U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

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 2016 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

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

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

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 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 the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

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

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

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

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 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

Clarifying revision:

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

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

f) Absentee

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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

2016 Response:

ORS 253.005 - 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 253.510 - A military of overseas 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.

ORS 253.530 - Under certain conditions, definition of Long Term Absent Elector may include the spouse or dependent of a long term absent elector.

Also see: OAR 165-007-0030

g) Early voting

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not defined in Oregon law.

2016 Response:

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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).

2016 Response:

j) Other terms (please specify) _____

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

None.

2016 Response:

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 2014** ☒ **Changed since 2014**

2014 Response:	2016 Response:
	ORS 247.017 - Transfer of voter registration materials to Secretary of State from Department of Transportation; opt-out of voter registration; rules. ("Oregon Motor Voter") Establishes process for automatic voter registration based triggered by qualifying interactions at the Oregon DMV. People who have qualifying interactions are automatically registered as unaffiliated voters unless they opt-out within 21 days.

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 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
A top-down system.	

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 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
Not applicable.	

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 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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.).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

Centrally.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Yes. Votes are centrally tabulated in each of 36 counties. Not later than the 3rd business day after the election a county clerk must forward any ballots voted by electors registered in another county.

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Oregon votes entirely by mail. ORS 254.470.

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Yes. The entire state is vote by mail.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

There are no state requirements for poll worker training.

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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

a. registering to vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

b. casting an in-person ballot;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

c. casting a mail-in or absentee vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

None.

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
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.	

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

It has not been updated.

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

None.

2016 Response:

* 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). 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 04/30/2017). 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 – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below