

**PROPOSED AMENDMENTS TO
SENATE BILL 1515**

1 On page 1 of the printed bill, line 2, after the semicolon insert “amending
2 ORS 250.048, 254.135, 254.431, 254.548, 255.295 and 260.695;”.

3 Delete lines 4 through 31 and delete page 2 and insert:

4 **“SECTION 1.** ORS 250.048 is amended to read:

5 “250.048. (1) A person may not pay money or other valuable consideration
6 to another person for obtaining signatures of electors on a state initiative,
7 referendum or recall petition or a prospective petition for a state measure
8 to be initiated, and a person may not receive money or other valuable con-
9 sideration for obtaining signatures of electors on a state initiative, referen-
10 dum or recall petition or a prospective petition for a state measure to be
11 initiated, unless the person obtaining the signatures:

12 “(a) Registers with the Secretary of State in the manner prescribed by
13 this section and by rule of the secretary; and

14 “(b) Completes the training program prescribed by rule of the secretary.

15 “(2) A person may apply to the secretary for a registration required under
16 subsection (1) of this section. The application shall include:

17 “(a) The full name and any assumed name of the applicant;

18 “(b) The residential street address of the applicant;

19 “(c) An example of the signature of the applicant;

20 “(d) A list of the prospective petitions on which the applicant will gather
21 signatures;

22 “(e) A list of the initiative, referendum and recall petitions on which the

1 applicant will gather signatures;

2 “(f) If the applicant has been convicted for a criminal offense involving
3 fraud, forgery or identification theft, information relating to the circum-
4 stances of the conviction as required by the secretary;

5 “(g) A statement signed by the applicant acknowledging that the appli-
6 cant has read and understands Oregon law applicable to the gathering of
7 signatures on state initiative, referendum and recall petitions and prospec-
8 tive petitions for state measures to be initiated, as the law is summarized in
9 the training program established by the Secretary of State;

10 “(h) Evidence indicating that the applicant has completed the training
11 required by the secretary by rule;

12 “(i) A photograph of the applicant;

13 “(j) A statement signed by a chief petitioner of each petition or prospec-
14 tive petition, or a person designated by a chief petitioner under this para-
15 graph, upon which the applicant will gather signatures acknowledging that
16 the chief petitioner is liable for violations of law or rule committed by the
17 person obtaining signatures as provided in ORS 260.561. A chief petitioner
18 may designate a person to sign a statement described in this paragraph on
19 behalf of the chief petitioner; and

20 “(k) A copy of the applicant’s criminal records check.

21 “(3)(a) If an applicant complies with subsection (2) of this section, not
22 later than five business days after the applicant applies, the secretary shall
23 register the applicant and assign the applicant a registration number.

24 “(b) A person who is registered to obtain signatures on a prospective pe-
25 tition for a state measure to be initiated need not reapply for a registration
26 under this section in order to obtain signatures on a state initiative, refer-
27 endum or recall petition, except that the person shall submit a list of the
28 initiative, referendum and recall petitions on which the person will gather
29 signatures.

30 “(c) A registration to obtain signatures on a state initiative petition or

1 a prospective petition for a state measure to be initiated is valid until the
2 date that is four months before the next general election.

3 “(d) A registration to obtain signatures on a referendum or recall petition
4 is valid until the date the petition is filed for signature verification.

5 “(4) A person may not apply for registration under this section if, during
6 the five-year period prior to the date of application, the person:

7 “(a) Has been convicted for a criminal offense involving fraud, forgery
8 or identification theft in any state;

9 “(b) Has had a civil penalty imposed under ORS 260.995 for a violation
10 of this section [*or*], ORS 260.262, **260.555, 260.558, 260.575, 260.695 (1) or**
11 **260.715 (1) or Article IV, section 1b, of the Oregon Constitution;** or

12 “(c) Has had a civil or criminal penalty imposed for violation of a statute
13 subject to a criminal penalty under ORS 260.993.

14 “(5)(a) Upon request of the secretary, the Department of State Police shall
15 furnish to the secretary any information that the department may have in
16 its possession regarding an applicant, including but not limited to the Law
17 Enforcement Data System established in ORS 181.730, other computerized
18 information and any other information to which the department may have
19 access. Information obtained under this paragraph may be used to assist in
20 determining the identity of an applicant or whether an applicant has been
21 convicted of a criminal offense described in subsection (4) of this section.

22 “(b) For purposes of receiving the information described in paragraph (a)
23 of this subsection, the office of the Secretary of State is a ‘criminal justice
24 agency’ under ORS 181.010 to 181.560 and 181.715 to 181.730 and the rules
25 adopted under ORS 181.555.

26 “(c) Upon submitting an application for registration described in sub-
27 section (2) of this section, an applicant is deemed to have given the consent
28 necessary for purposes of this subsection.

29 “(6)(a) A chief petitioner shall ensure that a criminal records check is
30 conducted for each applicant seeking registration under this section to de-

1 termine whether the applicant has been convicted of any of the crimes de-
2 scribed in subsection (4)(a) of this section, or was subject to any of the
3 penalties described in subsection (4)(b) and (c) of this section.

4 “(b) The secretary by rule shall prescribe the scope of the criminal re-
5 cords check to be performed pursuant to this subsection. The applicant’s
6 criminal records check may be conducted by either the chief petitioner or the
7 applicant.

8 “(c) An applicant seeking registration under this section is required to
9 have only one criminal records check conducted for each period beginning
10 the day [*after a biennial general election and ending on the day of*] **the ap-
11 plicant registers with the Secretary of State under this section and
12 ending four months before** the next [*biennial*] general election.

13 “(7) If a person receives money or other valuable consideration for ob-
14 taining signatures of electors on a state initiative, referendum or recall pe-
15 tition or a prospective petition for a state measure to be initiated and the
16 person was not registered as required under this section at the time the
17 signatures were obtained, the secretary may not include any signatures ob-
18 tained by the person in a count under ORS 250.045 (3) or 250.105 or ORS
19 chapter 249 for purposes of determining whether the petition or prospective
20 petition contains the required number of signatures of electors.

21 “(8) A person registered under this section shall carry evidence of regis-
22 tration with the person while the person is obtaining signatures on a state
23 initiative, referendum or recall petition or a prospective petition for a state
24 measure to be initiated. The evidence of registration shall contain the pho-
25 tograph and registration number of the person. The secretary by rule shall
26 designate the form of the evidence of registration.

27 “(9) A photograph of an applicant submitted under subsection (2) of this
28 section shall:

29 “(a) Be a conventional photograph with a plain background;

30 “(b) Show the face or the face, neck and shoulders of the applicant; and

1 “(c) Be prepared and processed for printing as prescribed by the secretary.

2 “(10) A person registered under this section may not obtain signatures on
3 a petition or prospective petition for which the person is being paid and, at
4 the same time, obtain signatures on a petition or prospective petition for
5 which the person is not being paid. The secretary may not include any sig-
6 natures obtained in violation of this subsection in a count under ORS 250.045
7 (3) or 250.105 or ORS chapter 249 for purposes of determining whether a state
8 initiative, referendum or recall petition or a prospective petition for a state
9 measure to be initiated contains the required number of signatures of elec-
10 tors.

11 “(11) An organization or entity that pays money or other valuable con-
12 sideration to a person for obtaining signatures of electors on a state initi-
13 ative, referendum or recall petition or a prospective petition for a state
14 measure to be initiated shall register with the Secretary of State by:

15 “(a) Submitting the name and address of the organization or entity;

16 “(b) Selecting one or more individuals who represent the organization or
17 entity to complete the training program prescribed in subsection (1) of this
18 section; and

19 “(c) Submitting a statement signed by each individual selected:

20 “(A) Acknowledging that the individual has read and understands Oregon
21 law applicable to the gathering of signatures on state initiative, referendum
22 and recall petitions and prospective petitions for state measures to be initi-
23 ated, as the law is summarized in the training program established by the
24 secretary; and

25 “(B) Affirming that the organization or entity operates in compliance
26 with the law.

27 “(12) The secretary shall adopt rules necessary to implement this section,
28 including rules:

29 “(a) Establishing procedures for registering persons or organizations or
30 entities as described in this section; and

1 “(b) Establishing a training program prescribed in subsection (1) of this
2 section.

3 **“SECTION 2.** ORS 254.135 is amended to read:

4 “254.135. (1) The official general or special election ballot shall be styled
5 ‘Official Ballot’ and shall state:

6 “(a) The name of the county for which it is intended.

7 “(b) The date of the election.

8 “(c) The names of all candidates for offices to be filled at the election
9 whose nominations have been made and accepted and who have not died,
10 withdrawn or become disqualified. The ballot may not contain the name of
11 any other person.

12 “(d) The number, ballot title and financial estimates under ORS 250.125
13 of any measure to be voted on at the election.

14 “(2) The names of candidates for President and Vice President of the
15 United States shall be printed in groups together, under their political party
16 designations. The names of the electors may not be printed on the general
17 election ballot. A vote for the candidates for President and Vice President
18 is a vote for the group of presidential electors supporting those candidates
19 and selected as provided by law. The general election ballot shall state that
20 electors of President and Vice President are being elected and that a vote
21 for the candidates for President and Vice President shall be a vote for the
22 electors supporting those candidates.

23 “(3)(a) The name of each candidate nominated shall be printed on the
24 ballot in but one place, without regard to how many times the candidate may
25 have been nominated. The name of a political party, or names of political
26 parties, shall be printed with the name of a candidate for other than non-
27 partisan office according to the following rules:

28 “(A) For a candidate not affiliated with a political party who is nomi-
29 nated by a minor political party, the name of the minor political party shall
30 be printed with the name of the candidate;

1 “(B) For a candidate not affiliated with a political party who is nomi-
2 nated by more than one minor political party, the names of not more than
3 three minor political parties selected by the candidate shall be printed with
4 the name of the candidate;

5 “(C) For a candidate who is a member of a political party who is nomi-
6 nated by a political party of which the candidate is not a member, the name
7 of the political party that nominated the candidate shall be printed with the
8 name of the candidate;

9 “(D) For a candidate who is a member of a political party who is nomi-
10 nated by more than one political party of which the candidate is not a
11 member, the names of not more than three political parties selected by the
12 candidate shall be printed with the name of the candidate;

13 “(E) For a candidate who is nominated only by a political party of which
14 the candidate is a member, the name of the political party of which the
15 candidate is a member shall be printed with the name of the candidate; and

16 “(F) For a candidate who is nominated by a political party of which the
17 candidate is a member and by any political party or parties of which the
18 candidate is not a member, the name of the political party of which the
19 candidate is a member and the names of not more than two other political
20 parties selected by the candidate shall be printed with the name of the can-
21 didate.

22 “(b) If a candidate is required to select the name of a political party to
23 be printed on the ballot under paragraph (a) of this subsection, the candidate
24 shall notify the filing officer of the selection not later than the 61st day
25 before the day of the election.

26 “(c) The word ‘incumbent’ shall be printed with the name of each candi-
27 date for the Supreme Court, Court of Appeals, Oregon Tax Court or circuit
28 court who is designated the incumbent by the Secretary of State under ORS
29 254.085.

30 “(d) The word ‘nonaffiliated’ shall be printed with the name of each can-

1 didate who is not affiliated with a political party and who is nominated by
2 an assembly of electors or individual electors.

3 “(e) If two or more candidates for the same office have the same or simi-
4 lar surnames, the location of their places of residence shall be printed with
5 their names to distinguish one from another.

6 “(4) **Notwithstanding subsection (3)(a) of this section, the name of**
7 **a candidate nominated for more than one district office that is to be**
8 **filled at the same election shall be separately printed upon the ballot**
9 **for each district office for which the candidate is nominated.**

10 “**SECTION 3.** ORS 254.431 is amended to read:

11 “254.431. (1) If a ballot is challenged because it is returned in an unsigned
12 return identification envelope or because the signature of an elector on a
13 return identification envelope does not match the signature in the voter
14 registration record for the elector, the county clerk shall mail to the elector
15 a notice that describes the nature of the challenge. The Secretary of State
16 shall design a standard form to be used in all notifications sent by county
17 clerks under this subsection.

18 “(2)(a) In order for the vote of the elector to be counted, the elector must
19 provide evidence sufficient to disprove the challenge not later than the 14th
20 calendar day after the date of the election.

21 “(b) If the elector does not provide evidence sufficient to disprove [*the*]
22 **a challenge alleging that the signature of the elector on a return**
23 **identification envelope does not match the signature in the voter reg-**
24 **istration record for the elector** by the 14th calendar day after the date of
25 the election, the registration of the elector shall be considered inactive.

26 “(3)(a) The county clerk may not release as a public record any informa-
27 tion that could be used to identify an elector whose ballot has been chal-
28 lenged under this section until the eighth calendar day after the date of an
29 election.

30 “(b) Following the [*eighth*] **seventh** calendar day after the date of an

1 election, the county clerk may disclose as a public record under ORS 192.410
2 to 192.505 the following information about each elector whose ballot was
3 challenged under this section:

4 “(A) The name of the elector;

5 “(B) The residence addresses of the elector; and

6 “(C) The reason the elector’s ballot is being challenged.

7 **“SECTION 4.** ORS 254.548 is amended to read:

8 “254.548. (1) An individual nominated or elected to a public office by
9 write-in votes shall sign and file a form indicating that the individual ac-
10 cepts the nomination or office before the filing officer may issue a certificate
11 of nomination or election. The Secretary of State by rule shall prescribe the
12 form to be used under this section.

13 “(2) In the case of an individual nominated or elected by write-in votes
14 to a public office:

15 “(a) Not later than the [30th] **27th** day after the election, the filing officer
16 shall prepare and deliver the form described in subsection (1) of this section
17 to the individual;

18 “(b) Not later than the [45th] **35th** day after the election, if the individual
19 accepts the nomination or office, the individual shall sign and file the form
20 with the filing officer; and

21 “(c) Not later than the [50th] **40th** day after the election, if the individual
22 files the form by the deadline specified in paragraph (b) of this subsection,
23 the filing officer shall prepare and deliver a certificate of nomination or
24 election to the individual and, if applicable, issue a proclamation declaring
25 the election of the candidate to the office.

26 **“SECTION 5.** ORS 255.295 is amended to read:

27 “255.295. (1) Not later than the 20th day after the date of an election, the
28 county clerk shall prepare an abstract of the votes and deliver it to the
29 district elections authority. Not later than the [30th] **40th** day after receiving
30 the abstract, the district elections authority shall determine from it the re-

1 sult of the election.

2 “(2) Subject to ORS 254.548, the county clerk may issue a certificate of
3 election only after the district elections authority has notified the county
4 clerk in writing of the result of the election. The notification to the county
5 clerk shall contain a statement indicating whether any candidate elected to
6 district office is qualified to hold the office.

7 “**SECTION 6.** ORS 260.695 is amended to read:

8 “260.695. (1)(a) If a person prints or circulates an imitation of the ballot
9 or sample ballot:

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

17 “(B) The word ‘UNOFFICIAL’ must be superimposed on the imitation
18 ballot or sample ballot so that the word extends diagonally across the ballot
19 from one margin of the text to the other. The superimposed word may be
20 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
22 ballot includes an imitation of a portion of the ballot or sample ballot.

23 “(2) A person may not do any electioneering, including circulating any
24 cards or handbills, or soliciting of signatures to any petition, within any
25 building in which any state or local government elections office designated
26 for the deposit of ballots under ORS 254.470 is located, or within 100 feet
27 measured radially from any entrance to the building. A person may not do
28 any electioneering by public address system located more than 100 feet from
29 an entrance to the building if the person is capable of being understood
30 within 100 feet of the building. The electioneering need not relate to the

1 election being conducted. This subsection applies **during the business**
2 **hours of the building or, if the building is a county elections office,**
3 **during the hours the office is open to the public,** during the period be-
4 ginning on the date that ballots are mailed to electors as provided in ORS
5 254.470 and ending on election day at 8 p.m. or when all persons waiting in
6 line at the building who began the act of voting as described in ORS 254.470
7 (10) by 8 p.m. have finished voting.

8 “(3) A person may not obstruct an entrance of a building in which ballots
9 are issued or a place designated for the deposit of ballots under ORS 254.470
10 or any voting booth maintained under ORS 254.474 is located. This sub-
11 section applies during the period beginning on the date that ballots are
12 mailed to electors as provided in ORS 254.470 and ending on election day at
13 8 p.m. or when all persons waiting in line at the building or location who
14 began the act of voting as described in ORS 254.470 (10) by 8 p.m. have
15 finished voting.

16 “(4) A person may not vote or offer to vote in any election knowing the
17 person is not entitled to vote.

18 “(5) A person may not make a false statement about the person’s inability
19 to mark a ballot.

20 “(6) A person, except an elections official in performance of duties or
21 another person providing assistance to an elector as described in ORS
22 254.445, may not ask a person at any place designated for the deposit of
23 ballots under ORS 254.470 or at any location described in ORS 254.472 or
24 254.474 for whom that person intends to vote, or examine or attempt to ex-
25 amine the person’s ballot.

26 “[7] *A person may not show the person’s own marked ballot to another*
27 *person to reveal how it was marked.*]

28 “[8] (7) An elections official, other than in the performance of duties,
29 may not disclose to any person any information by which it can be ascer-
30 tained for whom any elector has voted.

1 “[(9)] (8) A person, except an elections official in performance of duties,
2 may not do anything to a ballot to permit identification of the person who
3 voted.

4 “[(10)] (9) An elector may not willfully leave at any place designated for
5 the deposit of ballots under ORS 254.470 or at any location described in ORS
6 254.472 or 254.474 anything that will show how the elector’s ballot was
7 marked.

8 “[(11)] (10) A person, except an elections official in performance of duties,
9 may not remove a ballot from any place designated for the deposit of ballots
10 under ORS 254.470 or any location described in ORS 254.472 or 254.474.

11 “[(12)] (11) A person, except an elections official in performance of duties
12 or a person authorized by that official, may not willfully deface, remove, al-
13 ter or destroy a posted election notice.

14 “[(13)] (12) A person, except an elections official in performance of duties,
15 may not willfully remove, alter or destroy election equipment or supplies,
16 or break the seal or open any sealed package containing election supplies.

17 “[(14)] (13) A person, except an elections official in performance of duties,
18 may not provide elections advice or attempt to collect voted ballots within
19 any building in which any state or local government elections office desig-
20 nated for the deposit of ballots under ORS 254.470 is located, or within 100
21 feet measured radially from any entrance to the building.

22 “[(15)] (14) A person, except an elections official in performance of duties,
23 may not establish a location to collect ballots voted by electors unless:

24 “(a) The person prominently displays at the location a sign stating: ‘NOT
25 AN OFFICIAL BALLOT DROP SITE’; and

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

27 “**SECTION 7. This 2014 Act being necessary for the immediate**
28 **preservation of the public peace, health and safety, an emergency is**
29 **declared to exist, and this 2014 Act takes effect on passage.”.**

30