

SB 166-3
(LC 275)
5/23/23 (DRG/ps)

Requested by HOUSE COMMITTEE ON RULES (at the request of Representative Julie Fahey)

**PROPOSED AMENDMENTS TO
SENATE BILL 166**

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest
2 of the line and delete line 3 and insert “198.775, 198.820, 247.005, 247.555,
3 247.940, 247.948, 247.965, 247.967, 249.002, 249.068, 249.740, 250.052, 254.074,
4 254.115, 254.470, 254.505, 254.529, 254.555, 260.007, 260.043, 260.315, 260.345 and
5 260.555; and declaring an emergency.”.

6 Delete lines 5 through 27 and delete pages 2 through 5 and insert:

7 **“SECTION 1. ORS 247.005 is amended to read:**

8 **“247.005. (1) Each elector has the right to vote in any election in**
9 **which the elector:**

10 **“(a) Is qualified to vote;**

11 **“(b) Has registered to vote in a manner authorized by law; and**

12 **“(c) Casts a ballot in a manner authorized by law.**

13 **“(2) It is the policy of this state that all election laws and procedures**
14 **shall be established and construed to assist the elector in the exercise of the**
15 **right of franchise.**

16 **“SECTION 2. Section 3 of this 2023 Act is added to and made a part**
17 **of ORS chapter 254.**

18 **“SECTION 3. (1) In each election, an elector has the right to cast**
19 **the elector’s ballot in a confidential manner, with no other person**
20 **knowing how the elector voted in the election.**

21 **“(2)(a) The Secretary of State or county clerk may not disclose as**

1 a public record under ORS 192.311 to 192.478 any information that
2 would reveal how a particular elector voted in an election.

3 “(b) As used in this subsection, ‘information’ may be defined by the
4 secretary by rule.

5 “**SECTION 4.** ORS 254.074 is amended to read:

6 “254.074. (1)(a) Each county clerk shall file a county elections security
7 plan with the Secretary of State not later than:

8 “(A) [*January 31 of each calendar year*] **A date established for each**
9 **calendar year by the Secretary of State by rule;** and

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

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

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

15 “(B) Security procedures for transporting ballots;

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

17 “(D) Security procedures for processing ballots;

18 “(E) **Security procedures for ensuring the integrity of printed bal-**
19 **lots;**

20 “(F) **Cybersecurity procedures for the process of casting and tally-**
21 **ing ballots that are consistent with best practices recommended by**
22 **federal authorities such as the Cybersecurity and Infrastructure Se-**
23 **curity Agency of the United States Department of Homeland Security**
24 **or the National Institute of Standards and Technology of the United**
25 **States Department of Commerce;**

26 “[*E*] (G) Security procedures governing election observers;

27 “[*F*] (H) Security procedures for ballots located in county elections work
28 areas, buildings and storage areas;

29 “[*G*] (I) Security procedures for vote tally systems, including computer
30 access to vote tally systems;

1 “~~[(H)]~~ **(J)** The number and location of all video surveillance cameras
2 within the elections office;

3 “~~[(I)]~~ **(K)** Security procedures for scanning ballots into a vote tally system
4 before the date of the election, if applicable; *[and]*

5 “~~[(J)]~~ **(L)** Post-election ballot security~~[.]~~; **and**

6 “**(M) Any other security measure that the Secretary of State re-**
7 **quires by rule.**

8 “(2) A security plan, **and all communications relating to the devel-**
9 **opment and review of a security plan**, developed and filed under sub-
10 section (1) of this section *[is]* **are** confidential and not subject to disclosure
11 under ORS 192.311 to 192.478.

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

14 “(a) The number of ballot envelopes received.

15 “(b) The number of ballot envelopes accepted.

16 “(c) The number of ballot envelopes not accepted.

17 “(d) The number of ballot envelopes rejected.

18 “(e) The number of tallied ballots.

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

22 “**SECTION 5. Section 6 of this 2023 Act is added to and made a part**
23 **of ORS chapter 260.**

24 “**SECTION 6. A candidate, political committee or a petition com-**
25 **mittee may not accept aggregate contributions from a single source**
26 **of more than \$100 per calendar year in the form of physical currency**
27 **of the United States or of any other country.**

28 “**SECTION 7. ORS 247.007 is added to and made a part of ORS**
29 **chapter 254.**

30 “**SECTION 8. ORS 247.948 is amended to read:**

1 “247.948. (1)(a) Except as set forth in ORS 247.965 or 247.967, or as oth-
2 erwise prohibited by law, the following information about an elector con-
3 tained within an elector’s registration file is subject to inspection as a public
4 record under ORS 192.311 to 192.478 and shall be included in lists delivered
5 under ORS 247.940 and 247.945:

6 “(A) The major political party or minor political party, if any, with which
7 an elector is affiliated;

8 “(B) The residence address of an elector;

9 “(C) The address where an elector receives a ballot;

10 “(D) The year in which an elector was born;

11 “(E) The name or number of the precinct in which the elector resides;

12 “(F) The precinct split of an elector;

13 “(G) The administrative number for an elector that is used by the Secre-
14 tary of State to determine which elections an elector may vote in;

15 “(H) The telephone number of an elector;

16 “(I) Whether or not an elector voted in previous elections; and

17 “(J) During an election period, the ballot status of an elector. In order
18 to comply with this subparagraph, during the election period, the secretary
19 shall maintain a list of the ballot status of electors. The secretary shall up-
20 date the list, and make available an updated version of the list, on each
21 business day of the election period.

22 “(b) As used in this subsection:

23 “(A) ‘Ballot status’ means whether or not an elector has cast a ballot in
24 the election;

25 “(B) ‘Election period’ means the period of time beginning on the date that
26 ballots for an election are first mailed to electors and ending on the date of
27 the election; and

28 “(C) ‘Precinct split’ means the enhanced precinct name or number used
29 to determine the specific ballot configuration that will be received by an
30 elector who resides in a precinct that:

1 “(i) Has more than one election district subdivision; and
2 “(ii) Requires more than one ballot configuration for electors in the pre-
3 cinct.

4 “(2) Except as set forth in ORS 247.973 or as otherwise required by law,
5 the following information about an elector contained within an elector’s
6 registration file is not subject to inspection as a public record under ORS
7 192.311 to 192.478 and may not be disclosed by the Secretary of State or a
8 county clerk:

9 “(a) **Information that is required to be kept confidential under ORS**
10 **247.965 or as part of the Address Confidentiality Program under ORS**
11 **192.820 to 192.868;**

12 “[a] (b) The birth month of an elector;

13 “[b] (c) The day of the month on which an elector was born;

14 “[c] (d) The Social Security number of an elector;

15 “[d] (e) The driver license number of an elector; and

16 “[e] (f) The signature of an elector.

17 “(3) Nothing in this section is intended to limit or restrict the disclosure
18 of information that is otherwise subject to inspection as a public record un-
19 der ORS 192.311 to 192.478.

20 “**SECTION 9.** ORS 247.940 is amended to read:

21 “247.940. (1) A major political party qualified under ORS 248.006 or a
22 minor political party qualified under ORS 248.008 may request from the
23 Secretary of State a statewide list of electors, as described in ORS 247.945
24 (4). The list may not contain any information about participants in the Ad-
25 dress Confidentiality Program established under ORS 192.820 to 192.868 or
26 any information that may not be publicly disclosed under ORS 247.948. A
27 major political party or a minor political party may make no more than two
28 separate requests under this subsection per primary election, general election
29 or special election.

30 “(2)(a) A request for a list under subsection (1) of this section must be

1 made:

2 “[*a*] (A) Not earlier than [*six*] **three** months before the primary election,
3 general election or special election; and

4 “[*b*] (B) Not later than the 15th day before the primary election, general
5 election or special election.

6 “(b) **A request for a list under subsection (1) of this section may not**
7 **be made during the period beginning on the date of the primary**
8 **election, general election or special election and ending 14 days after**
9 **the date of the election.**

10 “(3) If the Secretary of State receives a request under subsection (1) of
11 this section, the secretary shall deliver the list not later than 10 days after
12 receiving the request.

13 “(4) The Secretary of State may not charge for preparation or delivery
14 of the list supplied under this section.

15 “**SECTION 10.** ORS 249.002 is amended to read:

16 “249.002. As used in this chapter:

17 “(1) ‘Candidate’ means an individual whose name is or is expected to be
18 printed on the official ballot or a write-in candidate.

19 “(2) ‘County clerk’ means the county clerk or the county official in charge
20 of elections.

21 “(3) ‘Elector’ means an individual qualified to vote under [*section 2,*] Ar-
22 ticle II, **section 2**, Oregon Constitution.

23 “(4) ‘Judge’ means judge of the Supreme Court, Court of Appeals, circuit
24 court or the Oregon Tax Court[, *or any county judge who exercises judicial*
25 *functions*].

26 “(5) ‘Member’ means an individual who is registered as being affiliated
27 with the political party.

28 “(6) ‘Minor political party’ means a political party that has qualified as
29 a minor political party under ORS 248.008.

30 “(7) ‘Nonpartisan office’ means the office of judge, Commissioner of the

1 Bureau of Labor and Industries, any elected office of a metropolitan service
2 district under ORS chapter 268, justice of the peace, county clerk, county
3 assessor, county surveyor, county treasurer, **county judge who exercises**
4 **judicial functions**, sheriff, district attorney or any office designated non-
5 partisan by a home rule charter.

6 “(8) ‘Prospective petition’ means the information, except signatures and
7 other identification of petition signers, required to be contained in a com-
8 pleted petition.

9 “(9) ‘Public office’ means any national, state, county, city or district office
10 or position, except a political party office, filled by the electors.

11 “(10) ‘State office’ means Governor, Secretary of State, State Treasurer,
12 Attorney General, Commissioner of the Bureau of Labor and Industries,
13 judge, state Senator, state Representative or district attorney.

14 **“SECTION 11.** ORS 247.965, as amended by section 1, chapter 114, Oregon
15 Laws 2022, is amended to read:

16 “247.965. (1) Any elector may request the county clerk to keep the resi-
17 dence address of the elector **and any family member residing with the**
18 **elector** exempt from disclosure as a public record under ORS 192.311 to
19 192.478.

20 “(2) The county clerk shall keep the residence address of an elector **and**
21 **any family member residing with the elector** exempt from disclosure as
22 a public record under ORS 192.311 to 192.478 if:

23 “(a) The elector making the request demonstrates to the satisfaction of
24 the county clerk that the elector’s personal safety or the safety of any family
25 member residing with the elector is in danger if the elector’s address remains
26 available for public inspection; or

27 “(b) The elector has been identified as an election worker by the Secre-
28 tary of State, county clerk or other public body as defined in ORS 174.109
29 in a manner prescribed by the secretary by rule.

30 “(3) The county clerk shall automatically mail a ballot to an elector

1 whose residence address is exempt from disclosure under this section.

2 “(4) An exemption from disclosure granted under this section shall remain
3 in effect until the elector requests termination of the exemption or the
4 elector is required to update the elector’s registration. If the elector is re-
5 quired to update the elector’s registration, the elector may apply for another
6 exemption from disclosure.

7 “(5) An exemption from disclosure granted under this section includes an
8 exemption from disclosure of the residence address of an elector under ORS
9 247.940 or 247.945.

10 “(6) A county clerk or the Secretary of State shall not be held liable for:

11 “(a) Granting or denying an exemption from disclosure under this section;
12 or

13 “(b) Any unauthorized release of a residence address granted an ex-
14 emption from disclosure under this section.

15 “(7) As used in this section, ‘election worker’ means an individual em-
16 ployed full-time, part-time or as a volunteer:

17 “(a) Who is serving the State of Oregon or any other public body, as de-
18 fined in ORS 174.109, as an elected official, appointed official, employee or
19 agent; and

20 “(b) Whose official duties include carrying out any duty, function or
21 power set forth in ORS chapters 246 to 260.

22 “**SECTION 12.** ORS 247.967 is amended to read:

23 “247.967. Notwithstanding any provision of ORS 192.311 to 192.478:

24 “(1) Except as provided in subsection (3) of this section, the county clerk
25 may disclose the residence address of an elector **and any family member**
26 **residing with the elector** exempt from public disclosure under ORS 247.965
27 if the county clerk receives a court order or a request from any law
28 enforcement agency to disclose the address.

29 “(2) A petition may be filed with the circuit court of the county in which
30 the administrative offices of the county clerk are located requesting disclo-

1 sure of the residence address of any elector exempt from disclosure under
2 ORS 247.965. The petitioner shall have the burden of showing the disclosure
3 would not constitute an unreasonable invasion of privacy.

4 “(3) The county clerk may not disclose the actual address, as defined in
5 ORS 192.820, of an Address Confidentiality Program participant under ORS
6 192.820 to 192.868.

7 **“SECTION 13. Section 14 of this 2023 Act is added to and made a**
8 **part of ORS chapter 250.**

9 **“SECTION 14. (1) The signature of an individual that is submitted**
10 **for verification on a petition or prospective petition that is circulated**
11 **in accordance with the laws of this state is subject to inspection as a**
12 **public record under ORS 192.311 to 192.478. The signature may be in-**
13 **spected in the office of the chief elections officer.**

14 **“(2) The chief elections officer may not make a copy of, or provide**
15 **to another person a copy of, an individual’s signature that has been**
16 **submitted for verification on a petition or prospective petition that**
17 **has been circulated in accordance with the laws of this state unless**
18 **the chief elections officer is explicitly required to do so as part of the**
19 **official duties of the chief elections officer under ORS chapters 246 to**
20 **260 or rules adopted by the Secretary of State.**

21 **“(3) As used in this section, ‘chief elections officer’ has the meaning**
22 **given that term in ORS 254.005.**

23 **“SECTION 15. ORS 260.555 is amended to read:**

24 **“260.555. (1) [No] A person attempting to obtain signatures on, or causing**
25 **to be circulated, [an initiative, referendum or recall petition,] a petition or**
26 **prospective petition that is being circulated in accordance with the**
27 **laws of this state may not [shall] knowingly make any false statement re-**
28 **garding the contents, meaning or effect of the petition or prospective pe-**
29 **tion to any person who signs it, attempts to sign it, is requested to sign**
30 **it or requests information concerning it.**

1 “[2] *No person shall attempt to obtain signatures to, cause to be circulated*
2 *or file with a filing officer, an initiative, referendum or recall petition, know-*
3 *ing it to contain a false signature.*]

4 “[3] *No person shall attempt to obtain the signature of a person to an in-*
5 *itiative, referendum or recall petition knowing that the person signing the pe-*
6 *tition is not qualified to sign it.*]

7 “[4] *No person shall knowingly sign an initiative, referendum or recall*
8 *petition more than once, knowingly sign such petition when not qualified to*
9 *sign it, or sign such petition in any name other than the person’s own.*]

10 **“(2) If a person knows that a petition, or prospective petition, that**
11 **is otherwise being circulated in accordance with the laws of this state**
12 **contains a false signature, the person may not attempt to obtain sig-**
13 **natures on, cause to be circulated, or file with a filing officer, the pe-**
14 **tion or prospective petition.**

15 **“(3) If a person knows that another person is not qualified to sign**
16 **a petition or prospective petition that is being circulated in accordance**
17 **with the laws of this state, the person may not attempt to obtain the**
18 **signature of the other person on the petition or prospective petition.**

19 **“(4) A person may not knowingly sign more than once any petition**
20 **or prospective petition that is being circulated in accordance with the**
21 **laws of this state, knowingly sign such petition or prospective petition**
22 **when not qualified to sign it, or sign such petition or prospective pe-**
23 **tion in any name other than the person’s own.**

24 **“(5) [No] A public official or employee [shall] may not knowingly make**
25 **a false certification concerning a petition or prospective petition that is**
26 **circulated in accordance with the laws of this state [an initiative, refer-**
27 **endum or recall petition].**

28 **“SECTION 16.** ORS 250.052 is amended to read:

29 **“250.052. (1)(a) For each state initiative, referendum or recall petition, the**
30 **Secretary of State shall prepare official templates of the cover and signature**

1 sheets for the petition. Except as provided in this section, templates of cover
2 and signature sheets for state initiative and referendum petitions are subject
3 to the requirements of ORS 250.045. The templates of signature sheets to be
4 used by persons who are being paid to obtain signatures on the petition shall
5 be a different color from the sheets to be used by persons who are not being
6 paid to obtain signatures on the petition.

7 “(b) For each prospective petition for a state measure to be initiated the
8 secretary shall prepare official templates of the cover and signature sheets.
9 The templates of signature sheets to be used by persons who are being paid
10 to obtain signatures on the prospective petition shall be a different color
11 from the sheets to be used by persons who are not being paid to obtain sig-
12 natures on the prospective petition. Each signature sheet for the prospective
13 petition shall:

14 “(A) Contain a notice describing the meaning of the color of the signature
15 sheet; and

16 “(B) If one or more persons will be paid for obtaining signatures of elec-
17 tors on the prospective petition, contain a notice stating: ‘Some Circulators
18 For This Prospective Petition Are Being Paid.’ The notice shall be in bold-
19 faced type and shall be prominently displayed on the sheet.

20 “(2) A person obtaining signatures on a state initiative, referendum or
21 recall petition or a prospective petition for a state measure to be initiated
22 may use only the cover and signature sheets contained in the official tem-
23 plates prepared for the petition or prospective petition. A person who is be-
24 ing paid to obtain signatures on the petition or prospective petition shall
25 use the signature sheet template designated for use by persons being paid to
26 obtain signatures. A person who is not being paid to obtain signatures on
27 the petition or prospective petition shall use the signature sheet template
28 designated for use by persons who are not being paid to obtain signatures.

29 “(3)(a) The secretary shall issue templates for a petition or prospective
30 petition only to a chief petitioner of the petition or prospective petition or

1 to an agent designated by a chief petitioner.

2 “(b) If the ballot title for a state initiative petition has been challenged
3 under ORS 250.085, the secretary may not issue an official template for the
4 initiative petition until the Supreme Court has certified a final ballot title.

5 “(4) The secretary shall issue official templates to a chief petitioner or
6 designated agent not later than:

7 “(a) Three business days after the deadline for filing a petition under ORS
8 250.085 relating to a ballot title certified by the Attorney General for the
9 state initiative petition or, if a petition is filed with the Supreme Court un-
10 der ORS 250.085, three business days after the Supreme Court certifies to the
11 secretary a final ballot title for the state initiative petition;

12 “(b) Three business days after a prospective petition is filed under ORS
13 249.865 or 250.045 for a state recall petition or state referendum petition; or

14 “(c) Three business days after the chief petitioner files a statement with
15 the secretary under ORS 250.045 (2) for a prospective petition for a state
16 measure to be initiated.

17 “(5) The secretary by rule shall establish a process by which a chief
18 petitioner of a state initiative, referendum or recall petition or a prospective
19 petition for a state measure to be initiated may request a modification of the
20 templates issued under subsection (4) of this section.

21 “(6)(a) In addition to the templates prepared under subsections (1) to (5)
22 of this section, for each state initiative, referendum or recall petition or
23 prospective petition, the secretary shall prepare an official electronic tem-
24 plate of a signature sheet for the petition or prospective petition.

25 “(b)(A) A template prepared under this subsection shall provide[:]

26 “[*i*] space for the signature of one elector to:

27 “(i) Signify support for the state initiative, referendum or recall petition
28 or prospective petition; and

29 “(ii) [*Space for the signature of the same elector to*] Certify that the elector
30 received a copy of the electronic signature sheet in compliance with para-

1 graph (c)(B) of this subsection.

2 “(B) The Secretary of State or county clerk may tally only electronic
3 signature sheets that are signed [*in both spaces described in this*
4 *paragraph*].

5 “(c)(A) An elector may print a copy of the electronic signature sheet for
6 a petition or prospective petition, sign the sheet and deliver the signed sheet
7 to a chief petitioner or an agent designated by a chief petitioner.

8 “(B) Only an elector who either has personally printed a copy of the
9 electronic signature sheet of a petition or prospective petition or has re-
10 quested that a separate person print a copy of the electronic signature sheet
11 specifically for the elector may sign the sheet. A copy of an electronic sig-
12 nature sheet may not be signed by an elector who did not either print the
13 sheet or request that the sheet be printed specifically for the elector.

14 “(d) Electronic templates described in this subsection are subject to the
15 requirements of ORS 250.045, other than ORS 250.045 (9) and (10), and the
16 template must include a full and correct copy of the measure to be initiated
17 or referred.

18 “(e) Except as provided in paragraph (c)(B) of this subsection, a person
19 who is obtaining signatures on a petition or prospective petition, whether
20 paid or unpaid, may not provide a printed electronic signature sheet to an
21 elector.

22 “(7) The secretary shall adopt rules prescribing the contents and method
23 of production of official templates required under this section.

24 **“SECTION 17. Section 18 of this 2023 Act is added to and made a**
25 **part of ORS chapter 246.**

26 **“SECTION 18. Notwithstanding any other statute in ORS chapters**
27 **246 to 260, the Secretary of State may by rule alter the specific lan-**
28 **guage required to be written in documents relating to an election,**
29 **provided that the alteration in language does not materially change**
30 **the meaning of the language being altered.**

1 **“SECTION 19.** ORS 254.505 is amended to read:

2 “254.505. (1) Only official ballots may be counted. Any vote from which
3 it is impossible to determine the elector’s choice for the office or measure
4 may not be counted. An elector may not place on the ballot a sticker bearing
5 the name of a person [*or use any other method or device, except writing or*
6 *using a voting machine,*] to vote for a person whose name is not printed on
7 the ballot. Any ballot that has a sticker or other device is void and may not
8 be counted. Counting board clerks shall disregard misspelling or abbrevi-
9 ations of the names of candidates if it can be ascertained from the ballot for
10 whom the vote was intended.

11 “(2) When ballots are counted by counting boards, the board chairperson,
12 using ink, immediately shall initial the back of the wholly or partially void
13 ballot and write on it ‘Not counted for _____’ (stating the office or
14 measure). The counting board shall seal the wholly void ballots in an en-
15 velope.

16 **“SECTION 20.** ORS 260.043 is amended to read:

17 “260.043. (1) A candidate who serves as the candidate’s own treasurer and
18 who expects neither the aggregate contributions to be received nor the ag-
19 gregate expenditures to be made by or on behalf of the candidate to exceed
20 \$750 in total amount during a calendar year is not required to:

21 “(a) File a statement of organization under ORS 260.039;

22 “(b) Establish a single exclusive campaign account under ORS 260.054; or

23 “(c) File statements under ORS 260.057.

24 “(2) A candidate described in subsection (1) of this section must keep
25 contribution and expenditure records for the previous 24 months.

26 “(3)(a) If at any time during the calendar year either the aggregate con-
27 tributions or aggregate expenditures exceed \$750, the candidate must file a
28 statement of organization under ORS 260.039, establish a single exclusive
29 campaign account as required under ORS 260.054 and file statements as re-
30 quired in paragraph (b) of this subsection.

1 “(b)(A) Except as provided in subparagraph (B) of this paragraph, if at
2 any time during the calendar year either the aggregate contributions or ag-
3 gregate expenditures exceed \$750, the candidate must file a statement under
4 ORS 260.057 showing all contributions received and expenditures made. After
5 aggregate contributions or aggregate expenditures exceed \$750 during a cal-
6 endar year, the statement shall be filed under the time frames established in
7 ORS 260.057 (3).

8 “(B) If the candidate expects neither the aggregate contributions to be
9 received nor the aggregate expenditures to be made by or on behalf of the
10 candidate to exceed \$3,500 during the calendar year, the candidate may file
11 a statement to that effect under ORS 260.112, rather than file statements
12 under ORS 260.057. Notwithstanding ORS 260.112 (2), the statement shall
13 be filed not later than seven calendar days after aggregate contributions or
14 aggregate expenditures exceed \$750 during a calendar year.

15 “(4)(a) For purposes of this section, a fee paid under ORS 251.095, a fee
16 **paid for a candidate to be included in a county voters’ pamphlet or de**
17 **minimis costs associated with printing and circulating a petition in**
18 **lieu of a candidate paying a fee for inclusion in a voters’ pamphlet**
19 **[is] are** exempt and may not be considered when calculating:

20 “[a] (A) The expected aggregate amount of contributions received or
21 expenditures made; or

22 “[b] (B) The actual aggregate amount of contributions received or ex-
23 penditures made.

24 “(b) **The Secretary of State by rule shall define ‘de minimis costs’**
25 **for purposes of this subsection.**

26 “(5) This section does not apply to candidates for federal office.

27 “**SECTION 21.** ORS 260.007 is amended to read:

28 “260.007. As used in this chapter, ‘contribute,’ ‘contribution,’ ‘expend’ or
29 ‘expenditure’ does not include:

30 “(1) Any written news story, commentary or editorial distributed through

1 the facilities of any broadcasting station, newspaper, magazine or other reg-
2 ularly published publication, unless a political committee owns the facility.

3 “(2) An individual’s use of the individual’s own personal residence, in-
4 cluding a community room associated with the individual’s residence, to
5 conduct a reception for a candidate or political committee and the
6 individual’s cost of invitations, food and beverages provided at the reception.

7 “(3) A vendor’s sale of food and beverages for use in a candidate’s or
8 political committee’s campaign at a charge less than the normal comparable
9 charge, if the charge is at least equal to the cost of the food or beverages
10 to the vendor.

11 “(4) Any unreimbursed payment for travel expenses an individual, in-
12 cluding a candidate, makes on behalf of a candidate or political committee.

13 “(5) Any loan of money made by a financial institution as defined in ORS
14 706.008, other than any overdraft made with respect to a checking or savings
15 account, if the loan bears the usual and customary interest rate for the cat-
16 egory of loan involved, is made on a basis that ensures repayment, is evi-
17 denced by a written instrument and is subject to a due date or amortization
18 schedule. However, each indorser or guarantor of the loan shall be consid-
19 ered to have contributed that portion of the total amount of the loan for
20 which that person agreed to be liable in a written agreement, except if the
21 indorser or guarantor is the candidate’s spouse.

22 “(6) Nonpartisan activity designed to encourage individuals to vote or to
23 register to vote, including but not limited to activity that is allowed for a
24 not-for-profit corporation that is tax exempt under section 501(c)(3) of the
25 Internal Revenue Code.

26 “(7) Any communication a membership organization or corporation makes
27 to its members, shareholders or employees if the membership organization
28 or corporation is not organized primarily for the purpose of influencing an
29 election.

30 “(8) The payment of compensation for legal and accounting services ren-

1 dered to a candidate or political committee if the person paying for the ser-
2 vices is the regular employer of the individual rendering the services and the
3 services are solely for the purpose of ensuring compliance with the pro-
4 visions of this chapter.

5 “(9) The payment by a state or local committee of a political party of the
6 costs of preparation, display or mailing or other distribution incurred by the
7 committee with respect to a printed slate card or sample ballot, or other
8 printed listing, of three or more candidates for any public office for which
9 an election is held in this state. This subsection does not apply to costs in-
10 curred by the committee with respect to a display of any such listing made
11 on broadcasting stations or in newspapers, magazines or similar types of
12 general public political advertising.

13 “(10) A candidate debate or forum for a state office, or a communication
14 publicizing a candidate debate or forum for a state office, when [*all major*
15 *political party*] candidates for the state office [*have been*] **are** invited to par-
16 ticipate in the candidate debate or forum **based on neutral criteria that**
17 **are publicized in advance of the invitation.**

18 “(11) The following nonpartisan communications that refer to a candidate
19 or political party within 30 calendar days before a primary election or 60
20 calendar days before a general election:

21 “(a) The publication of a nonpartisan voters’ guide that:

22 “(A) Is permitted to be published by a not-for-profit corporation that is
23 tax exempt under section 501(c)(3) of the Internal Revenue Code; or

24 “(B) With respect to each state office referenced in the voters’ guide:

25 “(i) Includes information from all major political party candidates for the
26 state office referenced; or

27 “(ii) Offers all major political party candidates for the state office refer-
28 enced a reasonable opportunity to be included in the voters’ guide.

29 “(b) A commercial communication that depicts a candidate’s name, image,
30 likeness or voice only in the candidate’s capacity as owner, operator or em-

1 ployee of a business that existed prior to the candidate’s declaration of can-
2 didacy.

3 “(c) Official publications produced or distributed by public employees
4 while on the job during working hours.

5 “(d) A communication by a labor union, membership organization or cor-
6 poration to its members, stockholders or executive or administrative person-
7 nel.

8 “(e) Any other nonpartisan communication identified by the Secretary of
9 State by rule.

10 **“SECTION 22.** ORS 260.345, as amended by section 4, chapter 84, Oregon
11 Laws 2022, is amended to read:

12 “260.345. (1) Any elector may file with any filing officer a written com-
13 plaint alleging that a violation of an election law or rule adopted by the
14 Secretary of State under ORS chapters 246 to 260 has occurred and stating
15 the reason for believing that the violation occurred and any evidence relat-
16 ing to it. A complaint and any evidence relating to it may be filed electron-
17 ically. A complaint alleging a violation involving the Secretary of State, a
18 candidate for the office of Secretary of State, or any political committee or
19 person supporting the Secretary of State or a candidate for the office of
20 Secretary of State may be filed with the Attorney General. The Secretary of
21 State or Attorney General shall not accept an anonymous complaint.

22 “(2) The Secretary of State by rule shall prescribe the procedure for pro-
23 cessing a complaint filed with any person other than the Secretary of State.
24 If the complaint concerns the Secretary of State, any candidate for the office
25 of the Secretary of State, or any political committee or person supporting the
26 candidacy of the Secretary of State or of another person for the office of
27 Secretary of State, the complaint and any additional information relating to
28 the complaint shall be sent to the Attorney General.

29 “(3) Upon receipt of a complaint under subsection (1) or (2) of this section
30 the Secretary of State or Attorney General immediately shall examine the

1 complaint to determine whether a violation of an election law or rule has
2 occurred and shall make any investigation the Secretary of State or Attorney
3 General considers necessary. Except as provided in this subsection, within
4 three business days of **determining that an investigation is necessary to**
5 **determine whether a violation of an election law or rule has occurred,**
6 *[receiving a complaint under subsection (1) or (2) of this section,]* the Secretary
7 of State or Attorney General shall notify the person who is the subject of
8 the complaint that *[a complaint has been received]* **an investigation will**
9 **take place.** If the Secretary of State or Attorney General receives a com-
10 plaint or complaints involving 10 or more individuals, political committees
11 or petition committees in any 48-hour period, the Secretary of State or At-
12 torney General need not notify the persons who are the subjects of those
13 complaints within three business days of receiving the complaints but shall
14 notify those persons not later than 10 business days after *[receiving the*
15 *complaint or complaints]* **determining that an investigation is necessary**
16 **to determine whether a violation of election law or rule has occurred.**

17 “(4) If the Secretary of State believes after an investigation under sub-
18 section (3) of this section that a violation of an election law or rule has
19 occurred, the secretary:

20 “(a) In the case of a violation that is subject to a penalty under ORS
21 260.993, immediately shall report the findings to the Attorney General and
22 request prosecution. If the violation involves the Attorney General, a candi-
23 date for that office or a political committee or person supporting or opposing
24 the Attorney General or a candidate for that office, the Secretary of State
25 shall appoint another prosecutor for that purpose;

26 “(b) In the case of a violation not subject to a penalty under ORS 260.537
27 or 260.993, may impose a civil penalty under ORS 260.995; or

28 “(c) In the case of a violation under ORS 260.537, may institute civil
29 proceedings in the manner described in ORS 260.537.

30 “(5) Upon receipt of a complaint or report under subsection (1), (2) or (4)

1 of this section involving an alleged violation subject to a penalty under ORS
2 260.993 or an alleged violation of ORS 260.537, the Attorney General or other
3 prosecutor immediately shall examine the complaint or report to determine
4 whether a violation of an election law has occurred. If the Attorney General
5 or prosecutor determines that a violation has occurred, the Attorney General
6 or prosecutor immediately shall begin prosecution or civil proceedings in the
7 name of the state. The Attorney General or other prosecutor shall have the
8 same powers in any county of this state as the district attorney for the
9 county.

10 “(6) Upon receipt of a complaint under subsection (1) or (2) of this section
11 involving an alleged violation of an election law or rule not subject to a
12 penalty under ORS 260.537 or 260.993, the Attorney General shall examine
13 the complaint to determine whether a violation of an election law or rule
14 has occurred and shall make any investigation the Attorney General con-
15 siders necessary. If the Attorney General believes after an investigation that
16 a violation of an election law or rule has occurred, the Attorney General
17 may impose a civil penalty under ORS 260.995.

18 “(7) In the case of an alleged violation subject to a civil penalty under
19 ORS 260.995 or an alleged violation of ORS 260.537, a complaint shall be filed
20 by an elector under this section no later than 90 days following the election
21 at which a violation of an election law or rule is alleged to have occurred,
22 or 90 days following the date the violation of an election law or rule is al-
23 leged to have occurred, whichever is later.

24 “(8) A filing officer having reason to believe that a violation of an
25 election law or rule has occurred shall proceed promptly as though the offi-
26 cer had received a complaint. Except as provided in ORS 260.234, a filing
27 officer shall proceed under this subsection no later than two years following
28 the election at which a violation of an election law or rule is alleged to have
29 occurred, or two years following the date the violation of an election law
30 or rule is alleged to have occurred, whichever is later. If a filing officer has

1 not proceeded within two years because of fraud, deceit, misleading repre-
2 sentation or the filing officer could not have reasonably discovered the al-
3 leged violation, the filing officer shall proceed no later than five years
4 following the election at which a violation of an election law or rule is al-
5 leged to have occurred, or five years following the date the violation of an
6 election law or rule is alleged to have occurred, whichever is later.

7 **“SECTION 23.** ORS 260.315 is amended to read:

8 “260.315. (1) The Secretary of State, at the expense of the state, shall
9 [furnish] **make available** to the other filing officers copies of this chapter.

10 “(2) A filing officer shall [deliver] **make available** a copy of this chapter
11 to each candidate or person whom the officer has reason to believe is re-
12 quired to file a statement with the officer under ORS 260.057, 260.076, 260.083,
13 260.112 or 260.118.

14 **“SECTION 24.** ORS 254.555 is amended to read:

15 “254.555. (1) Except as provided in ORS 254.548, not later than the 37th
16 day after any election, the Secretary of State, regarding offices for which the
17 secretary receives filings for nomination, shall:

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

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

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

26 “(d) Issue a proclamation declaring the election of candidates to the of-
27 fices.

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

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

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

6 “**SECTION 25.** ORS 249.068 is amended to read:

7 “249.068. (1) Except as otherwise provided for a candidate for nonpartisan
8 office in ORS 249.072:

9 “(a) A nominating petition for an office to be voted for in the state at
10 large or for a candidate for Representative in Congress shall contain signa-
11 tures of members of the same major political party as the candidate. Except
12 as provided in this subsection, there shall be at least 1,000 signatures or the
13 number of signatures at least equal to two percent of the vote cast in the
14 state or congressional district, as the case may be, for the candidates of that
15 major political party for presidential electors at the last presidential
16 election, whichever is less;

17 “(b) For [*an*] **all elections beginning with the** election next following
18 any change in the **district** boundaries of a congressional district **and ending**
19 **with the presidential election next following any change in the district**
20 **boundaries of the congressional district**, there shall be at least 1,000 sig-
21 natures or the number of signatures at least equal to two percent of the
22 average number of votes cast in all congressional districts in this state, as
23 the case may be, for the candidates of that major political party for presi-
24 dential electors at the last presidential election, whichever is less;

25 “(c) In the case of a candidate nominated by a major political party that
26 did not nominate presidential electors at the last presidential election, there
27 shall be at least 1,000 signatures; and

28 “(d) If the office is one to be voted for in the state at large, the signatures
29 shall include those of at least 100 electors registered in each congressional
30 district.

1 “(2) Except as otherwise provided in this section or for a candidate for
2 nonpartisan office in ORS 249.072:

3 “(a) A nominating petition for an office not provided for in subsection (1)
4 of this section shall contain the signatures of electors who are members of
5 the same major political party as the candidate. There shall be at least 500
6 signatures or the number of signatures at least equal to two percent of the
7 vote in the electoral district for the candidates of that major political party
8 for presidential electors at the last presidential election, whichever is less;

9 “(b) In the case of major political party candidates for the office of state
10 Senator or state Representative, for [*an*] **all elections beginning with the**
11 **election next following any change in the [*boundaries of the districts*] dis-**
12 **trict boundaries** of state Senators or state Representatives under Article IV,
13 section 6, of the Oregon Constitution, **and ending with the presidential**
14 **election next following any change in the district boundaries of state**
15 **Senators or state Representatives**, there shall be at least 500 signatures
16 or the number of signatures at least equal to two percent of the average
17 number of votes cast in all state senatorial or state representative districts
18 in this state, as the case may be, for the candidates of that major political
19 party for presidential electors at the last presidential election, whichever is
20 less; and

21 “(c) In the case of a candidate nominated by a major political party that
22 did not nominate presidential electors at the last presidential election, there
23 shall be at least 500 signatures.

24 “**SECTION 26.** ORS 249.740 is amended to read:

25 “249.740. (1)(a) A certificate of nomination made by individual electors
26 shall contain a number of signatures of electors in the electoral district
27 equal to not less than one percent of the total votes cast in the electoral
28 district for which the nomination is intended to be made, for all candidates
29 for presidential electors at the most recent presidential election.

30 “(b) For [*an*] **all elections beginning with the** election next following

1 any change in the boundaries of an electoral district **and ending with the**
2 **presidential election next following any change in the boundaries of**
3 **the electoral district**, a certificate of nomination made by individual elec-
4 tors shall contain a number of signatures of electors equal to not less than
5 one percent of the average number of votes cast in all of the same form of
6 electoral districts in this state for all candidates for presidential electors at
7 the most recent presidential election.

8 “(2) Each elector signing a certificate of nomination made by individual
9 electors shall include the residence or mailing address of the elector. Except
10 for a certificate of nomination of candidates for electors of President and
11 Vice President of the United States, a certificate of nomination made by in-
12 dividual electors shall contain the name of only one candidate.

13 “(3) Before beginning to circulate the certificate of nomination, the chief
14 sponsor of the certificate shall file a signed copy of the prospective certif-
15 icate with the filing officer referred to in ORS 249.722. The chief sponsor of
16 the certificate shall include with the prospective certificate a statement de-
17 claring whether one or more persons will be paid money or other valuable
18 consideration for obtaining signatures of electors on the certificate. After the
19 prospective certificate is filed, the chief sponsor shall notify the filing officer
20 not later than the 10th day after the chief sponsor first has knowledge or
21 should have had knowledge that:

22 “(a) Any person is being paid for obtaining signatures, when the state-
23 ment included with the prospective certificate declared that no such person
24 would be paid.

25 “(b) No person is being paid for obtaining signatures, when the statement
26 included with the prospective certificate declared that one or more such
27 persons would be paid.

28 “(4) The circulator shall certify on each signature sheet that the
29 circulator:

30 “(a) Witnessed the signing of the signature sheet by each individual

1 whose signature appears on the signature sheet; and

2 “(b) Believes each individual is an elector registered in the electoral dis-
3 trict.

4 “(5) The signatures contained in each certificate of nomination made by
5 individual electors shall be certified for genuineness by the county clerk or
6 the Secretary of State under ORS 249.008.

7 “(6) As used in this section, ‘prospective certificate’ means the informa-
8 tion, except signatures and other identification of certificate signers, re-
9 quired to be contained in a completed certificate of nomination.

10 **“SECTION 27.** ORS 254.529 is amended to read:

11 “254.529. (1) At each primary election, general election and special
12 election, the county clerk shall make a determination on whether to conduct:

13 “(a) A hand count of ballots as described in this section and compare the
14 tally of votes for those ballots produced by a vote tally system with the tally
15 of votes for those ballots produced by the hand count; or

16 “(b) A risk-limiting audit in the manner described in ORS 254.532.

17 “(2) If the county clerk determines that a hand count will be conducted:

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

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

1 county clerk.

2 “(c) In the event that the unofficial tally of ballots reveals that the mar-
3 gin of victory between the two candidates receiving the largest number of
4 votes in the county is greater than or equal to two percent of the total votes
5 cast in the county, the county clerk shall conduct a hand count of ballots
6 in at least three percent of all precincts or of ballots in at least three percent
7 of all batches of ballots collected by the county clerk.

8 “(3) If the county clerk determines that a hand count will be conducted,
9 the county clerk shall conduct a hand count of ballots cast in the election
10 contest between the two candidates receiving the largest number of votes in
11 the county, an election contest for an office to be voted on in the state at
12 large and, if possible, an election contest for a state measure. The Secretary
13 of State shall select the precincts or batches at random. At the election:

14 “(a) If selecting precincts, no fewer than 150 ballots must have been cast
15 in at least one of the precincts selected.

16 “(b) If selecting batches, the number of ballots contained in the batches
17 selected must in the aggregate be equal to or greater than:

18 “(A) Ten percent of the total number of ballots cast in the election for a
19 hand count required under subsection (2)(a) of this section.

20 “(B) Five percent of the total number of ballots cast in the election for
21 a hand count required under subsection (2)(b) of this section.

22 “(C) Three percent of the total number of ballots cast in the election for
23 a hand count required under subsection (2)(c) of this section.

24 “(4) Not later than 5 p.m. of the 15th business day after the date of the
25 election, the Secretary of State shall in writing advise the county clerks who
26 made a determination that a hand count will be conducted of:

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

28 “(b) The precincts or batches in which ballots are to be hand counted.

29 “(5) A county clerk shall begin the hand counts under this section not
30 later than the 27th day after the election and complete the hand counts not

1 later than the 35th day after the election. The results of the hand counts
2 shall be provided to the Secretary of State, who shall make the results pub-
3 licly available on the Secretary of State’s website.

4 “(6) A comparison of the tally of votes produced by a vote tally system
5 with the tally of votes produced by the hand count under this section must
6 show that the tally of votes produced by the vote tally system differs by no
7 more than one-half of one percent from the tally of votes produced by the
8 hand count.

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

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

20 “(c) If the second hand count conducted under this subsection results in
21 a tally of votes for a candidate or measure that is different from the tally
22 of votes produced by the vote tally system for that candidate or measure, and
23 the difference for each race is equal to or less than one-half of one percent,
24 the tally of votes produced by the vote tally system is the official tally of
25 votes for that vote tally system.

26 “(d) If the second hand count conducted under this subsection results in
27 a tally of votes for a candidate or measure that is different from the tally
28 of votes produced by the vote tally system for that candidate or measure, and
29 the difference in any race is greater than one-half of one percent, the county
30 clerk shall conduct a hand count of all ballots counted by that vote tally

1 system. The hand count is the official tally of votes for that vote tally sys-
2 tem. If the hand count is the official tally of votes, not later than the **30th**
3 **day after the election for a measure, or the 37th** day after the election
4 **for a candidate**, the county clerk shall certify amended abstracts of votes
5 to appropriate elections officials.

6 “(8) For purposes of conducting the hand counts under this section, the
7 county clerk shall:

8 “(a) Retain custody of the ballots; and

9 “(b) Provide for security for the ballots and the information required to
10 be collected under this subsection.

11 “(9) This section does not apply:

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

14 “(b) If federal law requires a post-election hand count of ballots at the
15 primary election, general election or special election to verify election re-
16 sults and the Secretary of State determines that the requirements of federal
17 law are at least as stringent as the requirements of subsections (1) to (8) of
18 this section.

19 **“SECTION 28.** ORS 198.775 is amended to read:

20 “198.775. (1) A petition for formation, annexation, withdrawal or dissol-
21 ution shall not be accepted for filing unless the petition is accompanied by
22 a bond, a cash deposit or other security deposit as follows:

23 “(a) The bond shall be in a form and in an amount approved by the county
24 board, not to exceed \$100 for each precinct in the affected district and any
25 territory to be included in the district, up to a maximum of \$10,000. The bond
26 shall be conditioned that, if the attempted formation, annexation, withdrawal
27 or dissolution is not effected, the chief petitioners will pay the costs thereof,
28 excluding any costs incurred by a local government boundary commission
29 under ORS 199.410 to 199.519.

30 “(b) The cash deposit shall be in an amount approved by the county board,

1 not to exceed \$100 for each precinct in the affected district and any territory
2 to be included in the district, up to a maximum of \$10,000. The cash deposit
3 shall be accompanied by a form prescribed by the Secretary of State. The
4 form shall include the names and addresses of all persons and organizations
5 providing any part of the cash deposit and the amount provided by each, and
6 a statement signed by the chief petitioners that if the costs of the attempted
7 formation, annexation, withdrawal or dissolution exceed the deposit, the
8 chief petitioners shall pay to the county treasurer the amount of the excess
9 costs.

10 “(c) The security deposit other than a bond or cash deposit shall be of a
11 kind and in an amount approved by the county board, not to exceed \$100 for
12 each precinct in the affected district and any territory to be included in the
13 district, up to a maximum of \$10,000. The security deposit shall be accom-
14 panied by a form prescribed by the Secretary of State. The form shall include
15 the names and addresses of all persons and organizations providing any part
16 of the security deposit and the amount and kind provided by each, and a
17 statement signed by the chief petitioners that if the costs of the attempted
18 formation, annexation, withdrawal or dissolution exceed the security depos-
19 ited, the chief petitioners shall pay to the county treasurer the amount of
20 the excess costs.

21 “(2) If the proposed formation, annexation, withdrawal or dissolution is
22 effected, the district shall be liable for the costs. Not later than [*the 30th*
23 *day after the election*] **45 days after the results of the election are certi-**
24 **fied**, if a cash deposit or security deposit other than a bond was made under
25 subsection (1) of this section, the county clerk shall refund the deposit to the
26 persons who made the deposit.

27 “(3) If the proposed formation, annexation, withdrawal or dissolution is
28 not effected, the county shall collect the costs of the attempted formation,
29 annexation, withdrawal or dissolution as follows:

30 “(a) If the chief petitioners posted a bond, the county shall collect on the

1 bond.

2 “(b) If the chief petitioners made a cash deposit, not later than [*the 30th*
3 *day after the election*] **45 days after the results of the election are certi-**
4 **fied**, the county clerk shall pay into the general fund of the county that
5 portion of the deposit needed to reimburse the county for the costs. If any
6 portion of the deposit remains after the costs have been paid, the county
7 clerk shall refund the portion to the persons shown on the form filed under
8 subsection (1) of this section as having made the deposit. If the costs exceed
9 the amount of the deposit, the chief petitioners shall pay to the county
10 treasurer the amount of the excess costs.

11 “(c) If the chief petitioners made a security deposit other than a bond or
12 cash deposit, not later than [*the 30th day after the election*] **45 days after**
13 **the results of the election are certified**, the county clerk shall negotiate
14 or otherwise collect on as much of the security deposit as necessary to re-
15 imburse the county for the costs and shall pay the proceeds into the general
16 fund of the county. If any portion of the security deposit or any proceeds of
17 the security deposit remain after the costs have been paid, the county clerk
18 shall return the portion or the remaining proceeds to the persons shown on
19 the form filed under subsection (1) of this section as having made the deposit.
20 If the costs exceed the amount of the proceeds, the chief petitioners shall pay
21 to the county treasurer the amount of the excess costs.

22 “(4) Notwithstanding subsection (1) of this section, the costs of pro-
23 ceedings initiated by a county or district board, excluding costs incurred by
24 a local government boundary commission under ORS 199.410 to 199.519, shall
25 be paid by the initiating board out of county or district funds.

26 “**SECTION 29.** ORS 198.820 is amended to read:

27 “198.820. (1) After the election if any is held, if it is determined by the
28 county board that the majority of the votes cast were in favor of formation
29 of the district, the board shall enter an order establishing and forming the
30 district. If a majority of the votes cast oppose the formation of the district,

1 the board shall enter an order dismissing the petition. The order shall be
2 entered within [*30 days after the date of the election*] **15 days after the re-**
3 **sults of the election are certified.** The county board shall also canvass the
4 votes for members of the district board and, if formation of the district is
5 approved, cause the county clerk to issue certificates of election to the
6 number of persons, equal to the number of board members named in the pe-
7 tition for formation, receiving the highest number of votes.

8 “(2) After the date of the formation order, the inhabitants of the territory
9 within the district shall be a municipal corporation to be known by the name
10 specified in the order, and as such shall have perpetual succession, and by
11 such name shall exercise and carry out the corporate powers and objects
12 conferred by the principal Act of the district.

13 “(3) An order creating a district, whether the district is formed with or
14 without an election, shall state the name and purpose of the district, describe
15 its boundaries, and declare the district formed. From the date of the forma-
16 tion order the district shall be considered established.

17 **“SECTION 30.** ORS 254.470 is amended to read:

18 “254.470. (1) The Secretary of State by rule shall establish requirements
19 and criteria for the designation of places of deposit for the ballots cast in
20 an election. The rules shall also specify the dates and times the places of
21 deposit must be open and the security requirements for the places of deposit.
22 At a minimum, the places designated under this section shall be open on the
23 date of the election for a period of eight or more hours, but must be open
24 until at least 8 p.m. At each place of deposit designated under this section,
25 the county clerk shall prominently display a sign stating that the location
26 is an official ballot drop site.

27 “(2)(a) Except as provided in paragraphs (b) to [(d)] (e) of this subsection,
28 the county clerk shall mail by nonforwardable mail an official ballot with
29 a return identification envelope and a secrecy envelope not sooner than the
30 20th day before the date of an election and not later than the 14th day before

1 the date of the election, to each active elector of the electoral district as of
2 the 21st day before the date of the election.

3 “(b) If the county clerk determines that an active elector of the electoral
4 district as of the 21st day before the date of the election does not receive
5 daily mail service from the United States Postal Service, the county clerk
6 shall mail by nonforwardable mail an official ballot with a return identifi-
7 cation envelope and a secrecy envelope to the elector not sooner than the
8 20th day before the date of an election and not later than the 18th day before
9 the date of the election.

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

13 **“(d) If an active elector of the electoral district requests an absen-**
14 **tee ballot because the elector will be absent from the electoral district**
15 **during the period of time described in paragraph (a) of this subsection,**
16 **the county clerk may, if the elector’s ballot is available:**

17 **“(A) Allow the elector to receive the elector’s ballot in person at**
18 **the office of the county clerk not sooner than the 43rd day before the**
19 **date of the election; or**

20 **“(B) Mail by nonforwardable mail an official ballot with a return**
21 **identification envelope and a secrecy envelope to the elector not**
22 **sooner than the 43rd day before the date of the election.**

23 “[*d*] (e) The county clerk is not required to mail a secrecy envelope
24 under this subsection if the Secretary of State has approved a different pro-
25 cedure under ORS 254.458 that provides substantially the same degree of se-
26 crecy.

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

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

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

6 “(c) An elector not affiliated with any political party who wishes to vote
7 in the primary election of a major political party shall apply to the county
8 clerk in writing. The application must be completed, signed and submitted
9 by the elector electronically, in person or by mail, in a manner determined
10 by the secretary by rule and must indicate which major political party ballot
11 the elector wishes to receive. Except for electors described in subsection (4)
12 of this section, and subject to ORS 247.203, the application must be received
13 by the county clerk not later than 5 p.m. of the 21st day before the date of
14 the election.

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

19 “(4)(a) For each elector who updates a voter registration after the dead-
20 line in ORS 247.025, the county clerk shall make the official ballot, the re-
21 turn identification envelope and the secrecy envelope available either by
22 mail or at the county clerk’s office or at another place designated by the
23 county clerk. An elector to whom this subsection applies must request a
24 ballot from the county clerk.

25 “(b) The county clerk is not required to make available a secrecy envelope
26 under this subsection if the Secretary of State has approved a different pro-
27 cedure under ORS 254.458 that provides substantially the same degree of se-
28 crecy.

29 “(5) The ballot shall contain the following warning:

30 “

1 “Any person who, by use of force or other means, unduly influences an
2 elector to vote in any particular manner or to refrain from voting is subject
3 to a fine.

4 “
5 “(6)(a) Upon receipt of any ballot described in this section, the elector
6 shall mark the ballot, sign the return identification envelope supplied with
7 the ballot and comply with the instructions provided with the ballot.

8 “(b) The elector may return the marked ballot to the county clerk by
9 United States mail or by depositing the ballot at the office of the county
10 clerk, at any place of deposit designated by the county clerk or at any lo-
11 cation described in ORS 254.472 or 254.474.

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

13 “(d) Subject to paragraph (e) of this subsection, if a person returns a
14 ballot for an elector, the person shall deposit the ballot in a manner de-
15 scribed in paragraph (b) of this subsection not later than two days after re-
16 ceiving the ballot.

17 “(e) If the elector deposits the ballot at the office of the county clerk, at
18 any place of deposit designated by the county clerk or at any location de-
19 scribed in ORS 254.472 or 254.474, the ballot must be received at the office
20 of the county clerk, at the designated place of deposit or at any location
21 described in ORS 254.472 or 254.474 not later than the end of the period de-
22 termined under subsection (1) of this section on the date of the election. If
23 the elector returns the ballot by mail:

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

27 “(B) The ballot must:

28 “(i) Have a postal indicator showing that the ballot was mailed not later
29 than the date of the election; and

30 “(ii) Be received at the office of the county clerk not later than seven

1 calendar days after the date of the election.

2 “(f) If a county clerk receives a marked ballot for an elector who does
3 not reside in the clerk’s county, the ballot shall be forwarded to the county
4 clerk of the county in which the elector resides not later than the eighth day
5 after the election.

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

7 “(a) Space for the elector to sign the envelope.

8 “(b) A notice designed by rule by the Secretary of State, in consultation
9 with the county clerks, explaining that by signing the ballot the elector is
10 attesting under penalty of perjury that the ballot was mailed no later than
11 the date of the election.

12 “(c) A summary of the applicable penalties for knowingly making a false
13 statement, oath or affidavit under the election laws.

14 “(8) If the elector returns the ballot by mail, and a postal indicator is not
15 present or legible, the ballot shall be considered to be mailed on the date
16 of the election and may be counted if the ballot is received no later than
17 seven calendar days after the election.

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

28 “(10) A ballot shall be counted only if:

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

30 “(b) The envelope is signed by the elector to whom the ballot is issued,

1 unless a certified statement is submitted under ORS 254.431; and

2 “(c) The signature is verified as provided in subsection (11) of this section.

3 “(11) The county clerk shall verify the signature of each elector on the
4 return identification envelope with the signature on the elector’s registration
5 record, according to the procedure provided by rules adopted by the Secre-
6 tary of State. If the county clerk determines that an elector to whom a re-
7 placement ballot has been issued has voted more than once, the county clerk
8 shall count only one ballot cast by that elector.

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

14 “(13)(a)(A) Except as provided in subparagraph (B) of this paragraph, the
15 name of the Secretary of State may not appear in the secretary’s official
16 capacity on the return identification envelope or on any instructions or ma-
17 terials included with the ballot if the secretary is a candidate in the election
18 for which the ballot is printed.

19 “(B) This paragraph does not prohibit the name of the Secretary of State
20 from appearing in the secretary’s official capacity in the voters’ pamphlet.

21 “(b) The name of the county clerk or other filing officer may not appear
22 in the official capacity of the county clerk or filing officer on the return
23 identification envelope or on any instructions or materials included with the
24 ballot if the county clerk or filing officer is a candidate in the election for
25 which the ballot is printed.

26 “(c) As used in this subsection, ‘filing officer’ has the meaning given that
27 term in ORS 254.165.

28 “(14) As used in this section, ‘postal indicator’ means a postmark or other
29 indicator on a mailed ballot, identified by the Secretary of State by rule, that
30 demonstrates the date or time at which a ballot was mailed.

1 **“SECTION 31.** ORS 254.115 is amended to read:

2 “254.115. (1) The official primary election ballot shall be styled ‘Official
3 Primary Nominating Ballot for the _____ Party.’ and shall state:

4 “(a) The name of the county for which it is intended.

5 “(b) The date of the primary election.

6 “(c) The names of all candidates for nomination at the primary election
7 whose nominating petitions or declarations of candidacy have been made and
8 filed, and who have not died, withdrawn or become disqualified.

9 “(d) The names of candidates for election as precinct committeeperson.

10 “(e) The names of candidates for the party nomination for President of
11 the United States who qualified for the ballot under ORS 249.078.

12 “(2) The primary election ballot may include any city, county or nonpar-
13 tisan office or the number, ballot title and financial estimates under ORS
14 250.125 of any measure.

15 “(3)(a) The ballot may not contain the name of any person other than
16 those referred to in subsections (1) and (2) of this section.

17 “(b) The name of each candidate for whom a nominating petition or dec-
18 laration of candidacy has been filed shall be printed on the ballot in but one
19 place, except in circumstances where a candidate may hold more than one
20 office or nomination without violating ORS 249.013.

21 “(c) In the event that two or more candidates for the same nomination
22 or office have the same [*or similar surnames*] **first name and last name,**
23 **as indicated on the declarations of candidacy or nominating petitions**
24 **of the candidates,** the location of their places of residence shall be printed
25 with their names to distinguish one from another. **This paragraph does not**
26 **apply to candidates for precinct committeeperson.**

27 **“SECTION 32.** ORS 247.555 is amended to read:

28 “247.555. (1) A county clerk may cancel the registration of an elector:

29 “(a) At the request of the elector;

30 “(b) Upon the death of the elector;

1 “(c) If the county clerk receives written evidence that the elector has
2 registered to vote [*in another county in this state or*] in another state; or

3 “(d) If the elector has not responded to a notice described in ORS 247.563
4 and has not voted or updated a registration during the period beginning on
5 the date the notice is sent and ending on the day after the date of the second
6 regular general election that occurs after the date the notice was sent.

7 “(2) If the registration of an elector is canceled, the elector, in order to
8 vote in an election, must register as provided in this chapter.

9 **“SECTION 33. This 2023 Act being necessary for the immediate
10 preservation of the public peace, health and safety, an emergency is
11 declared to exist, and this 2023 Act takes effect on its passage.”.**

12
