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Background Brief on...

Voting in Oregon

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Help America Vote Act (HAVA) of 2002

The Help America Vote Act was approved by Congress in October 2002 to make reforms to the nation's voting process. The Act addresses improvements to voting systems and voter access that were identified following the 2000 Presidential Election. It includes provisions for replacement of punch card and lever voting systems, creation of centralized voter registration databases, new voter identification requirements, access for people with disabilities, and enhanced voter outreach.

With implementation of HAVA, there will be no changes to Oregon's vote-by-mail system or to the basic structure of the elections process and for the most part, voters will register and vote in the same way. The roles, responsibilities, and relationship of the state and the counties will also remain much the same. However, Oregon will implement and maintain a centralized voter registration list with direction and assistance from the counties.

Oregon Centralized Voter Registration

As a part of the implementation process of the Help America Vote Act (HAVA) of 2002, the Oregon Centralized Voter Registration project (OCVR) will create a single, centralized, interactive, and official database system with the names and addresses of Oregon's registered voters. Currently, Oregon's 36 counties collect and store voter registration information differently and there is no way to aggregate voter information at the state level. Information to be included in the statewide system is the name, address, identification number, political affiliation, and voting history.

Vote-by-Mail in Oregon

Vote-by-mail is an election method whereby voters receive and return their ballots through the mail. This process replaces traditional polling place elections. Oregon's experience with vote-by-mail began when the 1981 Legislative Assembly first authorized counties to conduct certain elections by mail. State laws passed since that time have broadened vote-by-mail, and in the 1998 General Election, Oregon voters approved an initiative requiring vote-by-mail in all biennial primary and general elections, making Oregon the first state to go to a completely vote-by-mail system. During the 2000 General Election, Oregon was the first state in U.S. history to determine its electoral votes for president entirely by mail.

The Vote-by-Mail Process

For state elections, counties must mail ballot packets to all active registered voters between the 18th and the 14th day before an election. The packet includes the ballot, a secrecy envelope and a pre-addressed return envelope. The voter marks the ballot and places it in the secrecy envelope, which in turn is placed into the return envelope. The voter must then sign the return envelope for the ballot to be counted. The voter can then either put a stamp on the envelope and mail it, or take it to a drop site designated by the County Clerk's Office within the county.

Ballots must be received by the county, either through the mail or at a drop-off site within the county, by 8:00 p.m. on the day of the election. The date on the postmark does not count. Elections officials verify the signature on the return envelope from each voter by matching it against the voter registration card signature on file with each county. Votes are not tallied until Election Day and preliminary results are not released until after 8:00 p.m.

Issues Surrounding Vote-by-Mail

It has been suggested that vote-by-mail can increase voter turnout, especially in off-year elections and at the local level. However, one of the primary reasons people support the process is how much money vote-by-mail appears to save taxpayers compared to the cost of setting up polling sites. Although postage is a significant expense with vote-by-mail, the state does not have to rent polling places, pay workers, or purchase and maintain voting machines.

However, there is concern that the vote-by-mail process opens elections to potential fraud, whether by

the forging of signatures, stealing ballots, or fraudulent collection of ballots. There is also concern that vote-by-mail compromises the tradition of the secret ballot, in that voters could be encouraged to vote a certain way by people who surround them when they vote.

Challenges to Vote-by-Mail

Oregon's vote-by-mail system was challenged shortly after its passage. A Virginia-based voting rights group filed a lawsuit in U.S. District Court claiming that vote-by-mail in general elections violates the U.S. Constitution by allowing voters to cast their ballots before the federal Election Day. In March 1999, a Portland judge ruled that since the ballots are not counted until Election Day, the Constitutional requirement is satisfied. The Ninth Circuit Court of Appeals upheld the state ruling and the plaintiffs appealed to the U.S. Supreme Court, which denied review, thus upholding the constitutionality of vote-by-mail.

Staff and Agency Contacts:

<http://www.sos.state.or.us/elections/HAVA/>
Help America Vote Act of 2002

<http://www.sos.state.or.us/elections/HAVA/ocvr.shtml>

Oregon Central Voter Registration

<http://www.sos.state.or.us/elections/vbm/vbm.htm>
Vote-by-Mail Information

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