

# Senate Bill 1033

Sponsored by COMMITTEE ON RULES

## 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**.

Specifies that voter registration of person occurs on date registration is postmarked if registration card is mailed to election official and received after 21st day immediately preceding election.

Deletes requirement that candidate nominating petition contain residence address of persons signing petition.

Deletes requirement that application for absentee ballot be in writing and signed by applicant. Allows application by electronic mail.

Prohibits electioneering within 100 feet of places designated for deposit of ballots. Prohibits person from obstructing entrance of building in which ballots are issued.

Requires signs at nonofficial ballot drop sites to be printed in bold 50-point type.

## A BILL FOR AN ACT

1  
2 Relating to elections; creating new provisions; and amending ORS 247.012, 249.064, 253.030 and  
3 260.695.

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

5 **SECTION 1.** ORS 247.012 is amended to read:

6 247.012. (1) A qualified person may register to vote or update a registration to vote by:

7 (a) Delivering by mail or otherwise a completed registration card to any county clerk, the Sec-  
8 retary of State, any office of the Department of Transportation or any designated voter registration  
9 agency as described in ORS 247.208;

10 (b) Personally delivering the card to an official designated by a county clerk under subsection  
11 (7) of this section; or

12 (c) Completing the voter registration portion of the application for issuance or renewal of a  
13 driver license, issuance of a state identification card under ORS 807.400 or a change of address at  
14 an office of the Department of Transportation under ORS 247.017.

15 (2) If a registration card is mailed or delivered to:

16 (a) Any person other than a county clerk or the Secretary of State, the person shall forward the  
17 card to a county clerk or the Secretary of State not later than the fifth day after receiving the card;  
18 or

19 (b) The Secretary of State or a county clerk for a county other than the county in which the  
20 person applying for registration resides, the Secretary of State or county clerk shall forward the  
21 card to the county clerk for the county in which the person resides not later than the fifth day after  
22 receiving the card.

23 (3) Registration of a qualified person occurs:

24 (a) When a legible, accurate and complete registration card is received in the office of any  
25 county clerk, the Office of the Secretary of State, an office of the Department of Transportation, a  
26 designated voter registration agency under ORS 247.208 or at a location designated by a county  
27 clerk under subsection (7) of this section;

**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 (b) If a registration card is mailed to the office of any county clerk, the Office of the  
 2 Secretary of State or a location designated by a county clerk under subsection (7) of this  
 3 section, on the date a registration card is postmarked if the card is received after the 21st day  
 4 immediately preceding an election but is postmarked not later than the 21st day immediately pre-  
 5 ceding the election; or

6 (c) In the case of a registration card missing a date of birth, containing an incomplete date of  
 7 birth or containing an unintentional scrivener's error that is supplied or corrected as described in  
 8 subsection (4) or (6) of this section, on the date that registration would have occurred if the regis-  
 9 tration card had not been missing the date of birth, contained an incomplete date of birth or con-  
 10 tained the scrivener's error.

11 (4) If a registration card is legible, accurate and contains, at a minimum, the registrant's name,  
 12 residence address, date of birth and signature, the county clerk shall register the person. If this  
 13 information is missing from the registration card or the date of birth is incomplete, the county clerk  
 14 shall attempt to contact the person to obtain the missing or incomplete information. The county  
 15 clerk may supply the registrant's date of birth from any previous registration of the registrant.

16 (5) If a registration card meets the requirements of subsection (4) of this section but is missing  
 17 an indication of political party affiliation, the registrant shall be considered not affiliated with any  
 18 political party. This subsection does not apply if an elector is updating a registration within the  
 19 same county.

20 (6) If a registration card contains an unintentional scrivener's error, the county clerk may at-  
 21 tempt to contact the person to correct the error.

22 (7) A county clerk may appoint officials to accept registration of persons at designated locations.  
 23 The appointments and locations shall be in writing and filed in the office of the county clerk. The  
 24 county clerk shall be responsible for the performance of duties by those appointed.

25 (8) A registration card received and accepted under this section shall be considered an active  
 26 registration.

27 (9) A registration may be updated at any time.

28 **SECTION 2.** ORS 249.064 is amended to read:

29 249.064. (1) A nominating petition of a candidate seeking the nomination of a major political  
 30 party shall contain a statement that each elector whose signature appears on the petition is a  
 31 member of the same major political party as is the candidate.

32 (2) A nominating petition of any candidate shall contain the number of signatures of electors  
 33 required by ORS 249.068 or 249.072 and the [*residence address and*] name or number of the precinct,  
 34 if known, of each elector whose signature appears.

35 (3) The signatures contained in the nominating petition shall be certified for genuineness by the  
 36 county clerks under ORS 249.008.

37 **SECTION 3.** ORS 253.030 is amended to read:

38 253.030. (1) Before an election any elector may apply to the clerk for the absentee ballot of the  
 39 election.

40 (2) An application for an absentee ballot must[:]

41 [*(a) Be in writing and signed by the applicant; and*]

42 [*(b)*] be received by the clerk not later than 8 p.m. the day of the election.

43 (3) If an applicant not affiliated with any political party desires to vote in any major political  
 44 party primary election, the applicant may request and shall be sent a ballot for a major political  
 45 party if that political party has provided under ORS 254.365 for a primary election that admits

1 electors not affiliated with any political party.

2 (4) Application for an absentee ballot may be made by **electronic mail or by** using a facsimile  
3 machine. As used in this subsection, “facsimile machine” means a machine that electronically  
4 transmits or receives facsimiles of documents through connection with a telephone network.

5 (5) If an elector desires, the elector’s application shall be valid for every subsequent election  
6 until the elector otherwise notifies the clerk or is no longer an elector of the county.

7 **SECTION 4.** ORS 260.695 is amended to read:

8 260.695. (1) *[No]* **A person** *[shall]* **may not** print or circulate an imitation of the ballot or sample  
9 ballot, or a portion of the ballot or sample ballot, which contains information which will not appear,  
10 or deletes information which will appear, on the ballot or sample ballot, or that portion of the ballot  
11 or sample ballot, unless the imitation of the ballot or sample ballot, or portion of the ballot or  
12 sample ballot, contains the following statement in bold type: “NOT FOR OFFICIAL USE.” This  
13 subsection does not prohibit the printing or circulation of an imitation of a ballot which illustrates  
14 the manner in which a candidate’s name may be written in for an office.

15 (2) *[No person, within any building in which a polling place is located or, in an election conducted*  
16 *by mail, after the date that ballots are mailed as provided in ORS 254.470, within any building in*  
17 *which ballots are issued, or within 100 feet measured radially from any entrance to the building,*  
18 *shall]* **A person may not** do any electioneering, including circulating any cards or *[hand bills]*  
19 **handbills**, or soliciting of signatures to any petition **within any building in which a polling place**  
20 **is located, ballots are issued or a place designated for the deposit of ballots under ORS**  
21 **254.470 is located, or within 100 feet measured radially from any entrance to the building or**  
22 **from the location of any other place designated for the deposit of ballots under ORS 254.470.**  
23 *[No person shall]* **A person may not** do any electioneering by public address system located more  
24 than 100 feet from an entrance to the building *[but]* **or from the location of any other place**  
25 **designated for the deposit of ballots under ORS 254.470 if the person is** capable of being un-  
26 derstood within 100 feet of the building **or location.** The electioneering need not relate to the  
27 election being conducted. **In an election conducted by mail, this subsection applies during the**  
28 **period beginning on the date that ballots are mailed to electors as provided in ORS 254.470**  
29 **and ending on election day at 8 p.m. or when all persons waiting in line at the building or**  
30 **location who began the act of voting as described in ORS 254.470 (11) by 8 p.m. have finished**  
31 **voting.**

32 (3) *[No person shall obstruct an entrance of a building in which a polling place is located. In an*  
33 *election conducted by mail, from the date that ballots are mailed as provided in ORS 254.470 until the*  
34 *time designated by the county clerk for closure of the building on election day, no person shall]* **A**  
35 **person may not** obstruct an entrance of a building in which **a polling place is located, ballots**  
36 **are issued or** a place designated for the deposit of ballots under ORS 254.470 or any voting booth  
37 maintained under ORS 254.474 is located. **In an election conducted by mail, this subsection ap-**  
38 **plies during the period beginning on the date that ballots are mailed to electors as provided**  
39 **in ORS 254.470 and ending on election day at 8 p.m. or when all persons in line at the building**  
40 **or location who began the act of voting as described in ORS 254.470 (11) by 8 p.m. have fin-**  
41 **ished voting.**

42 (4) *[No person shall]* **A person may not** vote or offer to vote in any election knowing the person  
43 is not entitled to vote.

44 (5) *[No person at a polling place]* **A person, [other than] except** an election board member,  
45 *[shall]* **may not** deliver a ballot to an elector **at a polling place.**

1 (6) [No] **An** elector at a polling place [shall] **may not** knowingly receive a ballot from any other  
2 person than an election board member.

3 (7) [No person shall] **A person may not** make a false statement about the person's inability to  
4 mark a ballot.

5 (8) [No] **A** person, except an elections official in performance of duties or [other] **another** person  
6 providing assistance to an elector as described in ORS 254.445, [shall] **may not** ask a person at the  
7 polling place for whom that person intends to vote, or examine or attempt to examine the person's  
8 ballot.

9 (9) [No person shall] **A person may not** show the person's own marked or punched ballot to  
10 another person to reveal how it was marked or punched.

11 (10) [No] **An** elections official, other than in the performance of duties, [shall] **may not** disclose  
12 to any person any information by which it can be ascertained for whom any elector has voted.

13 (11) [No] **A** person, except an elections official in performance of duties, [shall] **may not** do  
14 anything to a ballot to permit identification of the person who voted.

15 (12) [No] **An** elector at a polling place [shall] **may not** deliver a ballot to an election board  
16 member except the ballot the elector received from an election board member. [Nothing in this sub-  
17 section shall] **This subsection does not** prohibit a person from delivering any absentee ballot or  
18 ballots to an election board member.

19 (13) [No] **A** person at a polling place, except an election board member, [shall] **may not** receive  
20 from an elector other than an absent elector a marked or punched ballot.

21 (14) [No elector shall] **An elector may not** willfully leave in the polling place anything that will  
22 show how the elector's ballot was marked or punched. In an election conducted by mail, [no elector  
23 shall] **an elector may not** willfully leave at any place designated for the deposit of ballots under  
24 ORS 254.470 or in any voting booth maintained under ORS 254.474[,] anything that will show how  
25 the elector's ballot was marked or punched.

26 (15) [No] **A** person, except an elections official in performance of duties, [shall] **may not** remove  
27 a ballot from any polling place, any place designated for the deposit of ballots under ORS 254.470  
28 or any voting booth maintained under ORS 254.474.

29 (16) [No] **A** person, except an elections official in performance of duties or a person authorized  
30 by that official, [shall] **may not** willfully deface, remove, alter or destroy a posted election notice.

31 (17) [No] **A** person, except an elections official in performance of duties, [shall] **may not**  
32 willfully remove, alter or destroy election equipment or supplies, or break the seal or open any  
33 sealed package containing election supplies.

34 (18) [No] **A** person [other than], **except** an elections official [shall] **in performance of duties,**  
35 **may not provide elections advice or** attempt to collect voted ballots **within any building in**  
36 **which a polling place is located, ballots are issued or a place designated for the deposit of**  
37 **ballots under ORS 254.470 is located or** within 100 feet measured radially from **any entrance to**  
38 **the building or from the location of any other place** [a location] designated for **the** deposit of  
39 ballots under ORS 254.470.

40 (19) [No] **A** person, except an elections official in performance of duties, in an election conducted  
41 by mail, [shall] **may not** establish a location to collect ballots voted by electors unless:

42 (a) The person prominently displays at the location a sign stating: "NOT AN OFFICIAL BAL-  
43 LOT DROP SITE[.]"; **and**

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

45 **SECTION 5. (1) The amendments to ORS 247.012 by section 1 of this 2005 Act apply to**

1 voter registration cards postmarked on or after the effective date of this 2005 Act.

2 (2) The amendments to ORS 249.064 by section 2 of this 2005 Act apply to nominating  
3 petitions filed on or after the effective date of this 2005 Act.

4 (3) The amendments to ORS 253.030 by section 3 of this 2005 Act apply to applications for  
5 absentee ballots made on or after the effective date of this 2005 Act.

6 (4) The amendments to ORS 260.695 by section 4 of this 2005 Act apply to activities oc-  
7 ccurring on or after the effective date of this 2005 Act.

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