

D R A F T

SUMMARY

Permits county, city or district to choose to permit electors to return ballot by business reply mail, with county, city or district paying cost for ballot return.

A BILL FOR AN ACT

Relating to paying for return of election ballots; creating new provisions; and amending ORS 254.470 and 260.665.

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

SECTION 1. ORS 254.470 is amended to read:

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

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

1 (b) If the county clerk determines that an active elector of the electoral
2 district as of the 21st day before the date of the election does not receive
3 daily mail service from the United States Postal Service, the county clerk
4 shall mail by nonforwardable mail an official ballot with a return identifi-
5 cation envelope and a secrecy envelope to the elector not sooner than the
6 20th day before the date of an election and not later than the 18th day before
7 the date of the election.

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

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

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

15 (b) The county clerk shall mail the official ballot of a major political
16 party to an elector not affiliated with any political party if the elector has
17 applied for the ballot as provided in this subsection and that party has pro-
18 vided under ORS 254.365 for a primary election that admits electors not af-
19 filiated with any political party.

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

27 (d) If the primary election ballot includes city, county or nonpartisan of-
28 fices or measures, the county clerk shall mail to each elector who is not el-
29 igible to vote for party candidates a ballot limited to those offices and
30 measures for which the elector is eligible to vote.

31 (4) For each elector who updates a voter registration after the deadline

1 in ORS 247.025, the county clerk shall make the official ballot, the return
2 identification envelope and the secrecy envelope available either by mail or
3 at the county clerk's office or at another place designated by the county
4 clerk. An elector to whom this subsection applies must request a ballot from
5 the county clerk.

6 (5) The ballot shall contain the following warning:

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8 Any person who, by use of force or other means, unduly influences an
9 elector to vote in any particular manner or to refrain from voting is subject
10 to a fine.

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12 (6)(a) Upon receipt of any ballot described in this section, the elector
13 shall mark the ballot, sign the return identification envelope supplied with
14 the ballot and comply with the instructions provided with the ballot.

15 (b) The elector may return the marked ballot to the county clerk by
16 United States mail or by depositing the ballot at the office of the county
17 clerk, at any place of deposit designated by the county clerk or at any lo-
18 cation described in ORS 254.472 or 254.474.

19 (c)(A) The ballot must be returned in the return identification envelope.
20 *[If the elector returns the ballot by mail, the elector must provide the*
21 *postage.]* **A county, city or district may choose to provide electors with**
22 **a return identification envelope that may be returned by business re-**
23 **ply mail. The county, city or district shall bear the cost of providing**
24 **a return identification envelope that may be returned by business re-**
25 **ply mail under this paragraph.**

26 (B) **As used in this paragraph, "business reply mail" means a mail**
27 **service that allows a preaddressed return identification envelope to be**
28 **mailed by an elector by United States mail without charge, with the**
29 **county, city or district paying the mailing fee for a return identifica-**
30 **tion envelope that is returned by United States mail but not for a re-**
31 **turn identification envelope that is not returned by United States mail.**

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

5 (e) A ballot must be received at the office of the county clerk, at the
6 designated place of deposit or at any location described in ORS 254.472 or
7 254.474 not later than the end of the period determined under subsection (1)
8 of this section on the date of the election.

9 (7) An elector may obtain a replacement ballot if the ballot is destroyed,
10 spoiled, lost or not received by the elector. Replacement ballots shall be
11 issued and processed as described in this section and ORS 254.480. The
12 county clerk shall keep a record of each replacement ballot provided under
13 this subsection. Notwithstanding any deadline for mailing ballots in sub-
14 section (2) of this section, a replacement ballot may be mailed, made avail-
15 able in the office of the county clerk or made available at one central
16 location in the electoral district in which the election is conducted. The
17 county clerk shall designate the central location. A replacement ballot need
18 not be mailed after the fifth day before the date of the election.

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

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

21 (b) The envelope is signed by the elector to whom the ballot is issued,
22 unless a certified statement is submitted under ORS 254.431; and

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

24 (9) The county clerk shall verify the signature of each elector on the re-
25 turn identification envelope with the signature on the elector's registration
26 record, according to the procedure provided by rules adopted by the Secre-
27 tary of State. If the county clerk determines that an elector to whom a re-
28 placement ballot has been issued has voted more than once, the county clerk
29 shall count only one ballot cast by that elector.

30 (10) At 8 p.m. on election day, electors who are at the county clerk's of-
31 fice, a place of deposit designated under subsection (1) of this section or any

1 location described in ORS 254.472 or 254.474 and who are in line waiting to
2 vote or deposit a voted ballot shall be considered to have begun the act of
3 voting.

4 **SECTION 2.** ORS 260.665 is amended to read:

5 260.665. (1) As used in this section, “undue influence” means force, vi-
6 olence, restraint or the threat of it, inflicting injury, damage, harm, loss of
7 employment or other loss or the threat of it, or giving or promising to give
8 money, employment or other thing of value.

9 (2) A person, acting either alone or with or through any other person,
10 may not directly or indirectly subject any person to undue influence with the
11 intent to induce any person to:

12 (a) Register or vote;

13 (b) Refrain from registering or voting;

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

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

16 (e) Contribute or refrain from contributing to any candidate, political
17 party or political committee;

18 (f) Render or refrain from rendering services to any candidate, political
19 party or political committee;

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

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

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

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

26 (4) This section does not prohibit:

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

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

1 (c) Public or nonpromissory statements by or on behalf of a candidate of
2 the candidate's intentions or purposes if elected;

3 (d) A promise by a candidate to employ any person as administrative as-
4 sistant, secretary or other direct personal aide;

5 (e) Free custody and care of minor children of persons during the time
6 those persons are absent from those children for voting purposes;

7 (f) For persons voting, free transportation to and from places designated
8 for the deposit of ballots under ORS 254.470 or to and from locations de-
9 scribed in ORS 254.472 or 254.474; but no means of advertising, solicitation
10 or inducement to influence the vote of persons transported may be used with
11 that transportation;

12 (g) Individuals or political committees from providing refreshments inci-
13 dental to a gathering in support of or in opposition to a candidate, political
14 committee or measure; [*or*]

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

19 **(i) A county, city or district from providing return identification**
20 **envelopes for ballots that may be returned by business reply mail un-**
21 **der ORS 254.470 (6).**

22 **SECTION 3. The amendments to ORS 254.470 and 260.665 by sections**
23 **1 and 2 of this 2018 Act apply to elections held on or after the effective**
24 **date of this 2018 Act.**

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