

House Bill 4158

Sponsored by COMMITTEE ON RULES (at the request of Representative Jennifer Williamson)

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**.

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

1
2 Relating to paying for return of election ballots; creating new provisions; and amending ORS 254.470
3 and 260.665.

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

5 **SECTION 1.** ORS 254.470 is amended to read:

6 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
7 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
8 dates and times the places of deposit must be open and the security requirements for the places of
9 deposit. At a minimum, the places designated under this section shall be open on the date of the
10 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
11 of deposit designated under this section, the county clerk shall prominently display a sign stating
12 that the location is an official ballot drop site.

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

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

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

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

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

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

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

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

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

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

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

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

29 (c)(A) The ballot must be returned in the return identification envelope. *[If the elector returns*
 30 *the ballot by mail, the elector must provide the postage.]* **A county, city or district may choose to**
 31 **provide electors with a return identification envelope that may be returned by business reply**
 32 **mail. The county, city or district shall bear the cost of providing a return identification en-**
 33 **velope that may be returned by business reply mail under this paragraph.**

34 (B) **As used in this paragraph, “business reply mail” means a mail service that allows a**
 35 **preaddressed return identification envelope to be mailed by an elector by United States mail**
 36 **without charge, with the county, city or district paying the mailing fee for a return iden-**
 37 **tification envelope that is returned by United States mail but not for a return identification**
 38 **envelope that is not returned by United States mail.**

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

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

45 (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not

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

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

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

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

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

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

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

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

23 260.665. (1) As used in this section, "undue influence" means force, violence, restraint or the
 24 threat of it, inflicting injury, damage, harm, loss of employment or other loss or the threat of it, or
 25 giving or promising to give money, employment or other thing of value.

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

28 (a) Register or vote;

29 (b) Refrain from registering or voting;

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

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

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

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

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

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

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

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

42 (4) This section does not prohibit:

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

45 (b) The public distribution by candidates, political parties or political committees of sample

1 ballots or other items readily available to the public without charge, even though the distributor
2 incurs costs in the distribution;

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

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

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

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

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

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

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

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

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