



PERMANENT ADMINISTRATIVE ORDER

ELECT 7-2022

CHAPTER 165
SECRETARY OF STATE
ELECTIONS DIVISION

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Amends requirements for county security plans.

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AMEND: 165-007-0310

RULE TITLE: County Elections Security Plan

NOTICE FILED DATE: 11/16/2021

RULE SUMMARY: This rule is amended to incorporate legislative changes set out in Senate Bill 27 (2021) which, in conjunction with other administrative rules, update election related processes for scanning and opening returned ballot envelopes upon receipt instead of waiting until the seventh day before the election. The changes also account for the legislative change which no longer requires secrecy envelopes to be mailed with ballots so long as the new method is approved by the Secretary of State and provides substantially the same degree of secrecy.

RULE TEXT:

- (1) A security plan shall be submitted to the Secretary of State Elections Division, not later than the 31st of January of each year.
- (2) Approved Security Plans will be valid from March 1 of each year through the last day of February of the following year.
- (3) Any revisions to the plan must be submitted to the Secretary of State Elections Division not later than one business day after the revision is made, and at least 30 days before the first election date at which the revisions are to be used.
- (4) The security plan and all supporting documentation are confidential and not subject to public disclosure.
- (5) All ballots must be secured from their inception into the county's computers, through final storage. This secure process must be followed through ballot reception, verification, inspection, scanning and tally of votes.
- (6) The County Elections Official must include accountability procedures for ballots during the election process.
- (7) During each phase of the process the County Elections Official must maintain an audit trail for all ballots, whether voted or unused.
- (8) Copies of all security agreements with outside vendors must be submitted to the Secretary of State as part of the overall security plan.
- (9) Upon receipt of the county security plan the Secretary of State Elections Division shall review the plan based upon the criteria in subsection (11).
- (10) In order for a county to be permitted to scan ballots upon receipt pursuant to ORS 254.478, the county's security plan must be approved in writing by the Secretary of State Elections Division.

(11) The Security Plan must include the following components:

- (a) Ballot security at the printer;
- (b) Ballot storage security;
- (c) Ballot security during transport to inserter (if applicable), to the county, or to the post office;
- (d) Ballot security during insertion;
- (e) Ballot security at dropsites;
- (f) Security of voted ballots awaiting verification;
- (g) Security of voted ballots verified and awaiting inspection;
- (h) Security of voted ballots opened and inspected;
- (i) Facsimile ballot security;
- (j) Ballot tally system;
- (k) Early scanning procedure (if applicable);
- (l) Preventing the premature release of vote tally;
- (m) Post election security; and
- (n) Information about whether or not secrecy envelopes or sleeves will be used.

STATUTORY/OTHER AUTHORITY: ORS 246.150

STATUTES/OTHER IMPLEMENTED: ORS 254.074, 2009 OL Ch. 592 (HB 2451), SB 27 (2021)