

Senate Bill 1564

Sponsored by Senator FERRIOLI (Presession filed.)

SUMMARY

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

Establishes defective ballot boards to inspect ballots that cannot accurately be tallied by vote tally system.

Requires county clerk to submit additional records to Secretary of State relating to ballot security.

Requires county clerk to keep number of ballots that does not exceed five percent of total number of ballots mailed for use as replacement ballots.

Requires Secretary of State to develop system ensuring security and integrity of ballots collected and delivered by third parties.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; amending ORS 254.074, 254.480 and 254.482; and de-
3 claring an emergency.

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

5 **SECTION 1. Section 2 of this 2014 Act is added to and made a part of ORS chapter 254.**

6 **SECTION 2. (1) As used in this section and ORS 254.482:**

7 (a) **"Defective ballot" means a ballot that cannot accurately be tallied by the vote tally**
8 **system unless enhanced or duplicated.**

9 (b) **"Defective ballot board" means a group of election personnel selected by the county**
10 **clerk to review defective ballots. Each defective ballot board must be composed of at least**
11 **three election personnel, at least two of whom have a different major political party affil-**
12 **iation.**

13 (c) **"Duplicate ballot" means a blank ballot onto which original votes are copied exactly**
14 **for purposes of counting in cases when the original ballot is damaged and is not readable by**
15 **the vote tally system.**

16 (d) **"Enhance" means the process of modifying an original ballot in order to reflect the**
17 **elector's intent and make the ballot machine-readable by the vote tally system.**

18 (2) **The county clerk shall ensure that all defective ballots are individually inspected by**
19 **a defective ballot board. For each defective ballot, the board shall determine whether the**
20 **ballot should be enhanced, whether a duplicate ballot should be created or whether the ballot**
21 **is void. Each member of the board must initial:**

22 (a) **Any ballot that is enhanced under this section;**

23 (b) **For a duplicate ballot that is created under this section, both the duplicate ballot and**
24 **the original ballot; and**

25 (c) **Any ballot that is declared void under this section.**

26 (3) **The county clerk may create as many defective ballot boards as are necessary to ef-**
27 **fectively and efficiently inspect all defective ballots.**

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

SECTION 3. ORS 254.482 is amended to read:

254.482. 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 **and the inspection of defective ballots by defective ballot boards**. The authorization shall be in writing, shall be signed by an officer or its county affiliate of a political party, a candidate or 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.

SECTION 4. ORS 254.074 is amended to read:

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

(A) January 31 of each calendar year; and

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

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

(A) A written security agreement entered into with any vendor handling ballots;

(B) Security procedures for transporting ballots;

(C) Security procedures at official places of deposit for ballots;

(D) Security procedures for processing ballots;

(E) Security procedures 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;

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

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

(J) Post-election ballot security.

(2) A security plan developed and filed under subsection (1) of this section is confidential and not subject to disclosure under ORS 192.410 to 192.505.

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

(a) The number of *[ballot envelopes received]* **ballots printed**.

(b) The number of *[ballot envelopes accepted]* **ballots mailed to voters**.

(c) The number of *[ballot envelopes not accepted]* **ballots issued to voters at the office of the county clerk**.

(d) The number of ballot envelopes rejected.

(e) The number of tallied ballots.

(f) The number of ballots returned undeliverable.

(g) The number of ballots used for duplication.

(h) The number of test ballots.

(i) The number of archived ballots.

(j) The number of ballots destroyed.

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

SECTION 5. ORS 254.480 is amended to read:

254.480. (1) An elector may obtain a replacement ballot described in ORS 254.470. To vote a

1 replacement ballot, the elector must complete and sign a replacement ballot request form. The re-
 2 quest for a replacement ballot may be made electronically, by telephone, in writing, in person or by
 3 other means designated by the Secretary of State by rule.

4 (2) The replacement ballot request form shall be mailed or made available to the elector along
 5 with the replacement ballot.

6 (3) Upon receiving a request for a replacement ballot, the county clerk shall:

7 (a) Verify the registration of the elector and ensure that another ballot has not been returned
 8 by the elector;

9 (b) Note in the list of electors that the elector has requested a replacement ballot;

10 (c) Mark the return identification envelope clearly so that it may be readily identified as a re-
 11 placement ballot; and

12 (d) Issue the replacement ballot by mail or other means.

13 (4) The completed and signed replacement ballot request form and the voted replacement ballot
 14 must be received at the office of the county clerk, a place of deposit designated by the county clerk
 15 or any location described in ORS 254.472 or 254.474 not later than the end of the period determined
 16 under ORS 254.470 (1) on the date of the election.

17 (5) Upon receiving a voted replacement ballot, the county clerk shall verify that a completed
 18 and signed replacement ballot request form has been received by the county clerk or is included
 19 with the voted replacement ballot. If a request form has been completed and signed by the elector
 20 and received by the county clerk, the county clerk shall process the ballot. If the request form is
 21 not completed or signed by the elector or received by the county clerk, the county clerk may not
 22 process the ballot.

23 **(6) In order to comply with the requirements of this section, the county clerk shall keep**
 24 **a number of ballots that does not exceed five percent of the total number of ballots that the**
 25 **county clerk mailed under ORS 254.470 to be used as potential replacement ballots.**

26 **SECTION 6. (1) The Secretary of State shall:**

27 **(a) Analyze the current practice of third parties who collect and deliver election ballots**
 28 **on behalf of electors; and**

29 **(b) Develop a comprehensive system to ensure the security and integrity of these ballots.**

30 **(2) The comprehensive system must include a determination of:**

31 **(a) Which third party individuals or groups are eligible to handle, transport and deliver**
 32 **ballots on behalf of electors;**

33 **(b) The time period during which third parties may handle, transport and deliver ballots**
 34 **on behalf of electors; and**

35 **(c) The locations where a third party may collect ballots on behalf of electors.**

36 **(3) The Secretary of State shall present the details of the system developed under this**
 37 **section to the committees relating to elections during the 2015 regular session of the Legis-**
 38 **lative Assembly.**

39 **SECTION 7. This 2014 Act being necessary for the immediate preservation of the public**
 40 **peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect**
 41 **on its passage.**