

Election Statute Navigator: Oregon

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of March 1, 2021. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link:

<https://ebenchmark.org/oregon/covid/#tracker>.

Voter Registration

- Voters (other than above) register prior to Election Day – [§ 247.024](#)
- Online registration available – [§ 247.012\(1\)\(c\)-\(d\)](#); [§ 247.012\(2\)](#); [§ 247.019](#)
 - [See official Oregon online registration website](#)
- Registration via mail available – [§ 247.012\(1\)\(a\)](#)
- In-Person registration available – [§ 247.012\(1\)\(a\)-\(b\)](#)
- Automatic Voter Registration – [§ 247.017](#)
- Preregistration allowed – [§ 247.016](#)
 - Subject to this section, an otherwise qualified person who is at least 16 years of age may register to vote.
- Residency requirement
 - [§ 247.013](#) – Place of registration; updates
 - [§ 247.035](#) – Determination of residence
- Prior conviction eligibility
 - See [ORS 137.281](#)
- Voters judged mentally handicapped
 - See Oregon Constitution Article 2, Section 3
- Voter list maintenance guidelines
 - [§ 247.181](#) – Voter notification card
 - [§ 247.195](#) – Validity of registration
 - [§ 247.290](#) – Requirement of update
 - [§ 247.303](#) – Deadline for updates
 - [§ 247.307](#) – Issuance of ballot to elector updating after deadline
 - [§ 247.555](#) – Cancellation of registration
 - [§ 247.563](#) – Notice of invalid registration
 - [§ 247.580](#) – Retention of notices and elector listings
 - [§ 247.940](#) – List of electors
 - [§ 244.370](#) – Record of nonaffiliated electors
- Other:
 - [§ 246.025](#) – Use of signature stamp by person with disability
 - [§ 247.012\(4\)\(a\)](#) – Except as provided in ORS § 247.1– § 24, if a registration card is legible, accurate and contains, at a minimum, the registrant's name, residence address, date of birth and signature, the county clerk shall register the person.

- [§ 247.038](#) – Homeless persons
- [§ 247.174](#) – Qualification for registration; update

State Absentee, Early, and Mail Voting

- Per [§ 254.465](#), all elections in this state shall be conducted by mail
- No-excuse mail voting – [§ 254.465](#)
- Mail ballot verification details
 - [§ 254.431](#) – Ballot challenges for return in unsigned return identification envelope or signature match deficiency; notice to be mailed to elector; evidence to be provided by elector; disclosure as public record
 - [§ 254.470](#) – Procedures for conducting election by mail
- State allows voters to correct signature discrepancies – [§ 254.431](#)
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter
 - [§ 254.470\(6\)\(d\)](#) – Subject to paragraph (e) of this subsection, if a person returns a ballot for an elector, the person shall deposit the ballot in a manner described in paragraph (b) of this subsection not later than two days after receiving the ballot
- Deadline by which election official must receive mailed ballots
 - [§ 253.070](#) – Time for receipt of ballot by county clerk
 - [§ 254.471](#) – Extension of deadline for returning ballots
- State is required to provide secrecy sleeve for absentee/mail ballot
 - [§ 253.065](#) – Ballot; delivery; replacement
 - [§ 254.458](#) – Alternatives to secrecy envelope procedures for voting
- Mail ballot processing and counting procedures
 - [§ 254.476](#) – Personnel for counting ballots at election conducted by mail
 - [§ 254.478](#) – Preparation for counting ballots delivered by mail
 - [§ 254.482](#) – Persons authorized to watch receiving and counting of votes in elections conducted by mail
- Spoiling/Replacement/Correction ballot restrictions
 - [§ 253.065](#) – Ballot, delivery, replacement
 - [§ 254.470\(7\)](#) – An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the elector
 - [§ 254.480](#) – Replacement ballots in elections conducted by mail
- Other:
 - [§ 254.473](#) – State payment for return of ballots by mail

In-Person Voter ID

- No document required to vote – [§ 254.408](#)

Provisional Voting

- Provisional ballot availability – [§ 254.408](#)
- Time allotted to determine the status of provisional ballot – [§ 254.426](#)

- Fourteen days
- Provisional ballot is counted when – [§ 254.408](#)
 - The elector is validly registered to vote, and the vote was properly cast
 - The county clerk determines the registration of the elector is considered active or inactive
 - The elector is qualified to vote for the particular office or on the measure
- Method for informing voters whether provisional vote was counted
 - [See official Oregon tracking website](#)

Polling Place

- Polling Place availability and requirements
 - [§ 246.410](#) – Creation and modification of precincts; electors
 - [§ 254.474](#) – Voting booths for primary and general elections
- Electioneering or campaigning must not be closer than 100 feet to the entrance of the polling place – [§260.695\(2\)](#)
- Rules governing poll observers
 - [§ 254.074](#) – County clerk shall file a security plan with the Secretary of State that includes procedures governing election observers
- Poll watcher qualifications
 - [§ 250.105\(9\)](#) – The Secretary of State and the county clerk, if requested, shall permit authorized persons to be at the office of the secretary or county clerk to watch the verification of signatures on a state initiative petition or prospective petition for a state measure to be initiated under this section. The authorization shall be in writing and shall be filed with the secretary or county clerk. The secretary or county clerk shall permit only as many persons as watchers under this subsection as will not interfere with an orderly procedure at the office of the secretary or county clerk
 - [§ 250.48-2](#) – Persons authorized to watch receiving and counting of votes in elections conducted by mail
- Other:
 - [§ 254.408](#) – Voting by person without evidence of registration
 - [§ 254.445](#) – Assistance in marking ballot
 - [§ 251.075\(3\)](#) – A portrait submitted for inclusion in the voters’ pamphlet may not
 - (a) Include the hands or anything held in the hands of the candidate;
 - (b) Show the candidate wearing a judicial robe, a hat or a military, police or fraternal uniform; and
 - (c) Show the uniform or insignia of any organization.

State Emergency Rules and How Elections are Affected

- Declaring elections emergency; request for declaration; provision of services – § 246.710
- Listed triggers for Emergency Rules
 - [§ 249.005\(2\)](#) – As used in this section, “act of God” means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable and

irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight

- Explicit remedies in election statute
 - [§ 249.005](#) – Acceptance of petition or minutes
 - [§ 250.043](#) – Initiative or referendum petition without original signatures; acceptance
 - [§ 254.471](#) – Extension of deadline for returning ballots
 - [§ 255.345](#) – Special election can be held on a different date

Counting Rules

- Voting system requirements
 - [§ 246.550](#) – Examination and approval of equipment
 - [§ 246.560](#) – Conditions for approval
 - [§ 254.235](#) – Testing voting machines and vote tally systems
- Counting procedures
 - [§ 254.476](#) – Personnel for counting ballots at election conducted by mail
 - [§ 254.478](#) – Preparation for counting ballots delivered by mail
 - [§ 254.482](#) – Persons authorized to watch receiving and counting of votes in elections conducted by mail
 - [§ 254.485](#) – Tally of ballots
 - [§ 254.495](#) – Tally and return sheets
 - [§ 254.500](#) – Tally of write-in votes
 - [§ 254.505](#) – Ballots to be counted
 - [§ 254.515](#) – Counting certain ballots
 - [§ 254.529](#) – Primary, general, and special elections; hand count of ballots; comparison with vote tally system
- Other:
 - [§ 254.532](#) – Incorrect election outcome; county clerk to determine whether to conduct a hand count of ballots or a risk-limiting audit
 - [§ 254.546](#) – Duties of county clerk after recall election
 - [§ 254.575](#) – Procedure when tie vote
 - [§ 254.650](#) – Special election in case of death of nominee

Contest/Protest, Recount Rules

- Contest filing guidelines
 - [§ 258.016](#) – Persons authorized to contest elections; grounds
 - [§ 258.036](#) – Petition of contest
 - [§ 258.055](#) – Petition of contest; publication of notice of filing; service and filing of copies; hearing
- Challenging a voter
 - [§ 253.700](#) – Ballot; duty to challenge
 - [§ 254.415](#) – Challenging ballot of person offering to vote
 - [§ 254.426](#) – Challenged ballot

- [§ 254.431](#) – Ballot challenges for return in unsigned return identification envelope or signature match deficiency; notice to be mailed to elector; evidence to be provided by elector; disclosure as public record
- Automatic recount
 - [§ 258.280](#) – Automatic full recounts; certain elections of candidates
 - [§ 248.290](#) – Automatic full recounts; certain elections on measure
- Contest/Protest recount
 - [§ 258.161](#) – Demand for recount
- Other:
 - [§ 258.150](#) – Authority of Secretary of State over recounts
 - [§ 258.211](#) – Conduct of recount
 - [§ 258.290](#); [§ 258.280](#); [§ 258.270](#); [§ 258.260](#); [§ 258.250](#); [§ 258.231](#); [§ 258.161](#) – Costs associated with recounts