

House Bill 3641

Sponsored by Representative RESCHKE; Representatives BOICE, HARBICK, LEVY B, MANNIX, WRIGHT, YUNKER

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that a person may not deliver the ballot of another person. The Act has exceptions. The Act imposes specified fines for a violation. (Flesch Readability Score: 61.3).

Prohibits an individual from collecting and returning a ballot of another individual, subject to specified exceptions.

Imposes a fine of \$2,500 per ballot for a person other than an individual that illegally collects and returns the ballot of an individual and a fine of \$500 per ballot for an individual who illegally collects and returns the ballot of a different individual.

A BILL FOR AN ACT

1
2 Relating to ballots; creating new provisions; and amending ORS 254.470 and 260.995.

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

4 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 254.**

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

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

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

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

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

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

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

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

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

20 **(b) A parent of the individual whose ballot is collected and returned;**

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

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

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

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

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.

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

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

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

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

21 (d) If an active elector of the electoral district requests an absentee ballot because the elector
 22 will be absent from the electoral district during the period of time described in paragraph (a) of this
 23 subsection, the county clerk may, if the elector's ballot is available:

24 (A) Allow the elector to receive the elector's ballot in person at the office of the county clerk
 25 not sooner than the 43rd day before the date of the election; or

26 (B) Mail by nonforwardable mail an official ballot with a return identification envelope and a
 27 secrecy envelope to the elector not sooner than the 43rd day before the date of the election.

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

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

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

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

39 (c) An elector not affiliated with any political party who wishes to vote in the primary election
 40 of a major political party shall apply to the county clerk in writing. The application must be com-
 41 pleted, signed and submitted by the elector electronically, in person or by mail, in a manner deter-
 42 mined by the secretary by rule and must indicate which major political party ballot the elector
 43 wishes to receive. Except for electors described in subsection (4) of this section, and subject to ORS
 44 247.203, the application must be received by the county clerk not later than 5 p.m. of the 21st day
 45 before the date of the election.

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

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

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

12 (5) The ballot shall contain the following warning:

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 14
 15 Any person who, by use of force or other means, unduly influences an elector to vote in any
 16 particular manner or to refrain from voting is subject to a fine.

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

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

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

26 (d) Subject to paragraph (e) of this subsection, if a person returns a ballot for an elector **in**
 27 **accordance with section 2 of this 2025 Act**, the person shall deposit the ballot in a manner de-
 28 scribed in paragraph (b) of this subsection not later than two days after receiving the ballot.

29 (e) If the elector deposits the ballot at the office of the county clerk, at any place of deposit
 30 designated by the county clerk or at any location described in ORS 254.472 or 254.474, the ballot
 31 must be received at the office of the county clerk, at the designated place of deposit or at any lo-
 32 cation described in ORS 254.472 or 254.474 not later than the end of the period determined under
 33 subsection (1) of this section on the date of the election. If the elector returns the ballot by mail:

34 (A) The ballot must be received at the office of the county clerk not later than the end of the
 35 period determined under subsection (1) of this section on the date of the election; or

36 (B) The ballot must:

37 (i) Have a postal indicator showing that the ballot was mailed not later than the date of the
 38 election; and

39 (ii) Be received at the office of the county clerk not later than seven calendar days after the
 40 date of the election.

41 (f) If a county clerk receives a marked ballot for an elector who does not reside in the clerk's
 42 county, the ballot shall be forwarded to the county clerk of the county in which the elector resides
 43 not later than the eighth day after the election.

44 (7) The following shall appear on the return identification envelope:

45 (a) Space for the elector to sign the envelope.

1 (b) A notice designed by rule by the Secretary of State, in consultation with the county clerks,
 2 explaining that by signing the ballot the elector is attesting under penalty of perjury that the ballot
 3 was mailed no later than the date of the election.

4 (c) A summary of the applicable penalties for knowingly making a false statement, oath or affi-
 5 davit under the election laws.

6 (8) If the elector returns the ballot by mail, and a postal indicator is not present or legible, the
 7 ballot shall be considered to be mailed on the date of the election and may be counted if the ballot
 8 is received no later than seven calendar days after the election.

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

17 (10) A ballot shall be counted only if:

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

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

21 (c) The signature is verified as provided in subsection (11) of this section.

22 (11) The county clerk shall verify the signature of each elector on the return identification en-
 23 velope with the signature on the elector's registration record, according to the procedure provided
 24 by rules adopted by the Secretary of State. Rules adopted by the secretary under this subsection
 25 must limit personnel authorized to verify signatures to the personnel authorized to count ballots
 26 under ORS 254.476. If the county clerk determines that an elector to whom a replacement ballot has
 27 been issued has voted more than once, the county clerk shall count only one ballot cast by that
 28 elector.

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

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

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

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

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

44 (14) As used in this section, "postal indicator" means a postmark or other indicator on a mailed
 45 ballot, identified by the Secretary of State by rule, that demonstrates the date or time at which a

1 ballot was mailed.

2 **SECTION 4.** ORS 260.995 is amended to read:

3 260.995. (1) Except as provided in subsection (2) of this section, following an investigation under
 4 ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to exceed
 5 \$1,000 for each violation of any provision of Oregon Revised Statutes relating to the conduct of any
 6 election, any rule adopted by the secretary under ORS chapters 246 to 260 or any other matter
 7 preliminary to or relating to an election, for which a civil penalty is not otherwise provided.

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

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

11 (B) Two times the amount of the penalty provision for violating a nondisclosure agreement that
 12 is contained within each nondisclosure agreement entered into in violation of ORS 260.407 or
 13 260.413;

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

17 (c)(A) **\$2,500 for each ballot that a person other than an individual returns for an indi-**
 18 **vidual in violation of section 2 of this 2025 Act; or**

19 (B) **\$500 for each ballot that an individual returns for a different individual in violation**
 20 **of section 2 of this 2025 Act; or**

21 [*c*] (d) \$10,000 for each violation of ORS 260.555, 260.558, 260.575, 260.695 (1) or (2) or 260.715
 22 (1) or Article IV, section 1b, of the Oregon Constitution.

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

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

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

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

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

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

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

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

1 be assessed to request a hearing.

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

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

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

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

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

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

12 **SECTION 5.** ORS 260.995, as amended by section 20, chapter 9, Oregon Laws 2024, is amended
 13 to read:

14 260.995. (1) Except as provided in subsections (2) to (4) of this section, following an investigation
 15 under ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to
 16 exceed \$1,000 for each violation of any provision of Oregon Revised Statutes relating to the conduct
 17 of any election, any rule adopted by the secretary under ORS chapters 246 to 260 or any other
 18 matter preliminary to or relating to an election, for which a civil penalty is not otherwise provided.

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

20 (a)(A) *[Except as provided in subparagraph (B) of this paragraph,]* \$1,000 plus the amount con-
 21 verted to personal use for each violation of ORS 260.407; or

22 (B) Two times the amount of the penalty provision for violating a nondisclosure agreement that
 23 is contained within each nondisclosure agreement entered into in violation of ORS 260.407 or
 24 260.413;

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

28 (c)(A) **\$2,500 for each ballot that a person other than an individual returns for an indi-**
 29 **vidual in violation of section 2 of this 2025 Act; or**

30 (B) **\$500 for each ballot that an individual returns for a different individual in violation**
 31 **of section 2 of this 2025 Act; or**

32 *[(c)]* (d) \$10,000 for each violation of ORS 260.555, 260.558, 260.575, 260.695 (1) or (2) or 260.715
 33 (1) or Article IV, section 1b, of the Oregon Constitution.

34 (3)(a) Except as provided in paragraphs (b) and (c) of this subsection, the Secretary of State or
 35 the Attorney General may impose a civil penalty on the recipient of a contribution that exceeds the
 36 limits of section 4 or 5, chapter 9, Oregon Laws 2024. The amount of the civil penalty to be imposed
 37 shall be at least equal to the amount of the unlawful contribution.

38 (b) The recipient of a contribution that violates the contribution limits of section 4 or 5, chapter
 39 9, Oregon Laws 2024, may remedy the violation by refunding to the contributor an amount that
 40 renders the contribution in compliance with applicable contribution limits under section 4 or 5,
 41 chapter 9, Oregon Laws 2024. For this paragraph to apply, the refund must be made to the contrib-
 42 utor within 14 days of receipt of the unlawful contribution.

43 (c) If paragraph (b) of this subsection does not apply, the recipient of a contribution that violates
 44 the contribution limits of section 4 or 5, chapter 9, Oregon Laws 2024, may reduce the penalty oth-
 45 erwise applicable under this subsection by 50 percent, if the recipient refunds to the contributor an

1 amount that renders the contribution in compliance with section 4 or 5, chapter 9, Oregon Laws
 2 2024, within 14 days of the date the recipient reasonably should have known that the violation oc-
 3 curred.

4 (d) The Secretary of State shall adopt rules under this subsection establishing enhanced penal-
 5 ties for successive knowing and willful violations of the contribution limit provisions of section 4
 6 or 5, chapter 9, Oregon Laws 2024.

7 (4)(a) The Secretary of State or the Attorney General may impose a civil penalty on a person
 8 subject to the reporting requirements of section 13, chapter 9, Oregon Laws 2024, and that is vio-
 9 lating those requirements. The penalty to be imposed shall be not less than one-tenth of, nor more
 10 than four times, the total amount of contribution or expenditure that was not properly disclosed or
 11 disclaimed.

12 (b) The Secretary of State shall adopt rules under this subsection establishing enhanced penal-
 13 ties for successive knowing and willful violations of the disclosure provisions of section 13, chapter
 14 9, Oregon Laws 2024.

15 (5) Except as otherwise provided by this section, civil penalties under this section shall be im-
 16 posed as provided in ORS 183.745. In addition to the requirements of ORS 183.745, the notice shall
 17 include:

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

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

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

25 (a) Upon request of the person against whom the penalty may be assessed, if the request is made
 26 not later than the 20th day after the service date on the notice sent under subsection (5) of this
 27 section; or

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

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

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

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

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

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

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

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

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

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