

Senate Bill 150

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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**.

Increases maximum civil penalty for violations of election law or rule.
Eliminates requirement that certain ballots be printed in different colors.

A BILL FOR AN ACT

1
2 Relating to conduct of elections; amending ORS 254.195 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-
27 ganization filed with the filing officer.

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

30 (a) Upon request of the person against whom the penalty may be assessed, if the request is made

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 later than the 20th day after the date the person received notice sent under subsection (3) of
2 this section; or

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

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

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

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

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

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

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

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

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

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