

SB 18 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 3/4

WHAT THE MEASURE DOES:

This measure enhances civil and criminal penalties for repeated and intentional violations of specified state election laws.

Detailed Summary:

- Enhances criminal penalties for violation of state election laws – ORS 247.171(6) or 260.695(5) – by making a subsequent and intentional violation of these laws:
 - A Class C felony.
 - A Class B felony if the violation is committed by a public official acting in an official capacity.
 - A first violation of ORS 247.171(6) would remain a Class C misdemeanor, and a first violation of ORS 260.695(5) would remain a Class A misdemeanor.
- Adds criminal penalties for violation of state election laws – 260.567, 260.569, 260.635, 260.675, 260.685, or 260.705 – by making a subsequent and intentional violation of these laws:
 - A Class C felony.
 - A Class B felony if the violation is committed by a public official acting in an official capacity.
 - A first violation of these laws would remain a civil and not criminal violation. ORS 260.995.
- Enhances civil penalties for violation of state election laws as follows:
 - \$25,000 for subsequent and intentional violation of ORS 260.569.
 - \$50,000 for a subsequent and intentional violation of ORS 260.555, 260.558, 260.567, 260.575, 260.635, or 260.695.
 - \$125,000 for a subsequent and intentional violation of ORS 247.125(1), 247.171(5 or 6), 247.420(2), 253.710, 260.645 or 260.665(2 or 3) involving any action described in ORS 260.665(2)(d-f), 260.675, 260.705 or 260.715.
 - Twice the above amounts if the subsequent and intentional violation of the above-listed statutes is committed by a public official acting in an official capacity.
- Contains conforming provisions in Section 3 to harmonize this measure with ORS 260.995.
- Applies to election law violations that occur on or after the effective date.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Amends Section 1, Subsection (5), line 15 to read “has been in violation of” instead of “has previously been found guilty of violating” to clarify that the felony violations in Subsection (5)(a-b) apply even when the initial, preceding election-law violation was subject to only a civil violation.

BACKGROUND:

As follows is a summary of the above-referenced election laws that would be subject to enhanced and/or new criminal penalties for repeat, intentional violations.

ORS 247.125 - Prohibits alteration of voter registration card.

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ORS 247.171(5, 6) – Prohibits a person accepting voter registration cards from requesting information not authorized by state or federal law and prohibits a person from knowingly submitting false information for use on a voter registration card (ORS 247.420(2) is similar).

ORS 253.710 – Prohibits alteration of an absentee ballot by anyone except the voter or elections official in the performance of official duties.

ORS 260.555 – Prohibits false statements relating to the circulation, filing, or certification of initiative, referendum, or recall petitions.

ORS 260.558 – Prohibits the making of payments for signing or not signing initiative, referendum, or recall petition.

ORS 260.567 – Prohibits alteration of information on a petition signature sheet.

ORS 260.569 – Prohibits payment of a person based on the number of signatures obtained on a nominating petition or voter registration cards.

ORS 260.575 – Prohibits a person from using threats or intimidation to extort money in regard to an initiative, referendum, or recall petition.

ORS 260.635 – Prohibits a candidate from betting or wagering on an election and anyone from betting or wagering in an effort to influence an election.

ORS 260.645 – Prohibits tampering with voting machines or vote tally systems.

ORS 260.665 – Prohibits a person from exerting statutorily defined “undue influence” to affect voter registration, voting, candidacy, or signing petitions.

ORS 260.675 – Prohibits unauthorized distribution of ballots.

ORS 260.685 – Prohibits election officials from knowingly failing to comply with the directives of the Secretary of State.

ORS 260.695 – Prohibits a person from voting despite knowing they are not entitled to vote, issuing imitation ballots, electioneering at or obstructing a public building designated as a ballot drop-off location, and other listed activities interfering with a person’s right to vote.

ORS 260.705 – Prohibits a person from publicizing election results before 8 p.m. on the date of the election.

ORS 260.715 – Prohibits specified acts of improper, illicit, and unauthorized voting.

ORS 260.995– Sets current civil penalties, generally between \$1,000 to \$10,000 per violation.

ORS 260.995, the statute that authorizes civil penalties, was amended by House Bill 4024 (2024), amendments that become effective on 1/1/2027. HB 4024 established campaign finance contribution limits, new disclosure provisions, and updated associated penalties; adjusted disclosure requirements for political communications; required creation of an online dashboard to enhance transparency; and modified deadlines for incumbent candidates to file nominating petitions or declaration of candidacy. As noted above, these aspects of HB 4024 become effective on January 1, 2027.