

# House Bill 3196

Sponsored by Representative RESCHKE; Representatives BONHAM, BOSHART DAVIS, CATE, DRAZAN, MORGAN, WALLAN, WRIGHT

## 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**.

Prohibits individual from collecting and returning ballot of other individual, subject to specified exceptions.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to the collection of ballots; creating new provisions; amending ORS 254.470; and prescribing  
3 an effective date.

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 254.**

6 **SECTION 2. (1) Each elector must return the elector's own ballot in the manner provided**  
7 **in ORS 254.470. Except as provided in subsection (2) of this section, an individual may not**  
8 **collect or return another individual's ballot.**

9 **(2) An individual may collect and return the ballot of a different individual:**

10 **(a) Who is an elector; and**

11 **(b)(A) Who is a relative of the individual who collects and returns the ballot;**

12 **(B) For whom the individual who collects and returns the ballot exercises a power of**  
13 **attorney for the individual whose ballot is collected and returned; or**

14 **(C) For whom the individual who collects and returns the ballot serves as a paid**  
15 **caregiver and provides ongoing care for the individual whose ballot is collected and returned.**

16 **(3) An individual who collects and returns the ballot of a different individual under sub-**  
17 **section (2) of this section must deposit the ballot in the manner described in ORS 254.470 not**  
18 **later than two days after collecting the ballot.**

19 **(4) As used in this section, "relative" means:**

20 **(a) The spouse of the individual whose ballot is collected and returned;**

21 **(b) The parent of the individual whose ballot is collected and returned;**

22 **(c) Any individual for whom the individual whose ballot is collected and returned has a**  
23 **legal support obligation;**

24 **(d) Any individual for whom the individual whose ballot is collected and returned provides**  
25 **benefits; or**

26 **(e) Any individual for whom the individual whose ballot is collected and returned receives**  
27 **benefits arising from that individual's employment.**

28 **SECTION 3. ORS 254.470 is amended to read:**

29 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the  
30 designation of places of deposit for the ballots cast in an election. The rules shall also specify the

**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 dates and times the places of deposit must be open and the security requirements for the places of  
 2 deposit. At a minimum, the places designated under this section shall be open on the date of the  
 3 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place  
 4 of deposit designated under this section, the county clerk shall prominently display a sign stating  
 5 that the location is an official ballot drop site.

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

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

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

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

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

23 (b) The county clerk shall mail the official ballot of a major political party to an elector not  
 24 affiliated with any political party if the elector has applied for the ballot as provided in this sub-  
 25 section and that party has provided under ORS 254.365 for a primary election that admits electors  
 26 not affiliated with any political party.

27 (c) An elector not affiliated with any political party who wishes to vote in the primary election  
 28 of a major political party shall apply to the county clerk in writing. The application must be com-  
 29 pleted, signed and submitted by the elector electronically, in person or by mail, in a manner deter-  
 30 mined by the secretary by rule and must indicate which major political party ballot the elector  
 31 wishes to receive. Except for electors described in subsection (4) of this section, and subject to ORS  
 32 247.203, the application must be received by the county clerk not later than 5 p.m. of the 21st day  
 33 before the date of the election.

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

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

42 (5) The ballot shall contain the following warning:  
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45 Any person who, by use of force or other means, unduly influences an elector to vote in any

1 particular manner or to refrain from voting is subject to a fine.

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

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

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

11 (d) Subject to paragraph (e) of this subsection, if a person returns a ballot for an elector **in the**  
12 **manner permitted under section 2 of this 2021 Act**, the person shall deposit the ballot in a  
13 manner described in paragraph (b) of this subsection not later than two days after receiving the  
14 ballot.

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

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

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

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

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

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

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

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

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

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

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

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

6 **SECTION 4. This 2021 Act takes effect on the 91st day after the date on which the 2021**  
7 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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