

Senate Bill 78

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Specifies that voter registration of person occurs on date registration is postmarked if registration card is mailed to election official and received after 21st day immediately preceding election.

Deletes requirement that candidate nominating petition contain residence address of person signing petition.

Deletes requirement that application for absentee ballot be in writing and signed by applicant. Allows application by electronic mail.

Prohibits electioneering within 100 feet of places designated for deposit of ballots. Prohibits person from obstructing entrance of building in which ballots are issued. Prohibits person other than elections official from providing elections advice or collecting voted ballots within 100 feet of places designated for deposit of ballots.

Requires signs at nonofficial ballot drop sites to be printed in bold 50-point type.

Deletes provision directing county clerk to update voter registration based on evidence received from United States Postal Service indicating change in elector mailing address.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; and amending ORS 247.012, 247.292, 247.563, 249.064,
3 253.030 and 260.695.

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

5 **SECTION 1.** ORS 247.012 is amended to read:

6 247.012. (1) A qualified person may register to vote or update a registration to vote by:

7 (a) Delivering by mail or otherwise a completed registration card to any county clerk, the Sec-
8 retary of State, any office of the Department of Transportation or any designated voter registration
9 agency as described in ORS 247.208;

10 (b) Personally delivering the card to an official designated by a county clerk under subsection
11 (7) of this section; or

12 (c) Completing the voter registration portion of the application for issuance or renewal of a
13 driver license, issuance of a state identification card under ORS 807.400 or a change of address at
14 an office of the Department of Transportation under ORS 247.017.

15 (2) If a registration card is mailed or delivered to:

16 (a) Any person other than a county clerk or the Secretary of State, the person shall forward the
17 card to a county clerk or the Secretary of State not later than the fifth day after receiving the card;
18 or

19 (b) The Secretary of State or a county clerk for a county other than the county in which the
20 person applying for registration resides, the Secretary of State or county clerk shall forward the
21 card to the county clerk for the county in which the person resides not later than the fifth day after
22 receiving the card.

23 (3) Registration of a qualified person occurs:

24 (a) When a legible, accurate and complete registration card is received in the office of any

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 county clerk, the Office of the Secretary of State, an office of the Department of Transportation, a
 2 designated voter registration agency under ORS 247.208 or at a location designated by a county
 3 clerk under subsection (7) of this section;

4 (b) **If a registration card is mailed to the office of any county clerk, the Office of the**
 5 **Secretary of State or a location designated by a county clerk under subsection (7) of this**
 6 **section**, on the date a registration card is postmarked if the card is received after the 21st day
 7 immediately preceding an election but is postmarked not later than the 21st day immediately pre-
 8 ceding the election; or

9 (c) In the case of a registration card missing a date of birth, containing an incomplete date of
 10 birth or containing an unintentional scrivener’s error that is supplied or corrected as described in
 11 subsection (4) or (6) of this section, on the date that registration would have occurred if the regis-
 12 tration card had not been missing the date of birth, contained an incomplete date of birth or con-
 13 tained the scrivener’s error.

14 (4) If a registration card is legible, accurate and contains, at a minimum, the registrant’s name,
 15 residence address, date of birth and signature, the county clerk shall register the person. If this
 16 information is missing from the registration card or the date of birth is incomplete, the county clerk
 17 shall attempt to contact the person to obtain the missing or incomplete information. The county
 18 clerk may supply the registrant’s date of birth from any previous registration of the registrant.

19 (5) If a registration card meets the requirements of subsection (4) of this section but is missing
 20 an indication of political party affiliation, the registrant shall be considered not affiliated with any
 21 political party. This subsection does not apply if an elector is updating a registration within the
 22 same county.

23 (6) If a registration card contains an unintentional scrivener’s error, the county clerk may at-
 24 tempt to contact the person to correct the error.

25 (7) A county clerk may appoint officials to accept registration of persons at designated locations.
 26 The appointments and locations shall be in writing and filed in the office of the county clerk. The
 27 county clerk shall be responsible for the performance of duties by those appointed.

28 (8) A registration card received and accepted under this section shall be considered an active
 29 registration.

30 (9) A registration may be updated at any time.

31 **SECTION 2.** ORS 249.064 is amended to read:

32 249.064. (1) A nominating petition of a candidate seeking the nomination of a major political
 33 party shall contain a statement that each elector whose signature appears on the petition is a
 34 member of the same major political party as is the candidate.

35 (2) A nominating petition of any candidate shall contain the number of signatures of electors
 36 required by ORS 249.068 or 249.072 and the [*residence address and*] name or number of the precinct,
 37 if known, of each elector whose signature appears.

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

40 **SECTION 3.** ORS 253.030 is amended to read:

41 253.030. (1) Before an election any elector may apply to the clerk for the absentee ballot of the
 42 election.

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

44 [*(a) Be in writing and signed by the applicant; and*]

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

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

5 (4) Application for an absentee ballot may be made **in writing**, by **electronic mail or by** using
 6 a facsimile machine. As used in this subsection, “facsimile machine” means a machine that elec-
 7 tronically transmits or receives facsimiles of documents through connection with a telephone net-
 8 work.

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

11 **SECTION 4.** ORS 260.695 is amended to read:

12 260.695. (1) *[No]* **A person** *[shall]* **may not** print or circulate an imitation of the ballot or sample
 13 ballot, or a portion of the ballot or sample ballot, which contains information which will not appear,
 14 or deletes information which will appear, on the ballot or sample ballot, or that portion of the ballot
 15 or sample ballot, unless the imitation of the ballot or sample ballot, or portion of the ballot or
 16 sample ballot, contains the following statement in bold type: “NOT FOR OFFICIAL USE.” This
 17 subsection does not prohibit the printing or circulation of an imitation of a ballot which illustrates
 18 the manner in which a candidate’s name may be written in for an office.

19 (2) *[No person, within any building in which a polling place is located or, in an election conducted*
 20 *by mail, after the date that ballots are mailed as provided in ORS 254.470, within any building in*
 21 *which ballots are issued, or within 100 feet measured radially from any entrance to the building,*
 22 *shall]* **A person may not** do any electioneering, including circulating any cards or *[hand bills]*
 23 **handbills**, or soliciting of signatures to any petition **within any building in which a polling place**
 24 **is located, ballots are issued or a place designated for the deposit of ballots under ORS**
 25 **254.470 is located, or within 100 feet measured radially from any entrance to the building or**
 26 **from the location of any other place designated for the deposit of ballots under ORS 254.470.**
 27 *[No person shall]* **A person may not** do any electioneering by public address system located more
 28 than 100 feet from an entrance to the building *[but]* **or from the location of any other place**
 29 **designated for the deposit of ballots under ORS 254.470 if the person is** capable of being un-
 30 derstood within 100 feet of the building **or location.** The electioneering need not relate to the
 31 election being conducted. **In an election conducted by mail, this subsection applies during the**
 32 **period beginning on the date that ballots are mailed to electors as provided in ORS 254.470**
 33 **and ending on election day at 8 p.m. or when all persons waiting in line at the building or**
 34 **location who began the act of voting as described in ORS 254.470 (11) by 8 p.m. have finished**
 35 **voting.**

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

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

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

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

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

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

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

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

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

19 (12) *[No]* **An** elector at a polling place *[shall]* **may not** deliver a ballot to an election board
20 member except the ballot the elector received from an election board member. *[Nothing in this sub-*
21 *section shall]* **This subsection does not** prohibit a person from delivering any absentee ballot or
22 ballots to an election board member.

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

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

30 (15) *[No]* **A** person, except an elections official in performance of duties, *[shall]* **may not** remove
31 a ballot from any polling place, any place designated for the deposit of ballots under ORS 254.470
32 or any voting booth maintained under ORS 254.474.

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

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

38 (18) *[No]* **A** person *[other than]*, **except** an elections official *[shall]* **in performance of duties,**
39 **may not provide elections advice or** attempt to collect voted ballots **within any building in**
40 **which a polling place is located, ballots are issued or a place designated for the deposit of**
41 **ballots under ORS 254.470 is located or** within 100 feet measured radially from **any entrance to**
42 **the building or from the location of any other place** *[a location]* designated for **the** deposit of
43 ballots under ORS 254.470.

44 (19) *[No]* **A** person, except an elections official in performance of duties, in an election conducted
45 by mail, *[shall]* **may not** establish a location to collect ballots voted by electors unless:

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

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

4 **SECTION 5.** ORS 247.292 is amended to read:

5 247.292. (1)(a) A county clerk shall update the registration of an elector in the county upon re-
6 ceiving written evidence from:

7 **(A)** The elector [*or from the United States Postal Service*] indicating a residence or mailing ad-
8 dress that is different from the residence or mailing address for the elector as contained in the re-
9 cords of the county clerk; **or**

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

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

14 (2) When a county clerk updates the registration of an elector under subsection (1) of this sec-
15 tion, the clerk shall send a new precinct memorandum card by nonforwardable mail to the elector
16 as provided in ORS 247.181. The clerk shall include a notice stating that if the residence address
17 or mailing address is not correct, the elector must notify the clerk.

18 (3) An elector [*shall not be*] **is not** disqualified from voting due to any error relating to an up-
19 date of registration made under this section.

20 **SECTION 6.** ORS 247.563 is amended to read:

21 247.563. (1) Except as provided in subsection (4) of this section and ORS 247.555, whenever it
22 appears to the county clerk that an elector needs to update the elector’s registration or that the
23 elector has changed residence address to another county, the county clerk shall mail a notice to the
24 elector.

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

28 (a) The elector should return the card promptly;

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

31 (c) The elector’s registration will be canceled if the elector neither votes nor updates the reg-
32 istration before two general elections have been held.

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

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

41 **SECTION 7.** (1) **The amendments to ORS 247.012 by section 1 of this 2007 Act apply to**
42 **voter registration cards postmarked on or after the effective date of this 2007 Act.**

43 **(2) The amendments to ORS 249.064 by section 2 of this 2007 Act apply to nominating**
44 **petitions filed on or after the effective date of this 2007 Act.**

45 **(3) The amendments to ORS 253.030 by section 3 of this 2007 Act apply to applications for**

1 **absentee ballots made on or after the effective date of this 2007 Act.**

2 **(4) The amendments to ORS 260.695 by section 4 of this 2007 Act apply to activities oc-**
3 **curing on or after the effective date of this 2007 Act.**

4 **(5) The amendments to ORS 247.292 by section 5 of this 2007 Act apply to written evidence**
5 **received by a county clerk on or after the effective date of this 2007 Act.**

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