

Senate Bill 831

Sponsored by Senator FERRIOLI

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**.

Prohibits county clerk from observing information indicating elector's political party affiliation when verifying signature on return identification envelope with signature on registration card.

A BILL FOR AN ACT

1
2 Relating to ballot counting; amending ORS 254.470 and 260.695.

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

4 **SECTION 1.** ORS 254.470 is amended to read:

5 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
6 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
7 dates and times the places of deposit must be open and the security requirements for the places of
8 deposit. At a minimum, the places designated under this section shall be open on the date of the
9 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
10 of deposit designated under this section, the county clerk shall prominently display a sign stating
11 that the location is an official ballot drop site.

12 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the county clerk shall mail
13 by nonforwardable mail an official ballot with a return identification envelope and a secrecy envel-
14 ope not sooner than the 18th day before the date of an election and not later than the 14th day
15 before the date of the election, to each active elector of the electoral district as of the 21st day
16 before the date of the election.

17 (b) If the county clerk determines that an active elector of the electoral district as of the 21st
18 day before the date of the election does not receive daily mail service from the United States Postal
19 Service, the county clerk shall mail by nonforwardable mail an official ballot with a return iden-
20 tification envelope and a secrecy envelope to the elector not sooner than the 20th day before the
21 date of an election and not later than the 18th day before the date of the election.

22 (c) In the case of ballots to be mailed to addresses outside this state to electors who are not
23 long-term absent electors, the county clerk may mail the ballots not sooner than the 29th day before
24 the date of the election.

25 (3) For an election held on the date of a primary election:

26 (a) The county clerk shall mail the official ballot of a major political party to each elector who
27 is registered as being affiliated with the major political party as of the 21st day before the date of
28 the election.

29 (b) The county clerk shall mail the official ballot of a major political party to an elector not
30 affiliated with any political party if the elector has applied for the ballot as provided in this sub-
31 section and that party has provided under ORS 254.365 for a primary election that admits electors

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 not affiliated with any political party.

2 (c) An elector not affiliated with any political party who wishes to vote in the primary election
3 of a major political party shall apply to the county clerk in writing. The application shall indicate
4 which major political party ballot the elector wishes to receive. Except for electors described in
5 subsection (4) of this section, and subject to ORS 247.203, the application must be received by the
6 county clerk not later than 5 p.m. of the 21st day before the date of the election.

7 (d) If the primary election ballot includes city, county or nonpartisan offices or measures, the
8 county clerk shall mail to each elector who is not eligible to vote for party candidates a ballot
9 limited to those offices and measures for which the elector is eligible to vote.

10 (4) For each elector who updates a voter registration after the deadline in ORS 247.025, the
11 county clerk shall make the official ballot, the return identification envelope and the secrecy en-
12 velope available either by mail or at the county clerk's office or at another place designated by the
13 county clerk. An elector to whom this subsection applies must request a ballot from the county
14 clerk.

15 (5) The ballot shall contain the following warning:

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18 Any person who, by use of force or other means, unduly influences an elector to vote in any
19 particular manner or to refrain from voting is subject to a fine.

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22 (6) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
23 the return identification envelope supplied with the ballot and comply with the instructions provided
24 with the ballot. The elector may return the marked ballot to the county clerk by United States mail
25 or by depositing the ballot at the office of the county clerk, at any place of deposit designated by
26 the county clerk or at any location described in ORS 254.472 or 254.474. The ballot must be returned
27 in the return identification envelope. If the elector returns the ballot by mail, the elector must
28 provide the postage. A ballot must be received at the office of the county clerk, at the designated
29 place of deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the
30 period determined under subsection (1) of this section on the date of the election.

31 (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not
32 received by the elector. Replacement ballots shall be issued and processed as described in this
33 section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided
34 under this subsection. Notwithstanding any deadline for mailing ballots in subsection (2) of this
35 section, a replacement ballot may be mailed, made available in the office of the county clerk or made
36 available at one central location in the electoral district in which the election is conducted. The
37 county clerk shall designate the central location. A replacement ballot need not be mailed after the
38 fifth day before the date of the election.

39 (8) A ballot shall be counted only if:

40 (a) It is returned in the return identification envelope;

41 (b) The envelope is signed by the elector to whom the ballot is issued; and

42 (c) The signature is verified as provided in subsection (9) of this section.

43 (9) The county clerk shall verify the signature of each elector on the return identification en-
44 velope with the signature on the elector's registration card, according to the procedure provided by
45 rules adopted by the Secretary of State. **The county clerk may not observe any information in-**

1 **dicating an elector's political party affiliation while verifying signatures under this sub-**
 2 **section.**

3 (10) If the county clerk determines that an elector to whom a replacement ballot has been issued
 4 has voted more than once, the county clerk shall count only one ballot cast by that elector.

5 [(10)] (11) At 8 p.m. on election day, electors who are at the county clerk's office, a place of
 6 deposit designated under subsection (1) of this section or any location described in ORS 254.472 or
 7 254.474 and who are in line waiting to vote or deposit a voted ballot shall be considered to have
 8 begun the act of voting.

9 **SECTION 2.** ORS 260.695, as amended by section 1, chapter 35, Oregon Laws 2010, is amended
 10 to read:

11 260.695. (1)(a) If a person prints or circulates an imitation of the ballot or sample ballot:

12 (A) The imitation ballot or sample ballot and the back of any return envelope enclosed with the
 13 ballot or sample ballot shall state the following: "THIS IS NOT A REAL BALLOT. DO NOT USE
 14 TO VOTE." The statement on the imitation ballot or sample ballot shall be in bold print that is at
 15 least two times as large as the majority of the text on the ballot or sample ballot or 20-point type,
 16 whichever is larger. The statement on the back of a return envelope shall be in bold print that is
 17 at least 36-point type.

18 (B) The word "UNOFFICIAL" must be superimposed on the imitation ballot or sample ballot so
 19 that the word extends diagonally across the ballot from one margin of the text to the other. The
 20 superimposed word may be printed in lighter ink than other text on the ballot or sample ballot.

21 (b) For purposes of this subsection, an imitation of the ballot or sample ballot includes an imi-
 22 tation of a portion of the ballot or sample ballot.

23 (2) A person may not do any electioneering, including circulating any cards or handbills, or so-
 24 liciting of signatures to any petition, within any building in which any state or local government
 25 elections office designated for the deposit of ballots under ORS 254.470 is located, or within 100 feet
 26 measured radially from any entrance to the building. A person may not do any electioneering by
 27 public address system located more than 100 feet from an entrance to the building if the person is
 28 capable of being understood within 100 feet of the building. The electioneering need not relate to
 29 the election being conducted. This subsection applies during the period beginning on the date that
 30 ballots are mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or
 31 when all persons waiting in line at the building who began the act of voting as described in ORS
 32 254.470 [(10)] (11) by 8 p.m. have finished voting.

33 (3) A person may not obstruct an entrance of a building in which ballots are issued or a place
 34 designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS
 35 254.474 is located. This subsection applies during the period beginning on the date that ballots are
 36 mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all
 37 persons waiting in line at the building or location who began the act of voting as described in ORS
 38 254.470 [(10)] (11) by 8 p.m. have finished voting.

39 (4) A person may not vote or offer to vote in any election knowing the person is not entitled
 40 to vote.

41 (5) A person may not make a false statement about the person's inability to mark a ballot.

42 (6) A person, except an elections official in performance of duties or another person providing
 43 assistance to an elector as described in ORS 254.445, may not ask a person at any place designated
 44 for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472 or 254.474
 45 for whom that person intends to vote, or examine or attempt to examine the person's ballot.

1 (7) A person may not show the person's own marked ballot to another person to reveal how it
2 was marked.

3 (8) An elections official, other than in the performance of duties, may not disclose to any person
4 any information by which it can be ascertained for whom any elector has voted.

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

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

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

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

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

18 (14) A person, except an elections official in performance of duties, may not provide elections
19 advice or attempt to collect voted ballots within any building in which any state or local govern-
20 ment elections office designated for the deposit of ballots under ORS 254.470 is located, or within
21 100 feet measured radially from any entrance to the building.

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

24 (a) The person prominently displays at the location a sign stating: "NOT AN OFFICIAL BAL-
25 LOT DROP SITE"; and

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

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