



DIRECTIVE OF THE SECRETARY OF STATE

NUMBER: 2026-04
DATE: April 3, 2026
SUBJECT: UOCAVA Electronic Ballot Return Systems

The Secretary of State, in carrying out the duties of the office, shall issue detailed directives necessary to maintain uniformity in the application, operation, and interpretation of Oregon election laws.¹ Pursuant to that authority, the Secretary of State issues this directive on the use of Electronic Ballot Return Systems.

The information provided here is an official directive of the Secretary of State.

LEGAL FRAMEWORK

Federal Law

The Uniformed and Overseas Citizens Absentee Voting Act of 1986, 52 U.S.C. §§ 20301–20311 (UOCAVA), as amended and expanded by the Military and Overseas Voter Empowerment Act of 2009 (MOVE), requires that states and territories allow the following citizens to register and vote absentee in federal elections:

- members of the uniformed services and merchant marine who are, by reason of their service, absent from their place of residence where they are otherwise qualified to vote;
- their spouses and dependents; and
- United States citizens residing outside the United States.

52 U.S.C. § 20310(1), (5).

¹ ORS 246.110; ORS 246.120.

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UOCAVA requires states to facilitate the delivery of blank absentee ballots to UOCAVA voters by both mail and electronic means. 52 U.S.C. § 20302(a)(7). In other words, UOCAVA requires that states implement Electronic Ballot *Delivery* Systems for covered voters.

UOCAVA does not, however, require states to accept marked absentee ballots electronically. That is, UOCAVA is silent as to Electronic Ballot *Return* Systems. But states are free to pass their own laws allowing UOCAVA voters to return marked ballots by electronic means.

State Law

ORS chapter 253 protects the voting rights of Oregon's military and overseas voters and their families,² and Oregon is among the states that allow UOCAVA voters to return marked ballots electronically. First, Oregon allows all absentee voters, including UOCAVA voters, to "return the[ir] marked ballot to the office of the clerk, *by any appropriate means.*" ORS 253.070(1) (emphasis added). Second, with respect to UOCAVA voters in particular, Oregon specifically authorizes them to "cast a ballot" either by mail or by "*using a facsimile machine or by electronic mail.*"³ ORS 253.690(1) (emphasis added); ORS 253.070.

A UOCAVA ballot cast by facsimile machine or electronic mail must be received by the county elections office (or the Secretary of State) not later than 8:00pm on election day, and it must be accompanied by "a return identification envelope containing the signature of" the voter and a written waiver of the voter's right to a secret ballot. ORS 253.690(1)-(2); ORS 253.585. In other words, a UOCAVA voter must return (1) their marked ballot, (2) a signed return identification envelope, and (3) a waiver form.⁴ When submitting via facsimile machine or electronic mail, this requires the voter to complete, scan (or photograph and upload), and transmit three separate documents.

FACTUAL BACKGROUND

Electronic Ballot Return Systems allow voters to return their marked ballots using electronic means, whether via facsimile machine, electronic mail, or otherwise.

² Like UOCAVA, Oregon law allows the following citizens to register and vote absentee in federal elections:

- Oregon residents serving in the United States armed forces or merchant marine, or discharged in the last 30 days;
- Oregon residents temporarily living outside the territorial limits of the United States and the District of Columbia; and
- their spouses and dependents.

ORS 253.510; ORS 253.530.

³ The term "cast a ballot" is not defined in statute.

⁴ By rule, this is SEL 531. See OAR 165-007-0300 (designating the form SEL 531 "as the form to be used by a long term absent elector" serving in, or recently discharged from, the armed forces, or merchant marine).

In Oregon, statute expressly authorizes UOCAVA voters to return their ballots via facsimile machine or electronic mail. ORS 253.690(1). In recent years, several counties have also been piloting Electronic Ballot Return Systems for UOCAVA voters that operate via cloud-based platforms accessible by smartphone. The piloted cloud-based systems allow voters to not only *return* their ballots electronically but also to *receive, mark, and sign* them electronically.

Under the pilot framework – which was approved by a prior administration – these cloud-based Electronic Ballot Return Systems transmit the UOCAVA voter’s ballot and associated election documents to their county elections office through multiple channels. Specifically, the ballot and associated election documents are delivered both via upload to an administrative portal and also by facsimile machine and/or electronic mail.⁵ Within the current pilot process, the ballot delivered to the administrative portal is the version used for tabulation by the county elections office. The copies delivered by facsimile machine and/or electronic mail are not used for tabulation. According to pilot counties, this approach allows ballots to be processed and tabulated without requiring duplication and printing.⁶

Pilot counties have reported that the cloud-based Electronic Ballot Return Systems are viewed favorably by participating UOCAVA voters and election administrators alike because they streamline both ballot marking and ballot processing.

DIRECTIVE

Effective immediately, counties may utilize a cloud-based Electronic Ballot Return System for voters covered under UOCAVA. However, counties using these systems must comply with the following requirements:

(1) Statutory Requirements

Any cloud-based Electronic Ballot Return System must also transmit marked ballots to counties via facsimile machine and/or electronic mail. Counties must tabulate the ballots delivered through those transmission pathways and may not tabulate ballots delivered through a cloud-based portal.

(2) Testing and Certification Requirements

Any cloud-based Electronic Ballot Return System must:

- (a) Beginning with the November 2026 general election, successfully complete a pre-election test prescribed by the Secretary of State; and

⁵ The facsimile and electronic mail options are unique to Oregon and are offered by vendors specifically to align the technology with the requirements of ORS 253.690(1).

⁶ Counties participating in the pilot program received assurances from the prior administration that both the use of cloud-based Electronic Ballot Return Systems and the tabulation of ballots transmitted through a cloud-based portal comply with the requirements of ORS 253.690(1).

- (b) When federal certification standards become available, obtain federal certification or otherwise receive approval from the Secretary of State.

(3) Audit Requirements

Any county utilizing a cloud-based Electronic Ballot Return System must conduct real-time audits to verify that the ballots received via electronic mail or facsimile are identical to the corresponding ballots transmitted through the system's cloud-based portal. These audits must satisfy the following minimum requirements:

- (a) Counties must audit the first ten ballots returned through the cloud-based Electronic Ballot Return System and thereafter audit one out of every 25 ballots;
- (b) Counties must document the results of each audit and record the location of the audited ballots for inspection and verification purposes; and
- (c) If any anomaly or discrepancy is identified during the audit process, the auditing county must immediately suspend use of the cloud-based Electronic Ballot Return System and notify the Secretary of State's office.
 - i. The county must work in coordination with the Secretary of State to investigate the issue and determine the cause;
 - ii. The county must document the nature of the anomaly, the root cause, and the corrective actions taken; and
 - iii. The county may not resume use of the cloud-based Electronic Ballot Return System until the Secretary of State has reviewed the documentation, confirmed that the issue has been resolved, and provided written authorization for the county to resume use of the system.

APPEAL

This Directive 2026-04 may be appealed to the Marion County Circuit Court within 60 days of its issuance under ORS 246.910.

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Oregon Secretary of State



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