

A-Engrossed
Senate Bill 150

Ordered by the Senate June 14
Including Senate Amendments dated June 14

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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.

Increases maximum civil penalty for violations of election law or rule.
Eliminates requirement that certain ballots be printed in different colors.
Increases time allowed for mailing of ballots from 18 to 20 days before date of election.

A BILL FOR AN ACT

1
2 Relating to conduct of elections; amending ORS 254.195, 254.470 and 260.995.

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

4 **SECTION 1.** ORS 254.195 is amended to read:

5 254.195. (1) Official ballots shall be printed in black ink upon good quality material. [*The primary*
6 *election ballots shall be of different colors for the major political parties.*]

7 (2) The governing body of a city, county or district may mail sample ballots to all electors
8 within the city, county or district to assist the electors' preparation for voting.

9 **SECTION 2.** ORS 260.995 is amended to read:

10 260.995. (1) Except as provided in subsection (2) of this section, following an investigation under
11 ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to exceed
12 [~~\$250~~] **\$1,000** for each violation of any provision of Oregon Revised Statutes relating to the conduct
13 of any election, any rule adopted by the secretary under ORS chapters 246 to 260 or any other
14 matter preliminary to or relating to an election, for which a civil penalty is not otherwise provided.

15 (2) The secretary or the Attorney General may impose a civil penalty not to exceed:

16 [(a) \$1,000 for each violation of ORS 251.049 (3) or 251.405 (3);]

17 [(b)] (a) \$1,000 plus the amount converted to personal use for each violation of ORS 260.407; or

18 [(c)] (b) \$10,000 for each violation of ORS 260.555, 260.558, 260.575, 260.695 (1) or 260.715 (1) or
19 section 1b, Article IV of the Oregon Constitution.

20 (3) Except as otherwise provided by this section, civil penalties under this section shall be im-
21 posed as provided in ORS 183.745. In addition to the requirements of ORS 183.745, the notice shall
22 include:

23 (a) A statement of the authority and jurisdiction under which the hearing is to be held; and

24 (b) If the person is an agency, corporation or an unincorporated association, a statement that
25 such person must be represented by an attorney licensed in Oregon, unless the person is a political
26 committee which may be represented by any officer identified in the most recent statement of or-

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 ganization filed with the filing officer.

2 (4) A hearing on whether to impose a civil penalty and to consider circumstances in mitigation
3 shall be held by the secretary or Attorney General:

4 (a) Upon request of the person against whom the penalty may be assessed, if the request is made
5 not later than the 20th day after the date the person received notice sent under subsection (3) of
6 this section; or

7 (b) Upon the secretary's or Attorney General's own motion.

8 (5) The person against whom a penalty may be assessed need not appear in person at a hearing
9 held under this section, but instead may submit written testimony or other evidence, sworn to before
10 a notary public, to the secretary or Attorney General for entry in the hearing record. The testimony
11 or other evidence must be received by the secretary or Attorney General not later than three
12 business days before the day of the hearing.

13 (6) All hearings under this section shall be held not later than 45 days after the deadline for the
14 person against whom the penalty may be assessed to request a hearing. However, if requested by
15 the person against whom the penalty may be assessed, a hearing under subsection (4) of this section
16 shall be held not later than 60 days after the deadline for the person against whom the penalty may
17 be assessed to request a hearing.

18 (7) The secretary or Attorney General shall issue an order not later than 90 days after a hearing
19 or after the deadline for requesting a hearing if no hearing is held.

20 (8) All penalties recovered under this section shall be paid into the State Treasury and credited
21 to the General Fund.

22 (9) In the case of a civil penalty imposed under this section for a violation of ORS 260.407, the
23 person against whom the penalty is assessed:

24 (a) Is personally responsible for the payment of the civil penalty;

25 (b) Shall pay the civil penalty from personal funds of the person; and

26 (c) May not pay the civil penalty from contributions received by a candidate, a candidate's
27 principal campaign committee, a political committee or a petition committee.

28 **SECTION 3.** ORS 254.470 is amended to read:

29 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
30 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
31 dates and times the places of deposit must be open and the security requirements for the places of
32 deposit. At a minimum, the places designated under this section shall be open on the date of the
33 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
34 of deposit designated under this section, the county clerk shall prominently display a sign stating
35 that the location is an official ballot drop site.

36 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the county clerk shall mail
37 by nonforwardable mail an official ballot with a return identification envelope and a secrecy envel-
38 ope not sooner than the [18th] **20th** day before the date of an election and not later than the 14th
39 day before the date of the election, to each active elector of the electoral district as of the 21st day
40 before the date of the election.

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

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

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

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

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

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

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

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

25 (5) The ballot shall contain the following warning:
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28 Any person who, by use of force or other means, unduly influences an elector to vote in any
29 particular manner or to refrain from voting is subject to a fine.
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32 (6) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
33 the return identification envelope supplied with the ballot and comply with the instructions provided
34 with the ballot. The elector may return the marked ballot to the county clerk by United States mail
35 or by depositing the ballot at the office of the county clerk, at any place of deposit designated by
36 the county clerk or at any location described in ORS 254.472 or 254.474. The ballot must be returned
37 in the return identification envelope. If the elector returns the ballot by mail, the elector must
38 provide the postage. A ballot must be received at the office of the county clerk, at the designated
39 place of deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the
40 period determined under subsection (1) of this section on the date of the election.

41 (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not
42 received by the elector. Replacement ballots shall be issued and processed as described in this
43 section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided
44 under this subsection. Notwithstanding any deadline for mailing ballots in subsection (2) of this
45 section, a replacement ballot may be mailed, made available in the office of the county clerk or made

1 available at one central location in the electoral district in which the election is conducted. The
2 county clerk shall designate the central location. A replacement ballot need not be mailed after the
3 fifth day before the date of the election.

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

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

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

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

8 (9) The county clerk shall verify the signature of each elector on the return identification en-
9 velope with the signature on the elector's registration card, according to the procedure provided by
10 rules adopted by the Secretary of State. If the county clerk determines that an elector to whom a
11 replacement ballot has been issued has voted more than once, the county clerk shall count only one
12 ballot cast by that elector.

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

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