



# ELECTIONS IN OREGON

## BACKGROUND BRIEF

This background brief provides an overview of elections laws, Oregon’s current elections processes, elections policy issues, and recent state legislation.

### FEDERAL ELECTIONS LAWS & FUNDING

State elections laws and systems have their basis in [Article I, Section 4 of the U.S. Constitution](#), which gives state legislatures the responsibility for the mechanics of congressional elections unless pre-empted by Congress. The following are the key federal elections laws impacting or establishing guidance for state elections systems:

- Voting Rights Act of 1965 prohibited voter discrimination based on race, color, or membership in a language minority group;
- Voting Accessibility for the Elderly and Handicapped Act of 1984 required polling places to be accessible to people with disabilities;
- Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986 allowed members of the U.S. armed forces and overseas U.S. voters to register and vote by mail;
- National Voter Registration Act (NVRA) of 1993, also known as the “Motor Voter Act,” created new ways to register to vote and required states to keep more accurate voter registration lists;
- Help America Vote Act (HAVA) of 2002 reformed the nation’s voting processes, established new mandatory minimum standards for states to follow in several areas of election administration, required states to implement a central voter registration system, and created the U.S. Election Assistance Commission (EAC) to help states comply with HAVA and distribute associated funding; and
- Military and Overseas Voting Empowerment (MOVE) Act of 2009 improved access to voting by military and overseas voters,

#### TABLE OF CONTENTS

FEDERAL ELECTIONS LAWS & FUNDING	1
KEY OREGON ELECTIONS LAWS	2
OREGON ELECTIONS PROCESSES AND PROCEDURES	4
OREGON CENTRALIZED VOTER REGISTRATION SYSTEM	6
POLICY ISSUES	7
RECENT LEGISLATION	11
STAFF CONTACT	12

including by electronic transmission, and required that ballots must be sent to UOCAVA voters no later than 45 days before a federal election.<sup>1</sup>

## HAVA Election Security Funds

HAVA Election Security Funds were appropriated in 2018 and 2020 to provide states with additional resources to secure and improve election systems. The Consolidated Appropriations Act of 2018 included \$380 million in grants for states to improve the administration of elections for federal office, including technology enhancements and certain election security improvements. The Consolidated Appropriations Act of 2020 authorized an additional \$425 million in HAVA funds.<sup>2</sup>

In 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) included \$400 million in new HAVA emergency funds for states to prevent, prepare for, and respond to the coronavirus for the 2020 federal election cycle.<sup>3</sup> Table 1 details the amounts for Oregon from these recent HAVA-related appropriations. Because of the state match requirements, Oregon instead used \$1.7 million of Coronavirus Relief Funds to pay for the costs associated with the COVID-19 pandemic incurred by county election offices and the state Elections Division.<sup>4</sup>

**Table 1: Oregon Allocations of HAVA Election Security Funds**

Fiscal Year or Act	Federal Allocation	State Match	Total	Requested Amount
2018	\$5,362,981	\$268,149	\$5,631,130	\$5,362,981
2020	\$6,029,047	\$1,205,809	\$7,234,856	\$6,029,047
CARES Act	\$5,656,663	\$1,131,333	\$6,787,996	\$5,656,663
<b>Total</b>	<b>\$17,048,691</b>	<b>\$2,605,291</b>	<b>\$19,653,982</b>	<b>\$17,048,691</b>

Source: Legislative Policy and Research Office  
Data: U.S. Election Assistance Commission<sup>5</sup>

<sup>1</sup> USAGov, *Voting and Election Laws*, <<https://www.usa.gov/voting-laws>> (last visited October 28, 2020).

<sup>2</sup> U.S. Election Assistance Commission, *Election Security Funds*, <<https://www.eac.gov/payments-and-grants/election-security-funds>> (last visited September 16, 2020).

<sup>3</sup> U.S. Election Assistance Commission, *2020 CARES Act Grants*, <<https://www.eac.gov/payments-and-grants/2020-cares-act-grants>> (last visited September 16, 2020).

<sup>4</sup> Oregon Legislative Fiscal Office, *Analysis, Item 1: Secretary of State, Election Office Pandemic Expenses*, <<https://olis.oregonlegislature.gov/liz/201911/Downloads/CommitteeMeetingDocument/226368>> (last visited November 3, 2020).

<sup>5</sup> U.S. Election Assistance Commission, *Election Security Grant Funding Chart*, <[https://www.eac.gov/sites/default/files/paymentgrants/Funding\\_Chart\\_ElectionSecurity.pdf](https://www.eac.gov/sites/default/files/paymentgrants/Funding_Chart_ElectionSecurity.pdf)> (last visited November 3, 2020) and *CARES Grant Funding Chart*, <[https://www.eac.gov/sites/default/files/paymentgrants/cares/FundingChart\\_CARES.pdf](https://www.eac.gov/sites/default/files/paymentgrants/cares/FundingChart_CARES.pdf)> (last visited January 15, 2021).

## KEY OREGON ELECTIONS LAWS

---

### Vote-by-Mail

Vote-by-mail, an election method whereby voters receive and return their ballots through the mail, was first approved on a limited basis in 1981, when the Legislative Assembly authorized counties to conduct certain elections by mail.<sup>6</sup> Vote-by-mail was made permanent for certain elections in 1987, and its use was expanded in 1993 to allow it for statewide elections other than a primary or general election.<sup>7</sup>

In 1998, Oregon voters approved an initiative (Ballot Measure 60) 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. In 2000, Oregon was the first state in U.S. history to determine its electoral votes for president entirely by mail.

In 2019, the Legislative Assembly passed [Senate Bill 861](#) requiring the state to pay postage on ballot return envelopes for each election held on or after January 1, 2020.

### Online Voter Registration

On March 1, 2010, Oregon became the fourth state in the nation to provide online voter registration. In 2009, the Legislative Assembly passed [House Bill 2386](#) directing the Secretary of State (SOS) to adopt an electronic voter registration system. Oregonians who are at least 16 years of age and have a valid Oregon driver's license, permit, or identification card can register to vote online at [My Vote](#). This system was originally created to serve military and overseas voters as required by the MOVE Act and is now available to all voters to both register to vote and update their address or political party affiliation.

### Oregon Motor Voter

In 2016, Oregon became the first state to automatically register eligible citizens who are not currently registered to vote when they apply for an original, renewal, or replacement license, permit, or identification card through the Department of Motor Vehicles (DMV). [House Bill 2177 \(2015\)](#) required the Oregon Department of Transportation, as a designated voter registration agency, to provide the Elections Division of the Secretary of State's Office with the electronic records of each person who may qualify as a voter after a qualifying interaction with the DMV. The law, known as "Oregon Motor Voter," was enacted by the Legislative Assembly to modernize the federal "Motor Voter Act" that required DMVs in most states to offer voter registration services, primarily by asking customers if they would like to register to vote.

Under Oregon Motor Voter, if a person is not already registered to vote, they receive a card and a pre-paid postage return envelope from the SOS Elections Division following their qualifying interaction with DMV. This card provides three options:

---

<sup>6</sup> Chapter 805, Oregon Laws 1981.

<sup>7</sup> Oregon Blue Book, *Voting and Voter Registration*, <https://sos.oregon.gov/blue-book/Pages/state/elections/voting.aspx> (last visited November 16, 2020) and Chapter 493, Oregon Laws 1993.

1. do nothing and be registered to vote as a nonaffiliated voter;
2. choose a political party by returning the card; or
3. use the card to opt-out of voter registration.<sup>8</sup>

## OREGON ELECTIONS PROCESSES AND PROCEDURES

---

For the November 2020 general election, 2,944,588 Oregonians were registered to vote, which represented 93.7 percent of eligible voters in Oregon.<sup>9</sup>

### Registering to Vote

Oregonians must register 21 days before election day and must meet the following eligibility requirements:

- U.S. citizen;
- Oregon resident; and
- at least 16 years old.<sup>10</sup>

Oregonians may register to vote in one of four ways:

- online at [My Vote](#);
- by returning a [voter registration form](#) by mail;
- in person at a county elections office; or
- automatically after a qualifying interaction with the Oregon DMV.

For those who register online or through Oregon Motor Voter, the signature on their driver's license, permit, or identification card serves as the signature for their voter registration card and is the signature used to validate election ballots. Lying on a registration form is a Class C felony, punishable by up to five years in prison and a \$125,000 fine.

Once registered, an individual will receive a ballot and instructions in the mail about two weeks before an election. Registered voters under the age of 18 do not receive a ballot until the first election that occurs on or after the voter's 18<sup>th</sup> birthday.

For primary elections, only registered voters of a major political party can vote for candidates of that party. At the primary election, voters who are not registered in one of the major political parties will receive a ballot containing only nonpartisan contests, such as judicial elections.

Registered voters may update their voter registration at any time for changes in home address, mailing address, name, or signature, or if they will be away from home on election day. Political party changes, which determine the type of ballot a voter receives at the primary election, must be made no later than 21 days before the election.

---

<sup>8</sup> [ORS 247.017](#) (2019).

<sup>9</sup> Secretary of State, *Statistical Summary November 3, 2020 General Election*, <<https://sos.oregon.gov/elections/Documents/statistics/november-2020-statistical-summary-participation.pdf>> (last visited December 29, 2020)

<sup>10</sup> [Or. Const. art. 2 sect. 1](#) and [ORS 247.016](#) (2019).

## Casting a Ballot in Oregon

For state elections, county elections officials mail ballot packets to all active registered voters between 20 and 14 days before an election. For federal elections, counties send ballot packets to military and overseas voters no later than 45 days before the election. The ballot packet includes the ballot, a secrecy envelope, and a pre-addressed, postage-paid, return envelope.

The voter marks the ballot, inserts it in the secrecy envelope, and places the ballot and secrecy envelope into the return envelope. The voter signs the return envelope and then either mails it or takes it to a drop box at a site designated by the county clerk's office.<sup>11</sup> Each county must have at least two drop sites for every countywide election, at least one drop site for every 30,000 active registered voters in the county, and at least one drop site within four miles of the main campus of a public university or community college.<sup>12</sup> Oregon is one of only eight states with statutory provisions for drop boxes.<sup>13</sup>

Oregonians may also vote in person. County elections officials are required to provide at least three suitable compartments, shelves, or tables where voters may mark their ballots, with at least one able to serve voters with accessibility needs.<sup>14</sup> For primary and general elections, counties with more than 35,000 active voters must provide at least one voting booth per 20,000 voters; all other counties must provide at least one voting booth.<sup>15</sup> In addition, every county elections office has a tablet computer and printer for voters with disabilities to read, fill out, and print an alternate format ballot.

Ballots must be received by the county, either through the mail or at a drop site within the county, by 8:00 p.m. on the day of the election. The date on the postmark does not count. If a voter uses a ballot drop site in a county other than the one in which they are registered, elections officials mark the ballots as received "on time" and forward them on to the appropriate county.

Voters may track their ballot using the [My Vote](#) search function. In Marion, Multnomah, and Yamhill counties, voters can also sign up with the [Ballottrax](#) program to receive text, email, or voice alert reminders to vote and return their ballot and to know whether their ballot has been mailed, received, accepted, or is being reviewed by the county clerks' office.

## Counting Ballots and Certifying Results

Once a ballot is received, elections officials first verify the signature on the return envelope by matching it against the voter registration card signature on file. If a ballot is not signed, the elections official notifies the voter that the ballot cannot be accepted until

---

<sup>11</sup> Secretary of State, *Oregon Drop Box Locator*, <<https://sos.oregon.gov/voting/Pages/drop-box-locator.aspx>> (last visited January 19, 2021).

<sup>12</sup> [ORS 254.470](#) (2019) and Secretary of State Elections Division, *Vote by Mail Procedures Manual* (March 2020).

<sup>13</sup> National Conference of State Legislatures, *Voting Outside the Polling Place (VOPP): Table 9: Ballot Drop Box Definitions, Design Features, Location and Number*, <<https://www.ncsl.org/research/elections-and-campaigns/vopp-table-9-ballot-drop-box-definitions-design-features-location-and-number.aspx>> (last visited December 29, 2020).

<sup>14</sup> [ORS 254.472](#) (2019).

<sup>15</sup> [ORS 254.474](#) (2019).

the voter comes in to sign the return envelope or provides a signature on an attestation form. If the signature does not match the voter registration signature, then the official sends a notice and registration form to the voter to resolve the discrepancy. In both cases, the voter has 14 days after the election to resolve the missing or nonmatching signature.<sup>16</sup>

Once the signature is verified, elections officials remove the ballot from the return identification ballot envelope. County elections offices may begin scanning ballots into a vote tally system up to seven days before election day in accordance with a security plan approved by the Secretary of State.

County elections officials must wait to release preliminary results until 8:00 p.m. on election day. After election day, county elections officials resolve outstanding ballot issues, compile results, validate outcomes, and transmit results to the Secretary of State. Counties certify their election results to the Secretary of State no more than 20 days after election day. The Secretary of State must certify election results no later than 30 days following the election.

## **OREGON CENTRALIZED VOTER REGISTRATION SYSTEM**

---

In accordance with HAVA, the Secretary of State's office maintains a statewide voter registration list through the Oregon Centralized Voter Registration (OCVR) system. The OCVR is a single, centralized, interactive, and official database system with the names and addresses of Oregon's registered voters. Prior to OCVR, Oregon's 36 counties were responsible for the collection and storage of voter registration information. Each county stored the data differently and there was no way to aggregate voter information at the state level.

The OCVR system includes management functions such as signature verification and ballot preparation that are necessary for a county to conduct a vote-by-mail election, and for state and local governments to validate signatures on petitions. OCVR also includes information on the political affiliation and voting history of each registered voter.

The election management functions of OCVR are accessible only to certain state and county personnel. The Elections Division and the county clerks grant and manage access to the system to ensure the security of voter data. Any changes to an individual voter record are recorded in an audit trail available to system administrators. All OCVR data are also backed up daily and saved, in case the system is ever compromised by unauthorized users.

OCVR was developed in 2005 and has not been substantially modernized since then. An April 2020 report recommended that OCVR undergo an extensive overhaul to allow for flexible and stable access; make more efficient use of Elections Division staff and resources; and create a more secure and efficient data pipeline within the Division and

---

<sup>16</sup> Oregon Secretary of State Elections Division, [Vote by Mail Procedures Manual](#) (March 2020).

between the Division and counties.<sup>17</sup> The SOS began planning for replacement of OCVR in 2020 using HAVA funding.

## POLICY ISSUES

---

In 2020, the intersection of the COVID-19 pandemic and a presidential election brought attention to several voting-related policy issues, including the expansion of vote-by-mail. Before 2020, only four other states had moved to an entirely vote-by-mail system: Washington, Colorado, Utah, and Hawaii. In 2020, four states – California, Nevada, New Jersey, and Vermont – adopted statewide vote-by-mail for the 2020 general election.<sup>18</sup>

The following sections outline areas of elections law and processes that have received additional government, media, or citizen attention and summarize relevant Oregon law and practice.

### Automatic Voter Registration

Automatic voter registration (AVR) is a process where eligible voters are automatically registered to vote when they interact with certain government agencies, most commonly as an opt-out system following interactions with state DMV offices. As noted previously, Oregon was the first state to implement AVR. As of April 2020, 18 other states and the District of Columbia have also adopted AVR provisions.<sup>19</sup>

AVR through the DMV and other state agencies comes from the National Voting Rights Act of 1993 (NVRA). Section 5 requires that states offer voter registration opportunities at state motor vehicle agencies. Section 7 requires states offer voter registration opportunities at any state office that provides public assistance or operates state-funded programs that serve individuals with disabilities.

Rhode Island, in 2017, was the first state to apply AVR to social service agencies in addition to the DMV. Illinois, Maine, Maryland, Massachusetts, New Jersey, and Washington all have AVR for DMV and other public assistance agencies.<sup>20</sup>

### Ballot Collection

Ballot collection is the practice of allowing third-party individuals to gather and submit completed ballots on another voter's behalf. Ballot collection requirements vary by state. Some states require voters to return their own absentee ballot. Ten states allow a family

---

<sup>17</sup> Paul Gronke and R. Michael Alvarez, *Oregon Election Performance Auditing Pilot Project: Analysis and Recommendations*, available at <https://olis.oregonlegislature.gov/liz/201911/Downloads/CommitteeMeetingDocument/221911> (last visited November 17, 2020).

<sup>18</sup> National Conference of State Legislatures, *Absentee and Mail Voting Policies in Effect for the 2020 Election*, <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-mail-voting-policies-in-effect-for-the-2020-election.aspx> (last visited November 17, 2020).

<sup>19</sup> National Conference of State Legislatures, *Automatic Voter Registration*, <https://www.ncsl.org/research/elections-and-campaigns/automatic-voter-registration.aspx> (last visited November 18, 2020).

<sup>20</sup> *Id.*

member to return a ballot, and 26 states allow voters to designate someone to return their ballot. Thirteen states are silent on the issue.<sup>21</sup>

Oregon statutes allow a person to return a ballot for an elector if the person either mails or deposits the ballot no later than two days after receiving it and if the ballot is received by the county clerk by the ballot deadline.<sup>22</sup> Oregon statutes also prohibit the collection of ballots in or near an elections office designated for the deposit of ballots and prohibit establishing a location to collect ballots without certain signage identifying that the location is not an official drop site.<sup>23</sup>

## Ballot Deadlines

Oregon is one of 32 states that require ballots (either vote-by-mail or absentee) to be returned on election day to be counted.<sup>24</sup> Other states have different requirements for counting ballots, including postmarks by election day and receipt within a certain number of days after election day. For example, in Washington, a ballot will be counted if it is postmarked no later than Election Day. California allows any vote-by-mail ballot to be counted if it is received no later than three days after election day via the U.S. Postal Service or “bona fide private mail delivery company” and it meets certain postmarking or date stamping criteria.<sup>25</sup> Ballot deadlines for vote-by-mail states are included in Table 2.

**Table 2: Ballot Deadlines in Vote-By-Mail States**

State	Ballot Deadline
California	Three days after election day if postmarked on or before election day.
Colorado	Election Day by 7:00 pm.
Hawaii	Election Day before polls close.
Nevada	By 5:00 pm on the seventh day after Election Day if postmarked by Election Day. Ballots with unclear postmarks must be received by 5:00 pm on the third day after Election Day.
New Jersey	Forty-eight hours after polls close if postmarked on or before Election Day.
Utah	Seven to 14 days after the election (by the county canvass date) if postmarked the day before the election
Vermont	Election Day if returning by mail; the day before Election Day if returning in person.
Washington	Postmarked on or before Election Day.

Source: Legislative Policy and Research Office  
Data: National Conference of State Legislatures<sup>26</sup>

<sup>21</sup> Stanford-MIT Healthy Elections Project, *Ballot Collection*, available at [https://healthyelections.org/sites/default/files/2020-10/Ballot\\_Collection\\_1.pdf](https://healthyelections.org/sites/default/files/2020-10/Ballot_Collection_1.pdf) (last visited December 29, 2020).

<sup>22</sup> [ORS 254.470](#) (2019).

<sup>23</sup> [ORS 260.695](#) (2019).

<sup>24</sup> National Conference of State Legislatures, *Voting Outside the Polling Place (VOPP): Table 11: Receipt and Postmark Deadlines for Absentee Ballots*, <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-11-receipt-and-postmark-deadlines-for-absentee-ballots.aspx> (last visited September 9, 2020).

<sup>25</sup> AB 860, 2019-2020 Gen. Assemb. Reg. Sess. ([Cal. 2020](#)).

<sup>26</sup> National Conference of State Legislatures, *VOPP: Table 11: Receipt and Postmark Deadlines for Absentee Ballots*, <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-11-receipt-and-postmark-deadlines-for-absentee-ballots.aspx> (last visited December 18, 2020).



## Elections During an Emergency

[ORS 254.471 \(2019\)](#) allows the Governor to extend the deadline for returning ballots in any state, county, city, or district election by seven days due to a human-created or natural event or circumstance that causes or threatens widespread loss of life, injury to person or property, human suffering, or financial loss.<sup>27</sup> The Governor must make the extension by written proclamation upon a written request from the Secretary of State. The Secretary of State makes the request after consulting with county clerks and determining that “it would be impossible or impracticable for electors to return ballots or for elections officials to tally ballots” due to the emergency.<sup>28</sup>

## Elections Security and Integrity

There are numerous processes built into Oregon’s vote-by-mail system to ensure integrity, including unique barcodes to track ballots, signature verification to prove voters’ identities, and election security plans filed by county elections offices with the Secretary of State. Vote-by-mail also leaves a paper trail that can be audited.

Oregon counties are required by law to audit random election results in every election, conducting either risk-limiting audits before they certify the results or post-election audits after they certify the results. Counties are also required by law to:

- retain counted, duplicated, rejected, and defective ballots containing candidates for federal office for two years after the election;
- retain counted, duplicated, rejected, and defective ballots for all other elections not containing federal candidates for 90 days after the last day to contest the election results; and
- retain all returned signed envelopes for two years after the election, regardless of whether the election contained candidates for federal office.<sup>29</sup>

Prior to their scheduled destruction, ballots and envelopes are available for public inspection at any time during the mandatory retention period. They are stored in secure facilities at county elections offices, and anyone wanting to inspect them is permitted to do so.

Oregon and 38 other states have virtual ballot tracking systems to allow voters to know whether their ballot has been received and counted.<sup>30</sup> [ORS 260.715](#) prohibits a person from voting more than once at any election held on the same date or from voting or attempting to vote in Oregon and in another state in an election on the same date. Violation of this statute is a Class C felony.<sup>31</sup>

<sup>27</sup> [ORS 254.471](#) (2019) and [ORS 401.025](#) (2019).

<sup>28</sup> [ORS 254.471](#) (2019).

<sup>29</sup> OAR 166-150-0035(14).

<sup>30</sup> Route Fifty, *State Attorneys General Urge People Not to Vote Twice*, <<https://www.route-fifty.com/management/2020/09/dont-vote-twice/168293/>> (last visited September 10, 2020).

<sup>31</sup> [ORS 260.715](#) (2019) and [ORS 260.993](#) (2019).

## Ranked-Choice Voting

Ranked-choice voting is where voters rank candidates by preference instead of voting for just one person. This method allows for an instant runoff where there is no majority winner. “On the ballot, voters rank candidates from first to last. The candidate earning more than half the vote wins. If no one passes the threshold, the instant runoff kicks in and the candidate with the least number of votes is eliminated. The second-choice votes from those losing ballots are allocated to the remaining candidates. This process, which only requires the original vote, repeats until a candidate gets majority support.”<sup>32</sup>

In 2016, Maine became the first state to authorize ranked-choice voting for statewide races, using it in 2018 for all state and federal primaries, as well as all general congressional elections. In 2020, ranked-choice voting was used in Maine’s presidential primary and general elections.

In 2020, voters in Alaska approved a measure to replace Alaska’s partisan primary with a “top-four” primary system and implement a ranked-choice voting system for the general election. Voters in Massachusetts, however, rejected a measure to establish ranked-choice voting.

In Oregon, ranked-choice voting was approved by Benton County voters in November 2016 through passage of ballot measure 2-100 and was first available in the November 2020 general election. Ranked-choice voting will be used only when a minimum of three candidates are listed on the general election ballot for the office of Benton County Commissioner.

## Same Day Voter Registration

Section 2, Article II of the Oregon Constitution requires registering to vote 21 days prior to an election. This provision was added by Measure 13 in November 1986. Before 1986, a voter only had to be registered prior to the election and, as of 1985, voters could register up to the day before an election. Arguments in favor touted the prevention of fraud in voter registrations and improvements in elections administration while opponents were concerned about disenfranchising potential voters since over 70,000 Oregonians had registered to vote within 20 days of the 1980 and 1984 elections.<sup>33</sup>

Table 3 lists the in person, by mail, or online voter registration deadlines in the eight other states with statewide vote-by-mail systems. All states--except Vermont--require registration prior to election day for online and mail registrations. Colorado, Nevada, Vermont, and Washington allow in person registration on election day.

---

<sup>32</sup> Governing, *Now That Maine Tried Ranked-Choice Voting, Will Other States?*, <<https://www.governing.com/topics/politics/sl-ranked-choice-voting-states.html>> (last visited November 3, 2020).

<sup>33</sup> Secretary of State, *Voters’ Pamphlet* (1986), available at <<https://digital.osl.state.or.us/islandora/object/osl:76209>> (last visited November 18, 2020).

**Table 3: Voter Registration Deadlines in Vote-By-Mail States**

State	In Person	By Mail	Online
California	15 days before Election Day	15 days before Election Day	15 days before Election Day
Colorado	Election Day	8 days before Election Day (received)	8 days before Election Day
Hawaii	30 days before Election Day	30 days before Election Day (postmarked)	30 days before Election Day
Nevada	Election Day	28 days before Election Day (postmarked)	5 days before Election Day
New Jersey	21 days before Election Day	21 days before Election Day (postmarked)	21 days before Election Day
Utah	7 days before Election Day in clerk's office, or on Election Day if voting by provisional ballot	11 days before Election Day (received)	11 days before Election Day
Vermont	Election Day	Election Day (received)	Election Day
Washington	Election Day	8 days before Election Day (received)	8 days before Election Day

Source: Legislative Policy and Research Office  
Data: Stanford-MIT Healthy Elections Project<sup>34</sup>

## RECENT LEGISLATION

[Senate Bill 1510](#) (2018) modifies elections law related to several issues, including prohibiting the disclosure of certain voter-related information; directing elections officers to reprint ballots if the officer determines at least 61 days before an election that a candidate has died, withdrawn, or is not qualified for office; and formalizing the process for non-affiliated voters to apply to vote in a major political party primary.

[Senate Bill 224](#) (2019) modifies various elections laws, including:

- eliminating the obligation of a county clerk to classify an elector as inactive when an elector neither votes nor updates their registration within a five-year period;
- requiring local recall petitions to conform to state recall petition requirements;
- modifying the process for major and minor political parties to obtain certain lists of electors;
- allowing the Secretary of State to identify by rule the means for submitting written requests for military or overseas ballots; and

<sup>34</sup> Stanford-MIT Healthy Elections Project, *Postmarks & Deadlines for Applications and Mail Ballots - A 50 State Survey*, available online at [https://docs.google.com/spreadsheets/d/1pUaT7h8bG6pNlkpyXQT-cUp\\_Dor97LbI4Adjs7RinA8/edit#gid=0](https://docs.google.com/spreadsheets/d/1pUaT7h8bG6pNlkpyXQT-cUp_Dor97LbI4Adjs7RinA8/edit#gid=0) (last visited November 18, 2020)

- extending certain requirements for determining major and minor political party status from November 6, 2018 to November 3, 2020.

[Senate Bill 670](#) (2019) prohibits state and local elections officials, when the official is a candidate for office, from including their name in their official capacity as the elections official in the voters' pamphlet or on the security envelope, return envelope, or any voting instructions or materials included with the ballot.

[Senate Bill 861](#) (2019) requires the state to provide ballot return envelopes that may be returned by business reply mail, or an alternative cost-effective method, for each election held in this state.

[Senate Bill 870](#) (2019) enacts and enters Oregon into the Interstate Compact for Agreement Among the States to Elect the President by National Popular Vote, which requires each participating state to award all of its electoral votes to the winner of the national popular vote. The Compact becomes effective upon enactment by enough states to comprise the majority of electoral college votes.

[Senate Bill 944](#) (2019) requires that an audit be conducted after every election and authorizes and sets the specifications for a risk-limiting audit, or a set of procedures to ensure that the risk does not exceed the risk limit, as an alternative to a hand-count audit.

[House Bill 3310](#) (2019) creates a state law prohibition, similar to the federal Voting Rights Act of 1965 prohibiting the denial or abridgment of the right to vote on account of certain immutable characteristics, that applies to school districts, education service districts, and community college districts, providing both a cause of action and a mechanism by which district boards may modify their election systems.

## STAFF CONTACT

---

Melissa Leoni, Analyst  
Legislative Policy and Research Office  
503-986-1286  
[Melissa.Leoni@oregonlegislature.gov](mailto:Melissa.Leoni@oregonlegislature.gov)

*Please note that the Legislative Policy and Research Office provides centralized, nonpartisan research and issue analysis for Oregon's legislative branch. The Legislative Policy and Research Office does not provide legal advice. Background Briefs contain general information that is current as of the date of publication. Subsequent action by the legislative, executive, or judicial branches may affect accuracy.*