

## CHAPTER 8

## AN ACT

HB 2177

Relating to elections; creating new provisions; amending ORS 246.410, 247.002, 247.012, 247.016, 247.017, 247.171, 247.292 and 247.302; repealing ORS 802.085; and declaring an emergency.

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

**SECTION 1.** ORS 247.017 is amended to read:

247.017. *[(1) The Department of Transportation shall make a voter registration card available to any person at any office of the department where licenses or renewal applications are distributed or received.]*

*[(2) When a person who is at least 17 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, department personnel shall inform the person that the person may register to vote at the department office. Department personnel shall ask the applicant 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 may not be used for other than voter registration purposes.]*

**(1) The Secretary of State shall by rule establish a schedule by which the Department of Transportation shall provide to the secretary electronic records containing the legal name, age, residence and citizenship information for, and the electronic signature of, each person who meets qualifications identified by the secretary by rule.**

**(2) Upon receiving the electronic record for, and electronic signature of, a person described in subsection (1) of this section, the Secretary of State shall provide the information to the county clerk of the county in which the person may be registered as an elector. The secretary or county clerk shall notify each person of the process to:**

**(a) Decline being registered as an elector.**

**(b) Adopt a political party affiliation.**

**(3) If a person notified under subsection (2) of this section does not decline to be registered as an elector within 21 calendar days after the Secretary of State or county clerk issues the notification, the person's electronic record and electronic signature submitted under subsection (1) of this section will constitute a completed registration card for the person for purposes of this chapter. The person shall be registered to vote if the county clerk determines that the person is qualified to vote under Article II, section 2, of the Oregon Constitution, and the person is not already registered to vote.**

**(4) A county clerk may not send a ballot to, or add to an elector registration list, a person who meets eligibility requirements until at least 21 calendar days after the Secretary of State or county clerk provided notification to the person as described in subsection (2) of this section.**

**(5) The Secretary of State shall adopt rules required to implement this section.**

**SECTION 2.** ORS 247.002 is amended to read: 247.002. 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, **section 2**, 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] **an electronic**

**record containing an individual's legal name, age, residence and citizenship information and electronic signature submitted to the Department of Transportation in the manner described in ORS 247.017.**

**SECTION 3.** ORS 247.012 is amended to read:

247.012. (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;

(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]* **Submitting the person's legal name, age, residence and citizenship information and electronic signature to the Department of Transportation;** or

(d) Completing a registration card using the electronic voter registration system described in ORS 247.019.

(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 and is addressed to an office of any county clerk, the Office of the Secretary of State, an office of the Department of Transportation or any designated voter registration agency as described in ORS 247.208; 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 registra-

tion 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) Except as provided in ORS 247.125, 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.

(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.

**SECTION 4.** ORS 247.171 is amended to read:

247.171. (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]* **any** agency designated as 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.

**SECTION 5.** ORS 247.292 is amended to read:

247.292. (1) A county clerk shall update the registration of an elector in the county upon receiving [written] evidence from:

- (a) The elector 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;
- (b) The United States Postal Service indicating a residence address that is different from the residence address for the elector as contained in the records of the county clerk; or
- (c) The Secretary of State as provided in ORS 247.017 or 247.295.

(2) When a county clerk updates the registration of an elector under subsection (1) of this section, the clerk shall send a new voter notification 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 is not disqualified from voting due to any error relating to an update of registration made under this section.

**SECTION 6.** ORS 247.302 is amended to read:

247.302. (1) The effective date of a voter registration updated under ORS 247.292 is the date on which the county clerk receives [written] evidence of the change of residence or mailing address.

(2) The effective date of a voter registration updated under ORS 247.296 is the date on which the county clerk changes the address information on the voter registration file.

**SECTION 7.** ORS 246.410 is amended to read:

246.410. (1)(a) After each federal decennial census, the Secretary of State shall prepare detailed and

comprehensive directives providing guidelines for fixing precinct and other electoral district boundaries based on census population figures.

(b) After the federal decennial census and before the Legislative Assembly or Secretary of State, whichever is applicable, apportions the state into congressional and legislative districts, the secretary shall deliver the directives to:

(A) Each county clerk; and

(B) Any local government, as defined in ORS 174.116, or special government body, as defined in ORS 174.117, that fixes electoral district boundaries based on census population figures.

(2)(a) In accordance with any directive distributed by the Secretary of State under this section, the county clerk, not later than the 30th day before an election, may create, combine or divide one or more precincts. The number of electors to be included in a precinct shall not exceed [5,000] **10,000**. The county clerk shall fix the boundaries of the precincts and designate the precincts by numbers or names.

(b) A local government or special government body that fixes electoral district boundaries based on census population figures shall fix the electoral district boundaries in accordance with any directive distributed by the Secretary of State under this section.

**SECTION 8.** ORS 247.016 is amended to read:

247.016. (1) Subject to [subsection (2) of] this section, an otherwise qualified person who is at least 17 years of age may register to vote.

(2) A person who registers to vote under subsection (1) of this section may not vote in an election until the person attains the age of 18 years.

**(3) If a person who registers to vote under subsection (1) of this section will be under 18 years of age on the date of the next election held on a date listed in ORS 171.185 or the next special election, the person's voter registration information, including but not limited to the person's name and any identifying information, may not be disclosed as a public record under ORS 192.410 to 192.505.**

**SECTION 9.** For the purpose of maintaining status as a minor political party under ORS 248.008 (4)(b) for the general election to be held on November 8, 2016, the total number of registered electors in this state is deemed to be the total number of registered electors identified in the elector registration records of the Secretary of State on July 1, 2015.

**SECTION 10.** (1) The amendments to ORS 247.017 by section 1 of this 2015 Act apply to electronic records and electronic signatures in the possession of the Department of Transportation on or after the effective date of this 2015 Act.

(2) The Secretary of State and the Department of Transportation shall implement the

amendments to ORS 247.012 and 247.017 by sections 1 and 3 of this 2015 Act no later than January 1, 2016.

**SECTION 11. ORS 802.085 is repealed.**

**SECTION 12. This 2015 Act being necessary for the immediate preservation of the public**

**peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.**

Approved by the Governor March 16, 2015

Filed in the office of Secretary of State March 16, 2015

Effective date March 16, 2015

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