

# U.S. ELECTION ASSISTANCE COMMISSION



## *2012 Election Administration & Voting Survey*

### **Oregon**

## *Statutory Overview*

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2012 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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## DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2010 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2010 with an "X" as shown below:

X No Change Since 2010

If the response has changed since 2010, please mark Changed Since 2010 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2010 response and record your 2012 response between the red bracketed text lines, as described below.

X Changed Since 2010

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please keep your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

### Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

*Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.*

*There is no limit to the length of your response.*

[End definition (a) above this line.]

## SECTION A: GENERAL

**A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.**

**a. Over-vote**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (a) below this line.]

When the voter has indicated more than one choice (or more than the allowed number of choices ORS 254.145(8)) for any race or measure.

[End definition (a) above this line.]

**b. Under-vote**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (b) below this line.]

When the voter has not made a choice for a race or measure.

[End definition (b) above this line.]

**c. Blank ballot**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (c) below this line.]

This is not a term that is defined or commonly used.

[End definition (c) above this line.]

**d. Void/Spoiled ballot**

☐ **No Change Since 2010**      ☒ **Changed Since 2010**

**2010 Response:**

[Begin definition (d) below this line.]

A void or spoiled ballot is one that cannot be counted because it is ruined in some way by the voter. The County Elections Official can issue a replacement ballot for a spoiled ballot but replacement ballots must be voted and returned prior to 8pm on Election day. OAR 165-007-0030

[End definition (d) above this line.]

**e. Provisional/Challenged ballot**

☐ No Change Since 2010    ☒ Changed Since 2010

**2010 Response:**

[Begin definition (e) below this line.]

Provisional ballot: A ballot that is issued when the eligibility of the voter has not yet been determined or when the County Elections Official issues a ballot to a voter who resides in another Oregon county. OAR 165-007-0030

Challenged ballot: Ballot that is held for further research because there is a question as to the voter's eligibility (such as questions regarding address) or because the signatures on the return identification ballot envelope and the registration card do not match. OAR 165-007-0030

[End definition (e) above this line.]

**f. Absentee**

☐ No Change Since 2010    ☒ Changed Since 2010

**2010 Response:**

[Begin definition (f) below this line.]

Absent elector means a person to whom the county clerk has issued a ballot prior to the date that ballots are mailed to electors as provided in ORS 254.470 (2)(a) or (b). ORS 253.005

Long Term Absent Elector is a resident of this state absent from the place of residence and serving in or discharged 30 days or less from the United States Armed Forces or United States Merchant Marine; temporarily living outside the territorial limits of the United States and the District of Columbia. Definition of

Long Term Absent Elector includes the spouse or dependent of a long term absent elector. ORS 253.510, ORS 253.530 and OAR 165-007-0030

[End definition (f) above this line.]

**g. Early voting**

☒ **No Change Since 2010**    ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (g) below this line.]

Not defined in Oregon law.

[End definition (g) above this line.]

**h. Active Voter**

☒ **No Change Since 2010**    ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (h) below this line.]

Elector means an individual qualified to vote under section 2, Article II, Oregon Constitution. ORS 247.002. An active voter is a person who is registered to vote and eligible to receive a ballot under ORS 254.470.

[End definition (h) above this line.]

**i. Inactive Voter**

☒ **No Change Since 2010**    ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (i) below this line.]

An elector for whom the county clerk has received evidence that there has been a change in the information required for registration under Oregon statutes or the elector has neither voted nor updated the registration for a period of not less than five years; and (b) the county clerk has mailed a notice by forwardable mail for the elector to state the elector's current residence and mailing address and no response is received within 21 days. ORS 247.013(6) and ORS 247.563(2).

[End definition (i) above this line.]

**j. Other terms (please specify) \_\_\_\_\_**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Identify each TERM and definition separately and begin below this line.]

None.

[End TERM(s) and definition(s) above this line.]

**A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.**

☐ **No Change Since 2010**      ☒ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (A2) below this line.]

ORS 253.690: Authorizes voting by electronic mail for long term absent electors if they include return identification envelope and waiver of right to secret ballot.

[End response to above question (A2) above this line.]

## SECTION B: VOTER REGISTRATION

**B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (B1) below this line.]

A top-down system.

[End response to above question (B1) above this line.]

**If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above clarification question to B1 below this line.]

Not applicable.

[End response to above clarification question to B1 above this line.]

**B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (B2) below this line.]

To inactivate an elector the county clerk must have (1) received evidence that there has been a change in the information required for registration under Oregon statutes or the elector has neither voted nor updated the registration for a period of not less than five years; and (2) the county clerk has mailed a notice by forwardable mail for the elector to state the elector's current residence and mailing address and no response is received within 21 days. ORS 247.013(6) and ORS 247.563(2)

For an elector to become active again and eligible to receive a ballot, the elector must update the registration information, normally by completing a new voter registration card. There is no different process for UOCAVA voters.

[End response to above question (B2) above this line.]

**B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (B3) below this line.]

A county clerk may cancel the registration of an elector: (a) At the request of the elector; (b) Upon the death of the elector; (c) If the county clerk receives written evidence that the elector has registered to vote in another county in this state or in another state; or (d) If the elector has not responded to a notice described in ORS 247.563 and has not voted or updated a registration during the period beginning on the date the notice is sent and ending on the day after the date of the second regular general election that occurs after the date the notice was sent. ORS 247.555

ORS 247.563 requires that 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 (c) The elector's registration will be canceled if the elector neither votes nor updates the registration 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 or another county clerk indicating a change of residence or mailing address or from the United States Postal Service indicating a change of residence address and the registration of the elector is automatically updated by the county clerk under any provision of this chapter. There is no different process for UOCAVA voters.

[End response to above question (B3) above this line.]



**B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (B4) below this line.]

Yes. It is a one-way link to DMV and the Social Security Administration. DMV data is uploaded once per week, so that the counties may verify the drivers' license number provided by the elector. The link to the Social Security Administration is a real-time link.

[End response to above question (B4) above this line.]

**B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?**

☐ **No Change Since 2010**      ☒ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (B5) below this line.]

Since the legislature authorized counties to use USPS COA information to update addresses in our voter registration database in 2008, the secretary of state's office has provided COA information to each county prior to each election.

While the USPS COA information is not perfect, Oregon has updated the records of more than a half a million voters, saving time and money, and allowing more voters to fully participate in elections. When the COA information does not return a perfect match, counties are able to flag those voters for individual follow-up.

We continue to improve our NCOA process to gain additional value from the data. By researching error codes and NCOA footnotes and return codes, we have been able to identify additional voters to follow-up with to ensure that we have accurate information. Oregon's counties have found NCOA to be a useful and valuable tool, and over the last year have worked to standardize the way they are processing COA information.

[End response to above question (B5) above this line.]

**B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote**

**while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)**

       **No Change Since 2010**

  X   **Changed Since 2010**

**2010 Response:**

[Begin response to above question (B6) below this line.]

Felons who are not in the physical custody of the Department of Corrections (can be on parole or probation) or in the physical custody of a county jail, are eligible to cast a ballot. Rights are automatically restored upon release from custody. Felons in the custody of a federal institution in this state may not register or vote. ORS 137.281.

[End response to above question (B6) above this line.]

**B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).**

  X   **No Change Since 2010**

       **Changed Since 2010**

**2010 Response:**

[Begin response to above question (B7) below this line.]

Yes. The individual may complete and automatically submit the voter registration form online.

[End response to above question (B7) above this line.]

## SECTION C: ELECTION ADMINISTRATION

**C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).**

**a. Are the votes counted centrally or at the precincts?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (a) below this line.]

Centrally.

[End response to above question (a) above this line.]

**b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?**

☐ **No Change Since 2010**      ☒ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (b) below this line.]

Yes. Votes are centrally tabulated in each of 36 counties. Not later than the 8<sup>th</sup> day after the election a county clerk must forward any ballots voted by electors registered in another county.

[End response to above question (b) above this line.]

**c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?**

☐ **No Change Since 2010**      ☒ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (c) below this line.]

Results are not tallied or reported separately. When producing a count there is no way to distinguish between ballots returned by an absentee elector vs. any other elector. While we are not able to distinguish between ballots returned by absentee electors and other electors, we are able to use our centralized voter registration database to

determine if an elector is registered as absentee and if their ballot was accepted for counting.

[End response to above question (c) above this line.]

**d. How are UOCAVA ballots counted and reported?**

       No Change Since 2010                        X   Changed Since 2010

**2010 Response:**

[Begin response to above question (d) below this line.]

UOCAVA ballots are not tallied or reported separately. When producing a count there is no way to distinguish between ballots returned by a UOCAVA elector vs. any other elector. While we are not able to distinguish between ballots returned by UOCAVA electors and other electors, we are able to use our centralized voter registration database to determine if an elector is registered as a UOCAVA elector and if their ballot was accepted for counting.

[End response to above question (d) above this line.]

**C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)**

  X   No Change Since 2010                             Changed Since 2010

**2010 Response:**

[Begin response to above question (C2) below this line.]

Oregon votes entirely by mail. ORS 254.470.

[End response to above question (C2) above this line.]

**C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?**

       No Change Since 2010                        X   Changed Since 2010

**2010 Response:**

[Begin response to above question (C3) below this line.]

We do not have early voting as the term is used by most other jurisdictions. If a person will be away from home when ballots will be issued they may contact their County Election Officials to arrange for a ballot to be delivered to them so that they may participate in the

election. Ballots are counted centrally at each of the 36 county elections offices and are not tallied or reported separately

[End response to above question (C3) above this line.]

**C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?**

\_\_X\_\_ No Change Since 2010      \_\_\_\_\_ Changed Since 2010

**2010 Response:**

[Begin response to above question (C4) below this line.]

Yes. The entire state is vote by mail.

[End response to above question (C4) above this line.]

**C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.**

\_\_X\_\_ No Change Since 2010      \_\_\_\_\_ Changed Since 2010

**2010 Response:**

[Begin response to above question (C5) below this line.]

A provisional ballot is issued when the eligibility of the voter has not yet been determined or when the County Elections Official issues a ballot to a voter who resides in another Oregon county. OAR 165-007-0030.

[End response to above question (C5) above this line.]

**C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.**

\_\_X\_\_ No Change Since 2010      \_\_\_\_\_ Changed Since 2010

**2010 Response:**

[Begin response to above question (C6) below this line.]

A completed provisional ballot is forwarded to the County Elections Official of where the person resides. Once it is determined that the individual is registered to vote only the races and measures for which the person is eligible to vote are counted.

[End response to above question (C6) above this line.]

**C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.**

**If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.**

       No Change Since 2010        X   Changed Since 2010

**2010 Response:**

[Begin response to above question (C7) below this line.]

After each General Election County Elections Officials conduct a hand count of a specified number of ballots. The hand count must be compared to the tally of votes produced by the vote tally system for the same ballots. The number of ballots that must be reviewed is dependent on the margin of victory between the two candidates in the same race receiving the largest number of votes in the county, as determined by the unofficial tally of ballots. Depending on the margin of victory either 10%, 5% or 3% of all precincts or of ballots in ballot count batches will be hand counted. ORS 254.529.

[End response to above question (C7) above this line.]

**C8. Please describe any state requirements for poll worker training.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (C8) below this line.]

There are no state requirements for poll worker training.

[End response to above question (C8) above this line.]

## SECTION D: ELECTION DAY ACTIVITIES

**D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.**

\_\_X\_\_ No Change Since 2010      \_\_\_\_\_ Changed Since 2010

**2010 Response:**

[Begin response to above question (D1) below this line.]

Each county records overvote and undervote counts while processing ballots. They report that information to the Elections Division and it is compiled for all state races in a single document.

[End response to above question (D1) above this line.]

**D2. What identification does your state require from voters in the following situations:**

**a. registering to vote;**

\_\_X\_\_ No Change Since 2010      \_\_\_\_\_ Changed Since 2010

**2010 Response:**

[Begin response to above question (a) below this line.]

There are no separate state identification requirements when registering to vote. The HAVA requirements are imposed on registrants for voting for federal office.

[End response to above question (a) above this line.]

**b. casting an in-person ballot;**

\_\_\_\_\_ No Change Since 2010      \_\_X\_\_ Changed Since 2010

**2010 Response:**

[Begin response to above question (b) below this line.]

Every ballot must be returned in a signed ballot return identification envelope. The signature on that envelope is compared to signatures contained in the voter's registration record. There is no ID requirement for voting.

[End response to above question (b) above this line.]

**c. casting a mail-in or absentee vote;**

       No Change Since 2010      \_\_X\_\_ Changed Since 2010

**2010 Response:**

[Begin response to above question (c) below this line.]

Every ballot must be returned in a signed ballot return identification envelope. The signature on that envelope is compared to signatures contained in the voter's registration record. There is no ID requirement for voting.

[End response to above question (c) above this line.]

**d. casting a ballot under UOCAVA;**

       No Change Since 2010      \_\_X\_\_ Changed Since 2010

**2010 Response:**

[Begin response to above question (d) below this line.]

Every ballot must be returned in a signed ballot return identification envelope. The signature on that envelope is compared to signatures contained in the voter's registration record. There is no ID requirement for voting.

[End response to above question (d) above this line.]

**e. any other stage in registration or voting process in which identification is required (please specify).**

\_\_X\_\_ No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (e) below this line.]

None.

[End response to above question (e) above this line.]

**D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.**

\_\_X\_\_ No Change Since 2010             Changed Since 2010



**2010 Response:**

[Begin response to above question (D3) below this line.]

Members of the public may observe all ballot processes conducted at the county elections offices. The County Elections Officials will determine the number of observers based on space and staff availability. Oregon has no “polling places” as that term is understood in other states because elections are conducted exclusively by mail.

[End response to above question (D3) above this line.]

## SECTION E: OTHER

**E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (E1) below this line.]

It has not been updated.

[End response to above question (E1) above this line.]

**E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (E2) below this line.]

None.

[End response to above question (E2) above this line.]

\* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website ([www.eac.gov](http://www.eac.gov)). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2012 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.