4) of this section applies. Upon receipt of the ballot the elector shall mark it, sign the return identification envelope supplied with the ballot and comply with the instructions provided with the ballot. 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 or any place of deposit designated by the county clerk. The ballot must be returned in the return identification envelope. If the elector returns the ballot by mail, the elector must provide the postage. A ballot must be received at the office of the county clerk or the designated place of deposit not later than the end of the period determined under subsection (2) of this section on the date of the election.

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

(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; 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 card, 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 not count any ballot cast by that elector.





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{ - (12) Any ballot and any elector casting a ballot may be challenged pursuant to rules adopted by the Secretary of State. - }

{ + (12) At 8 p.m. on election day, electors who are at the clerk's office or a site designated under subsection (2) of this section and who are in line waiting to vote or deposit a voted ballot shall be considered to have begun the act of voting. + }

**SECTION 58.** ORS 254.485 is amended to read:

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

(2) If a vote tally system is used or if a counting board has been appointed { - under ORS 246.310 (2) - }, the tally of ballots may begin before the polls close.

(3) If ballots are tallied by a counting board, after the tally has begun it shall continue until completed. A counting board shall tally without adjournment and in the presence of the clerks and persons authorized to attend. However, the board may be relieved by another board if the tally is not completed after 12 hours.

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

**SECTION 59.** ORS 254.505 is amended to read: 254.505.

(1) Only official ballots shall be counted. Any vote from which it is impossible to determine the elector's choice for the office or measure shall not be counted. Any ballot that has a sticker or other device in violation of ORS 254.405 (2) shall be void and shall not be counted. { - Election - } { + 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 election board shall seal the wholly void ballots in an envelope.

**SECTION 60.** ORS 254.515 is amended to read:

254.515. Ballots marked 'Presidential only' { - , - } { + or + } 'federal offices only' { - or 'limited' - } shall be counted only for the offices or measures that the elector is entitled to vote. Votes on the ballot for other offices or measures shall not be counted.

**SECTION 61.** ORS 254.525 is amended to read:

254.525. { - (1) - } Immediately after the tally of votes:

{ - (a) - } { + (1) + } The board chairperson shall count the regular and absentee ballots either tallied or rejected, and write the number in the poll book. The number shall be certified as correct by board members.





{ - (b) - } { + (2) + } If all votes cast at the polling place are tallied there, the election board shall post one copy of the return sheet in a prominent location outside the polling place.

{ - (c) - } { + (3) + } The election board shall deliver under seal to the county clerk one copy of the return sheet, the tally sheet, ballots, ballot stubs, ballot boxes and written challenge statements. The board also shall deliver the other equipment to the county clerk.

{ - (2) Except as provided in subsection (4) of this section, the county clerk shall keep the return sheets in the office for 90 days after the election. - }

{ - (3) Except as provided in subsection (4) of this section, the county clerk shall destroy the ballots, ballot stubs and written challenge statements not sooner than the 90th day after the final day permitted for a contest of the election, unless otherwise ordered by the court. - }

{ - (4) In accordance with 42 U.S.C. 1974, any ballot, voter registration records and any other materials relating to any election at which a candidate is nominated or elected to federal office shall be retained for not less than 22 months following the date of the election. - }

**SECTION 62.** ORS 254.535 is amended to read:

254.535. { + (1) Except as provided in subsection (3) of this section, + } each poll book, tally sheet { + , + } { - and - } return sheet { + and ballot return identification envelope + } shall be preserved for two years after the election to which it relates.

{ + (2) Except as provided in subsection (3) of this section, the county clerk shall destroy the ballots, ballot stubs and written challenge statements not sooner than the 90th day after the final day permitted for a contest of the election, unless otherwise ordered by the court.

(3) In accordance with 42 U.S.C. 1974, any ballot, voter registration records and any other materials relating to any election at which a candidate is nominated or elected to federal office shall be retained for not less than 22 months following the date of the election. + }

**SECTION 63.** ORS 254.545 is amended to read:

254.545. The county clerk:

(1) As soon as possible after any election, shall prepare abstracts of votes { - using the tally and return sheets - } .

The abstract for election of Governor shall be on a sheet separate from the abstracts for other offices and measures. { - One representative of each political party may attend the abstract proceedings. - }

(2) On completion of the abstracts, shall record a complete summary of votes cast in the county for each office, candidate for office and measure. The county clerk shall sign and { - seal - } { + certify + } this record. After the biennial or presidential preference primary election, the county clerk { + , for each office for which the clerk is filing officer, + } { - also - } shall enter in a register of nominations the





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name and { + , if applicable, + } major political party of each candidate nominated, the office for which the candidate is nominated, and the date of entry.

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

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

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

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

**SECTION 64.** ORS 255.095 is amended to read:

255.095. { + If the election is conducted at polling places: + }

(1) Notice of any district election shall be published once in a newspaper of general circulation in the district.

(2) Not later than the day of the election nor sooner than the 15th day before the election, the elections officer shall publish a facsimile, except as to size, of the sample ballot, a list of the polling places and the hours the polls are to be open. The information shall be published once in the newspaper in which the notice was published under subsection (1) of this section, at the current published local display advertising rate.

(3) The Secretary of State by rule may establish the procedure for preparing election notices for publication in a newspaper.

**SECTION 65.** ORS 255.245 is amended to read:

255.245. If a vacancy occurs in the office of district board member { - within such time that a candidate for the vacancy could not be nominated under the procedures of this chapter - } { + after the deadline for notice in ORS 255.069 (2) and on or before the 62nd day + } before the regular district election, the Secretary of State by rule shall provide a nominating schedule when practicable so that candidates' names may be printed on the regular election ballot. With regard to this vacancy, requirements of publication of notice and sample ballots may be waived. The rule shall require notice of the vacancy and nominating procedure to the district electors by the most reasonable and expeditious means practicable under the circumstances, including but not limited to single publication in a newspaper of general circulation in the district.

**SECTION 66.** ORS 258.200 is amended to read:

258.200. (1) After receiving notice from the Secretary of State that a recount is to be made, the official directed to conduct the recount shall appoint counting boards from the list of electors qualified to vote in the county in which the recount is demanded.





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The official shall appoint as many counting boards as may be necessary to complete the recount within the shortest practicable time after the demand is filed. No member of the counting boards shall have been a candidate for any office voted upon at the election. The members of a counting board shall not all be members of the same political party.

(2) Each member of the counting board shall be compensated at { - the rate which election board clerks were paid at the election before the recount - } { + a rate not less than the federal or state minimum wage, whichever is higher + }.

**SECTION 67.** { + ORS 247.028, 247.294, 247.306, 247.330 and 253.040 are repealed. + }





## Appendix E. History of Vote by Mail in Washington

1915	A voter could request an absentee ballot if he or she expected to be at least 25 miles away from the assigned precinct on Election Day. The voter cast a ballot at a local poll site and the ballot was treated similar to a modern day provisional ballot.
1933	Voters with disabilities and voters over the age of 65 became authorized to vote an absentee ballot. The voter was still required to vote the ballot in the presence of an oath- subscribing officer and the ballot had to be returned or postmarked no later than the day of the election.
1950	Voters who did not wish to vote on Election Day due to the tenets of their religion became eligible to vote an absentee ballot.
1963	Voters who expected to be unavailable on Election Day due to illness became eligible to vote absentee.
1967	A precinct with less than 100 registered voters could be designated by the County Auditor as voting by mail, also known as a mail ballot precinct.
1974	The Legislature authorized no-excuse mail voting. This allowed voters to request mail ballots without stating a particular need.
1983	A jurisdiction could request that a special election, such as a levy election, be conducted by mail.
1985	Voters with disabilities and those voters over the age of 65 could request to receive ballots for all future elections by mail.
1993	County Auditors could conduct nonpartisan primaries by mail. These became known as vote by mail elections.
1993	The Legislature expanded mail voting to all citizens.
2002	Five rural counties were conducting all elections in the county by mail because all precincts were vote by mail precincts: Clallam, Ferry, Okanogan, Pend Oreille, and Skamania.
<b>2005</b>	<b><i>Counties could decide to conduct all elections by mail.</i></b>
2007	36 of Washington's 39 counties conduct elections entirely by mail. Two of the remaining counties have plans to switch to all mail elections in 2008.





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## Appendix F. Washington Revised Statutes

### RCW 29A.48.010

#### Mail ballot counties and precincts.

(1) With express authorization from the county legislative authority, the county auditor may conduct all primary, special, and general elections entirely by mail ballot. The county legislative authority must give the county auditor at least ninety days' notice before the first election to be conducted entirely by mail ballot. If the county legislative authority and the county auditor decide to return to a polling place election environment, the county legislative authority must give the county auditor at least one hundred eighty days' notice before the first election to be conducted using polling places. Authorization under this subsection must apply to all primary, special, and general elections conducted by the county auditor.

(2) The county auditor may designate any precinct having fewer than two hundred active registered voters at the time of closing of voter registration as provided in RCW 29A.08.140 as a mail ballot precinct. Authorization from the county legislative authority is not required to designate a precinct as a mail ballot precinct under this subsection. In determining the number of registered voters in a precinct for the purposes of this section, persons who are ongoing absentee voters under RCW 29A.40.040 shall not be counted. Nothing in this section may be construed as altering the vote tallying requirements of RCW 29A.60.230.

(3) The county auditor shall notify each registered voter by mail that for all future primaries and elections the voting will be by mail ballot only. The auditor shall mail each active voter a ballot at least eighteen days before a primary, general election, or special election. The auditor shall send each inactive voter either a ballot or an application to receive a ballot at least eighteen days before a primary, general election, or special election. The auditor shall determine which of the two is to be sent. If the inactive voter returns a voted ballot, the ballot shall be counted and the voter's status restored to active. If the inactive voter completes and returns an application, a ballot shall be sent and the voter's status restored to active. The requirements regarding certification, reporting, and the mailing of overseas and military ballots in RCW 29A.40.070 apply to elections conducted by mail ballot.

(4) If the county legislative authority and county auditor determine under subsection (1) of this section, or if the county auditor determines under subsection (2) of this section, to return to a polling place election environment, the auditor shall notify each registered voter, by mail, of this and shall provide the address of the polling place to be used.

### RCW 29A.48.020

#### Special elections.

At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW \*29A.04.320 or 29A.04.330 may also request that the special election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.





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For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than eighteen days before the date of such election, mail to each registered voter a mail ballot. The auditor shall handle inactive voters in the same manner as inactive voters in mail ballot precincts. The requirements regarding certification, reporting, and the mailing of overseas and military ballots in \*\*RCW 29.36.270 apply to mail ballot elections.

### **RCW 29A.48.030**

#### **Odd-year primaries.**

In an odd-numbered year, the county auditor may conduct a primary or a special election by mail ballot concurrently with the primary:

- (1) For an office or ballot measure of a special purpose district that is entirely within the county;
- (2) For an office or ballot measure of a special purpose district that lies in the county and one or more other counties if the auditor first secures the concurrence of the county auditors of those other counties to conduct the primary in this manner district-wide; and
- (3) For a ballot measure or nonpartisan office of a county, city, or town if the auditor first secures the concurrence of the legislative authority of the county, city, or town involved.

The county auditor shall notify an election jurisdiction for which a primary is to be held that the primary will be conducted by mail ballot.

A primary in an odd-numbered year may not be conducted by mail ballot in a precinct with two hundred or more active registered voters if a partisan office or state office or state ballot measure is to be voted upon at that primary in the precinct.

To the extent they are not inconsistent with other provisions of law, the laws governing the conduct of mail ballot special elections apply to nonpartisan primaries conducted by mail ballot.

### **RCW 29A.48.040**

#### **Depositing ballots — Replacement ballots.**

(1) If a county auditor conducts an election by mail, the county auditor shall designate one or more places for the deposit of ballots not returned by mail. The places designated under this section shall be open on the date of the election for a period of thirteen hours, beginning at 7:00 a.m. and ending at 8:00 p.m.

(2) A registered voter may obtain a replacement ballot as provided in this subsection. A voter may request a replacement mail ballot in person, by mail, by telephone, or by other electronic transmission for himself or herself and for any member of his or her immediate family. The request must be received by the auditor before 8:00 p.m. on election day. The county auditor shall keep a record of each replacement ballot issued, including the date of the request. Replacement mail ballots may be counted in the final tabulation of ballots only if the original ballot is not received by the county auditor and the replacement ballot meets all requirements for tabulation necessary for the tabulation of regular mail ballots.





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### **RCW 29A.48.050**

#### **Return of voted ballot.**

The voter shall return the ballot to the county auditor in the return identification envelope. If mailed, a ballot must be postmarked not later than the date of the primary or election. Otherwise, the ballot must be deposited at the office of the county auditor or the designated place of deposit not later than 8:00 p.m. on the date of the primary or election. All personnel assigned to verify signatures on the return envelope must receive training on statewide standards for signature verification.

### **RCW 29A.48.060**

#### **Ballot contents — Counting.**

All mail ballots authorized by RCW 29A.48.010, 29A.48.020, or 29A.48.030 must contain the same offices, names of nominees or candidates, and propositions to be voted upon, including precinct offices, as if the ballot had been voted in person at the polling place. Except as otherwise provided by law, mail ballots must be treated in the same manner as absentee ballots issued at the request of the voter. If electronic vote tallying devices are used, political party observers must be given the opportunity to be present, and a test of the equipment must be performed as required by RCW 29A.12.130 before tabulating ballots. Political party observers may select at random ballots to be counted manually as provided by RCW 29A.60.170.





## Appendix G. Vote by Mail Comparison Plus Start Up Costs

### VBM Comparison Plus Start Up Costs

