

# Senate Bill 1586

Sponsored by Senators DEVLIN, DEMBROW, ROSENBAUM, Representatives HOYLE, LININGER; Senators BEYER, HASS, Representatives BUCKLEY, DOHERTY, KOMP, NOSSE (Presession filed.)

## 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**.

Directs public universities and community colleges to increase voter registration access and information.

Requires state to pay for ballot return envelopes that can be returned by business reply mail for each election held in this state.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to voting; creating new provisions; amending ORS 254.470, 260.665 and 545.163; and de-  
3 claring an emergency.

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

5 **SECTION 1. (1) As used in this section, "school of higher education" means:**

6 **(a) A public university listed in ORS 352.002.**

7 **(b) A community college, as defined in ORS 341.005.**

8 **(2) The Secretary of State shall ensure that within one mile of the campus of each school**  
9 **of higher education there is at least one location designated as an official ballot drop site**  
10 **under ORS 254.470.**

11 **(3) Each school of higher education shall:**

12 **(a) Display a direct link to the Secretary of State's online voter registration tool on the**  
13 **school's website home page.**

14 **(b) Give the school's official student government or its equivalent an opportunity to**  
15 **provide nonpartisan voter registration services:**

16 **(A) During student orientation programs held by the school's administration;**

17 **(B) During campus welcome events that occur before classes begin each academic term;**  
18 **and**

19 **(C) During residence life program activities.**

20 **(c) Provide the school's official student government or its equivalent with a list of pro-**  
21 **fessional contact information for school faculty, which may be used for the purpose of**  
22 **seeking faculty approval to provide nonpartisan voter registration classroom presentations.**

23 **(d) Provide individual students and student groups the opportunity to provide nonpartisan**  
24 **voter registration services throughout the academic term in any nonreserved public space**  
25 **on the school's property. This paragraph applies only to students enrolled at the school and**  
26 **does not alter in any way the rights of a person who is not enrolled as a student at the**  
27 **school.**

28 **(e) If the school owns and operates any student housing, at least three months prior to**  
29 **each primary or general election:**

**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 (A) Obtain from the local county elections office what address information students liv-  
 2 ing in on-campus housing must provide in order to receive election ballots; and

3 (B) Make the information obtained under subparagraph (A) of this paragraph available  
 4 to the school's official student government or its equivalent.

5 **SECTION 2.** Section 1 of this 2016 Act first applies to the 2017-2018 academic year.

6 **SECTION 3.** (1) Section 1 of this 2016 Act becomes operative on July 1, 2017.

7 (2) A school of higher education, as defined in section 1 of this 2016 Act, may take any  
 8 action before the operative date specified in subsection (1) of this section that is necessary  
 9 for the school to exercise, on and after the operative date specified in subsection (1) of this  
 10 section, all of the duties, functions and powers conferred on the school by section 1 of this  
 11 2016 Act.

12 **SECTION 4.** Section 5 of this 2016 Act is added to and made a part of ORS chapter 254.

13 **SECTION 5.** (1) For each election held in this state, electors shall be provided with a re-  
 14 turn identification envelope that may be returned by business reply mail. The state shall bear  
 15 the cost of complying with this subsection.

16 (2) As used in this section, "business reply mail" means a mailing service allowing a  
 17 preaddressed return identification envelope to be mailed by an elector without charge, with  
 18 the state paying the mailing fee for a return identification envelope that is returned by  
 19 United States mail but not for a return identification envelope that is not returned by United  
 20 States mail.

21 **SECTION 6.** ORS 254.470 is amended to read:

22 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the  
 23 designation of places of deposit for the ballots cast in an election. The rules shall also specify the  
 24 dates and times the places of deposit must be open and the security requirements for the places of  
 25 deposit. At a minimum, the places designated under this section shall be open on the date of the  
 26 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place  
 27 of deposit designated under this section, the county clerk shall prominently display a sign stating  
 28 that the location is an official ballot drop site.

29 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the county clerk shall mail  
 30 by nonforwardable mail an official ballot with a return identification envelope and a secrecy envel-  
 31 ope not sooner than the 20th day before the date of an election and not later than the 14th day  
 32 before the date of the election, to each active elector of the electoral district as of the 21st day  
 33 before the date of the election.

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

39 (c) In the case of ballots to be mailed to addresses outside this state to electors who are not  
 40 military or overseas electors, the county clerk may mail the ballots not sooner than the 29th day  
 41 before the date of the election.

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

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

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

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

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

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

18 (5) The ballot shall contain the following warning:  
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 21 Any person who, by use of force or other means, unduly influences an elector to vote in any  
 22 particular manner or to refrain from voting is subject to a fine.  
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24  
 25 (6)(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign  
 26 the return identification envelope supplied with the ballot and comply with the instructions provided  
 27 with the ballot.

28 (b) The elector may return the marked ballot to the county clerk by United States mail or by  
 29 depositing the ballot at the office of the county clerk, at any place of deposit designated by the  
 30 county clerk or at any location described in ORS 254.472 or 254.474.

31 (c) The ballot must be returned in the return identification envelope. *[If the elector returns the*  
 32 *ballot by mail, the elector must provide the postage.]*

33 (d) Subject to paragraph (e) of this subsection, if a person returns a ballot for an elector, the  
 34 person shall deposit the ballot in a manner described in paragraph (b) of this subsection not later  
 35 than two days after receiving the ballot.

36 (e) A ballot must be received at the office of the county clerk, at the designated place of deposit  
 37 or at any location described in ORS 254.472 or 254.474 not later than the end of the period deter-  
 38 mined under subsection (1) of this section on the date of the election.

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

1 fifth day before the date of the election.

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

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

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

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

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

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

15 **SECTION 7.** ORS 260.665 is amended to read:

16 260.665. (1) As used in this section, "undue influence" means force, violence, restraint or the  
 17 threat of it, inflicting injury, damage, harm, loss of employment or other loss or the threat of it, or  
 18 giving or promising to give money, employment or other thing of value.

19 (2) A person, acting either alone or with or through any other person, may not directly or in-  
 20 directly subject any person to undue influence with the intent to induce any person to:

21 (a) Register or vote;

22 (b) Refrain from registering or voting;

23 (c) Register or vote in any particular manner;

24 (d) Be or refrain from or cease being a candidate;

25 (e) Contribute or refrain from contributing to any candidate, political party or political com-  
 26 mittee;

27 (f) Render or refrain from rendering services to any candidate, political party or political com-  
 28 mittee;

29 (g) Challenge or refrain from challenging a person offering to vote;

30 (h) Apply or refrain from applying for a ballot as an absent elector; or

31 (i) Sign or refrain from signing a prospective petition or an initiative, referendum, recall or  
 32 candidate nominating petition.

33 (3) A person may not solicit or accept money or other thing of value as an inducement to act  
 34 as prohibited by subsection (2) of this section.

35 (4) This section does not prohibit:

36 (a) The employment of persons to render services to candidates, political parties or political  
 37 committees;

38 (b) The public distribution by candidates, political parties or political committees of sample  
 39 ballots or other items readily available to the public without charge, even though the distributor  
 40 incurs costs in the distribution;

41 (c) Public or nonpromissory statements by or on behalf of a candidate of the candidate's in-  
 42 tentions or purposes if elected;

43 (d) A promise by a candidate to employ any person as administrative assistant, secretary or  
 44 other direct personal aide;

45 (e) Free custody and care of minor children of persons during the time those persons are absent

1 from those children for voting purposes;

2 (f) For persons voting, free transportation to and from places designated for the deposit of bal-  
3 lots under ORS 254.470 or to and from locations described in ORS 254.472 or 254.474; but no means  
4 of advertising, solicitation or inducement to influence the vote of persons transported may be used  
5 with that transportation;

6 (g) Individuals or political committees from providing refreshments incidental to a gathering in  
7 support of or in opposition to a candidate, political committee or measure; [or]

8 (h) The public distribution of registration cards by a person approved by the Secretary of State  
9 under ORS 247.171 to print, copy or otherwise prepare and distribute registration cards, even though  
10 the distributor incurs costs in the distribution[.]; or

11 **(i) An elections official from providing return identification envelopes for ballots that**  
12 **may be returned by business reply mail under section 5 of this 2016 Act.**

13 **SECTION 8.** ORS 545.163 is amended to read:

14 545.163. (1) An irrigation district may conduct a district election by mail. The board of directors  
15 of the district shall designate by resolution, not later than the 50th day before any election, that  
16 an election will be conducted by mail.

17 (2) At an election by mail held for the purpose of electing a person to the board of directors,  
18 the qualifications for a director are those set forth in ORS 545.043.

19 (3) An election by mail shall be conducted within the district or divisions within a district ac-  
20 cording to, as nearly as is practicable, the general provisions of ORS 545.137, 545.139, 545.141,  
21 545.145, 545.149 and 545.153. However, the judges of election appointed under ORS 545.137 (2) are  
22 not required to be in attendance until after 8 p.m. on the day of the election.

23 (4) The secretary of the board of directors for the district shall mail an official ballot with a  
24 return identification envelope and a secrecy envelope to an elector, not sooner than the 20th day  
25 before the date of the election to be conducted by mail and not later than the 14th day before the  
26 election. The secretary shall cause to be placed in or on each return identification envelope a  
27 statement to be completed by the elector that says that the elector, under penalty of perjury, swears  
28 and affirms that the elector is the sole elector authorized to cast the ballot. In addition, the secre-  
29 tary shall verify that, according to the records of the district as of the 21st day before the election,  
30 the elector is entitled to vote.

31 (5) When a ballot is mailed to a corporate landowner, a person authorized to act in a repre-  
32 sentative capacity or landowners under multiple ownership, the secretary shall enclose voting in-  
33 structions advising the elector that the voting rights of electors for corporate, representative or  
34 multiple ownerships are as described in ORS 545.002.

35 (6) The secretary of the board of directors may not mail voting materials to an elector who ac-  
36 tually acquires ownership of land within the district after the 21st day before the date of an election.  
37 When an elector has acquired ownership of land within the district after the 21st day before the  
38 date of an election, the secretary shall make voting materials available, and the elector may vote,  
39 only at the district office or at another place designated by the board.

40 (7) When the elector is an elector described in subsection (6) of this section, the secretary of the  
41 board of directors shall, before making voting materials available, require that the elector file with  
42 the district a copy of a recorded deed or a memorandum of contract demonstrating the acquisition  
43 of land by the elector within the district. The secretary shall then allow the elector to mark the  
44 ballot, sign the return identification envelope and return the ballot in the return identification en-  
45 velope to the secretary.

1 (8) An elector may obtain a replacement ballot if the original ballot is destroyed, spoiled, lost  
 2 or not received by the elector. The secretary shall keep a record of each replacement ballot pro-  
 3 vided to an elector. An elector may obtain a replacement ballot and may vote at the district office  
 4 or another place within the district designated by the board of directors on the actual date of the  
 5 election, during the hours designated in ORS 545.139.

6 (9) Until the time for the close of the polls, an elector may obtain a replacement ballot from the  
 7 secretary of the board of directors, at a place designated by the board, if the original ballot is de-  
 8 stroyed, spoiled, lost or not received by the elector.

9 (10) When an elector receives vote by mail materials, the elector shall comply with all written  
 10 instructions provided, mark the ballot, sign both the return identification envelope and the sworn  
 11 statement of entitlement to vote and return the marked ballot to the district by placing the ballot  
 12 in the return identification envelope and either depositing the envelope in the United States mail  
 13 or delivering the sealed envelope to the district office or another place designated by the district.  
 14 *[If the elector returns the ballot by mail, the elector shall provide the postage.]*

15 (11) A completed ballot must be received by the district, at the proper place designated by the  
 16 district, no later than 8 p.m. on the day of the election.

17 (12) A ballot shall be counted only if:

18 (a) The ballot was returned in the sealed return identification envelope provided by the district;

19 (b) The elector signed the return identification envelope; and

20 (c) The secretary of the board of directors has verified the name of the elector and the elector's  
 21 ownership of land within the district.

22 (13) Using the records of the district, the secretary shall verify the name and land ownership  
 23 of each elector. If the secretary determines that an elector to whom a replacement ballot has been  
 24 issued has voted more than once, the secretary may not count any ballot cast by that elector.

25 **SECTION 9. Section 5 of this 2016 Act and the amendments to ORS 254.470, 260.665 and**  
 26 **545.163 by sections 6 to 8 of this 2016 Act apply to elections held on or after January 1, 2017.**

27 **SECTION 10. This 2016 Act being necessary for the immediate preservation of the public**  
 28 **peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect**  
 29 **on its passage.**