

Senate Bill 838

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**.

Eliminates culpable mental state element in certain election law violations.

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A BILL FOR AN ACT

Relating to the imposition of sanctions for election law violations; creating new provisions; and amending ORS 247.171, 247.420, 260.675, 260.695 and 260.715.

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

SECTION 1. ORS 247.171 is amended to read:

247.171. (1) Except as provided in this subsection, the Secretary of State shall design, prepare and distribute state voter registration cards. The Secretary of State shall also distribute federal registration cards. Any person may apply in writing to the Secretary of State for permission to print, copy or otherwise prepare and distribute the registration cards designed by the Secretary of State. The secretary may revoke any permission granted under this subsection at any time. All registration cards shall be distributed to the public without charge.

(2) The Secretary of State shall approve any voter registration application form developed for use by the Department of Transportation under ORS 247.017 or by any other agency designated a voter registration agency under ORS 247.208.

(3) Each voter registration card designed or approved by the Secretary of State shall describe the penalties for *knowingly* supplying false information on the registration card and shall contain space for a person to provide the following information:

- (a) Full name;
- (b) Residence address, mailing address or any other information necessary to locate the residence of the person offering to register to vote;
- (c) The name of the political party with which the person is affiliated, if any;
- (d) Date of birth;
- (e) An indication that the person is a citizen of the United States; and
- (f) A signature attesting to the fact that the person is qualified to be an elector.

(4) Any form containing a voter registration card may also include space for a person to provide:

- (a) A telephone number where the person may be contacted; and
- (b) If previously registered to vote in this state, the name then supplied by the person and the county and, if known, the address of previous registration.

(5) A person shall not supply any **false** information under subsection (3) or (4) of this section *knowing it to be false*.

(6) A county clerk or other person accepting registration cards shall not request any information unless it is authorized by state or federal law.

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 (7) A person shall attest to the information supplied on the voter registration card by signing
2 the completed registration card.

3 (8) Any completed and signed registration card described in subsection (3) of this section shall
4 be the official registration card of the elector.

5 **SECTION 2.** ORS 247.420 is amended to read:

6 247.420. (1) A county clerk shall give a ballot marked "Presidential only" to any person eligible
7 under ORS 247.410 who personally appears in the office of the county clerk, completes a registration
8 card and verifies eligibility to vote under ORS 247.410.

9 (2) [No] A person shall **not** supply any **false** information under subsection (1) of this section[,
10 *knowing it to be false*].

11 **SECTION 3.** ORS 260.675 is amended to read:

12 260.675. (1) A person employed or authorized to print official ballots may not give, deliver or
13 [*knowingly*] permit any of the ballots to be taken by any person other than the official under whose
14 direction the ballots are printed.

15 (2) A person may not [*knowingly*] print, cause or permit to be printed any ballot in any other
16 form, with any other names, with names spelled or names of the candidates arranged in any other
17 way than that directed by the official under whose direction the ballots are printed.

18 (3) An official having the duty of distributing ballots, and any persons acting for that official,
19 may not [*knowingly*] distribute or cause to be distributed any ballots in any other manner than as
20 provided under the election laws.

21 **SECTION 4.** ORS 260.695, as amended by section 1, chapter 35, Oregon Laws 2010, is amended
22 to read:

23 260.695. (1)(a) If a person prints or circulates an imitation of the ballot or sample ballot:

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

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

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

35 (2) A person may not do any electioneering, including circulating any cards or handbills, or so-
36 liciting of signatures to any petition, within any building in which any state or local government
37 elections office designated for the deposit of ballots under ORS 254.470 is located, or within 100 feet
38 measured radially from any entrance to the building. A person may not do any electioneering by
39 public address system located more than 100 feet from an entrance to the building if the person is
40 capable of being understood within 100 feet of the building. The electioneering need not relate to
41 the election being conducted. This subsection applies during the period beginning on the date that
42 ballots are mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or
43 when all persons waiting in line at the building who began the act of voting as described in ORS
44 254.470 (10) by 8 p.m. have finished voting.

45 (3) A person may not obstruct an entrance of a building in which ballots are issued or a place

1 designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS
2 254.474 is located. This subsection applies during the period beginning on the date that ballots are
3 mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all
4 persons waiting in line at the building or location who began the act of voting as described in ORS
5 254.470 (10) by 8 p.m. have finished voting.

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

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

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

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

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

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

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

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

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

27 (13) A person, except an elections official in performance of duties, may not [*willfully*] remove,
28 alter or destroy election equipment or supplies, or break the seal or open any sealed package con-
29 taining election supplies.

30 (14) A person, except an elections official in performance of duties, may not provide elections
31 advice or attempt to collect voted ballots within any building in which any state or local govern-
32 ment elections office designated for the deposit of ballots under ORS 254.470 is located, or within
33 100 feet measured radially from any entrance to the building.

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

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

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

39 **SECTION 5.** ORS 260.715 is amended to read:

40 260.715. (1) A person may not [*knowingly*] make a false statement, oath or affidavit when a
41 statement, oath or affidavit is required under the election laws.

42 (2) A person may not request a ballot in a name other than the person's own name.

43 (3) A person may not vote or attempt to vote more than once at any election held on the same
44 date.

45 (4) A person may not vote or attempt to vote both in an election held in this state and in an-

1 other state on the same date.

2 (5) A person, except an elections official in performance of duties, may not [*willfully*] alter or
3 destroy a ballot cast at an election or the returns of an election.

4 (6) A person may not [*willfully*] place a fraudulent ballot among the genuine ballots.

5 (7) A person may not falsely write anything purporting to be written by an elections official in
6 performance of duties on the ballot.

7 (8) A person may not commit theft of a ballot or tally or return sheet, or [*willfully*] hinder or
8 delay the delivery of the tally or return sheet to the county clerk, or fraudulently break open a
9 sealed tally or return sheet of the election.

10 (9) A person may not manufacture or [*knowingly*] use a fraudulent ballot return identification
11 envelope or secrecy envelope or sell, offer to sell, purchase or offer to purchase, for money or other
12 valuable consideration, any official ballot, replacement ballot, ballot return identification envelope
13 or secrecy envelope. As used in this subsection, “ballot return identification envelope” and “secrecy
14 envelope” mean those envelopes used to return ballots to the county clerk.

15 **SECTION 6. The amendments to ORS 247.171, 247.420, 260.675, 260.695 and 260.715 by**
16 **sections 1 to 5 of this 2011 Act apply to violations that occur on or after the effective date**
17 **of this 2011 Act.**

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