



TEMPORARY ADMINISTRATIVE ORDER

INCLUDING STATEMENT OF NEED & JUSTIFICATION

ELECT 19-2026

CHAPTER 165

SECRETARY OF STATE

ELECTIONS DIVISION

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ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Exempting Ranked-Choice from Designated Website, Requiring Active Voter Totals, Clarifying Testing and Reporting Requirements

EFFECTIVE DATE: 09/28/2026 THROUGH 03/19/2027

AGENCY APPROVED DATE: 09/25/2026

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NEED FOR THE RULE(S):

The changes to this rule are needed to ensure that the designated state website for unofficial election results is an accurate, up-to-date, and useful public resource in advance of the November 2026 general election.

First, the changes to this rule would exempt local contests that are subject to ranked-choice voting ("RCV") from the requirement that counties report results for statewide elections on the designated state website. Instead, counties could request, in writing, that the designated state website redirect the public to a county website that reflects the results for one or more RCV contests. These changes are needed because the designated state website is not currently capable of posting round-by-round tabulation results for RCV contests.

Additionally, the changes to this rule would require counties to provide the source of their Active Registrants Total ("ART") each time an updated ART appears on the designated state website, as well as authorize the Elections Division to override a county's ART on the designated state website in limited circumstances. Counties would continue to derive their ART from the Oregon Centralized Voter Registration ("OCVR") system as they do now. These changes are needed

to ensure consistent representation of each county's ART across the Elections Division's various publications.

Further, the changes to this rule would clarify and simplify the testing of the designated state website in advance of an election. The changes would allow counties to satisfy testing requirements using sources other than their logic and accuracy test(s), mandate earlier completion of the second test, require that testing results be reported to the state, and eliminate the requirement to clear test results. These changes are needed because the existing requirements pose an undue burden on county elections officials with no benefit to the functionality of the designated state website.

Finally, this rule is needed to ensure consistent statewide reporting of all ballot envelopes received after the Election Day deadline, including those with timely postmarks that arrive too late to be counted. Collecting this information would allow the Elections Division to monitor compliance with postmark and receipt deadlines, evaluate how the postmark law is functioning, identify patterns in ballot acceptance and rejection, and support clear, transparent statewide reporting.

JUSTIFICATION OF TEMPORARY FILING:

The Secretary of State, Elections Division, finds that the failure to act promptly will result in serious prejudice to the public interest.

For statewide elections, including the upcoming general election in November 2026, counties are required to report results on a designated state website. But one or more Oregon counties will have one or more local contests on the ballot that are subject to RCV, and the designated state website is not currently capable of posting round-by-round tabulation results for RCV contests. If the temporary changes are not in place before the November 2026 election, then these counties will be in technical violation of the rule, and there will not be a uniform method for reporting the results of RCV contests to the public.

Additionally, the existing practice used to identify a county's ART for election reporting purposes has been a source of confusion for the public. The OCVR system always contains the current and accurate ART, but the timing and method by which the ART is identified can create what appears to be variation between various Elections Division publications. This rule would improve public understanding by ensuring consistent representation of each county's ART across publications. If these temporary changes are not in place before the November 2026 election, these variations will continue to create confusion, and the Elections Division will not have an opportunity to gather information to inform a permanent rule.

Further, the existing rule creates obstacles for counties, and provides limited benefit to the state, when it comes to testing the designated state website. Requiring the use of public certification test results as the sole source for test data has repeatedly caused delays, contributed to county noncompliance, and offers no discernible advantage over other available test result sources. Additionally, the requirement to clear test results prevents neighboring counties and the Elections Division from reviewing the content of multi county and statewide contests. If these temporary changes are not implemented before the November 2026 election, the existing rule will once again hinder proper testing and could lead to unacceptable issues with the designated state website.

Finally, counties are required to report some information about ballots received after Election Day in accordance with this rule, but the existing rule does not require any reporting regarding ballots with timely postmarks that arrive too late to be counted. If these temporary changes are not implemented before the November 2026 election, information about these ballots will not be required to be reported to the Elections Division, hindering the Division's ability to monitor compliance with postmark and receipt deadlines, evaluate how the postmark law is functioning, identify patterns in ballot acceptance and rejection, and support clear, transparent statewide reporting.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None.

AMEND: 165-007-0550

RULE SUMMARY: RULE SUMMARY: The proposed rule outlines the procedure for reporting the status of the tally of ballots received on and after election day. The rule sets forth the method and timeline by which county elections officials must report information to the Secretary of State and the public

CHANGES TO RULE:

165-007-0550

Procedure for Reporting Elections Results

(1) This rule governs the procedure for announcing the status of the tally of ballots received on and after the date of the election. This rule is intended to encourage frequent reporting.¶

(a) Nothing in this rule shall be construed to require a county to publish unofficial elections results less frequently than the county has historically published unofficial elections results.¶

(b) Nothing in this rule shall be construed to prevent a county from publishing unofficial elections results more frequently than this rule specifies.¶

(2) For purposes of this rule, these terms are defined as follows:¶

(a) "Election Day" is the day of any statewide general, primary, or special election, including all special district elections. For purposes of this rule, this includes all local and statewide elections.¶

(b) The "Election Day Deadline" is 8 p.m. on Election Day.¶

(c) "Election Day Public Reports" are reports published after the Election Day Deadline and before midnight on Election Day.¶

(3) For all statewide elections, county elections officials shall make the reports described in this rule directly to the Elections Division through the must report their unofficial results on both the county website and also on the Elections Division's designated website for unofficial results. For all other elections, county elections officials must report their unofficial results on the county website but may choose whether to report on the Elections Division's designated website for unofficial results. If an election contest covers more than one (1) county, the county filing officer for that contest shall decide whether all involved counties will report on the Elections Division's designated website for unofficial results in addition to a county's own public reporting, if any. For their own county websites.¶

(4) Notwithstanding section (3), above, for any contest that appears on a ranked-choice voting ("RCV") ball other elections, county elections officials may use either, whether or not the contest is subject to RCV, county elections officials are not required to make the reports described in this rule directly to the Elections Division through the designated website for unofficial results or a county's own public reporting process. In any election in which a county elections official acts as a filing officer. Instead, upon a county's written request to the Elections Division, the designated website for unofficial results shall redirect the public to a county website that reflects tabulation results for any contest that spans multiple counties, that appears on the RCV ballot, including round-by-round tabulation results for any RCV county elections official shall determine.¶

(5) At least 60 days before each Election Day, or as soon as practicable in the method by which all affected county elections officials shall report the results for that contest under this rule, event of a recall election, county elections officials must provide notice of intent to use the Elections Division's designated website for unofficial results unless the election is statewide and website use is required.¶

(46) A Not later than 453 days before each Election Day, county elections officials must provide to the Secretary of State Elections Division an two (2) official reports of contests (including unexpired term lengths and any "vote for" number exceeding one (1)), candidates, and measures in the order these are to appear on the ballot. These two (2) reports must be sourced separately from the Oregon Centralized Voter Registration ("OCVR") system and the county voting system. Within 24 hours of making any changes to the official county ballot, county elections officials must provide notice and an updated official reports to the Elections Division.¶

(57) A Beginning at least 30 days before each Election Day, filing county elections officials and continuing through public certification of results, whenever a county elections official updates the total number of active registered voters (the active registrants total or "ART") in the county voting system and uploads or manually enters results containing the county ART to the Election Division's designated website for unofficial results, they must also provide notice of intent to use the Elections Division with a copy of the OCVR-derived source data relied on to make the change.¶

(a) The source data shall be uploaded by the county elections official to the Election Division's designated file

submission platform.

(b) The source data shall be uploaded by the county elections official within one (1) hour after they submit results containing an ART to the Elections Division's designated website for unofficial results unless the election is statewide and website use is required. County elections officials must, except that on Election Day the source data shall be uploaded within 15 minutes.

(c) The Elections Division will review each county's source data and compare it to the most recent ART submitted by the county elections official. The Elections Division may override a county's ART on the designated website for unofficial results in the event that:

(A) There is a discrepancy between the source data and the updated ART;

(B) A county fails to upload source data in compliance with this rule; or

(C) The Elections Division is otherwise able to verify that a county-reported ART is inaccurate.

(8) At least 30 days before each Election Day, county elections officials must complete the following tasks:

(a) Export a test results file from the tally county voting system and upload to, or manually enter the test results to in, the Elections Division's designated website for unofficial results and provide a test results report from the tally system to the Elections Division. County elec.

(b) Review the Election Division's designated website for unofficial results as it pertains to their county and the content of the test results uploaded or entered.

(c) Provide the Elections Division with a written descriptions officials shall publish on their official website the outcome of the county's website review, a copy of the test results report from the voting system, and provide a web address to the Elections Division a copy of the OCVR-derived sourced data relied on to update the ART as described in section (7), by uploading them to the designated file submission platform.

(d) Publish on the county website a schedule describing when they intend to make available the reports described in this rule and provide a web address to the Elections Division.

(a) The schedule shall describe the estimated dates, times, and reporting frequency from the Election Day Deadline to public certification of results.

(b) The schedule shall include at least the minimum required reporting described in this rule and any additional reporting that counties intend to provide.

(c) In determining the schedule for reporting, county elections officials may consider their own business practices, available resources, the size of the election, and public interest.

(e) Beginning after the schedule described in section 8(d) is first published to the county website and continuing through public certification of results, notify the Elections Division of any change to the published schedule.

(9) At least 11 days before each Election Day, county elections officials must complete the following tasks:

(a) Export final test results file from the public certification test of the tally system and upload county voting system and upload to, or manually enter the test results to in, the Elections Division's designated website for unofficial results and complete final reviews of the.

(b) Review the Election Division's designated website for unofficial results.

(7) At least five days before each as it pertains to their county and the content of the test results uploaded or entered.

(c) Provide the Elections Division with a written descriptions officials must clear all the outcome of the county's website review, a copy of the test results data report from the designated website for unofficial results to confirm election night readiness.

(8) At least four days before each Election Day, the designated website for unofficial results web address becomes active voting system, and a copy of the OCVR-derived sourced data relied on to update the ART as described in section (7), by uploading them to the designated file submission platform.

(10) On each Election Day, county elections officials must publish results to the Elections Division's designated website for unofficial results after 8 p.m. and before midnight, at least once.

(11) After each Election Day, county elections officials must publish results to the Elections Division's designated website for unofficial results in accordance with the county reporting schedule. If, however, county elections officials may choose to publish additional results, but current to the county website, those results must also be published to the Elections Division's designated website for unofficial results within one (1) hour of being released publicly. The designated website for unofficial results must show the final certified results totals.

(12) The requirements in sections (6) through (11) of this rule, other than subsections 8(d) and 8(e), apply only to those elections for which county elections officials are required or opting to report results on the Elections Division's designated website for unofficial results.

(13) County elections officials shall collect all returned ballots from official drop sites as soon as possible after the Election Day Deadline. Nothing in this rule prohibits county elections officials from also collecting batches of returned ballots before the Election Day Deadline.

(a) County elections officials shall conduct initial public reporting of unofficial elections results as soon as possible

after the Election Day Deadline and provide as many additional updated Election Day Public Reports thereafter as possible.¶

(b) County elections officials shall report at least the following minimum information in Election Day Public Reports:¶

(A) The number of ballots accepted at the time of the report; and¶

(B) Unofficial results of all contests at the time of the report.¶

(124) Beginning on the day after the Election Day, county elections officials shall report the minimum information described in subsection (143)(b) as frequently as possible published in the schedule and method described in section (3) and (58)(d) above.¶

(a) County elections officials shall make reasonable efforts to report information according to the published schedule described in section (58)(d). If county elections officials are not able to report information at a time specified in the schedule, they shall ~~report publicly through their official elections website with an explanation~~ update the published schedule and notify the Elections Division of the delay. For example, unforeseen technical, staffing, or internal resource issues may be reported as a reason for delay. change as soon as practicable. ¶

(b) In determining how often and what results to report in this section, county elections officials shall consider, in the following order of priority:¶

(A) The number of ballots remaining in comparison to the total county voter registration population and the overall protection of voter anonymity, and¶

(B) Timeliness of providing unofficial elections results to the public.¶

(135) In addition to required reporting in ORS 254.074(3), ~~on a county elections officials must use the form provided by and completed to the Elections Division; elections officials shall track and report the following information to the Elections Division to track and report:~~¶

(a) Total number of ballot envelopes accepted ~~by the reporting county~~ after the Election Day Deadline with present and legible postmarks;¶

(b) Total number of ballot envelopes accepted ~~by the reporting county~~ after the Election Day Deadline without present and legible postmarks; ~~and~~¶

(c) The total number of ballot envelopes rejected after the Election Day Deadline because of an untimely postmark; and¶

(d) The total number of ballot envelopes, with a present and timely postmark, rejected because they were not received within seven (7) days after Election Day.

Statutory/Other Authority: ~~ORS 246.140~~; ORS 246.150, ORS 254.470, ORS 254.485

Statutes/Other Implemented: ORS 254.074, ORS 254.470, ORS 254.485