Chapter 247

2005 EDITION

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GENERAL PROVISIONS

247.002 Definitions. As used in this chapter:

(1) "County clerk" means the county clerk or the county official in charge of elections.

(2) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

(3) "Registration card" means a state voter registration card approved by the Secretary of State under ORS 247.171, a federal voter registration application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993 (P.L. 103-31) or the voter registration portion of an application described in ORS 247.017. [1979 c.190 §39; 1993 c.713 §1]

247.005 Policy. It is the policy of this state that all election laws and procedures shall be established and construed to assist the elector in the exercise of the right of franchise. [1969 c.337 §3; 1979 c.190 §40]

247.007 When ballot considered legally cast; when vote counted; prohibition on voting more than once in same election. (1) A ballot shall be considered legally cast if the person casting the ballot is an elector at the time the ballot is cast.

(2) A vote for a particular candidate or on a measure shall be counted if the elector is qualified to vote for the particular candidate or on the measure.

(3) If an elector has voted in any election, the elector may not register or update a registration and vote in any election held on the same date. [1989 c.175 §2; 1993 c.713 §2]

247.008 [1979 c.559 §2; 1983 c.567 §4; repealed by 1987 c.719 §17 and 1987 c.733 §13]

REGISTRATION

247.009 Qualification to vote in political subdivision. Unless specifically provided otherwise, a person may vote in an election of a political subdivision of this state only if the person is an elector registered in the political subdivision. [1983 c.83 §2]

247.010 [Repealed by 1957 c.608 §231]

247.011 [1957 c.608 §28; 1959 c.277 §1; 1975 c.678 §4; repealed by 1977 c.168 §6]

247.012 Method of registering or updating a registration; when registration occurs; minimum registration information required; effect of missing registration information; registration locations. (1) A qualified person may register to vote or update a registration to vote by:

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

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

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

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

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

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

(3) Registration of a qualified person occurs:

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

(b) On the date a registration card is postmarked if the card is received after the 21st day immediately preceding an election but is postmarked not later than the 21st day immediately preceding the election; or

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

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

county clerk may supply the registrant's date of birth from any previous registration of the registrant.

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

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

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

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

(9) A registration may be updated at any time. [1979 c.190 §41; 1985 c.808 §1a; 1989 c.20 §1; 1989 c.173 §5; 1989 c.979 §2; 1993 c.713 §6; 1995 c.742 §1; 1999 c.410 §6; 1999 c.824 §1]

247.013 Where person considered registered; change of residence address between counties; registration updates; when registration considered active or inactive. (1) A qualified person shall be considered registered to vote in a county when the person's first registration in the county occurs as described in ORS 247.012.

(2) An elector who changes residence address from the county in which the elector is registered to a different county within the state, in order to vote in an election, must be an elector registered in the county in which the new residence address of the elector is located.

(3) If there is a change in any information required for registration under this chapter, and the elector has not changed residence address to another county, the registration of the elector may be updated as provided in this chapter.

(4) Notwithstanding subsections (2) and (3) of this section, if an elector changes residence address from the county in which the elector is registered to a different county within the state, the elector need not register again if the registration of the elector is updated.

(5) If the county clerk does not have evidence of a change in any information required for registration under this chapter for an elector, the registration of the elector shall be considered active.

(6) The registration of an elector shall be considered inactive if:

(a) The county clerk has received evidence that there has been a change in the information required for registration under this chapter or the elector has neither voted nor updated the registration for a period of not less than five years; and

(b) The county clerk has mailed the notice described in ORS 247.563.

(7) The registration of an elector shall not be moved to an inactive file during the 60-day period prior to any election because the elector has neither voted nor updated the registration for a period of not less than five years.

(8) The inactive registration of an elector must be updated before the elector may vote in an election. [1993 c.713 §8; 1999 c.410 §7; 1999 c.824 §2; 2001 c.965 §44]

247.014 Transfer of voter registration information by Department of Transportation. In implementing ORS 247.012, 247.017 and 247.171, the Department of Transportation shall take steps reasonably necessary to allow transfer of voter registration information by electronic or magnetic medium. [1991 c.940 §4]

247.015 Other registration procedures. (1) A qualified person absent from the state may register by mailing to the county clerk for the county in which the person resides a completed registration card or a signed statement containing the information required on a registration card.

(2) An otherwise qualified person who will attain the age of 18 years on or before the date of the election may register after the 60th day before the election.

(3) On written request from a qualified person who by physical incapacity cannot register in the office of the county clerk, the county clerk of the county in which the person resides shall send the person a registration card or register the person at the person's residence.

(4) An otherwise qualified person who will become a United States citizen after the 21st calendar day immediately preceding an election may register before the 20th day before the election. The county clerk of the county in which the person resides shall cancel the person's registration before the election unless the person appears before the county clerk and provides evidence of citizenship. [1979 c.190 §42; 1979 c.507 §1a; 1989 c.20 §2; 1995 c.742 §18; 2001 c.965 §1]

247.017 Voter registration at certain Department of Transportation offices; rules. (1) A voter registration card shall be available to any person at any office of the Department of Transportation where licenses

or renewal applications are distributed or received.

(2) When a person who is at least 18 years of age applies for issuance or renewal of an Oregon driver license, as defined in ORS 801.245, or issuance of a state identification card under ORS 807.400 or submits a change of address application form at a department office where driver license issuance or renewal applications, state identification card applications or change of address applications are distributed or received, the person shall be informed that the person may register to vote at the department office. The applicant shall be asked whether the applicant is registered to vote at the applicant's current address and if not, whether the applicant would like to register to vote at the department office.

(3) Each office shall deliver in a timely manner the completed voter registration cards to the county clerk or elections officer of the county in which the office is located. The county clerk or elections officer of the county where the office is located shall forward the registration card to the county clerk or elections officer of the county in which the applicant resides. The county clerk or elections officer may reject any registration card in accordance with ORS 247.174. The Secretary of State shall determine by rule the time and manner the completed registration cards are to be delivered to the appropriate county clerk or elections officer.

(4) The department shall develop a driver license issuance or renewal and voter registration application procedure and a state identification card issuance and voter registration application procedure and a change of address and voter registration application procedure that allows an applicant for a license, renewal, state identification card or change of address to register to vote by providing the information required by ORS 247.171 and the information required for the issuance or renewal of a license or for issuance of a state identification card. The Secretary of State shall approve the voter registration portion of each application procedure and change of address procedure.

(5) The voter registration portion of an application described in subsection (4) of this section shall comply with provisions of the National Voter Registration Act of 1993 (P.L. 103-31).

(6) The Secretary of State shall adopt rules establishing procedures for meeting the requirements of subsection (3) of this section.

(7) Information relating to the failure of an applicant under this section to sign the voter registration portion of an application for issuance or renewal of a driver license, issuance of a state identification card or for a change of address shall not be used for other than voter registration purposes. [Formerly 802.090; 1995 c.742 §2]

247.020 [Amended by 1955 c.695 §1; repealed by 1957 c.608 §231]

247.025 Registration deadline. To vote in an election:

(1) A person's registration card must be received at an office or location described in ORS 247.012 not later than the time the office or location closes for business on the 21st day immediately preceding the election, but in no case later than midnight of the 21st day immediately preceding the election; or

(2) A person's registration card must be postmarked not later than the 21st day immediately preceding the election. [1979 c.190 §43; 1985 c.833 §1; 1987 c.719 §9; 1987 c.733 §1; 1993 c.713 §7; 1999 c.410 §8]

247.028 [1979 c.190 §44; 1981 c.173 §11; repealed by 1999 c.410 §67]

247.030 [Amended by 1955 c.695 §2; repealed by 1957 c.608 §231]

247.031 [1957 c.608 §29; 1975 c.678 §5; 1977 c.168 §2; repealed by 1979 c.190 §431]

247.035 Rules to consider in determining residence of person for voting purposes. (1) An elections official, in determining the residence and qualifications of a person offering to register or vote, shall consider the following rules, so far as they may be applicable:

(a) The person's residence shall be the place in which habitation is fixed and to which, when the person is absent, the person intends to return.

(b) If a person's property is split by a jurisdictional line, the person shall be registered where the residence is located. If the residence is split by a jurisdictional line, the person shall register where the greatest value of the residence is located according to county assessment and taxation records.

(c) A person shall not be considered to have gained a residence in any location in this state into which the person comes for temporary purposes only, without the intention of making it the person's home.

(d) If a person moves to another state with the intention of making a permanent home, the person shall be considered to have lost residence in this state.

(e) If a person goes from this state into any other state or territory and votes there, the person shall be considered to have lost residence in this state.

(f) A person who has left the place of the person's residence for a temporary purpose only shall not be considered to have lost residence.

(2) Notwithstanding subsection (1) of this section, a person who has left the place of the person's residence for a temporary purpose only, who has not established another residence for voter registration purposes and who does not have a place in which habitation is fixed shall not be considered to have changed or lost residence. The person may register at the address of the place the person's residence was located before the person left.

(3) An elections official may consider, but is not limited to considering, the following factors in determining residency of a person for voter registration purposes:

(a) Where the person receives personal mail;

(b) Where the person is licensed to drive;

(c) Where the person registers motor vehicles for personal use;

(d) Where any immediate family members of the person reside;

(e) The address from which the person pays for utility services; and

(f) The address from which the person files any federal or state income tax returns. [Formerly 250.410; 1995 c.214 §1]

247.038 Registration of homeless persons. (1) A qualified person who is homeless shall not be denied the opportunity to register to vote.

(2) For purposes of this chapter:

(a) The residence address of a homeless person shall be any place within the county describing the physical location of the person; and

(b) The mailing address of a homeless person may be the office of the county clerk. [1993 c.493 §104]

247.040 [Repealed by 1957 c.608 §231]

247.045 [1975 c.678 §7; 1977 c.163 §4; 1979 c.507 §1b; 1979 c.519 §2; renumbered 247.178]

247.050 [Repealed by 1957 c.608 §231]

247.060 [Repealed by 1957 c.608 §231]

247.070 [1957 c.608 §30; 1973 c.827 §24; 1975 c.678 §8; 1977 c.829 §3; repealed by 1979 c.190 §431]

247.080 [Repealed by 1957 c.608 §231]

247.090 [Repealed by 1957 c.608 §231]

247.100 [Repealed by 1977 c.508 §15]

247.110 [Repealed by 1957 c.608 §231]

247.111 [1957 c.608 §33; 1959 c.274 §1; 1971 c.621 §30; 1975 c.678 §10; 1977 c.168 §3; repealed by 1979 c.190 §431]

247.120 [Amended by 1955 c.695 §3; repealed by 1957 c.608 §231]

247.121 [1957 c.608 §34; 1971 c.241 §1; 1973 c.841 §1; 1975 c.678 §11; 1977 c.352 §1; 1979 c.190 §46; 1979 c.519 §4a; 1985 c.833 §2; 1987 c.719 §10; 1987 c.733 §2; 1993 c.713 §9; repealed by 1995 c.742 §20]

247.125 Alteration of registration card prohibited; exceptions. No person shall alter any information supplied on a registration card except:

(1) An elections officer in the performance of official duties.

(2) The person who fills out the registration card for the purpose of registering to vote. [1985 c.808 §6]

247.130 [Repealed by 1957 c.608 §231]

247.131 [1957 c.608 §35; repealed by 1971 c.241 §10]

247.140 [Repealed by 1957 c.608 §231]

247.141 [1957 c.608 §37; 1979 c.190 §48; renumbered 247.174]

247.145 [1965 c.174 §3; 1969 c.337 §1; 1975 c.678 §13; 1977 c.829 §4; repealed by 1979 c.190 §431]

247.150 [Repealed by 1957 c.608 §231]

247.151 [1957 c.608 §31; 1961 c.65 §1; repealed by 1965 c.174 §1]

247.155 [1965 c.174 §4; repealed by 1977 c.829 §23]

247.160 [Repealed by 1957 c.608 §231]

247.161 [1957 c.608 §32; repealed by 1965 c.174 §1]

247.165 [1965 c.174 §§5,6,7; 1975 c.678 §15; 1977 c.352 §2; repealed by 1979 c.190 §431]

247.170 [Repealed by 1957 c.608 §231]

247.171 State and federal voter registration cards; Secretary of State approval of voter registration application forms of voter registration agencies; content of voter registration cards. (1) Except as provided in this subsection, the Secretary of State shall design, prepare and distribute state voter registration cards. The Secretary of State shall also distribute federal registration cards. Any person may apply in writing to the Secretary of State for permission to print, copy or otherwise prepare and distribute the registration cards designed by the Secretary of State. The secretary may revoke any permission granted under this subsection at any time. All registration cards shall be distributed to the public without charge.

(2) The Secretary of State shall approve any voter registration application form developed for use by the Department of Transportation under ORS 247.017 or by any other agency designated a voter registration agency under ORS 247.208.

(3) Each voter registration card designed or approved by the Secretary of State shall describe the penalties for knowingly supplying false information on the registration card and shall contain space for a person to provide the following information:

(a) Full name;

(b) Residence address, mailing address or any other information necessary to locate the residence of the person offering to register to vote;

(c) The name of the political party with which the person is affiliated, if any;

(d) Date of birth;

(e) An indication that the person is a citizen of the United States; and

(f) A signature attesting to the fact that the person is qualified to be an elector.

(4) Any form containing a voter registration card may also include space for a person to provide:

(a) A telephone number where the person may be contacted; and

(b) If previously registered to vote in this state, the name then supplied by the person and the county and, if known, the address of previous registration.

(5) A person shall not supply any information under subsection (3) or (4) of this section knowing it to be false.

(6) A county clerk or other person accepting registration cards shall not request any information unless it is authorized by state or federal law.

(7) A person shall attest to the information supplied on the voter registration card by signing the completed registration card.

(8) Any completed and signed registration card described in subsection (3) of this section shall be the official registration card of the elector. [1957 c.608 §36; 1965 c.464 §2; 1971 c.241 §5; 1975 c.678 §16; 1977 c.168 §4; 1979 c.190 §47; 1985 c.808 §4; 1985 c.833 §3; 1987 c.320 §150; 1987 c.719 §11; 1987 c.733 §3; 1989 c.20 §3; 1989 c.173 §1; 1989 c.979 §5; 1993 c.713 §10; 1995 c.742 §3]

247.174 Determining if person qualified to register or update registration; hearing by county clerk if registration or update of registration denied. (1) The qualifications of any person who requests to be registered or to update a registration shall be determined in the first instance by the county clerk or official designated by the county clerk to register persons as electors from the evidence present.

(2) The county clerk or official designated by the county clerk to register persons as electors may reject any registration or update of a registration if the clerk or official determines that the person is not qualified or that the registration card is illegible, inaccurate or incomplete. The clerk or official shall promptly notify the person of the rejection.

(3) A person whose registration or update to a registration is rejected may apply to the county clerk not later than the 10th day after the rejection for a hearing on the person's qualifications to register or update the registration. Not later than the 10th day after the date the county clerk receives the application, the clerk shall notify the applicant of the place and time of the hearing on the qualifications. The hearing shall be held not sooner than the second nor later than the 20th day after notice is given. At the hearing the applicant may present evidence of qualification. If the county clerk, upon the conclusion of the hearing, determines that the applicant is qualified, the county clerk shall register or update the registration of the applicant. [Formerly 247.141; 1983 c.83 §28; 1985 c.471 §2; 1985 c.833 §4; 1987 c.719 §12; 1987 c.733 §4; 1993 c.713 §11]

247.176 Request for delivery of registration card; rules. (1) During the period extending from the 250th day before the primary election to the date of the primary election and the period extending from the day after the primary election to the 250th day before the next primary election:

(a) Any person may request delivery from the Secretary of State of not more than an aggregate total of 5,000 registration cards prepared under ORS 247.171; and

(b) Upon receiving a request under this subsection, the Secretary of State shall deliver to the person the number of registration cards requested that does not exceed an aggregate total of 5,000.

(2) The Secretary of State shall adopt rules describing when the Secretary of State will honor requests for delivery of more than 5,000 registration cards prepared under ORS 247.171. [1989 c.173 §7; 1995 c.712 §7]

247.178 Distribution of registration cards. Any person may distribute a registration card in any reasonable manner that facilitates elector registration, including but not limited to distribution of the card door to door. The card shall be available at any field office of the Department of Transportation where applications for driver licenses or vehicle registrations are accepted and at any office of an agency designated a voter registration agency under ORS 247.208. [Formerly 247.045; 1993 c.713 §12; 1993 c.741 §20]

247.180 [Repealed by 1957 c.608 §231]

247.181 Memorandum card. (1) The county clerk shall prepare and issue by nonforwardable mail to each elector a memorandum card of convenient size containing the name and residence address of the elector, the name or number of the precinct in which the elector resides and a brief statement of the circumstances under which the elector is required to register or update a registration.

(2) When an elector registers or updates a registration, the county clerk shall issue the elector a new memorandum card by nonforwardable mail.

(3) If an elector loses a memorandum card the elector may apply to the county clerk for a new card, and the county clerk shall issue the elector a new card by nonforwardable mail. [1957 c.608 §38; 1977 c.508 §1; 1979

c.190 §50; 1979 c.519 §6a; 1981 c.173 §12; 1993 c.713 §13; 1995 c.742 §4]

247.190 [Repealed by 1957 c.608 §231]

247.191 Correction of registration and memorandum cards when precinct boundaries changed. When changes in the boundaries of a precinct are made, the county clerk may alter the registration card of an elector to conform with the change, and shall issue by nonforwardable mail a written notice of the change and a new memorandum card to the elector. This requirement does not apply to a change of precincts for special district or special elections. [1957 c.608 §39; 1975 c.675 §8; 1979 c.190 §51; 1979 c.519 §7a; 1985 c.808 §5; 1995 c.742 §5]

247.195 Inquiry into validity of registration; hearing; cancellation. (1) The county clerk, at any time, may inquire into the validity of the registration of any elector. The county clerk shall mail a written statement to the elector that describes the nature of the inquiry and provides a suitable form for reply.

(2) Not later than the 20th day after the date of mailing of the statement, the elector, in writing, may state that the information on the registration card is correct or may request a change in the information on the card. Upon receipt of the statement or request, the county clerk shall determine whether the information satisfies the inquiry. If the county clerk determines that the inquiry has not been satisfied, the county clerk shall schedule a hearing and shall notify the elector of the place and time of the hearing. The hearing shall be held not sooner than the second nor later than the 20th day after notice is given. At the hearing, the elector may present evidence of qualification. If the county clerk, upon the conclusion of the hearing, determines that the elector's registration is not valid, the county clerk shall cancel the registration. [1981 c.173 §16; 1985 c.471 §3; 1989 c.503 §3; 1993 c.713 §14]

247.200 [Repealed by 1957 c.608 §231]

247.201 [1957 c.608 §45; 1971 c.241 §6; 1975 c.678 §17; 1977 c.168 §5; 1979 c.190 §53; 1983 c.514 §4; 1985 c.808 §7; repealed by 1987 c.719 §17 and 1987 c.733 §13]

247.203 Party affiliation not to be changed, terminated or adopted during certain period before primary election. An elector who updates a registration during the period extending from the 20th day before a primary election to the date of the primary election may not, during that period:

(1) Change the elector's political party affiliation if the elector's immediate past registration record shows the elector was or is registered as affiliated with a political party.

(2) Terminate affiliation with a political party if the elector's immediate past registration record shows the elector was or is registered as affiliated with a political party.

(3) Adopt a political party affiliation if the elector's immediate past registration shows that the elector was not or is not registered as affiliated with a political party. [1987 c.719 §§5,22; 1989 c.965 §§1,2; 1993 c.713 §15; 1995 c.712 §8; 1995 c.755 §1; 1999 c.999 §32]

247.205 [1993 c.713 §34; renumbered 254.408 in 1995]

247.208 Voter registration agencies; designation; prohibited activities; required services. (1) The Secretary of State by rule, in accordance with the requirements of the National Voter Registration Act of 1993 (P.L. 103-31), shall designate agencies as voter registration agencies. Agencies designated may include state, county, city or district offices and federal and nongovernmental offices with the agreement of the federal or nongovernmental offices.

(2) Services required by the National Voter Registration Act of 1993 (P.L. 103-31) shall be made available in connection with any registration card at each voter registration agency designated by the Secretary of State.

(3) A person providing services referred to in subsection (2) of this section at a voter registration agency shall not:

(a) Seek to influence the political preference or party registration of a person registering to vote;

(b) In accordance with provisions of the Oregon Constitution, display such political preference or party allegiance;

(c) Make any statement to a person registering to vote or take any action the purpose or effect of which is to discourage a person from registering to vote;

(d) Make any statement to a person registering to vote or take any action the purpose or effect of which is to lead the person to believe that a decision to register or not to register has any bearing on the availability of services or benefits; or

(e) Seek to induce any person to register or vote in any particular manner.

(4) Each state agency required to be designated a voter registration agency under the National Voter Registration Act of 1993 (P.L. 103-31) shall, with each application for service or assistance and with each recertification, renewal or change of address form relating to the service or assistance:

(a) Distribute a registration card, including all statements required under the National Voter Registration Act of 1993 (P.L. 103-31); and

(b) Provide a form including other information required by the National Voter Registration Act of 1993 (P.L. 103-31).

(5) Information relating to a declination to register to vote in connection with an application made at an office described in subsection (4) of this section shall not be used for any purpose other than voter registration.

(6) A completed registration card accepted at a voter registration agency designated under this section shall be delivered to a county clerk or the Secretary of State. [1993 c.713 §5]

247.210 [Repealed by 1957 c.608 §231]

247.211 [1957 c.608 §27; repealed by 1971 c.241 §10]

247.220 [Repealed by 1961 c.412 §5]

247.230 [Repealed by 1961 c.412 §5]

247.240 [Repealed by 1961 c.412 §5]

247.250 [1955 c.552 §1; repealed by 1957 c.608 §231]

247.251 [1957 c.608 §40; repealed by 1963 c.595 §1 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251)]

247.260 [1955 c.552 §2; repealed by 1957 c.608 §231]

247.261 [1957 c.608 §41; repealed by 1979 c.190 §431]

247.270 [1955 c.552 §3; repealed by 1957 c.608 §231]

247.280 [1957 c.608 §42; 1979 c.190 §62; renumbered 247.590]

247.282 [1971 c.30 §2; repealed by 1973 c.125 §1 and by 1973 c.827 §83]

247.284 [1971 c.30 §§4,6; repealed by 1973 c.125 §1 and by 1973 c.827 §83]

247.286 [1971 c.30 §§5,7; repealed by 1973 c.125 §1 and by 1973 c.827 §83]

247.288 [1971 c.30 §3; repealed by 1973 c.125 §1 and by 1973 c.827 §83]

UPDATING REGISTRATION

247.290 When registration update required; procedure; exceptions. (1) An elector shall update a registration if:

(a) The residence address of the elector is changed for any reason within the county in which the elector is registered, except as provided in subsection (3) of this section.

(b) The elector desires to change or adopt a political party affiliation.

(c) The mailing address of the elector is changed, except as provided in subsection (3) of this section.

(d) The name of the elector is changed except as provided in ORS 254.411.

(2) A registration may be updated by an elector in the same manner as an original registration or by the county clerk as provided in this chapter.

(3) Notwithstanding subsection (1) of this section:

(a) An elector need not update a registration if:

(A) The United States Postal Service or a city or county changes the residence or mailing address of the elector and the residence of the elector has not been relocated; or

(B) The registration of the elector has been updated by the county clerk under ORS 247.292 or 247.296.

(b) An elector whose mailing address has changed but whose residence address has not changed, and whose registration has not been canceled, may vote once in the precinct in which the elector is registered. The following apply:

(A) The election board clerk shall enter into the poll book the fact that the elector's mailing address has changed. Following the election, the county clerk shall send the elector the notice described in ORS 247.563 and the registration of the elector shall be considered inactive.

(B) The registration of an elector whose mailing address has changed must be updated in order for the elector to vote in any subsequent election. [1957 c.608 §43; 1961 c.115 §1; 1965 c.583 §1; 1971 c.241 §2; 1975 c.678 §18; 1979 c.190 §52; 1981 c.173 §13; 1985 c.471 §4; 1987 c.733 §5; 1989 c.20 §4; 1993 c.493 §1; 1993 c.713 §§16,16a; 1995 c.742 §6; 1999 c.318 §1; 1999 c.410 §12]

247.292 County clerk required to update registration of elector changing residence within county; procedure. (1) A county clerk shall update the registration of an elector in the county upon receiving written evidence from the elector or from the United States Postal Service indicating a residence or mailing address that is different from the residence or mailing address for the elector as contained in the records of the county clerk. This subsection applies only if the new residence address is located in the same county as the residence address for the elector as contained in the records of the county clerk.

(2) When a county clerk updates the registration of an elector under subsection (1) of this section, the clerk shall send a new precinct memorandum card by nonforwardable mail to the elector as provided in ORS 247.181. The clerk shall include a notice stating that if the residence address or mailing address is not correct, the elector must notify the clerk.

(3) An elector shall not be disqualified from voting due to any error relating to an update of registration made under this section. [1993 c.713 §17a]

247.294 [1993 c.713 §17c; repealed by 1999 c.410 §67]

247.296 Verification of addresses of electors; update of registration; notice; cancellation prohibited during certain periods. (1) The county clerk shall use records of the United States Postal Service relating to ballots issued by mail to verify the accu-

racy of addresses of electors contained in the registration file of the county clerk.

(2) Based on information obtained under subsection (1) of this section, the county clerk shall automatically update the registration of an elector under ORS 247.292 or mail a notice described in ORS 247.563.

(3) The registration of an elector shall not be canceled during the 90-day period prior to any primary or general election based on information obtained under this section. [1993 c.713 §17d; 1995 c.742 §15; 1999 c.59 §63; 1999 c.318 §2; 1999 c.999 §32a]

247.298 Extension of time for automatic updates under ORS 247.292. If there are fewer than 22 days between the date of an election and the registration deadline for the next succeeding election, the county clerk may update registrations as required under ORS 247.292 after the next succeeding election. [1993 c.713 §17e; 1999 c.410 §13]

247.300 [1957 c.608 §44; 1961 c.115 §2; repealed by 1975 c.678 §25]

247.302 Effective date of registration automatically updated by county clerk. The effective date of a voter registration updated under ORS 247.292 or 247.296 is the date that the county clerk changes the address information on the voter registration file. [1993 c.713 §17f; 1999 c.410 §14]

247.303 Deadline for updating registration. Notwithstanding ORS 247.025, an elector whose registration is active or inactive may update the registration at any time before 8 p.m. on the day of the election. [1999 c.410 §10]

247.304 Voting procedure for elector who updates registration after registration deadline in election conducted at polling places. Notwithstanding ORS 247.025, in an election conducted at polling places as provided in ORS chapter 254:

(1) If a county clerk receives information updating the registration of an elector after the deadline in ORS 247.025 and not later than the eighth day before an election, and the registration of the elector has not been canceled, the county clerk may include the elector's updated registration information in the poll book. If the elector's updated registration information is not in the poll book, the clerk shall provide the elector a certificate of registration allowing the elector to vote at the elector's new polling place. A person issued a certificate of registration who desires to vote must give the certificate to the election board of the precinct before the elector is given a ballot.

(2) An elector who updates a registration after the eighth day before an election may vote at any polling place or at a county elections office.

(3) Notwithstanding subsection (1) of this section, the county clerk need not issue a certificate of registration to an elector who is voting by absentee ballot. [1993 c.713 §18; 1995 c.712 §9; 1995 c.742 §16; 1999 c.410 §15]

247.306 [1993 c.713 §20; repealed by 1999 c.410 §67]

247.307 Issuance of ballot to elector who updates registration after registration deadline in election conducted by mail. (1) In an election conducted by mail as provided in ORS chapter 254, if the county clerk receives information updating the registration of an elector after the deadline in ORS 247.025:

(a) The county clerk shall issue a ballot to the elector if the elector's registration was inactive prior to updating.

(b) The county clerk shall issue a replacement ballot upon request from the elector if the elector's registration was active prior to updating.

(2) Ballots issued under this section need not be mailed after the fifth day before the date of the election and may be obtained in person from the county clerk up until and including the date of the election. [1999 c.410 §11]

247.310 [1961 c.62 §2; 1967 c.25 §1; 1971 c.241 §3; repealed by 1979 c.190 §431 and 1979 c.519 §38]

247.320 [1987 c.733 §9; 1989 c.20 §5; repealed by 1993 c.713 §43]

247.330 [1987 c.733 §10; 1989 c.20 §6; 1993 c.713 §21; 1995 c.607 §11; 1995 c.742 §7; repealed by 1999 c.410 §67]

247.340 [1987 c.733 §11; 1993 c.713 §22; repealed by 1995 c.742 §20]

ELIGIBILITY IN PRESIDENTIAL ELECTIONS

247.410 Eligibility to vote for President or Vice President, or electors, only. A person who is qualified to register, except that the person will have resided in this state less than 20 days before the election, may vote in the election for candidates for nomination or election for President or Vice President of the United States or elector of President and Vice President of the United States if the person:

(1) Did not vote for the nomination of such candidates in another state during the six months immediately preceding the person's request for registration to vote for the nomination of such candidates in the primary election in this state; or

(2) Did not vote for the election of such candidates in another state during the six months immediately preceding the person's request for registration to vote for the election of such candidates in the general election in this state. [1961 c.114 §2; 1973 c.150 §1; 1979 c.190 §54; 1979 c.519 §9a; 1987 c.267 §7; 1995 c.712 §10; 1999 c.999 §33]

247.420 Special ballot for voting under ORS 247.410. (1) A county clerk shall give a ballot marked "Presidential only" to any person eligible under ORS 247.410 who personally appears in the office of the county clerk, completes a registration card and verifies eligibility to vote under ORS 247.410.

(2) No person shall supply any information under subsection (1) of this section, knowing it to be false. [1961 c.114 §3; 1969 c.153 §1; 1975 c.678 §19; 1979 c.190 §55; 1999 c.410 §16]

247.430 [1961 c.114 §4; 1971 c.241 §7; repealed by 1979 c.190 §431]

247.435 Electors moving to another state eligible to vote in presidential elections. An elector of this state who moves to another state after the 31st day before a primary or general election for President or for electors of President and Vice President, and who does not qualify to vote in the state of the elector's present residence, may vote for these offices in the primary or general election in this state. The ballot for a person voting under this section shall be marked "Presidential only." [Formerly 253.300; 1987 c.267 §8; 1995 c.712 §11; 1999 c.410 §17; 1999 c.999 §34]

247.440 [1961 c.114 §5; 1971 c.241 §8; 1975 c.678 §20; repealed by 1979 c.190 §431]

247.450 [1961 c.114 §6; repealed by 1979 c.190 §431]

247.460 [1961 c.114 §7; repealed by 1979 c.190 §431]

247.470 [1961 c.114 §8; 1975 c.678 §21; repealed by 1979 c.190 §431]

247.510 [1957 c.608 §46; renumbered 247.910]

247.520 [1957 c.608 §47; 1961 c.48 §1; renumbered 247.920]

REMOVAL OF NAMES FROM REGISTER OF ELECTORS

247.550 Questioning entry in poll book in election conducted at polling places; notice. (1) Whenever an election is conducted at polling places as provided in ORS chapter 254, an elector or member of an election board may question an entry in the poll book. The question shall be noted in the remarks column following the name stating the reason, such as "died," "moved," or "incorrect address."

(2) Not later than the 60th day after each election, the county clerk shall send the notice described in ORS 247.563 to electors questioned under subsection (1) of this section. [1963 c.346 §2; 1977 c.508 §2; 1979 c.190 §57; 1985 c.808 §8; 1991 c.107 §1; 1993 c.713 §23; 1999 c.410 §18]

247.555 Cancellation of registration. (1) A county clerk may cancel the registration of an elector:

(a) At the request of the elector;

(b) Upon the death of the elector;

(c) If the county clerk receives written evidence that the elector has registered to vote in another county in this state or in another state; or

(d) If the elector has not responded to a notice described in ORS 247.563 and has not voted or updated a registration during the period beginning on the date the notice is sent and ending on the day after the date of the second regular general election that occurs after the date the notice was sent.

(2) If the registration of an elector is canceled, the elector, in order to vote in an election, must register as provided in this chapter. [1993 c.713 §24]

247.560 [1963 c.346 §3; 1965 c.583 §2; 1971 c.241 §4; 1977 c.508 §3; 1979 c.190 §58; 1979 c.519 §10a; 1981 c.173 §14; 1985 c.471 §5; repealed by 1993 c.713 §43]

247.563 Notice to elector whose registration appears invalid; contents; effect of notice; exceptions. (1) Except as provided in subsection (4) of this section and ORS 247.555, whenever it appears to the county clerk that an elector needs to update the elector's registration or that the elector has changed residence address to another county, the county clerk shall mail a notice to the elector.

(2) The notice shall be sent by forwardable mail and shall include a postage prepaid, preaddressed return card on which the elector may state the elector's current residence and mailing address. The notice shall advise the elector that:

(a) The elector should return the card promptly;

(b) If the card is not returned by the 21st calendar day immediately preceding an election, the elector may be required to complete a new registration card in order to vote in an election; and

(c) The elector's registration will be canceled if the elector neither votes nor updates the registration before two general elections have been held.

(3) When the county clerk mails a notice under this section, the registration of the elector shall be considered inactive until the elector updates the registration, the registration is canceled or the clerk determines that the registration should be considered active.

(4) This section does not apply when the county clerk receives written evidence from the elector, the United States Postal Service or another county clerk indicating a change of residence or mailing address and the registration of the elector is automatically updated by the county clerk under any provision of this chapter. [1993 c.713 §25; 1999 c.410 §19; 2001 c.965 §45]

247.565 [Formerly 247.600; 1981 c.173 §17; 1987 c.719 §§15,16; 1989 c.503 §4; 1993 c.493 §2; repealed by 1993 c.713 §43]

247.567 [1989 c.979 §4; 1993 c.741 §21; repealed by 1993 c.713 §43]

247.570 Notice of deaths to Secretary of State and county clerk; effect of notice. (1) Not later than five business days after receiving a certificate of death under ORS 432.307, a county registrar designated under ORS 432.035 shall furnish to the county clerk of that county the name, age, date of birth and residence address of the person for whom the registrar has received the certificate of death. If the person was registered to vote in the county, the county clerk immediately shall cancel the registration of the person.

(2) Not later than five business days after receiving information from the county registrar under subsection (1) of this section, the county clerk shall furnish the information to the Secretary of State. The Secretary of State shall furnish a copy of the appropriate names received under this subsection to each county clerk. Each county clerk immediately shall cancel the registrations of those persons.

(3) The Department of Human Services, during the last week of each month, shall furnish to the Secretary of State a list of the name, age, date of birth, county of residence and residence address of each resident of this state who has died during the preceding month and for whom a certificate of death was not filed with a county registrar. The Secretary of State shall furnish a copy of the appropriate names to each county clerk. Each county clerk immediately shall cancel registrations of those persons. [1963 c.346 §4; 1979 c.190 §60; 2003 c.596 §1]

247.575 [1975 c.766 §2; repealed by 1979 c.190 §431]

247.580 County clerk to retain notices or elector listings for two years. (1) Copies of all notices and other correspondence issued under ORS 247.195, 247.292, 247.296, 247.563 and 247.570 shall be retained by the county clerk for two years.

(2) If the elector registration records of a county are mechanically maintained, the county clerk may satisfy the requirements of subsection (1) of this section by maintaining for two years:

(a) Computer listings of electors to whom the clerk issued notices or any other correspondence under ORS 247.195, 247.292, 247.296, 247.563 and 247.570 and facsimile copies of notices and correspondence; or

(b) Microfilm records of the listings and copies. [1963 c.346 §5; 1975 c.766 §3; 1979 c.190 §61; 1981 c.173 §18; 1985 c.808 §8b; 1993 c.713 §26; 1999 c.410 §20]

247.585 [1989 c.173 §4; repealed by 1993 c.713 §43]

247.590 [Formerly 247.280; 1985 c.808 §8c; repealed by 1993 c.713 §43]

247.595 [1985 c.808 §8a; repealed by 1993 c.713 §43]

247.600 [1975 c.766 §1; 1977 c.829 §5; 1979 c.190 §59; 1979 c.519 §11a; renumbered 247.565]

247.610 [1963 c.595 §2 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); repealed by 1975 c.766 §29]

247.620 [1963 c.595 §3 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); 1967 c.64 §1; repealed by 1975 c.766 §29]

247.625 [1967 c.64 §§3,4,5,6; repealed by 1975 c.766 §29]

247.630 [1963 c.595 §4 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); repealed by 1967 c.64 §7]

247.640 [1963 c.595 §7 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); repealed by 1967 c.64 §7]

247.650 [1963 c.595 §8 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); repealed by 1975 c.766 §29]

247.905 [1969 c.421 §2; repealed by 1979 c.190 §431]

247.910 [Formerly 247.510; 1971 c.241 §9; 1975 c.678 §22; repealed by 1979 c.190 §431]

247.915 [1969 c.421 §§3,4,6; 1971 c.32 §1; 1975 c.779 §3; repealed by 1979 c.190 §431]

247.920 [Formerly 247.520; repealed by 1969 c.421 §11]

247.925 [1969 c.421 §5; 1971 c.32 §2; repealed by 1979 c.190 §431]

247.935 [1969 c.421 §7; repealed by 1979 c.190 §431]

LISTS OF ELECTORS

247.940 List of active electors; delivery without charge to political parties. (1) Not later than the 21st day before any primary election, general election or special congressional election, a major political party qualified under ORS 248.006 or its affiliate within the county or a minor political party qualified under ORS 248.008 may request from the county clerk a list of active electors, as described in ORS 247.013, of the county. The list shall contain the name, party affiliation, residence or mailing address and precinct name or number of each active elector and shall be arranged in groups by election precinct. A major political party or its affiliate within the county or a minor political party may make no more than two separate requests under this subsection.

(2) If the county clerk receives a request under subsection (1) of this section, the clerk shall deliver the list not later than:

(a) Ten days after receiving the request; or

(b) The date requested, provided that the date requested is more than 10 days after the request was made and at least 10 days before the date of any primary election, general election or special congressional election.

(3) The county clerk shall not charge for preparation or delivery of the list supplied under this section. [1979 c.190 §63; 1979 c.519 §13a; 1989 c.637 §1; 1991 c.107 §2; 1993 c.797 §21; 1995 c.712 §12; 1995 c.742 §8; 1999 c.999 §35]

247.945 List of electors delivered to any person; charges. (1) The county clerk, upon request before the 45th day before a primary, general or special election, shall deliver to any person a list of electors. The lists shall be prepared in the manner requested, limited only to the capabilities of the Secretary of State or the county clerk.

(2) The county clerk shall collect and pay into the county treasury a charge for the actual cost of supplying lists under subsection (1) of this section.

(3) The county clerk shall keep a record of all persons to whom a list of electors is delivered under this section. [1969 c.421 §§8,9; 1979 c.190 §64; 1989 c.637 §2; 1995 c.712 §13; 1999 c.999 §36]

247.955 Use of lists of electors for commercial purposes prohibited; exceptions. (1) Except as provided in subsection (2) of this section, no person to whom a list of electors is made available or supplied under ORS 247.940 or 247.945 shall use any information in the list for commercial purposes.

(2) A person shall not be considered to use for commercial purposes any information contained in a list of electors made available or supplied under ORS 247.940 or 247.945 if the person obtains the list of electors for the purposes of resale to candidates or political committees for political purposes only. [1969 c.421 §10; 1979 c.190 §65; 1989 c.637 §3]

DISCLOSURE OF RESIDENCE ADDRESS OR SIGNATURE OF ELECTORS

247.965 When residence address of elector exempt from disclosure as public record; request for exemption. (1) Any elector may request the county clerk to keep the residence address of the elector exempt from disclosure as a public record under ORS 192.410 to 192.505.

(2) The county clerk shall keep the residence address of an elector exempt from disclosure as a public record under ORS 192.410 to 192.505 if the elector making the request demonstrates to the satisfaction of the county clerk that the elector's personal safety or the safety of any family member residing with the elector is in danger if the elector's address remains available for public inspection.

(3) The county clerk shall automatically mail a ballot to an elector whose residence address is exempt from disclosure under this section.

(4) An exemption from disclosure granted under this section shall remain in effect until the elector requests termination of the exemption or the elector is required to update the elector's registration. If the elector is required to update the elector's registration, the elector may apply for another exemption from disclosure.

(5) An exemption from disclosure granted under this section includes an exemption from disclosure of the residence address of an elector under ORS 247.940 or 247.945.

(6) A county clerk shall not be held liable for:

(a) Granting or denying an exemption from disclosure under this section; or

(b) Any unauthorized release of a residence address granted an exemption from disclosure under this section. [1993 c.616 §2; 1995 c.742 §9; 1999 c.410 §21]

247.967 Conditions where disclosure of elector's residence address required; procedure. Notwithstanding any provision of ORS 192.410 to 192.505:

(1) The county clerk may disclose the residence address of an elector exempt from public disclosure under ORS 247.965 if the county clerk receives a court order or a request from any law enforcement agency to disclose the address.

(2) A petition may be filed with the circuit court of the county in which the administrative offices of the county clerk are located requesting disclosure of the residence address of any elector exempt from disclosure under ORS 247.965. The petitioner shall have the burden of showing the disclosure would not constitute an unreasonable invasion of privacy. [1993 c.616 §3]

247.969 Rules of Secretary of State defining "personal safety" for purposes of ORS 247.965. (1) The Secretary of State by rule shall define when the "personal safety" of an elector and the safety of any family member residing with the elector is in danger under ORS 247.965. Under the definitions, the elector's personal safety or the safety of any family member residing with the elector shall be considered in danger if the elector provides evidence that the elector or any family member residing with the elector has:

(a) Been a victim of domestic violence;

(b) Obtained orders issued under ORS 133.055;

(c) Contacted a law enforcement officer involving domestic violence or other physical abuse;

(d) Obtained a temporary restraining or other no contact order to protect the person from future physical harm; or

(e) Filed other criminal or civil legal proceedings regarding physical protection.

(2) A rule adopted by the Secretary of State under subsection (1) of this section may list other examples of evidence that the elector's personal safety or the safety of any family member residing with the elector is in danger. The other examples shall be similar in nature to the evidence described in subsection (1) of this section. [1993 c.616 §7]

247.971 [1993 c.787 §7; repealed by 1995 c.607 §91]

247.973 Status of signature on voter registration card as public record; copies of signature prohibited; voter registration documents exempt from disclosure. (1) Subject to subsection (2) of this section, an individual's signature submitted under this chapter for purposes of registering to vote is subject to inspection as a public record under ORS 192.410 to 192.505. The signature may be inspected in the office of the county clerk.

(2) A person may not make a copy of or provide to another person a copy of an individual's signature submitted under this chapter for purposes of registering to vote.

(3) Subsection (2) of this section does not apply to copies made by any elections official acting in an official capacity for purposes of administering the provisions of ORS chapters 246 to 260 or any rules adopted thereunder.

(4) Identifying information or documents submitted by an individual for purposes of registering to vote as required under the Help America Vote Act of 2002 (P.L. 107-252) are exempt from disclosure under ORS 192.410 to 192.505. [1999 c.824 §4; 2003 c.803 §15]

247.990 [Amended by 1955 c.695 §4; repealed by 1957 c.608 §231]

247.991 [1957 c.608 §48; 1961 c.114 §9; 1975 c.678 §23; 1979 c.190 §66; 1985 c.808 §9; 1985 c.833 §5; 1987 c.719 §13; 1987 c.733 §6; 1995 c.742 §10; repealed by 1999 c.318 §55]