

# Enrolled House Bill 3344

Sponsored by Representative HOYLE

CHAPTER .....

AN ACT

Relating to challenged ballots; creating new provisions; and amending ORS 254.426.

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

**SECTION 1.** ORS 254.426 is amended to read:

254.426. (1) Whenever any person [*votes a challenged*] **offers to vote a ballot challenged under ORS 254.415**, the county clerk shall ensure that the ballot offered by the person includes the number of the written statement of challenge so that the ballot may be identified in any future contest of the election.

(2) The county clerk shall examine the challenge and determine if the person is validly registered to vote and if the vote was properly cast. The ballot shall be counted only if the county clerk determines the person is validly registered.

(3) The county clerk shall ensure that the information on the numbered written statement is treated as confidential so that in the event of a recount of votes it cannot be determined how any challenged person voted.

(4) The county clerk shall mail to each person [*voting under this section and*] **offering to vote a ballot challenged under ORS 254.415** a written statement that describes the nature of the challenge. If the person does not provide evidence sufficient to verify the person's registration by the deadline described in subsection (5) of this section, the registration of the person shall be considered inactive until the person updates or verifies the registration, the registration is canceled or the county clerk determines that the person is validly registered.

(5) The registration of each person [*voting under this section and*] **offering to vote a ballot challenged under ORS 254.415** shall be verified not later than the [*10th*] **14th** calendar day after the date of the election in order for the vote of the person to be counted.

**SECTION 2.** Section 3 of this 2013 Act is added to and made a part of ORS chapter 254.

**SECTION 3.** (1) **If a ballot is challenged because it is returned in an unsigned return identification envelope or because the signature of an elector on a return identification envelope does not match the signature in the voter registration record for the elector, the county clerk shall mail to the elector a notice that describes the nature of the challenge. The Secretary of State shall design a standard form to be used in all notifications sent by county clerks under this subsection.**

(2) **In order for the vote of the elector to be counted, the elector must provide evidence sufficient to disprove the challenge not later than the 14th calendar day after the date of the election. If the elector does not provide evidence sufficient to disprove the challenge by the 14th calendar day after the date of the election, the registration of the elector shall be considered inactive.**

(3)(a) The county clerk may not release as a public record any information that could be used to identify an elector whose ballot has been challenged under this section until the eighth calendar day after the date of an election.

(b) Following the eighth calendar day after the date of an election, the county clerk may disclose as a public record under ORS 192.410 to 192.505 the following information about each elector whose ballot was challenged under this section:

- (A) The name of the elector;
- (B) The residence addresses of the elector; and
- (C) The reason the elector’s ballot is being challenged.

Passed by House June 21, 2013

.....  
 Ramona J. Line, Chief Clerk of House

.....  
 Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

.....  
 John Kitzhaber, Governor

Passed by Senate June 27, 2013

.....  
 Peter Courtney, President of Senate

Filed in Office of Secretary of State:

.....M.,....., 2013

.....  
 Kate Brown, Secretary of State