

**Enrolled**  
**House Bill 2774**

Sponsored by COMMITTEE ON ELECTIONS AND RULES

CHAPTER .....

AN ACT

Relating to replacement ballots in irrigation districts; creating new provisions; and amending ORS 545.163.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 545.163 is amended to read:

545.163. (1) An irrigation district may conduct a district election by mail. The board of directors of the district shall designate by resolution, not later than the 50th day before any election, that an election will be conducted by mail.

(2) At an election by mail held for the purpose of electing a person to the board of directors, the qualifications for a director shall be those set forth in ORS 545.043.

(3) An election by mail shall be conducted within the district or divisions within a district according to, as nearly as is practicable, the general provisions of ORS 545.137, 545.139, 545.141, 545.145, 545.149 and 545.153. However, the judges of election appointed under ORS 545.137 (2) shall not be required to be in attendance until after the poll closing time designated in ORS 254.325.

(4) The secretary of the board of directors for the district shall mail an official ballot with a return identification envelope and a secrecy envelope to an elector, not sooner than the 20th day before the date of the election to be conducted by mail and not later than the 14th day before the election. The secretary shall cause to be placed in or on each return identification envelope a statement to be completed by the elector that says that the elector, under penalty of perjury, swears and affirms that the elector is the sole elector authorized to cast the ballot. In addition, the secretary shall verify that, according to the records of the district as of the 21st day before the election, the elector is entitled to vote.

(5) When a ballot is mailed to a corporate landowner, a person authorized to act in a representative capacity or landowners under multiple ownership, the secretary shall enclose voting instructions advising the elector that the voting rights of electors for corporate, representative or multiple ownerships are as described in ORS 545.002.

(6) The secretary of the board of directors shall not mail voting materials to an elector who actually acquires ownership of land within the district after the 21st day before the date of an election. When an elector has acquired ownership of land within the district after the 21st day before the date of an election, the secretary shall make voting materials available, and the elector shall vote, only at the district office or at another place designated by the board.

(7) When the elector is an elector described in subsection (6) of this section, the secretary of the board of directors shall, before making voting materials available, require that the elector file with the district a copy of a recorded deed or a memorandum of contract demonstrating the acquisition of land by the elector within the district. The secretary shall then allow the elector to mark

the ballot, sign the return identification envelope and return the ballot in the return identification envelope to the secretary.

(8) An elector may obtain a replacement ballot if the original ballot is destroyed, spoiled, lost or not received by the elector. The secretary shall keep a record of each replacement ballot provided to an elector. *[Except as provided in subsection (9) of this section,]* An elector *[shall]* **may** obtain a replacement ballot and **may** vote at the district office or another place within the district designated by the board of directors[,] on the actual date of the election, during the hours designated in ORS 254.325.

(9) *[Until the fifth calendar day before the election]* **Until the time for the close of the polls,** an elector may obtain a replacement ballot from the secretary of the board of directors, at a place designated by the board, if the original ballot is destroyed, spoiled, lost or not received by the elector.

(10) When an elector receives vote by mail materials, the elector shall comply with all written instructions provided, mark the ballot, sign both the return identification envelope and the sworn statement of entitlement to vote and return the marked ballot to the district by placing the ballot in the return identification envelope and either depositing the envelope in the United States mail or delivering the sealed envelope to the district office or another place designated by the district. If the elector returns the ballot by mail, the elector shall provide the postage.

(11) A completed ballot must be received by the district, at the proper place designated by the district, no later than the poll closing time designated in ORS 254.325.

(12) A ballot shall be counted only if:

(a) The ballot was returned in the sealed return identification envelope provided by the district;

(b) The elector signed the return identification envelope; and

(c) The secretary of the board of directors has verified the name of the elector and the elector's ownership of land within the district.

(13) Using the records of the district, the secretary shall verify the name and land ownership of each elector. If the secretary determines that an elector to whom a replacement ballot has been issued has voted more than once, the secretary shall not count any ballot cast by that elector.

**SECTION 2. The amendments to ORS 545.163 by section 1 of this 2005 Act apply to district elections held on or after the effective date of this 2005 Act.**

**Passed by House April 18, 2005**

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Chief Clerk of House

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Speaker of House

**Passed by Senate May 18, 2005**

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President of Senate

**Received by Governor:**

.....M,....., 2005

**Approved:**

.....M,....., 2005

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2005

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Secretary of State