

Enrolled Senate Bill 27

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Secretary of State Bev Clarno)

CHAPTER

AN ACT

Relating to elections; creating new provisions; amending ORS 249.740, 249.865, 250.045, 250.165, 250.265, 253.065, 254.408, 254.470, 254.478, 255.012, 255.075, 255.085, 255.135, 260.232, 260.285 and 260.995; and declaring an emergency.

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

SECTION 1. ORS 250.045 is amended to read:

250.045. (1)(a) Before circulating a petition to initiate or refer a state measure under Article IV, section 1, of the Oregon Constitution, the petitioner shall file with the Secretary of State a prospective petition.

(b) The prospective petition for a state measure to be initiated:

- (A) Shall contain the signatures of at least 1,000 electors; and
- (B) May not contain the signatures of more than 2,000 electors.

(c) The signature sheets for a state measure to be initiated must be attached to a full and correct copy of the measure to be initiated.

(2) Before obtaining signatures on a prospective petition for a state measure to be initiated, the chief petitioners shall file with the secretary a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the prospective petition. After a statement has been filed under this subsection, the chief petitioners shall notify the secretary not later than the 10th day after any of the chief petitioners first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement filed under this subsection declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement filed under this subsection declared that one or more such persons would be paid.

(3) The secretary by rule shall establish procedures for verifying whether a prospective petition for a state measure to be initiated contains the required number of signatures of electors.

(4) The secretary shall date and time stamp the prospective petition and specify the form on which the initiative or referendum petition shall be printed for circulation as provided in ORS 250.052. The secretary shall retain the prospective petition.

(5) The chief petitioner may amend the state measure to be initiated that has been filed with the secretary without filing another prospective petition, if:

(a) The Attorney General certifies to the secretary that the proposed amendment will not substantially change the substance of the measure; and

(b) The deadline for submitting written comments on the draft title has not passed.

(6)(a) The cover of an initiative or referendum petition shall designate the name and **city and state of** residence [*address*] of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition. The instructions shall be adopted by the secretary by rule.

(b) The cover of a referendum petition shall contain the final measure summary described in ORS 250.065 (1).

(c)(A) If a petition seeking a different ballot title is not filed with the Supreme Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative petition shall contain the latest ballot title certified by the Attorney General under ORS 250.067 (2).

(B) If a petition seeking a different ballot title is filed with the Supreme Court by the deadline for filing a petition under ORS 250.085:

(i) The secretary may not issue an official template of the cover and signature sheets of the initiative petition until the Supreme Court has certified a final ballot title; and

(ii) The cover of the initiative petition shall contain the final ballot title certified by the court.

(7) The chief petitioners shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the initiative or referendum petition. After the prospective petition is filed, the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief petitioners first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(8)(a) Each sheet of signatures on an initiative petition shall contain the caption of the final certified ballot title. Each sheet of signatures on a referendum petition shall contain the subject expressed in the title of the Act to be referred.

(b) Each sheet of signatures on an initiative or referendum petition shall:

(A) Contain a notice describing the meaning of the color of the signature sheet in accordance with ORS 250.052; and

(B) If one or more persons will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some Circulators For This Petition Are Being Paid." The notice shall be in boldfaced type and shall be prominently displayed on the sheet.

(c) The secretary by rule shall adopt a method of designation to distinguish signature sheets of referendum petitions containing the same subject reference and being circulated during the same period.

(9) The reverse side of the cover of an initiative or referendum petition shall be used for obtaining signatures on the initiative or referendum petition.

(10) Not more than 20 signatures on the signature sheet of the initiative or referendum petition may be counted. The circulator shall certify on each signature sheet of the initiative or referendum petition that the circulator:

(a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and

(b) Believes each individual is an elector.

(11) The person obtaining signatures on the petition shall carry at least one full and correct copy of the measure to be initiated or referred and shall allow any person to review a copy upon request of the person.

SECTION 2. ORS 250.165 is amended to read:

250.165. (1) Before circulating a petition to initiate or refer a county measure, the petitioner shall file with the county clerk a prospective petition. The county clerk immediately shall date and time stamp the prospective petition, and specify the form on which the petition shall be printed for circulation. The clerk shall retain the prospective petition.

(2) The cover of an initiative or referendum petition shall designate the name and **city and state of** residence [*address*] of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition. The instructions shall be adopted by the Secretary of State by rule. The cover of a referendum petition shall contain the title described in ORS 250.175 (1). If the circuit court has not reviewed the ballot title under ORS 250.195, the cover of an initiative petition shall contain the ballot title described in ORS 250.175 (3). If the circuit court has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the court.

(3) The chief petitioners shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the initiative or referendum petition. After the prospective petition is filed, the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief petitioners first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance or resolution to be referred, if any, and the date it was adopted by the county governing body.

(b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some Circulators For This Petition Are Being Paid."

(5) The reverse side of the cover of an initiative or referendum petition shall be used for obtaining signatures on an initiative or referendum petition.

(6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition shall be counted. The circulator shall certify on each signature sheet that the circulator:

(a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and

(b) Believes each individual is an elector registered in the county.

(7) Unless otherwise provided by a county ordinance, the gathering of signatures on a petition to initiate a county measure may not exceed a period of two years from the time the petition is approved for circulation.

(8) A county clerk may not accept for filing any petition which has not met the provisions of subsection (7) of this section.

(9) A petition to initiate a county measure must be filed not less than 90 days before the election at which the proposed law is to be voted on.

(10) The person obtaining signatures on the petition shall carry at least one full and correct copy of the measure to be initiated or referred and shall allow any person to review a copy upon request of the person.

SECTION 3. ORS 250.265 is amended to read:

250.265. (1) Before circulating a petition to initiate or refer a city measure, the petitioner shall file with the city elections officer a prospective petition. The officer immediately shall date and time stamp the prospective petition, and specify the form on which the petition shall be printed for circulation. The officer shall retain the prospective petition.

(2) The cover of an initiative or referendum petition shall designate the name and **city and state of** residence [*address*] of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition. The instructions shall be adopted by the Secretary of State by rule. The cover of a referendum petition shall contain the title described in ORS 250.275 (1). If the circuit court has not reviewed the ballot title under ORS 250.296, the cover of an initiative petition shall contain the ballot title described in ORS 250.275 (3). If the

circuit court has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the court.

(3) The chief petitioners shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the initiative or referendum petition. After the prospective petition is filed, the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief petitioners first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance or resolution to be referred, if any, and the date it was adopted by the city governing body.

(b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some Circulators For This Petition Are Being Paid."

(5) The reverse side of the cover of an initiative or referendum petition shall be used for obtaining signatures on an initiative or referendum petition.

(6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition shall be counted. The circulator shall certify on each signature sheet that the circulator:

(a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and

(b) Believes each individual is an elector registered in the city.

(7) Unless otherwise provided by a city ordinance, the gathering of signatures on a petition to initiate a city measure may not exceed a period of two years from the time the petition is approved for circulation.

(8) A city elections officer may not accept for filing any petition which has not met the provisions of subsection (7) of this section.

(9) A petition to initiate a city measure must be filed not less than 90 days before the election at which the proposed law is to be voted on.

(10) The person obtaining signatures on the petition shall carry at least one full and correct copy of the measure to be initiated or referred and shall allow any person to review a copy upon request of the person.

SECTION 4. ORS 255.135 is amended to read:

255.135. (1) Before circulating a petition to initiate or refer a district measure, the petitioner shall file with the elections officer a prospective petition. The elections officer immediately shall date and time stamp the prospective petition, and specify the form on which the petition shall be printed for circulation. The officer shall retain the prospective petition.

(2) The cover of an initiative or referendum petition shall designate the name and **city and state of** residence [*address*] of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition. The instructions shall be adopted by the Secretary of State by rule. The cover of a referendum petition shall contain the title described in ORS 255.145 (1). If the circuit court has not reviewed the ballot title under ORS 255.155, the cover of an initiative petition shall contain the ballot title described in ORS 255.145 (3). If the circuit court has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the court.

(3) The chief petitioners shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the initiative or referendum petition. After the prospective petition is filed, the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief petitioners first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance to be referred and the date it was adopted by the district board.

(b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some Circulators For This Petition Are Being Paid."

(5) The reverse side of the cover of an initiative or referendum petition shall be used for obtaining signatures on an initiative or referendum petition.

(6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition shall be counted. The circulator shall certify on each signature sheet that the circulator:

(a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and

(b) Believes each individual is an elector registered in the district.

(7) Unless otherwise provided by a district ordinance, the gathering of signatures on a petition to initiate a district measure may not exceed a period of two years from the time the petition is approved for circulation.

(8) The elections officer may not accept for filing any petition that has not met the provisions of subsection (7) of this section.

(9) A petition to initiate a district measure must be filed not less than 90 days before the election at which the proposed law is to be voted on.

(10) The person obtaining signatures on the petition shall carry at least one full and correct copy of the measure to be initiated or referred and shall allow any person to review a copy upon request of the person.

SECTION 5. ORS 255.075 is amended to read:

255.075. (1)(a) When a district election is to be held for the purpose of electing members of the district board, the elections officer shall publish a notice stating the date of the election, the board positions to be voted upon and the latest date on which candidates for election as board members may file petitions for nomination or declarations of candidacy. **The elections officer shall deliver the notice to be printed to** *[notice shall be printed once in]* a newspaper of general circulation in the district not later than the 40th day before the last day for filing a petition for nomination or declaration of candidacy. **The notice shall be printed once in the next available edition of the newspaper after the deadline for filing the notice.**

[(b) In addition to publishing a notice as described in paragraph (a) of this subsection, the elections officer may publish a notice on the county's website for a minimum of seven days.]

(2)(a) In lieu of or in addition to publication of notice described in subsection (1) of this section, the elections officer may give notice by:

(A) Publishing the notice on the county's website for a minimum of seven days; or

(B) [Mail] Mailing the notice to each elector of the district.

(b) [The notice shall have postage prepaid and shall be considered given when mailed.] The notice **given under this subsection** shall be made not later than the 40th day before the last day for filing a petition for nomination or declaration of candidacy.

(c) Notice given by mail under paragraph (a)(B) of this subsection shall have postage prepaid and shall be considered given when mailed. Proof of mailing shall be by affidavit of the district elections officer who mailed the notice. The affidavit shall state the time and place the notice was mailed.

(3) The Secretary of State by rule shall establish the procedures that the elections officer shall follow in maintaining adequate records for preparation of the notice described in subsection (1) of this section.

SECTION 6. ORS 255.085 is amended to read:

255.085. (1)(a) Not later than the 61st day before a district election on a measure, the district elections authority shall deliver to the elections officer a notice stating the date of the election and a ballot title. The district elections authority shall prepare the ballot title for a measure referred by the authority with the assistance of the district attorney for the county of the elections officer or an attorney employed by the district elections authority. The district elections authority shall include the ballot title for the measure at the time the measure is submitted to the elections officer.

(b) For each local option tax measure or general obligation bond measure placed on the ballot by a municipal corporation, the elections officer shall file a copy of the notice delivered under paragraph (a) of this subsection with the Secretary of State in the manner set forth in ORS 294.474.

(2) If a district submits a measure to the electors of the district at an election held on the first Tuesday after the first Monday in November and the district submitted a measure on the election date in ORS 255.345 (1) immediately preceding the date of an election held on the first Tuesday after the first Monday in November, the district elections authority shall file the measure, including the ballot title for the measure, for the election held on the first Tuesday after the first Monday in November with the elections officer not later than the 47th day before an election held on the first Tuesday after the first Monday in November.

(3) A notice of **measure election and receipt of ballot title** called to approve the issuance of bonds shall include:

(a) The purpose for which the bonds are to be used;

(b) The amount and the term of the bonds;

(c) The kind of bonds proposed to be issued; *[and]*

(d) If the bond election is authorized by ORS 450.900, the additional notice requirements in ORS 450.905; **and**

(e) **The ballot title for the measure.**

(4)(a) In the case of a measure submitted by initiative or referendum petition, the elections officer shall publish the notice of **measure election and receipt of ballot title** in the next available edition of a newspaper of general circulation in the district after the deadline for filing the notice.

(b) In the case of a measure referred by the district elections authority, the elections officer shall publish the notice of **measure election and receipt of ballot title** in the next available edition of a newspaper of general circulation in the district after the notice of election is filed. *[The notice shall also state that an elector may file a petition for review of the ballot title not later than the date referred to in ORS 255.155. If the circuit court certifies a different ballot title, the elections officer shall publish an amended notice of election in the next available edition of the newspaper referred to in this subsection after the new title is certified to the elections officer.]*

(c) In addition to publishing the notice of **measure election and receipt of ballot title** as described in paragraphs (a) and (b) of this subsection, the elections officer may publish the notice of **measure election and receipt of ballot title** on the county's website for a minimum of seven days.

SECTION 7. ORS 249.740 is amended to read:

249.740. (1)(a) A certificate of nomination made by individual electors shall contain a number of signatures of electors in the electoral district equal to not less than one percent of the total votes cast in the electoral district for which the nomination is intended to be made, for all candidates for presidential electors at the *[last general election]* **most recent presidential election.**

(b) **For an election next following any change in the boundaries of an electoral district, a certificate of nomination made by individual electors shall contain a number of signatures of electors equal to not less than one percent of the average number of votes cast in all of the same form of electoral districts in this state for all candidates for presidential electors at the most recent presidential election.**

(2) Each elector signing a certificate of nomination made by individual electors shall include the residence or mailing address of the elector. Except for a certificate of nomination of candidates for electors of President and Vice President of the United States, a certificate of nomination made by individual electors shall contain the name of only one candidate.

(3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certificate shall file a signed copy of the prospective certificate with the filing officer referred to in ORS 249.722. The chief sponsor of the certificate shall include with the prospective certificate a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the certificate. After the prospective certificate is filed, the chief sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective certificate declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective certificate declared that one or more such persons would be paid.

(4) The circulator shall certify on each signature sheet that the circulator:

(a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and

(b) Believes each individual is an elector registered in the electoral district.

(5) The signatures contained in each certificate of nomination made by individual electors shall be certified for genuineness by the county clerk or the Secretary of State under ORS 249.008.

(6) As used in this section, "prospective certificate" means the information, except signatures and other identification of certificate signers, required to be contained in a completed certificate of nomination.

SECTION 8. ORS 255.012 is amended to read:

255.012. As used in this chapter, "district" means:

- (1) A domestic water supply district organized under ORS chapter 264.
- (2) A cemetery maintenance district organized under ORS chapter 265.
- (3) A park and recreation district organized under ORS chapter 266.
- (4) A mass transit district organized under ORS 267.010 to 267.394.
- (5) A transportation district organized under ORS 267.510 to 267.650.
- (6) A metropolitan service district organized under ORS chapter 268.
- (7) A translator district organized under ORS 354.605 to 354.715.
- (8) A library district organized under ORS 357.216 to 357.286.
- (9) A county road district organized under ORS 371.055 to 371.110.
- (10) A special road district organized under ORS 371.305 to 371.360.
- (11) A road assessment district organized under ORS 371.405 to 371.535.
- (12) A highway lighting district organized under ORS chapter 372.
- (13) A health district organized under ORS 440.305 to 440.410.
- (14) A sanitary district organized under ORS 450.005 to 450.245.
- (15) A sanitary authority, water authority or joint water and sanitary authority organized under ORS 450.600 to 450.989.
- (16) A county service district organized under ORS chapter 451.
- ~~[(17) A vector control district organized under ORS 452.020 to 452.170.]~~
- ~~[(18) (17) A rural fire protection district organized under ORS chapter 478.~~
- ~~[(19) (18) An airport district organized under ORS chapter 838.~~
- ~~[(20) (19) A geothermal heating district organized under ORS chapter 523.~~
- ~~[(21) (20) A water improvement district organized under ORS chapter 552.~~
- ~~[(22) (21) A water control district organized under ORS chapter 553.~~
- ~~[(23) (22) A weather modification district organized under ORS 558.200 to 558.440.~~
- ~~[(24) (23) A livestock district organized under ORS 607.005 to 607.051.~~
- ~~[(25) (24) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.~~
- ~~[(26) (25) The Port of Portland established by ORS 778.010.~~
- ~~[(27) (26) A school district.~~
- ~~[(28) (27) Territory, other than territory within a city, proposed to be created, formed or incorporated into a district or to be annexed or otherwise added to a district.~~

[(29)] (28) A soil and water conservation district organized under ORS 568.210 to 568.808 and 568.900 to 568.933.

[(30)] (29) A heritage district organized under ORS 358.442 to 358.474.

[(31)] (30) A radio and data district organized under ORS 403.500 to 403.542.

[(32)] (31) A sand control district organized under ORS 555.500 to 555.535.

[(33)] (32) A community college district formed under ORS chapter 341.

[(34)] (33) A 9-1-1 communications district organized under ORS 403.300 to 403.380.

[(35)] (34) An urban flood safety and water quality district created under ORS 550.150 to 550.400.

SECTION 9. ORS 260.232 is amended to read:

260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in addition to any other penalty that may be imposed, for:

(a) Failure to file a statement or certificate required to be filed under ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118.

(b) Failure to include in a statement filed under ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118 the information required under ORS 260.044, 260.057, 260.076, 260.083 or 260.118.

(2)(a) If a person required to file has not filed a statement or certificate complying with applicable provisions of ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.085, 260.112 or 260.118 within the time specified in ORS 260.044, 260.057, 260.076, 260.078 or 260.118, the Secretary of State by first class mail or electronically shall notify the person or elector designated under ORS 260.042 or 260.118 that a penalty may be imposed and that the person has 20 days from the service date on the notice to request a hearing before the Secretary of State.

(b) If the person required to file is a candidate or the principal campaign committee of a candidate, the Secretary of State shall send the notice described in paragraph (a) of this subsection by first class mail or electronically to the candidate. The notice shall be used for purposes of determining the deadline for requesting a hearing under subsection (3) of this section.

(3) A hearing on whether to impose a civil penalty and to consider circumstances in mitigation shall be held by the Secretary of State:

(a) Upon request of the person against whom the penalty may be assessed, if the request is made not later than the 20th day *[from]* **after** the service date on the notice sent under subsection (2) of this section;

(b) Upon request of the filing officer with whom a statement or certificate was required to be filed but was not filed; or

(c) Upon the Secretary of State's own motion.

(4) A hearing under subsection (3) of this section shall be held not later than 45 days after the deadline for the person against whom the penalty may be assessed to request a hearing. However, if requested by the person against whom the penalty may be assessed, a hearing under subsection (3) of this section shall be held not later than 60 days after the deadline for the person against whom the penalty may be assessed to request a hearing.

(5) The Secretary of State shall issue an order not later than 90 days after a hearing or after the deadline for requesting a hearing if no hearing is held.

(6) The person against whom a penalty may be assessed need not appear in person at a hearing held under this section, but instead may submit written testimony and other evidence, **sworn to before a notary public** *[subject to the penalty for false swearing]*, to the Secretary of State for entry in the hearing record. The testimony and other evidence must be received by the secretary not later than three business days before the day of the hearing and may be submitted electronically.

(7) A civil penalty imposed under this section may not be more than the following:

(a) For failure to file a statement or certificate required to be filed under ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118, 10 percent of the total amount of the contribution or expenditure required to be included in the statement or certificate; or

(b) For each failure to include in a statement filed under ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118 the information required under ORS 260.044, 260.057, 260.076, 260.083 or

260.118, 10 percent of the total amount of the contribution or expenditure required to be included in the statement.

(8) The Secretary of State, upon a showing of mitigating circumstances, may reduce the amount of the penalty described in subsection (7) of this section.

(9) Except as otherwise provided by this section, civil penalties under this section shall be imposed as provided in ORS 183.745.

SECTION 10. ORS 260.285 is amended to read:

260.285. (1) The Secretary of State may impose a civil penalty as provided in this section, in addition to any other penalty that may be imposed, for failing to:

(a) Timely file an initial donor identification list required to be filed under ORS 260.281;

(b) Timely file an updated donor identification list required to be filed under ORS 260.281; or

(c) Include all donors or amounts donated that are required to be included in an initial donor identification list or an updated donor identification list that is required to be filed under ORS 260.281.

(2)(a) For each failure to timely file an initial donor identification list that is required to be filed under ORS 260.281 for exceeding the electioneering threshold for a legislative race, the Secretary of State may impose a civil penalty not to exceed the lesser of:

(A) 10 percent per day of the total cost for political communications made by the covered organization for the applicable legislative race; or

(B) 150 percent of the total cost for political communications made by the covered organization for the applicable legislative race.

(b) For each failure to timely file an initial donor identification list that is required to be filed under ORS 260.281 for exceeding the electioneering threshold for a measure, the Secretary of State may impose a civil penalty not to exceed the lesser of:

(A) 10 percent per day of the total cost for political communications made by the covered organization for the applicable measure; or

(B) 150 percent of the total cost for political communications made by the covered organization for the applicable measure.

(c) For each failure to timely file an initial donor identification list that is required to be filed under ORS 260.281 for exceeding the electioneering threshold for a political committee, the Secretary of State may impose a civil penalty not to exceed the lesser of:

(A) 10 percent per day of the total cost for political communications made by the covered organization for the applicable political committee; or

(B) 150 percent of the total cost for political communications made by the covered organization for the applicable political committee.

(d) For each failure to timely file an initial donor identification list that is required to be filed under ORS 260.281 for exceeding the electioneering threshold for a statewide race, the Secretary of State may impose a civil penalty not to exceed the lesser of:

(A) 10 percent per day of the total cost for political communications made by the covered organization for the applicable statewide race; or

(B) 150 percent of the total cost for political communications made by the covered organization for the applicable statewide race.

(3) For each failure to accurately include the name of a donor or the amount a donor donated to the covered organization in an initial donor identification list or an updated donor identification list that is required to be filed under ORS 260.281, or for each failure to timely file an updated donor identification list that is required to be filed under ORS 260.281, the Secretary of State may impose a civil penalty not to exceed 10 percent of the aggregate donations that were not properly identified.

(4) Except as otherwise provided by this section, civil penalties under this section shall be imposed as provided in ORS 183.745. In addition to the requirements for a notice of right to a hearing of ORS 183.745, the notice shall include:

(a) A statement of the authority and jurisdiction under which the hearing is to be held; and

(b) If the person is an agency, corporation or an unincorporated association, a statement that such person must be represented by an attorney licensed in Oregon.

(5) A hearing on whether to impose a civil penalty and to consider circumstances in mitigation shall be held by the Secretary of State:

(a) Upon request of the person against whom the penalty may be assessed, if the request is made not later than the 20th day after the date the person received notice sent under subsection (4) of this section; or

(b) Upon the Secretary of State's own motion.

(6) The person against whom a penalty may be assessed need not appear in person at a hearing held under this section, but instead may submit written testimony or other evidence, sworn to before a notary public, to the Secretary of State for entry in the hearing record. The testimony or other evidence must be received by the Secretary of State not later than three business days before the day of the hearing **and may be submitted electronically.**

(7) All hearings under this section shall be held not later than 45 days after the deadline for the person against whom the penalty may be assessed to request a hearing. However, if requested by the person against whom the penalty may be assessed, a hearing under subsection (5) of this section shall be held not later than 60 days after the deadline for the person against whom the penalty may be assessed to request a hearing.

(8) The Secretary of State shall issue an order not later than 90 days after a hearing or after the deadline for requesting a hearing if no hearing is held.

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

(10) The Secretary of State may adopt rules necessary to implement this section.

SECTION 11. ORS 260.995, as amended by section 3, chapter 636, Oregon Laws 2019, is amended to read:

260.995. (1) Except as provided in subsection (2) of this section, following an investigation under ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to exceed \$1,000 for each violation of any provision of Oregon Revised Statutes relating to the conduct of any election, any rule adopted by the secretary under ORS chapters 246 to 260 or any other matter preliminary to or relating to an election, for which a civil penalty is not otherwise provided.

(2) The secretary or the Attorney General may impose a civil penalty not to exceed:

(a)(A) Except as provided in subparagraph (B) of this paragraph, \$1,000 plus the amount converted to personal use for each violation of ORS 260.407;

(B) Two times the amount of the penalty provision for violating a nondisclosure agreement that is contained within each nondisclosure agreement entered into in violation of ORS 260.407 or 260.413;

(b) 150 percent of the total cost of printing, transmitting or distributing a communication in support of or in opposition to a clearly identified candidate if the disclosure requirements set forth in ORS 260.266 are not met; or

(c) \$10,000 for each violation of ORS 260.555, 260.558, 260.575, 260.695 (1) or 260.715 (1) or [section 1b,] Article IV, **section 1b**, of the Oregon Constitution.

(3) Except as otherwise provided by this section, civil penalties under this section shall be imposed as provided in ORS 183.745. In addition to the requirements of ORS 183.745, the notice shall include:

(a) A statement of the authority and jurisdiction under which the hearing is to be held; and

(b) If the person is an agency, corporation or an unincorporated association, a statement that such person must be represented by an attorney licensed in Oregon, unless the person is a political committee which may be represented by any officer identified in the most recent statement of organization filed with the filing officer.

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

(a) Upon request of the person against whom the penalty may be assessed, if the request is made not later than the 20th day after the **service** date [*the person received*] **on the** notice sent under subsection (3) of this section; or

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

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

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

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

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

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

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

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

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

SECTION 12. ORS 253.065 is amended to read:

253.065. (1) For electors with mailing addresses outside this state, the county clerk shall deliver a ballot:

(a) Not later than the 45th day before the election to each military or overseas elector; and

(b) Not sooner than the 29th day before the election to each absent elector with a mailing address outside this state who is not a military or overseas elector.

(2) The clerk shall deliver with the ballot instructions for marking and returning the ballot, a return identification envelope and, **if used**, a secrecy envelope. The back of the envelope shall include a statement to be signed by the absent elector, stating that the elector:

(a) Is qualified to vote;

(b) Unless prevented by physical disability, has personally marked the ballot; and

(c) Has not unnecessarily exhibited the marked ballot to any other person.

(3) An absent elector may obtain a replacement ballot if the ballot delivered under this section is destroyed, spoiled, lost or not received by the elector. The county clerk shall keep a record of each replacement ballot provided under this subsection.

(4) A replacement ballot provided under subsection (3) of this section may be mailed or shall be made available in the office of the county clerk.

(5) If the county clerk determines that an absent elector to whom a replacement ballot has been issued at the request of the elector has voted more than once, the county clerk shall count only the first ballot received by the clerk and provide the elector's name to the Secretary of State for further review. If the county clerk is required to reissue ballots due to a change on the ballot for any reason, that ballot shall be counted in lieu of any previous ballot issued unless:

(a) Only the original ballot was voted and returned; or

(b) The county clerk issued a supplemental ballot that is not a complete replacement of the original ballot.

SECTION 13. ORS 254.408 is amended to read:

254.408. (1) A person offering to vote and who claims to be an elector, but for whom no evidence of active or inactive registration can be found, shall be granted the right to vote in the manner provided in this section.

(2) Whenever an elector updates a registration at a county clerk's office after the ballots have been mailed under ORS 254.470, the elector shall vote in that election in the manner provided in this section.

(3) An elector voting under this section shall complete and sign a registration card.

(4)(a)(A) **Except as provided in subparagraph (B) of this paragraph**, the elector shall insert the ballot into a small envelope provided by the county clerk and then insert the small envelope into a larger envelope. The larger envelope shall be delivered to the county clerk and shall be segregated and not counted until the registration of the elector is verified under this section.

(B) The county clerk shall inform the elector of any alterations to the process described in subparagraph (A) of this paragraph that are necessary if the Secretary of State has approved a procedure under ORS 254.458 to be used in lieu of the envelope procedures.

(b) An envelope provided under this subsection must comply with the prohibitions set forth in ORS 254.470 (11).

(5) The county clerk shall determine if the elector is validly registered to vote and if the vote was properly cast. The ballot shall be counted only if the county clerk determines the registration of the elector is considered active or inactive.

(6) A vote shall be counted only if the elector is qualified to vote for the particular office or on the measure.

SECTION 14. 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)] **to (d)** 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.

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

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

(d) The county clerk is not required to mail a secrecy envelope under this subsection if the Secretary of State has approved a different procedure under ORS 254.458 that provides substantially the same degree of secrecy.

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

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

(b) The county clerk shall mail the official ballot of a major political party to an elector not affiliated with any political party if the elector has applied for the ballot as provided in this sub-

section and that party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

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

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

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

(b) The county clerk is not required to make available a secrecy envelope under this subsection if the Secretary of State has approved a different procedure under ORS 254.458 that provides substantially the same degree of secrecy.

(5) The ballot shall contain the following warning:

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

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

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

(c) The ballot must be returned in the return identification envelope.

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

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

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

(8) A ballot shall be counted only if:

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

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

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

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

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

(11)(a)(A) Except as provided in subparagraph (B) of this paragraph, the name of the Secretary of State may not appear in the secretary's official capacity on the return identification envelope[, *secrecy envelope*] or on any instructions or materials included with the ballot if the secretary is a candidate in the election for which the ballot is printed.

(B) This paragraph does not prohibit the name of the Secretary of State from appearing in the secretary's official capacity in the voters' pamphlet.

(b) The name of the county clerk or other filing officer may not appear in the official capacity of the county clerk or filing officer on the return identification envelope[, *secrecy envelope*] or on any instructions or materials included with the ballot if the county clerk or filing officer is a candidate in the election for which the ballot is printed.

(c) As used in this subsection, "filing officer" has the meaning given that term in ORS 254.165.

SECTION 15. ORS 254.478 is amended to read:

254.478. (1) Subject to ORS 260.705 [*and not sooner than the seventh day before the date of an election*], **upon receipt of ballots**, the county clerk may:

(a) Begin opening return identification **envelopes of ballots** and **any used** secrecy envelopes of ballots [*delivered by mail and received by the county clerk*]; and

(b) In accordance with a security plan approved by the Secretary of State under ORS 254.074, begin scanning ballots into a vote tally system.

(2) The county clerk may take any other actions that are necessary to count ballots [*delivered by mail*].

SECTION 16. ORS 249.865 is amended to read:

249.865. (1) Pursuant to Article II, section 18, of the Oregon Constitution, an elector of the electoral district from which the public officer is elected may file a petition demanding the recall of the public officer. The production and circulation of the petition must conform to the requirements governing recall petitions set forth in ORS 250.048 and 250.052. Before the petition is circulated for signatures, the chief petitioner of the petition shall file with the officer authorized to order the recall election a copy of the prospective petition signed by the chief petitioner.

(2) The chief petitioner shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the recall petition. After the prospective petition is filed, the chief petitioner shall notify the filing officer not later than the 10th day after the chief petitioner first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.

(3) Each sheet of the recall petition must contain:

(a) The words "Petition for recall of," (name and title of officer) and the date of the filing under subsection (1) of this section; and

(b) The name and [*address*] **city and state of residence** of the chief petitioner [*listed on the statement of organization filed under ORS 260.118*].

(4) Not more than 20 signatures on each sheet of the recall petition shall be counted. The circulator shall certify on each signature sheet that the circulator:

(a) Witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet; and

(b) Believes each individual is an elector.

(5) Any intentional or willful violation of subsection (1) or (2) of this section by a chief petitioner of the recall petition listed on the statement of organization filed under ORS 260.118 invalidates the prospective petition before it is circulated for signatures.

SECTION 17. The amendments to ORS 249.865, 250.045, 250.165, 250.265, 253.065, 254.408, 254.470, 254.478, 255.012, 255.075, 255.085, 255.135, 260.232, 260.285 and 260.995 by sections 1 to 6 and 8 to 16 of this 2021 Act become operative on January 1, 2022.

SECTION 18. The Secretary of State and county clerks may take any action before the operative date specified in section 17 of this 2021 Act that is necessary to enable the Secretary of State and county clerks to exercise, on and after the operative date specified in section 17 of this 2021 Act, all of the duties, functions and powers conferred on the Secretary of State and county clerks by the amendments to ORS 249.865, 250.045, 250.165, 250.265, 253.065, 254.408, 254.470, 254.478, 255.012, 255.075, 255.085, 255.135, 260.232, 260.285 and 260.995 by sections 1 to 6 and 8 to 16 of this 2021 Act.

SECTION 19. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by Senate May 6, 2021

Repassed by Senate June 25, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 24, 2021

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

.....
Shemia Fagan, Secretary of State