

OFFICE OF THE SECRETARY OF STATE

SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

ELECT 4-2022

CHAPTER 165
SECRETARY OF STATE
ELECTIONS DIVISION

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FILING CAPTION: Amends deadlines for calculating eligible voters for property tax measure elections.

EFFECTIVE DATE: 01/15/2022

AGENCY APPROVED DATE: 01/13/2022

CONTACT: Bob Roberts
503-986-1518
elections.sos@sos.oregon.gov

255 Capitol Street NE
Suite 501
Salem, OR 97310

Filed By:
Bob Roberts
Rules Coordinator

AMEND: 165-007-0130

RULE TITLE: Method of Calculating Total Eligible Voters for Property Tax Measure Elections

NOTICE FILED DATE: 11/16/2021

RULE SUMMARY: The amendments to this rule incorporate legislative changes set out in House Bill 3291 (2021) which, in conjunction with other administrative rules, update election related processes and deadlines to accommodate the extended period of time during which ballots may be received and counted.

RULE TEXT:

(1) The purpose of this rule is to assist county elections officials in calculating the total number of eligible voters for purposes of applying Article XI, section 11(8) of the Oregon Constitution. As provided in Article XI, section 11k, the turnout requirements do not apply to elections held in May or November of any year. For purposes of applying Article XI, section 11(8) of the Oregon Constitution and this rule, active registered voters are eligible voters, and inactive registered voters are not eligible voters.

(2) To calculate the total number of eligible voters within the district holding the election, county elections officials must:

- (a) Determine the number of active registered voters as of the voter registration deadline in ORS 247.025. This is the base group of "registered voters eligible to vote."
- (b) Add to the base group of "registered voters eligible to vote" any voter who is ineligible due to a change in residence address, or any inactive voter, who updates their voter registration as provided in ORS 247.307.
- (c) Add to the base group of "registered voters eligible to vote" any voter determined to have been placed on the inactive list in error.
- (d) Subtract from the base group of "registered voters eligible to vote," all voters who are determined during the particular election to be ineligible to vote, based on information received during the conduct of the election. These subtractions shall be made in the following manner:
 - (A) Subtract all voters who were mailed a ballot, which is returned as undeliverable, if the information on the returned envelope shows that the voter's residence address has changed, or that the voter is deceased.
 - (B) Subtract all voters for whom written information is received, other than a returned ballot, showing to the satisfaction of the county elections official that the voter is ineligible to vote.

(3) The information regarding eligibility used to make the calculations described in (2)(b) through (d) shall be made based on information received by the county elections official after the voter registration deadline in ORS 247.025 and not later than the deadline to receive ballots. Information received after that time shall not be used to calculate the total number of eligible voters for that election.

(4) The calculation of the percentage of accepted ballots to the number of eligible voters to vote on the measure for a particular election shall be not later than the 35th day after the election.

(5) A voter eligible to vote within the district holding an election subject to Article XI, section 11(8) of the Oregon Constitution will be considered to have an accepted ballot if the ballot has been returned to an elections office and the ballot is determined to be qualified to be counted (outer envelope contains signature of voter, signature matches the registration signature of the voter, no marks on outside of envelope which would cause ballot to be rejected). If these conditions are met, the ballot is "accepted" even if the ballot, when opened for counting, is determined to be deficient and is not counted, or if the voter does not vote on the particular measure at issue in the calculation.

(6) For purposes of determining voter eligibility in local elections, Appendix A of this rule will apply.

STATUTORY/OTHER AUTHORITY: ORS 246.120, 246.150, 254.465, 254.470 & Or. Const. Art. XI, Sec. 11(8)

STATUTES/OTHER IMPLEMENTED: Or. Const. Art. XI, Sec. 11(8), HB 3291 (2021)



SHEMIA FAGAN

SECRETARY OF STATE

CHERYL MYERS

DEPUTY SECRETARY OF STATE
& TRIBAL LIAISON

DEBORAH SCROGGIN

DIRECTOR

255 CAPITOL STREET NE, SUITE 501
SALEM, OREGON 97310-0722

(503) 986-1518

MATRIX FOR DETERMINING VOTER ELIGIBILITY IN LOCAL ELECTIONS APPENDIX A

	Information sufficient on its own to change a voter's eligibility	Information that shall initiate a further review - no automatic change in voter's eligibility	Information that is insufficient to automatically trigger review of or change a voter's eligibility
Information received by county elections office	<ul style="list-style-type: none"> US Postal Service change of residence address or death notice Information provided by the voter Written notification from family of a death Official notices of death Notification from other governmental units with elections or voter registration responsibilities that the voter has registered in another jurisdiction Obituary notices that include date of birth (The county elections official is not required to monitor obituary notices, but may use that information.) 	<ul style="list-style-type: none"> Written evidence provided by family member of a change of address Moved with new address provided by any 3rd party Oral notification from family of a death US Postal Service data other than change of residence address or death notice Challenged ballots 	<ul style="list-style-type: none"> Utility disconnects No address or no listing in telephone book Children withdrawn from school Different occupant in residence Information provided by a 3rd party not otherwise listed in this matrix Any 3rd party swearing, but providing no other corroborating evidence, that the voter has moved with no intention of returning