

Senate Bill 836

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 ballot deposit sites established by persons other than elections officials.

A BILL FOR AN ACT

Relating to ballot deposit sites; creating new provisions; and amending ORS 260.695.

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

SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 254.

SECTION 2. (1) In an election conducted by mail, a person, except an elections official in performance of duties, may not establish a place of deposit for ballots cast in the election.

(2) Each place of deposit for ballots cast in an election designated under ORS 254.470 shall be staffed by elections officials during all hours that the place of deposit is open.

(3) Elections officials shall count each ballot delivered to a place of deposit designated under ORS 254.470 at the place of deposit and shall count the ballots again when the ballots are transferred from the place of deposit to the office of the county clerk.

SECTION 3. ORS 260.695, as amended by section 1, chapter 35, Oregon Laws 2010, is amended to read:

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

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

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

(b) For purposes of this subsection, an imitation of the ballot or sample ballot includes an imitation of a portion of the ballot or sample ballot.

(2) A person may not do any electioneering, including circulating any cards or handbills, or soliciting of signatures to any petition, within any building in which any state or local government elections office designated for the deposit of ballots under ORS 254.470 is located, or within 100 feet measured radially from any entrance to the building. A person may not do any electioneering by public address system located more than 100 feet from an entrance to the building if the person is capable of being understood within 100 feet of the building. The electioneering need not relate to the election being conducted. This subsection applies during the period beginning on the date that

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 ballots are mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or
2 when all persons waiting in line at the building who began the act of voting as described in ORS
3 254.470 (10) by 8 p.m. have finished voting.

4 (3) A person may not obstruct an entrance of a building in which ballots are issued or a place
5 designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS
6 254.474 is located. This subsection applies during the period beginning on the date that ballots are
7 mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all
8 persons waiting in line at the building or location who began the act of voting as described in ORS
9 254.470 (10) by 8 p.m. have finished voting.

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

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

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

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

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

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

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

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

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

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

34 (14) A person, except an elections official in performance of duties, may not provide elections
35 advice or attempt to collect voted ballots within any building in which any state or local govern-
36 ment elections office designated for the deposit of ballots under ORS 254.470 is located, or within
37 100 feet measured radially from any entrance to the building.

38 *[(15) A person, except an elections official in performance of duties, may not establish a location*
39 *to collect ballots voted by electors unless:]*

40 *[(a) The person prominently displays at the location a sign stating: "NOT AN OFFICIAL BAL-*
41 *LOT DROP SITE"; and]*

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