

**SENATE AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3270
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON RULES

June 23

1 On page 1 of the printed A-engrossed bill, line 2, after “elections” insert “; creating new pro-
2 visions; and amending ORS 247.292, 247.563, 249.064, 253.030 and 260.695”.

3 On page 3, after line 7, insert:

4 “**SECTION 3.** ORS 249.064 is amended to read:

5 “249.064. (1) A nominating petition of a candidate seeking the nomination of a major political
6 party shall contain a statement that each elector whose signature appears on the petition is a
7 member of the same major political party as is the candidate.

8 “(2) A nominating petition of any candidate shall contain the number of signatures of electors
9 required by ORS 249.068 or 249.072 and the residence **or mailing** address and name or number of
10 the precinct, if known, of each elector whose signature appears.

11 “(3) The signatures contained in the nominating petition shall be certified for genuineness by
12 the county clerks under ORS 249.008.

13 “**SECTION 4.** ORS 253.030 is amended to read:

14 “253.030. (1) Before an election any elector may apply to the clerk for the absentee ballot of the
15 election.

16 “(2) An application for an absentee ballot must[:]

17 “[*(a)* *Be in writing and signed by the applicant; and*

18 “[*(b)*] be received by the clerk not later than 8 p.m. the day of the election.

19 “(3) If an applicant not affiliated with any political party desires to vote in any major political
20 party primary election, the applicant may request and shall be sent a ballot for a major political
21 party if that political party has provided under ORS 254.365 for a primary election that admits
22 electors not affiliated with any political party.

23 “(4) Application for an absentee ballot may be made **in writing**, by **electronic mail or by** using
24 a facsimile machine. As used in this subsection, ‘facsimile machine’ means a machine that electron-
25 ically transmits or receives facsimiles of documents through connection with a telephone network.

26 “(5) If an elector desires, the elector’s application shall be valid for every subsequent election
27 until the elector otherwise notifies the clerk or is no longer an elector of the county.

28 “**SECTION 5.** ORS 260.695 is amended to read:

29 “260.695. (1) [*No*] **A** person [*shall*] **may not** print or circulate an imitation of the ballot or
30 sample ballot, or a portion of the ballot or sample ballot, which contains information which will not
31 appear, or deletes information which will appear, on the ballot or sample ballot, or that portion of
32 the ballot or sample ballot, unless the imitation of the ballot or sample ballot, or portion of the
33 ballot or sample ballot, contains the following statement in bold type: ‘NOT FOR OFFICIAL USE.’
34 This subsection does not prohibit the printing or circulation of an imitation of a ballot which illus-

1 trates the manner in which a candidate's name may be written in for an office.

2 “(2) [No person, within any building in which a polling place is located or, in an election conducted
3 by mail, after the date that ballots are mailed as provided in ORS 254.470, within any building in
4 which ballots are issued, or within 100 feet measured radially from any entrance to the building,
5 shall] **A person may not** do any electioneering, including circulating any cards or [hand bills]
6 **handbills**, or soliciting of signatures to any petition **within any building in which any state or**
7 **local government elections office designated for the deposit of ballots under ORS 254.470 is**
8 **located, or within 100 feet measured radially from any entrance to the building.** [No person
9 shall] **A person may not** do any electioneering by public address system located more than 100 feet
10 from an entrance to the building [but] **if the person is** capable of being understood within 100 feet
11 of the building. The electioneering need not relate to the election being conducted. **In an election**
12 **conducted by mail, this subsection applies during the period beginning on the date that bal-**
13 **lots are mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m.**
14 **or when all persons waiting in line at the building who began the act of voting as described**
15 **in ORS 254.470 (11) by 8 p.m. have finished voting.**

16 “(3) [No person shall obstruct an entrance of a building in which a polling place is located. In an
17 election conducted by mail, from the date that ballots are mailed as provided in ORS 254.470 until the
18 time designated by the county clerk for closure of the building on election day, no person shall] **A**
19 **person may not** obstruct an entrance of a building in which a **polling place is located, ballots**
20 **are issued or** a place designated for the deposit of ballots under ORS 254.470 or any voting booth
21 maintained under ORS 254.474 is located. **In an election conducted by mail, this subsection ap-**
22 **plies during the period beginning on the date that ballots are mailed to electors as provided**
23 **in ORS 254.470 and ending on election day at 8 p.m. or when all persons waiting in line at the**
24 **building or location who began the act of voting as described in ORS 254.470 (11) by 8 p.m.**
25 **have finished voting.**

26 “(4) [No person shall] **A person may not** vote or offer to vote in any election knowing the
27 person is not entitled to vote.

28 “(5) [No person at a polling place, other than] **A person, except** an election board member,
29 [shall] **may not** deliver a ballot to an elector **at a polling place.**

30 “(6) [No] **An** elector at a polling place [shall] **may not** knowingly receive a ballot from any
31 other person than an election board member.

32 “(7) [No person shall] **A person may not** make a false statement about the person's inability to
33 mark a ballot.

34 “(8) [No] **A** person, except an elections official in performance of duties or [other] **another** per-
35 son providing assistance to an elector as described in ORS 254.445, [shall] **may not** ask a person
36 at the polling place for whom that person intends to vote, or examine or attempt to examine the
37 person's ballot.

38 “(9) [No person shall] **A person may not** show the person's own marked or punched ballot to
39 another person to reveal how it was marked or punched.

40 “(10) [No] **An** elections official, other than in the performance of duties, [shall] **may not** disclose
41 to any person any information by which it can be ascertained for whom any elector has voted.

42 “(11) [No] **A** person, except an elections official in performance of duties, [shall] **may not** do
43 anything to a ballot to permit identification of the person who voted.

44 “(12) [No] **An** elector at a polling place [shall] **may not** deliver a ballot to an election board
45 member except the ballot the elector received from an election board member. [Nothing in this sub-

1 *section shall* **This subsection does not** prohibit a person from delivering any absentee ballot or
2 ballots to an election board member.

3 “(13) [No] **A** person at a polling place, except an election board member, *[shall]* **may not** receive
4 from an elector other than an absent elector a marked or punched ballot.

5 “(14) [*No elector shall*] **An elector may not** willfully leave in the polling place anything that
6 will show how the elector’s ballot was marked or punched. In an election conducted by mail, [*no*
7 *elector shall*] **an elector may not** willfully leave at any place designated for the deposit of ballots
8 under ORS 254.470 or in any voting booth maintained under ORS 254.474[,] anything that will show
9 how the elector’s ballot was marked or punched.

10 “(15) [No] **A** person, except an elections official in performance of duties, *[shall]* **may not** re-
11 move a ballot from any polling place, any place designated for the deposit of ballots under ORS
12 254.470 or any voting booth maintained under ORS 254.474.

13 “(16) [No] **A** person, except an elections official in performance of duties or a person authorized
14 by that official, *[shall]* **may not** willfully deface, remove, alter or destroy a posted election notice.

15 “(17) [No] **A** person, except an elections official in performance of duties, *[shall]* **may not**
16 willfully remove, alter or destroy election equipment or supplies, or break the seal or open any
17 sealed package containing election supplies.

18 “(18) [No] **A** person [*other than*], **except** an elections official *[shall]* **in performance of duties,**
19 **may not provide elections advice or** attempt to collect voted ballots **within any building in**
20 **which any state or local government elections office designated for the deposit of ballots**
21 **under ORS 254.470 is located, or** within 100 feet measured radially from **any entrance to the**
22 **building** [*a location designated for deposit of ballots under ORS 254.470*].

23 “(19) [No] **A** person, except an elections official in performance of duties, in an election con-
24 ducted by mail, *[shall]* **may not** establish a location to collect ballots voted by electors unless:

25 “(a) The person prominently displays at the location a sign stating: ‘NOT AN OFFICIAL BAL-
26 LOT DROP SITE[.]’; **and**

27 “(b) **The sign is printed in all capital letters in bold 50-point type.**

28 “**SECTION 6.** ORS 247.292 is amended to read:

29 “247.292. (1)(a) A county clerk shall update the registration of an elector in the county upon
30 receiving written evidence from:

31 “(A) The elector [*or from the United States Postal Service*] indicating a residence or mailing
32 address that is different from the residence or mailing address for the elector as contained in the
33 records of the county clerk; **or**

34 “(B) **The United States Postal Service indicating a residence address that is different**
35 **from the residence address for the elector as contained in the records of the county clerk.**

36 “(b) This subsection applies only if the new residence address is located in the same county as
37 the residence address for the elector as contained in the records of the county clerk.

38 “(2) When a county clerk updates the registration of an elector under subsection (1) of this
39 section, the clerk shall send a new precinct memorandum card by nonforwardable mail to the elector
40 as provided in ORS 247.181. The clerk shall include a notice stating that if the residence address
41 or mailing address is not correct, the elector must notify the clerk.

42 “(3) An elector *[shall not be]* **is not** disqualified from voting due to any error relating to an
43 update of registration made under this section.

44 “**SECTION 7.** ORS 247.563 is amended to read:

45 “247.563. (1) Except as provided in subsection (4) of this section and ORS 247.555, whenever it

1 appears to the county clerk that an elector needs to update the elector's registration or that the
2 elector has changed residence address to another county, the county clerk shall mail a notice to the
3 elector.

4 "(2) The notice shall be sent by forwardable mail and shall include a postage prepaid, pread-
5 dressed return card on which the elector may state the elector's current residence and mailing ad-
6 dress. The notice shall advise the elector that:

7 "(a) The elector should return the card promptly;

8 "(b) If the card is not returned by the 21st calendar day immediately preceding an election, the
9 elector may be required to complete a new registration card in order to vote in an election; and

10 "(c) The elector's registration will be canceled if the elector neither votes nor updates the reg-
11 istration before two general elections have been held.

12 "(3) When the county clerk mails a notice under this section, the registration of the elector shall
13 be considered inactive until the elector updates the registration, the registration is canceled or the
14 clerk determines that the registration should be considered active.

15 "(4) This section does not apply when the county clerk receives written evidence from the
16 elector[, *the United States Postal Service*] or another county clerk indicating a change of residence
17 or mailing address **or from the United States Postal Service indicating a change of residence**
18 **address** and the registration of the elector is automatically updated by the county clerk under any
19 provision of this chapter.

20 "**SECTION 8.** (1) **The amendments to ORS 249.064 by section 3 of this 2007 Act apply to**
21 **nominating petitions filed on or after the effective date of this 2007 Act.**

22 "(2) **The amendments to ORS 253.030 by section 4 of this 2007 Act apply to applications**
23 **for absentee ballots made on or after the effective date of this 2007 Act.**

24 "(3) **The amendments to ORS 260.695 by section 5 of this 2007 Act apply to activities oc-**
25 **curring on or after the effective date of this 2007 Act.**

26 "(4) **The amendments to ORS 247.292 by section 6 of this 2007 Act apply to written evi-**
27 **dence received by a county clerk on or after the effective date of this 2007 Act.**

28 "**SECTION 9.** **If Senate Bill 77 becomes law, section 4 of this 2007 Act (amending ORS**
29 **253.030) is repealed and ORS 253.030, as amended by section 9, chapter 155, Oregon Laws 2007**
30 **(Enrolled Senate Bill 77), is amended to read:**

31 "253.030. (1) Before an election any elector may apply to the clerk for the absentee ballot of the
32 election.

33 "(2) An application for an absentee ballot must be received by the clerk not later than 8 p.m.
34 the day of the election.

35 "(3) If an applicant not affiliated with any political party desires to vote in any major political
36 party primary election, the applicant may request and shall be sent a ballot for a major political
37 party if that political party has provided under ORS 254.365 for a primary election that admits
38 electors not affiliated with any political party.

39 "(4) Application for an absentee ballot may be made in any manner designated by the Secretary
40 of State by rule, including **in writing**, by electronic mail or by using a facsimile machine. As used
41 in this subsection, 'facsimile machine' means a machine that electronically transmits or receives
42 facsimiles of documents through connection with a telephone network.

43 "(5) If an elector desires, the elector's application shall be valid for every subsequent election
44 until the elector otherwise notifies the clerk or is no longer an elector of the county.

45 "**SECTION 10.** **If Senate Bill 74 becomes law, section 5 of this 2007 Act (amending ORS**

1 **260.695) is repealed and ORS 260.695, as amended by section 55, chapter 154, Oregon Laws 2007**
2 **(Enrolled Senate Bill 74), is amended to read:**

3 “260.695. (1) A person may not print or circulate an imitation of the ballot or sample ballot, or
4 a portion of the ballot or sample ballot, which contains information which will not appear, or deletes
5 information which will appear, on the ballot or sample ballot, or that portion of the ballot or sample
6 ballot, unless the imitation of the ballot or sample ballot, or portion of the ballot or sample ballot,
7 contains the following statement in bold type: ‘NOT FOR OFFICIAL USE.’ This subsection does not
8 prohibit the printing or circulation of an imitation of a ballot which illustrates the manner in which
9 a candidate’s name may be written in for an office.

10 “(2) A person may not do any electioneering, including circulating any cards or handbills, or
11 soliciting **of** signatures to any petition, within any building in which [*ballots are issued*] **any state**
12 **or local government elections office designated for the deposit of ballots under ORS 254.470**
13 **is located**, or within 100 feet measured radially from any entrance to the building. A person may
14 not do any electioneering by public address system located more than 100 feet from an entrance to
15 the building [*but*] **if the person is** capable of being understood within 100 feet of the building. The
16 electioneering need not relate to the election being conducted. This subsection applies during the
17 period beginning on the date that ballots are mailed to electors as provided in ORS 254.470 and
18 ending on election day at 8 p.m. or when all persons **waiting** in line **at the building who began**
19 **the act of voting** as described in ORS 254.470 (10) **by 8 p.m.** have finished [*the act of*] voting.

20 “(3) A person may not obstruct an entrance of a building in which **ballots are issued** or a place
21 designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS
22 254.474 is located. **This subsection applies during the period beginning on the date that ballots**
23 **are mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or**
24 **when all persons waiting in line at the building or location who began the act of voting as**
25 **described in ORS 254.470 (10) by 8 p.m. have finished voting.**

26 “(4) A person may not vote or offer to vote in any election knowing the person is not entitled
27 to vote.

28 “(5) A person may not make a false statement about the person’s inability to mark a ballot.

29 “(6) A person, except an elections official in performance of duties or [*other*] **another** person
30 providing assistance to an elector as described in ORS 254.445, may not ask a person at any place
31 designated for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472
32 or 254.474 for whom that person intends to vote, or examine or attempt to examine the person’s
33 ballot.

34 “(7) A person may not show the person’s own marked ballot to another person to reveal how it
35 was marked.

36 “(8) An elections official, other than in the performance of duties, may not disclose to any per-
37 son any information by which it can be ascertained for whom any elector has voted.

38 “(9) A person, except an elections official in performance of duties, may not do anything to a
39 ballot to permit identification of the person who voted.

40 “(10) An elector may not willfully leave at any place designated for the deposit of ballots under
41 ORS 254.470 or at any location described in ORS 254.472 or 254.474 anything that will show how the
42 elector’s ballot was marked.

43 “(11) A person, except an elections official in performance of duties, may not remove a ballot
44 from any place designated for the deposit of ballots under ORS 254.470 or any location described in
45 ORS 254.472 or 254.474.

1 “(12) A person, except an elections official in performance of duties or a person authorized by
2 that official, may not willfully deface, remove, alter or destroy a posted election notice.

3 “(13) A person, except an elections official in performance of duties, may not willfully remove,
4 alter or destroy election equipment or supplies, or break the seal or open any sealed package con-
5 taining election supplies.

6 “(14) A person, except an elections official in performance of duties, may not **provide elections**
7 **advice or** attempt to collect voted ballots **within any building in which any state or local gov-**
8 **ernment elections office designated for the deposit of ballots under ORS 254.470 is located,**
9 **or** within 100 feet measured radially from [*a location designated for deposit of ballots under ORS*
10 *254.470*] **any entrance to the building.**

11 “(15) A person, except an elections official in performance of duties, may not establish a location
12 to collect ballots voted by electors unless:

13 “(a) The person prominently displays at the location a sign stating: ‘NOT AN OFFICIAL BAL-
14 LOT DROP SITE[.]’; **and**

15 “(b) **The sign is printed in all capital letters in bold 50-point type.**

16 “**SECTION 11.** If both Senate Bill 74 and Senate Bill 77 become law, section 8 of this 2007 Act
17 is amended to read:

18 “**Sec. 8.** (1) The amendments to ORS 249.064 by section 3 of this 2007 Act apply to nominating
19 petitions filed on or after the effective date of this 2007 Act.

20 “(2) The amendments to ORS 253.030 by section [4] **9** of this 2007 Act apply to applications for
21 absentee ballots made on or after the effective date of this 2007 Act.

22 “(3) The amendments to ORS 260.695 by section [5] **10** of this 2007 Act apply to activities oc-
23 ccurring on or after the effective date of this 2007 Act.

24 “(4) The amendments to ORS 247.292 by section 6 of this 2007 Act apply to written evidence
25 received by a county clerk on or after the effective date of this 2007 Act.

26 “**SECTION 12.** If Senate Bill 77 becomes law and Senate Bill 74 does not become law, section
27 8 of this 2007 Act is amended to read:

28 “**Sec. 8.** (1) The amendments to ORS 249.064 by section 3 of this 2007 Act apply to nominating
29 petitions filed on or after the effective date of this 2007 Act.

30 “(2) The amendments to ORS 253.030 by section [4] **9** of this 2007 Act apply to applications for
31 absentee ballots made on or after the effective date of this 2007 Act.

32 “(3) The amendments to ORS 260.695 by section 5 of this 2007 Act apply to activities occurring
33 on or after the effective date of this 2007 Act.

34 “(4) The amendments to ORS 247.292 by section 6 of this 2007 Act apply to written evidence
35 received by a county clerk on or after the effective date of this 2007 Act.

36 “**SECTION 13.** If Senate Bill 74 becomes law and Senate Bill 77 does not become law, section
37 8 of this 2007 Act is amended to read:

38 “**Sec. 8.** (1) The amendments to ORS 249.064 by section 3 of this 2007 Act apply to nominating
39 petitions filed on or after the effective date of this 2007 Act.

40 “(2) The amendments to ORS 253.030 by section 4 of this 2007 Act apply to applications for ab-
41 sentee ballots made on or after the effective date of this 2007 Act.

42 “(3) The amendments to ORS 260.695 by section [5] **10** of this 2007 Act apply to activities oc-
43 ccurring on or after the effective date of this 2007 Act.

44 “(4) The amendments to ORS 247.292 by section 6 of this 2007 Act apply to written evidence
45 received by a county clerk on or after the effective date of this 2007 Act.”.

