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To: House Rules Committee  
From: Stephen N. Trout, Director of Elections  
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During my testimony yesterday on House Bill 3408 I was asked about penalties for an individual who was asked to deliver a completed voter registration card if they did not turn it in. ORS 247.012(2)(a) states that the card must be turned in no later than five days after it was received. The civil penalty for a violation of this provision is \$75 for the first offense, \$150 for a second offense, and \$250 for each subsequent offense. This is part of our penalty matrix set forth in Appendix B, OAR 165-013-0020 which is attached.

Additionally, ORS 260.665(2)(3) provides criminal penalties for subjecting an individual to undue influence with the intent to induce them to register to vote or refrain from registering to vote. The penalty for this activity is a Class C felony with up to five years in prison and up to a \$125,000 fine.

Please let me know if you have additional questions about this or any other election process.

Appendix B, OAR 165-013-0020, Penalty Matrix for Non-Campaign Finance Civil Penalty Election Law Violations

3408

ORS	Description of election law	1 <sup>st</sup> time	2 <sup>nd</sup> time	More than 2 times
247.012(2)(a)	Any person other than Secretary of State or County Clerk receiving a voter registration card must forward it within five days after receipt.	\$75	\$150	\$250
247.995	Use of lists of electors for commercial purposes prohibited with exceptions.	\$75	\$150	\$250
248.010	Each major and minor political party shall have exclusive use of the whole party name or any part of it.	\$75	\$150	\$250
251.049(3)(a)	A person shall not submit a false signature on a statement of endorsement for the state Voters' Pamphlet.	\$250	\$500	\$1,000
251.049(3)(b)	A person shall not alter a statement of consent after other person has signed statement consenting to use of person's name in any state Voters' Pamphlet statement.	\$250	\$500	\$1,000
251.075(1)	A candidate shall not submit a portrait for the Voter's Pamphlet that is more than four years old, as of the date the portrait is filed.	\$75	\$150	\$250
251.405(3)	A person shall not submit a false signature on a statement of endorsement for a County Voters' Pamphlet.	\$250	\$500	\$1,000
260.262	A chief petitioner of any state or local initiative or referendum petition who compensates petition circulators must keep detailed, current accounts about these payments; preserve these accounts; and submit them to the secretary upon request, all in accordance with the statutory guidelines.	As the purpose of this provision is to enforce the ban on paying by the signature, rather than the hour, in accordance with Article IV, Sec. 1b of Oregon Const., a violation of failure to submit adequate accounts, upon request of the secretary, shall result in one or both of the following actions. The secretary shall reject or order the appropriate elections filing officer to reject any petition signatures gathered after the date of notification of violation until the date that the request for accounts is satisfied; or if the accounts are supplied but are insufficient to prove compliance for payments to <u>each</u> circulator with Article IV, Sec. 1b of Oregon Const., then a penalty may be imposed as listed in this penalty matrix for this constitutional provision.		

**Appendix B, OAR 165-013-0020, Penalty Matrix for Non-Campaign Finance Civil Penalty Election Law Violations**

ORS	Description of election law	1 <sup>st</sup> time	2 <sup>nd</sup> time	More than 2 times
260.422	Acceptance of employment with the understanding that part of compensation from employment will be contributed for political purposes.	\$100	\$200	\$250
260.432(1)	No person shall coerce, command or require a public employee to influence or give money or services to support or oppose candidates or measures.	\$100	\$200	\$250
260.432(2)	No public employee shall solicit any money, service etc. to promote or oppose candidates or measures while on the job during working hours.	\$75	\$150	\$250
260.432(3)	Each public employer must have a notice posted regarding restrictions on employee's political activities during work hours.	None	\$75	\$250
260.550	No person shall knowingly or with reckless disregard describe a candidate in a way that implies that the candidate is the incumbent in office unless the candidate is qualified to be so considered.	\$100	\$200	\$250
260.555(1)	No person attempting to obtain signatures on, or causing to be circulated, an initiative, referendum or recall petition, shall knowingly make any false statement regarding the contents, meaning or effect of the petition to any person who signs it, attempts to sign it, is requested to sign it or requests information concerning it.	\$2,500	\$5,000	\$10,000
260.555(2)	No person shall attempt to obtain signatures to, cause to be circulated or file with a filing officer, an initiative, referendum or recall petition, knowing it to contain a false signature.	\$2,500	\$5,000	\$10,000
260.555(3)	No person shall attempt to obtain the signature of a person to an initiative, referendum or recall petition knowing that the person signing the petition is not qualified to sign it.	\$2,500	\$5,000	\$10,000
260.555(4)	No person shall knowingly sign an initiative, referendum or recall petition more than once, knowingly sign such petition when not qualified to sign it, or sign such petition in any name other than the person's own.	\$2,500	\$5,000	\$10,000

**Appendix B, OAR 165-013-0020, Penalty Matrix for Non-Campaign Finance Civil Penalty Election Law Violations**

ORS	Description of election law	1 <sup>st</sup> time	2 <sup>nd</sup> time	More than 2 times
260.665(2)(c)	Undue influence as defined in statute, cannot be used with the intent to induce a person to register or vote in any particular manner.	\$100	\$200	\$250
260.665(2)(g)	Undue influence as defined in statute, cannot be used with the intent to induce a person to challenge or refrain from challenging a person offering to vote.	\$75	\$150	\$250
260.665(2)(h)	Undue influence as defined in statute, cannot be used with the intent to induce a person to apply or refrain from applying for an absentee ballot.	\$75	\$150	\$250
260.675	A person employed or authorized to print official ballots may not give ballots to anyone other than the election official, or print any ballots in a way not directed by the election official. No person shall distribute any ballots contrary to law.	\$100	\$200	\$250
260.685	Election official shall not knowingly fail to comply with an interpretation or directive of the Secretary of State.	\$100	\$200	\$250
260.695(1)	A person may not print or circulate an incorrect sample ballot unless it has a disclaimer, "NOT FOR OFFICIAL USE." It is permissible to circulate a ballot that shows how a candidate's name can be written-in.	\$100	\$200	\$250
260.695(2)	A person may not electioneer within any building in which any state or local government elections office designated for the deposit of ballots is located, or within 100 feet from any entrance to the building. Applies after date ballots mailed and ends 8 p.m. election day or when all persons in line by 8 p.m. finish voting.	\$100	\$200	\$250
260.695(3)	A person may not obstruct an entrance of a building or location in which ballots are issued or deposited. Applies after date ballots mailed and ends 8 p.m. election day or when all persons in line by 8 p.m. finish voting.	\$100	\$200	\$250
260.695(5)	A person may not make a false statement about the person's inability to mark a ballot.	\$75	\$150	\$250

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ORS	Description of election law	1 <sup>st</sup> time	2 <sup>nd</sup> time	More than 2 times
260.569	A person may not pay or receive money or other thing of value based on the number of signatures obtained on a candidate nominating petition or on the number of signed voter registration cards collected. (Does not prohibit payment for signature gathering or collection of signed voter registration cards which is not based, directly or indirectly, on the number of signatures obtained or the number of signed voter registration cards collected.) Each individual signature sheet that contains signatures collected in violation shall be deemed as a single occurrence with a minimum civil penalty of \$100. Each individual signed voter registration card collected in violation shall be deemed as a single occurrence with a minimum civil penalty of \$100.	\$100		
260.575(1)	No person, for any consideration, shall offer, propose, threaten or attempt to sell, hinder or delay any part of an initiative, referendum or recall petition.	\$2,500	\$5,000	\$10,000
260.575(2)	No person, for any consideration, shall offer, propose or threaten to desist from beginning, promoting, circulating, or soliciting signatures to, any initiative, referendum or recall petition.	\$2,500	\$5,000	\$10,000
260.575(3)	No person, for any consideration, shall offer, propose, attempt or threaten in any manner to use an initiative, referendum or recall petition or any power of promotion or opposition concerning such petition for extortion, blackmail or private intimidation of any person.	\$2,500	\$5,000	\$10,000
260.635(1)	No candidate shall make a bet on an election.	\$75	\$150	\$250
260.635(2)	No person or candidate shall make a bet on an election in order to influence the results of an election.	\$100	\$200	\$250
260.665(2)(a)	Undue influence as defined in statute, cannot be used with the intent to induce a person to register or vote.	\$75	\$150	\$250
260.665(2)(b)	Undue influence as defined in statute, cannot be used with the intent to induce a person to refrain from registering or voting.	\$75	\$150	\$250

**Appendix B, OAR 165-013-0020, Penalty Matrix for Non-Campaign Finance Civil Penalty Election Law Violations**

<b>ORS</b>	<b>Description of election law</b>	<b>1<sup>st</sup> time</b>	<b>2<sup>nd</sup> time</b>	<b>More than 2 times</b>
260.555(5)	No public official or employee shall knowingly make a false certification concerning an initiative, referendum or recall petition.	\$2,500	\$5,000	\$10,000
260.558(1)	No person shall offer, pay or provide money or other valuable consideration to another person to sign or refrain from signing an initiative, referendum or recall petition, and for the other person to accept or agree to accept money or other valuable consideration for signing or refraining to sign an initiative, referendum or recall petition.	\$2,500	\$5,000	\$10,000
260.558(2)	No person shall sell, offer to sell, purchase or offer to purchase, for money or other valuable consideration, any signature sheet of an initiative, referendum or recall petition or any other portion of the petition used to gather signatures.	\$2,500	\$5,000	\$10,000
260.561(1)(a)	A violation of Oregon election law(except those subject to criminal penalty) or administrative rule related to circulation of petitions by a petition circulator is conclusively presumed to be a violation by chief petitioner if chief petitioner has knowledge of violation(unless chief petitioner notifies Secretary of State of violation in writing within one business day of obtaining knowledge of violation).	See specific violation for amount	See specific violation for amount	See specific violation for amount
260.561(1)(b)	A violation of ORS 250.048, 260.262, 260.555, 260.558, 260.567 260.575, 260.665 or 260.715(1) or section 1b, Article IV of the Oregon Constitution, or any rule adopted by the Secretary of State related to section 1b, Article IV of the Oregon Constitution, petition sheets or circulator training, registration or certification by a petition circulator is conclusively presumed to be a violation by chief petitioner if chief petitioner has knowledge or should have had knowledge of violation(unless chief petitioner notifies Secretary of State of violation in writing within one business day of obtaining knowledge of violation).	See specific violation for amount	See specific violation for amount	See specific violation for amount

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ORS	Description of election law	1 <sup>st</sup> time	2 <sup>nd</sup> time	More than 2 times
260.563	A violation of ORS 250.048, 260.555, 260.558, 260.567, 260.575, 260.665 , 260.715(1) or section 1b, Article IV of the Oregon Constitution, or any rule adopted by the Secretary of State related to section 1b, article IV of the Oregon Constitution, petition sheets or circulator training, registration or certification, by a subcontractor on behalf of a contractor(who has a contract with a chief petitioner) is conclusively presumed to be a violation by contractor if contractor has knowledge or should have had knowledge of the violation by subcontractor(unless contractor notifies Secretary of State of violation in writing within one business day of obtaining knowledge of violation).	See specific violation for amount	See specific violation for amount	See specific violation for amount
260.567	A person other than the signer of any state or local initiative, referendum, recall or candidate petition may not alter, correct, clarify or obscure any information about the signer, unless the person initials the change.  In any case, a person other than the signer of such a petition <u>may not write any information left blank</u> by the signer, unless the signer at least signs the petition sheet and is a person with a disability who requested this type of assistance.(This disallows the practice of a circulator copying signer information from one petition signature sheet on which the signer signed and completed the other requested information onto another signature sheet on which the same signer signed but left the rest of the information blank.)	\$250	\$250	\$250

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ORS	Description of election law	1 <sup>st</sup> time	2 <sup>nd</sup> time	More than 2 times
260.695(6)	A person, except an elections official in performance of duties or another person assisting a disabled elector, may not ask a person at any ballot deposit site or voting booth how the person intends to vote, or examine or attempt to examine their ballot.	\$75	\$150	\$250
260.695(7)	A person may not show the person's own marked ballot to another person to reveal how it was marked.	\$75	\$150	\$250
260.695(8)	An elections official, other than in the performance of duties, may not disclose to any person how any elector has voted.	\$100	\$200	\$250
260.695(9)	A person, except an elections official in performance of duties, may not do anything to a ballot to permit identification of the person who voted.	\$75	\$150	\$250
260.695(10)	An elector may not willfully leave in any designated ballot deposit site or voting booth, anything that will show how the elector's ballot was marked.	\$100	\$200	\$250
260.695(11)	A person, except an elections official in performance of duties, may not remove a ballot from any designated ballot deposit site or voting booth.	\$75	\$150	\$250
260.695(12)	A person, except an elections official in performance of duties or a person authorized by that official, may not willfully deface, remove, alter or destroy a posted election notice.	\$100	\$200	\$250
260.695(13)	A person, except an elections official in performance of duties, may not willfully remove, alter or destroy election equipment or supplies, or break the seal or open any sealed package containing election supplies.	\$100	\$200	\$250
260.695(14)	A person, except an elections official in performance of duties, may not provide elections advice or attempt to collect voted ballots within any building in which any state or local government elections office designated for deposit of ballots is located, or within 100 feet measured radially from any entrance to the building.	\$100	\$200	\$250



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ORS	Description of election law	1 <sup>st</sup> time	2 <sup>nd</sup> time	More than 2 times
260.695(15)	A person, except an elections official in performance of duties, may not establish an unofficial ballot collection site, unless a sign is prominently displayed at the site stating, "NOT AN OFFICIAL BALLOT DROP SITE." The sign must be printed in all capital letters in bold 50-point type.	\$100	\$200	\$250
260.715(1)	A person may not knowingly make a false statement, oath or affidavit when a statement, oath or affidavit is required under the election laws.	\$2,500	\$5,000	\$10,000
260.737	A slate mailer organization must file a statement of organization with Secretary of State, and include the required disclosures with a slate mailer.	\$75	\$150	\$250
Article IV, Sec. 1b of Oregon Const.	No person shall pay or receive money or other thing of value based on the number of signatures obtained on an initiative or referendum petition. (Does not prohibit payment for signature gathering that is not based, directly or indirectly, on the number of signatures obtained.) Each individual signature sheet that contains signatures collected in violation shall be deemed as a single occurrence with a minimum civil penalty of \$2,500.	\$2,500		
Other non-campaign finance election law violations	Any other violation of non-campaign finance election law under ORS Chapters 246-260 or OAR 165 that is not included in this table.	Penalties will be imposed under ORS 260.995 in amount similar to those listed in this matrix.		