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2015 EDITION

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GENERAL PROVISIONS

246.012 Definitions. As used in this chapter:

(1) "Ballot" means any material on which votes may be cast for candidates or measures.

(2) "County clerk" means the county clerk or the county official in charge of elections.

(3) "County governing body" means the county court sitting for the transaction of county business or the board of county commissioners.

(4) "Election" means any election held within this state.

(5) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

(6) "Governing body" means the governing body of any subdivision of the state.

(7) "Local elections official" means any person who is:

(a) An official of any election precinct or special district or public corporation organized for public purposes; and

(b) Authorized or required by law to perform functions in connection with elections held in the election precinct or special district or public corporation organized for public purposes.

(8) "Measure" includes any of the following submitted to the people for their approval or rejection at an election:

(a) A proposed law.

(b) An Act or part of an Act of the Legislative Assembly.

(c) A revision of or amendment to the Oregon Constitution.

(d) Local, special or municipal legislation.

(e) A proposition or question.

(9) "Precinct" means any election precinct.

(10) "Vote tally system" means one or more pieces of equipment necessary to examine and tally automatically the marked ballots.

(11) "Voting machine" means any device that will record every vote cast on candidates and measures and that will either internally or externally total all votes cast on that device. [1979 c.190 §1; 1983 c.392 §2; 2005 c.731 §1; 2005 c.797 §64]

246.015 [1999 c.410 §2; repealed by 2007 c.154 §67]

246.020 [Repealed by 1957 c.608 §231]

246.021 Time within which election documents must be received by elections officer; electronic facsimile transmissions; electronic campaign finance statements. (1) Except as provided in ORS 247.012 and subsection (2) of this section, an election document and an accompanying payment of fees required to be filed with the Secretary of State, county clerk or other filing officer must be delivered to and actually received at the office of the designated officer not later than 5 p.m. of the day the document or fee is due or, if the day due is a Saturday, Sunday or holiday, on the next business day.

(2) If, at 5 p.m. of the day an election document is due, an individual is physically present in the office of the secretary, county clerk or other filing officer and in line waiting to deliver the document, the individual is considered to have begun the act of delivering the document and is permitted to file it.

(3) Except as provided in ORS 253.690, any election document required to be filed with the filing officer other than ballots, voter registration cards or petitions requiring signatures of electors may also be filed by means of an electronic facsimile transmission machine. If an election document is required to be filed by a specified time, the entire document must be received in the office of the filing officer not later than 5 p.m. of the day the document is due or, if the day due is a Saturday, Sunday or holiday, on the next business day.

(4) Notwithstanding any provision of subsections (1) to (3) of this section, if a statement is required to be filed electronically under ORS 260.057:

(a) The statement must be received electronically at the office of the Secretary of State not later than 11:59 p.m. of the day the statement is due or, if the day due is a Saturday, Sunday or holiday, on the next business day; and

(b) The Secretary of State may not accept the filing of the statement in any form other than an electronic format.

(5) As used in this section, "election document" includes, but is not limited to, a declaration of candidacy for nomination for public or political party office, completed nominating petitions, statements and portraits for voters' pamphlets, statements of election campaign contributions and expenditures, and initiative, referendum or recall petitions. [Formerly 246.510; 1967 c.228 §1; 1979 c.190 §2; 1991 c.719 §4; 1993 c.713 §27; 1999 c.824 §9; 2005 c.809 §46; 2007 c.570 §5; 2008 c.41 §2; 2009 c.619 §3]

246.025 Use of signature stamp by person with disability. (1) A person with a disability who is unable because of the disability to sign any election document, including a voter registration card or ballot return envelope, may use a signature stamp or other indicator of the person's signature, as specified by the Secretary of State by rule, whenever the signature of the person is required under any election law.

(2) A person who desires to use a signature stamp or other indicator of the person's signature as described in subsection (1) of this section shall attest that the person needs to use the stamp or indicator due to a disability. The attestation shall be made at the time the person registers to vote or updates a registration and shall be made on a form designed and supplied by the Secretary of State. [1997 c.189 §2; 2007 c.154 §2]

246.030 [Repealed by 1957 c.608 §231]

246.035 [1965 c.527 §4; repealed by 1971 c.267 §16]

246.040 [Repealed by 1957 c.608 §231]

246.045 [1967 c.338 §§2,3; 1975 c.675 §2; 1979 c.190 §391; renumbered 260.705]

246.046 Secretary of State and county clerks to seek out evidence of violations. The Secretary of State and each county clerk shall diligently seek out any evidence of violation of any election law. [Formerly 260.325]

246.050 [Repealed by 1957 c.608 §231]

246.055 [1973 c.154 §1; repealed by 1979 c.190 §431]

246.060 [Repealed by 1957 c.608 §231]

246.070 [Repealed by 1957 c.608 §231]

246.080 [Repealed by 1957 c.608 §231]

246.090 [Repealed by 1957 c.608 §231]

246.100 [Repealed by 1957 c.608 §231]

SECRETARY OF STATE

246.110 Secretary of State as chief elections officer. The Secretary of State is the chief elections officer of this state, and it is the secretary's responsibility to obtain and maintain uniformity in the application, operation and interpretation of the election laws. [1957 c.608 §2; 1979 c.190 §5; 1995 c.607 §1]

246.120 Directives, instructions and assistance to county clerks. In carrying out the responsibility under ORS 246.110, the Secretary of State shall prepare and distribute to each county clerk detailed and comprehensive written directives, and shall assist, advise and instruct each county clerk, on registration of electors and election procedures which are under the direction and control of the county clerk. The directives and instructions shall include relevant sample forms of ballots, documents, records and other materials and supplies required by the election laws. A county clerk affected thereby shall comply with the directives or instructions. [1957 c.608 §3; 1965 c.464 §1; 1979 c.190 §6]

246.130 [1957 c.608 §4; repealed by 1979 c.190 §431]

246.140 Election law conferences for county clerks. (1) In carrying out the responsibility under ORS 246.110, the Secretary of State biennially shall organize and conduct at convenient places and times in this state at least three conferences on the administration of the election laws.

(2) The Secretary of State shall conduct the conferences described in subsection (1) of this section not later than December 31 of an odd-numbered year following adjournment sine die of that year's Legislative Assembly.

(3) The Secretary of State shall give written notice of the place and time of each conference to each county clerk.

(4) Each county clerk or designated deputy shall attend at least one of the conferences and shall comply with the instructions given under the authority of the Secretary of State at each conference the county clerk or deputy attends. [1957 c.608 §5; 1959 c.263 §1; 1979 c.190 §7; 1983 c.567 §3; 1991 c.719 §19; 2001 c.965 §49; 2011 c.545 §70]

246.150 Rules. The Secretary of State may adopt rules the secretary considers necessary to facilitate and assist in achieving and maintaining a maximum degree of correctness, impartiality and efficiency in administration of the election laws. [1957 c.608 §8; 1979 c.190 §8; 1985 c.448 §1]

246.160 Compilations and digests of election laws; distribution of supplies and materials to county clerks and others. The Secretary of State shall:

(1) Prepare and print, in appropriate and convenient form, periodic compilations and digests of the state election statutes.

(2) Distribute in appropriate quantities to the county clerks for use by the county clerks copies of the compilations and digests and any supplies and materials necessary to the conduct of elections as the Secretary of State considers appropriate.

(3) Make the compilations and digests available for distribution, free or at cost, to interested persons. [1957 c.608 §125; 1963 c.455 §1; part renumbered 246.170; 1979 c.190 §9; 1991 c.719 §46; 2007 c.154 §3]

246.170 Deposit of moneys received under ORS 246.160 in Secretary of State Miscellaneous Receipts Account. All moneys received by the Secretary of State under ORS 246.160 shall be deposited into the Secretary of State Miscellaneous Receipts Account established under ORS 279A.290. All moneys received by the Secretary of State under ORS 246.160 and deposited in the account are appropriated continuously to the

Secretary of State for the payment of expenses incurred in performing the functions described in ORS 246.160. [Formerly part of 246.160; 1973 c.162 §3; 1979 c.190 §10; 1995 c.144 §7; 2003 c.794 §220]

246.179 Reimbursement of county clerk for special elections for United States Senator or Representative and for recall elections involving state office. (1) Notwithstanding ORS 246.250, the Secretary of State shall reimburse each county clerk for necessary expenses of an election described in subsection (2) of this section based on a claim filed by the county clerk and approved by the Secretary of State. The claim shall be made on a form designed by the Secretary of State. The Secretary of State shall make the reimbursement from funds made available to the Secretary of State by the Emergency Board.

(2) The Secretary of State shall reimburse each county clerk for necessary expenses of:

(a) A special primary election or a special election to fill a vacancy in the election or office of United States Senator or Representative in Congress held on a date other than the date of the primary election or the general election; or

(b) A recall election involving the holder of a state office. As used in this subsection, "state office" has the meaning given that term in ORS 249.002. [1983 c.567 §2; 1987 c.267 §2; 1993 c.194 §§1,2; 1995 c.712 §2]

246.180 [1973 c.283 §9; 1979 c.190 §98; renumbered 249.009]

246.185 Elections Fund. (1) The Elections Fund is established separate and distinct from the General Fund of the State Treasury. Moneys in the Elections Fund may be invested as provided in ORS 293.701 to 293.857. Interest earned by the Elections Fund and the earnings of any investments shall be credited to the fund.

(2) The Elections Fund consists of:

(a) Amounts appropriated or otherwise made available by the Legislative Assembly or this state for carrying out the activities for which payments are made to this state under the federal Help America Vote Act of 2002 (P.L. 107-252);

(b) Payments made to this state under the federal Help America Vote Act of 2002 (P.L. 107-252);

(c) Other amounts as may be appropriated by law; and

(d) Interest earned on deposits in the fund.

(3) Moneys deposited to the credit of the Elections Fund are continuously appropriated to the Secretary of State for the purpose of paying the expenses of carrying out the activities for which payments are made to this state under the federal Help America Vote Act of 2002 (P.L. 107-252). [2003 c.64 §2; 2005 c.797 §70]

246.190 Help America Vote Act complaint procedures; rules. (1) The Secretary of State by rule shall establish administrative complaint procedures that meet the requirements of the federal Help America Vote Act of 2002 (P.L. 107-252).

(2) Complaints alleging violations of Title III of the federal Help America Vote Act of 2002 (P.L. 107-252) must be filed as provided in rules adopted under this section. Complaints alleging violations of Title III of the federal Help America Vote Act of 2002 (P.L. 107-252) may not be filed under ORS 260.345. [2003 c.64 §7]

COUNTY CLERK

246.200 County clerk to conduct elections; exceptions. (1) Except as otherwise provided by law, the county clerk is the only elections officer who may conduct an election in this state. For purposes of this section, the conduct of an election includes, but is not limited to, establishing precincts, preparing ballots and sample ballots, and receiving and processing votes.

(2) Notwithstanding subsection (1) of this section:

(a) The county clerk is not the only elections officer who may accept and verify a filing for nomination or filing of a petition, prepare a voters' pamphlet or ballot title, or prepare or publish an election notice; and

(b) The Secretary of State may receive ballots as provided in ORS 253.585. [1979 c.317 §1; 1983 c.350 §63a; 1987 c.535 §1; 2003 c.64 §3; 2007 c.154 §4]

246.210 County clerk to supervise local elections officials. (1) Subject to the directives and instructions prepared and distributed or given by the Secretary of State under ORS 246.120 or 246.140, a county clerk may exercise general supervision of administration of election laws by each local elections official in the county for the purpose of achieving and maintaining a maximum degree of correctness, impartiality, efficiency and uniformity in the administration by local elections officials. In this regard the county clerk may assist local elections officials in answering questions concerning the proper administration of election laws.

(2) If under this section two or more county clerks exercise general supervision of the same local elections official, the county clerks shall cooperate and coordinate to insure uniformity of general supervision. [1957 c.608 §9; 1979 c.190 §11; 1985 c.448 §2]

246.220 [1957 c.608 §10; 1979 c.190 §12; repealed by 1985 c.448 §5]

246.230 [1957 c.608 §11; 1965 c.527 §1; 1971 c.660 §1; 1975 c.675 §3; 1979 c.190 §13; repealed by 1985 c.448 §5]

246.235 [1965 c.527 §3; repealed by 1979 c.190 §431]

246.240 [1957 c.608 §12; repealed by 1965 c.527 §5]

246.245 Notification to county clerk when city boundary changed. If the boundary of a city is changed, the city governing body immediately shall send a certified copy of the order, resolution or other action changing the boundary to the county clerk of each county in which the city is located. [1979 c.190 §14]

246.250 Personnel; equipment, materials and facilities; payment of expenses; administering oaths. (1) The county clerk may employ personnel and procure equipment, supplies, materials, books, papers, records and facilities of every kind as the clerk considers necessary to facilitate and assist in administering the election laws.

(2) The necessary expenses incurred by the county clerk in administering the election laws shall be allowed by the county governing body and paid out of the county treasury.

(3) The county clerk and deputies may administer oaths and affirmations in connection with the performance of their functions in administering the election laws. [1957 c.608 §14; 1979 c.190 §15; 2007 c.154 §5]

246.260 [1957 c.608 §15; repealed by 1979 c.190 §431]

246.265 [1977 c.829 §12; repealed by 1979 c.190 §431]

246.270 Office hours of county clerk on election days. On the day of any primary election, general election or special election held throughout the county, the county clerk's office shall remain open for business pertaining to the election from 7 a.m. to 8 p.m. of the same day. [1957 c.608 §18; 1979 c.190 §16; 1987 c.267 §3; 1995 c.712 §3; 1999 c.410 §3; 1999 c.999 §29]

246.300 [1957 c.608 §17; repealed by 1975 c.675 §36]

246.310 [1957 c.608 §22; 1959 c.317 §1; 1963 c.37 §1; 1963 c.159 §1; 1975 c.675 §4a; 1979 c.190 §17; 1983 c.514 §2; 1985 c.471 §1; 1991 c.69 §1; 1995 c.712 §4; 2005 c.797 §53; repealed by 2007 c.154 §67]

246.320 [1957 c.608 §23; 1979 c.190 §18; 1993 c.797 §20; repealed by 2007 c.154 §67]

246.330 [1957 c.608 §24; 1973 c.588 §1; 1975 c.675 §5; 1975 c.678 §3; 1979 c.190 §19; 1979 c.519 §1a; 1995 c.607 §2; repealed by 2007 c.154 §67]

246.335 [1979 c.749 §2 (enacted in lieu of 246.340); 1991 c.719 §20; repealed by 2007 c.154 §67]

246.340 [1957 c.608 §25; 1959 c.89 §1; 1979 c.190 §20; repealed by 1979 c.749 §1 (246.335 enacted in lieu of 246.340)]

246.350 [1975 c.678 §1; repealed by 1979 c.190 §431]

PRECINCTS

246.410 Directives for fixing precinct and other electoral district boundaries; maximum number of electors in precinct. (1)(a) After each federal decennial census, the Secretary of State shall prepare detailed and comprehensive directives providing guidelines for fixing precinct and other electoral district boundaries based on census population figures.

(b) After the federal decennial census and before the Legislative Assembly or Secretary of State, whichever is applicable, apportions the state into congressional and legislative districts, the secretary shall deliver the directives to:

(A) Each county clerk; and

(B) Any local government, as defined in ORS 174.116, or special government body, as defined in ORS 174.117, that fixes electoral district boundaries based on census population figures.

(2)(a) In accordance with any directive distributed by the Secretary of State under this section, the county clerk, not later than the 30th day before an election, may create, combine or divide one or more precincts. The number of electors to be included in a precinct shall not exceed 10,000. The county clerk shall fix the boundaries of the precincts and designate the precincts by numbers or names.

(b) A local government or special government body that fixes electoral district boundaries based on census population figures shall fix the electoral district boundaries in accordance with any directive distributed by the Secretary of State under this section. [1957 c.608 §20; 1959 c.317 §2; 1965 c.109 §1; 1973 c.662 §1; 1977 c.301 §5; 1979 c.190 §21; 1979 c.427 §2; 1985 c.528 §1; 1987 c.267 §5; 1995 c.607 §3; 1995 c.712 §5; 1999 c.410 §4; 1999 c.999 §30; 2009 c.720 §3; 2010 c.9 §§12,13; 2015 c.8 §7]

246.420 [1957 c.608 §21; 1961 c.49 §1; 1961 c.174 §1; 1975 c.675 §6; 1977 c.179 §1; 1979 c.190 §22; 1989 c.224 §36; 1993 c.503 §11; 1999 c.410 §5; repealed by 2007 c.154 §67]

246.510 [1955 c.246 §1; renumbered 246.021]

VOTE RECORDING SYSTEMS

246.520 Applicable laws; conflicting laws and ordinances inapplicable. All the provisions of the election laws and of any county or city charter or ordinance not inconsistent with ORS 246.520 to 246.600 apply to elections where voting machines or vote tally systems are used. Any provision of law or of any county or city charter or ordinance which conflicts with the use of voting machines or vote tally systems as provided in ORS 246.520 to 246.600 does not apply to elections in which voting machines or vote tally systems are used. [Formerly 258.025]

246.530 Adoption, purchase or procurement of equipment; use thereafter. A governing body may adopt, purchase or otherwise procure, and provide for the use of, any voting machine or vote tally system approved by the Secretary of State in all or a portion of the precincts. Thereafter the voting machine or vote tally system may be used for voting at all elections for public and party offices and on all measures, and for receiving, registering and counting the votes in the precincts as the governing body directs. [Formerly 258.045]

246.540 Joint purchase, maintenance and use. (1) In purchasing voting machines or vote tally systems, a governing body of any county and the governing bodies of any incorporated cities, districts or other municipalities in the county, may provide for the joint purchase and subsequent ownership of voting machines or vote tally systems and for the care, maintenance and use of the machines or systems.

(2) The governing body of two or more counties may provide for the joint use of voting machines or vote tally systems. [Formerly 258.105]

246.550 Examination and approval of equipment by Secretary of State. (1) The Secretary of State shall publicly examine all makes of voting machines or vote tally systems submitted to the secretary and determine whether the machines or systems comply with the requirements of ORS 246.560, and can safely be used by electors.

(2) Any person owning or interested in a voting machine or vote tally system may submit it to the secretary for examination. For the purpose of assistance in examining the machine or system the secretary may employ not more than three individuals who are expert in one or more of the fields of data processing, mechanical engineering and public administration. The compensation of these assistants shall be paid by the person submitting the machine or system.

(3) Not later than the 30th day after completing the examination, the secretary shall approve or reject the voting machine or vote tally system. If the secretary approves the machine or system, the secretary shall make a report on the machine or system, together with a written or printed description, drawings and photographs clearly identifying the machine or system and its operation. Upon request, the secretary shall send a copy of the report to any governing body within the state.

(4) Any voting machine or vote tally system approved by the secretary may be used for conducting elections. A machine or system rejected by the secretary may not be used at any election. If a machine or system is changed after the machine or system has been approved by the secretary, the secretary is not required to reexamine or reapprove the machine or system if the secretary determines that the change does not impair the accuracy, efficiency or capacity of the machine or system.

(5) If, after consulting with county clerks, the secretary determines that a voting machine or vote tally system approved by the secretary does not comply with the requirements of ORS 246.560, the secretary may revoke the approval. If the secretary revokes approval, the machine or system may not be used in any election. [Formerly 258.155; 2005 c.731 §2; 2005 c.797 §65]

246.560 Requirements for approval of equipment. (1) A voting machine may not be approved by the Secretary of State unless the voting machine is constructed so that it:

(a) Secures to the elector secrecy of voting.

(b) Provides facilities for voting for the candidates of as many political parties or organizations as may make nominations and for or against as many measures as may be submitted.

(c) Permits the elector to vote for any person and as many persons for an office and upon any measure for which the elector has the right to vote.

(d) Permits the elector, except at a primary election, to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties.

(e) Correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure.

(f) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting machine or vote tally system except for President and Vice President and electors for those offices.

(g) Provides that straight party pointers shall be disconnected from all candidate pointers.

(h) Contains a device that will duplicate the votes cast by each elector onto a paper record copy.

(i) Contains a device that will allow each elector to view the elector's paper record copy while preventing the elector from directly handling the paper record copy.

(2) A vote tally system shall be:

(a) Capable of correctly counting votes on ballots on which the proper number of votes have been marked for any office or measure that has been voted.

(b) Capable of ignoring the votes marked for any office or measure if more than the allowable number of votes have been marked, but shall correctly count the properly voted portions of the ballot.

(c) Capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each measure of the ballots tallied for a precinct.

(d) Capable of tallying votes from ballots of different political parties, from the same precinct, in a primary election.

(e) Capable of accommodating the procedure established under ORS 254.155.

(f) Capable of automatically producing precinct totals in either printed, marked, or punched form, or combinations thereof. [Formerly 258.165; 1987 c.267 §6; 1993 c.713 §47; 1995 c.712 §6; 1999 c.999 §31; 2005 c.731 §3; 2005 c.797 §66]

246.565 Audit of computerized voting system by Secretary of State; copy of instructions for operation and maintenance; maintenance log. (1) Any voting machine or vote tally system involving the use of computers, a computer network, computer program, computer software or computer system shall be subject to audit by the Secretary of State at any time for the purpose of checking the accuracy of the voting machine or vote tally system.

(2) The county clerk shall obtain a copy of the written instructions for the operation and maintenance of any component of a vote tally system described in subsection (1) of this section. The clerk shall obtain the copy from the manufacturer or vendor of any component and shall retain the copy.

(3) The county clerk shall keep a log of all maintenance performed on any component of a vote tally system after the component is purchased and installed. The county clerk shall distinguish maintenance performed during the period that occurs after the preparatory test conducted under ORS 254.235 (1) and before the public certification test conducted under ORS 254.525.

(4) As used in this section:

(a) "Computer" means, but is not limited to, an electronic device that performs logical, arithmetic or memory functions by the manipulations of electronic or magnetic impulses and includes all input, output, processing, storage, software or communication facilities that are connected or related to such a device in a system or network.

(b) "Computer network" means, but is not limited to, the interconnection of communication lines, including microwave or other means of electronic communication, with a computer through remote terminals or a complex consisting of two or more interconnected computers.

(c) "Computer program" means, but is not limited to, a series of instructions or statements, in a form acceptable to a computer, that permits the functioning of a computer system in a manner designed to provide appropriate products from the computer system.

(d) "Computer software" means, but is not limited to, computer programs, procedures and associated documentation concerned with the operation of a computer system.

(e) "Computer system" means, but is not limited to, a set of related, connected or unconnected computer equipment, devices and software. [1989 c.959 §2; 2001 c.965 §25; 2007 c.71 §77]

246.570 Sale of vote recording systems to counties; security interest. (1) The Secretary of State may enter into an agreement, for a term of not more than five years, with any county within the state for the sale to the county of approved voting machines or vote tally systems or computers or computer systems described in ORS 246.590. The agreement shall include a provision creating a security interest for the Secretary of State in the voting machines or vote tally systems or computers or computer systems. The security interest shall not be released until the sale is completed and the terms of the sale agreement are satisfied.

(2) The Secretary of State on having entered into an agreement with a county may purchase the necessary voting machines or vote tally systems or computers or computer systems using money made available under the provisions of ORS 246.590. [Formerly 258.405; 1995 c.144 §15]

246.580 Content of vote recording system sale agreement. The sale agreement shall provide for:

(1) Annual payments of not less than 20 percent of the cost of the voting machines or vote tally systems or computers or computer systems, plus interest, payable on or before December 15.

(2) Payment by the county of maintenance, supplies, storage and transportation costs of the voting machines or vote tally systems or computers or computer systems. [Formerly 258.415; 1985 c.808 §1; 1995 c.144 §16]

246.590 Loans from State Treasurer for purchase of voting equipment or computers; Voting Machine Account. (1) The State Treasurer, in the capacity of investment officer for the Oregon Investment Council, may lend moneys in the investment funds as provided in ORS 293.701 to 293.857 for the acquisition of:

(a) The voting machines or vote tally systems that the Secretary of State has contracted to sell to a county.

(b) Computers or computer systems for the purpose of maintaining and updating elector registration files or for establishing cross-county elector registration files, including those that the Secretary of State has contracted to sell to a county.

(2) The Voting Machine Account is established in the General Fund. The account consists of moneys lent to the Secretary of State under this section and payments collected from counties under ORS 246.600. Moneys in the account are continuously appropriated to the secretary for:

(a) The purchase of voting machines or vote tally systems or computers or computer systems described in subsection (1) of this section; and

(b) Repayment of moneys lent under this section, plus interest.

(3) Moneys lent under this section shall be repaid within five years together with interest at a rate agreed upon by the State Treasurer and the Secretary of State. [Formerly 258.425; 1993 c.713 §62; 1995 c.144 §17; 2005 c.755 §6]

246.600 Deposits in Voting Machine Account; repayment to State Treasurer. All payments collected from the counties from the sale of voting machines, computers or vote tally or computer systems shall be deposited in the Voting Machine Account. An amount of money equal to the amount of payments collected from the counties from the sale of voting machines, computers or vote tally or computer systems during the calendar year, plus interest at a rate agreed upon by the State Treasurer and the Secretary of State, shall be paid to the State Treasurer as the repayment of money advanced for the acquisition of voting machines, computers or vote tally or computer systems. Payment shall be made to the State Treasurer not later than December 31 of each year. [Formerly 258.435; 1995 c.144 §18]

246.610 [Formerly 258.445; 1995 c.144 §19; repealed by 2005 c.755 §59]

COUNTY ELECTIONS EMERGENCIES

246.710 Declaring county elections emergency; process; resumption of elections. (1) Notwithstanding ORS 246.200, if the governing body of a county, after consultation with the county clerk or county director of elections, believes that the county is in a state of fiscal distress that compromises the county's ability to conduct elections at a minimally adequate level, the governing body may request that the Governor declare a county elections emergency.

(2) Upon request pursuant to subsection (1) of this section, the Governor shall consult with the Secretary of State to determine whether to declare a county elections emergency.

(3) Within 14 days after consultation with the secretary pursuant to subsection (2) of this section, the Governor shall:

(a) Declare the existence of a county elections emergency in the county; or

(b) Issue a determination that the county's fiscal situation does not cause the county to conduct elections at a less than minimally adequate level.

(4) As soon as practicable after declaration of an emergency pursuant to subsection (3)(a) of this section and after consultation with the county clerk or county director of elections, the secretary shall provide services in the county to the extent necessary to ensure a minimally adequate level of election services to the electors in the county and all municipal corporations in the county.

(5) If the secretary must perform services in a county pursuant to subsection (4) of this section, the secretary shall seek reimbursement from the Emergency Board for such additional funds and spending authority as the secretary considers necessary.

(6) At any time after declaration of an emergency pursuant to subsection (3)(a) of this section, the governing body of the county or the secretary may request that the Governor, after consultation with the secretary, issue a determination pursuant to subsection (3)(b) of this section.

(7)(a) The county shall resume conducting elections for the electors of the county and all municipal corporations in the county on the earlier of:

(A) The date on which a determination is issued pursuant to subsection (6) of this section; or

(B) Two years after the date on which an emergency is declared in the county pursuant to subsection (3)(a) of this section.

(b) The governing body of the county may request a declaration under subsection (1) of this section at any time before or after the elapse of the two-year period described in paragraph (a)(B) of this subsection in order to ensure continuity of election services in the county. [2013 c.730 §2]

Note: 246.710 was added to and made a part of ORS chapters 246 to 260 by legislative action but was not added to ORS chapter 246 or any series therein. See Preface to Oregon Revised Statutes for further explanation.

Note: Section 6, chapter 730, Oregon Laws 2013, provides:

Sec. 6. No later than February 28, 2017, the Secretary of State, the Director of Veterans' Affairs and the

Director of the Department of Revenue shall each submit a report in the manner provided in ORS 192.245 to the Senate Committee on Rules and the House Committee on Rules. Each report submitted pursuant to this section shall describe the experience of the respective agency in implementing the respective provisions of this 2013 Act and may include recommendations for legislation. [2013 c.730 §6]

246.810 [1957 c.608 §6; 1979 c.190 §35; repealed by 1985 c.448 §5]

COMPELLING OFFICERS, OFFICIALS TO PERFORM DUTIES

246.820 Order to compel county clerk, city elections officer or elections official to comply with interpretation, rule, directive or instruction. (1) Whenever it appears to the Secretary of State that a county clerk, city elections officer or a local elections official has failed to comply with an interpretation of any election law made by the Secretary of State under ORS 246.110 or has failed to comply with a rule, directive or instruction made by the Secretary of State under ORS 246.120, 246.140 or 246.150, the Secretary of State may apply to the appropriate circuit court for an order to compel the county clerk, city elections officer or local elections official to comply.

(2) The court shall dispose of the matter under subsection (1) of this section as soon as possible, but in any case not later than the fifth day after the Secretary of State applies for an order.

(3) The remedy provided in this section is cumulative and does not exclude any other remedy against a county clerk, city elections officer or local elections official who fails to comply with an interpretation of any election law or the rule, directive or instruction. [1957 c.608 §7; 1979 c.190 §36; 1985 c.448 §3; 1995 c.607 §9]

246.830 [1957 c.608 §13; 1979 c.190 §37; repealed by 1985 c.448 §5]

APPEALS FROM OFFICERS, OFFICIALS

246.910 Appeal from Secretary of State, county clerk or other elections official to courts; deadline for filing. (1) A person adversely affected by any act or failure to act by the Secretary of State, a county clerk, a city elections officer or any other county, city or district official under any election law, or by any order, rule, directive or instruction made by the Secretary of State, a county clerk, a city elections officer or any other county, city or district official under any election law, may appeal therefrom to the circuit court for the county in which the act or failure to act occurred or in which the order, rule, directive or instruction was made.

(2) An appeal described in subsection (1) of this section of an order of the Secretary of State approving or disapproving a state initiative petition for circulation for the purpose of obtaining signatures of electors must be filed within 60 days following the date the order is served.

(3) Any party to the appeal proceedings in the circuit court under subsection (1) of this section may appeal from the decision of the circuit court to the Court of Appeals.

(4) The circuit courts and Court of Appeals, in their discretion, may give precedence on their dockets to appeals under this section as the circumstances may require.

(5) The remedy provided in this section is cumulative and does not exclude any other remedy against any act or failure to act by the Secretary of State, a county clerk, a city elections officer or any other county, city or district official under any election law or against any order, rule, directive or instruction made by the Secretary of State, a county clerk, a city elections officer or any other county, city or district official under any election law. [1957 c.608 §19; 1975 c.227 §2; 1979 c.190 §38; 1983 c.514 §3; 1995 c.607 §10; 2005 c.797 §26]

246.990 [Repealed by 1957 c.608 §231]

246.991 [1967 c.338 §4; 1975 c.675 §7; repealed by 1979 c.190 §431]