

**A-Engrossed**  
**Senate Bill 1098**

Ordered by the Senate February 13  
Including Senate Amendments dated February 13

Sponsored by Senator BROWN (Presession filed.)

**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.

*[Requires person to opt out of voter registration on Department of Transportation application forms for issuance or renewal of driver license, state identification card and change of address, if person does not wish to register to vote.]*

*[Directs Secretary of State to update elector addresses quarterly.]*

**Requires registration card postmarked before 21st day before election to be addressed to county clerk, Secretary of State, Department of Transportation or designated voter registration agency.**

**Directs county clerk who receives registration card updating elector's address after 21st day before election to issue replacement ballot.**

**Directs Secretary of State to subscribe to change of address service to update information in voter registration system and provide information to county clerk. Requires county clerk to update elector information. Allows county clerk to update address of elector in different county.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to voter registration; creating new provisions; amending ORS 247.012, 247.025, 247.292,  
3 247.307, 254.470 and 254.480; and declaring an emergency.

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

5 **SECTION 1.** ORS 247.012 is amended to read:

6 247.012. (1) A qualified person may register to vote or update a registration to vote by:

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

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

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

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

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

18 or

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

**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 receiving the card.

2 (3) Registration of a qualified person occurs:

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

7 (b) On the date a registration card is postmarked if the card is received after the 21st day im-  
8 mediately preceding an election but is postmarked not later than the 21st day immediately preceding  
9 the election **and is addressed to an office of any county clerk, the Office of the Secretary of**  
10 **State, an office of the Department of Transportation or any designated voter registration**  
11 **agency as described in ORS 247.208; or**

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

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

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

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

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

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

33 (9) A registration may be updated at any time.

34 **SECTION 2.** ORS 247.025 is amended to read:

35 247.025. To vote in an election:

36 (1) A person's registration card must be received at an office or location described in ORS  
37 247.012 not later than the time the office or location closes for business on the 21st day immediately  
38 preceding the election, but in no case later than midnight of the 21st day immediately preceding the  
39 election; or

40 (2) A person's registration card must be postmarked not later than the 21st day immediately  
41 preceding the election **and be addressed to an office of any county clerk, the Office of the**  
42 **Secretary of State, an office of the Department of Transportation or any designated voter**  
43 **registration agency as described in ORS 247.208.**

44 **SECTION 3.** ORS 247.292 is amended to read:

45 247.292. (1)[(a)] A county clerk shall update the registration of an elector in the county upon

1 receiving written evidence from:

2 [(A)] (a) The elector indicating a residence or mailing address that is different from the resi-  
3 dence or mailing address for the elector as contained in the records of the county clerk; [or]

4 [(B)] (b) The United States Postal Service indicating a residence address that is different from  
5 the residence address for the elector as contained in the records of the county clerk; **or**

6 **(c) The Secretary of State as provided in section 8 of this 2008 Act.**

7 [(b) *This subsection applies only if the new residence address is located in the same county as the*  
8 *residence address for the elector as contained in the records of the county clerk.*]

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

13 (3) An elector is not disqualified from voting due to any error relating to an update of regis-  
14 tration made under this section.

15 **SECTION 4.** ORS 247.307 is amended to read:

16 247.307. (1) **Except as provided in subsection (2) of this section,** if the county clerk receives  
17 information updating the registration of an elector after the deadline in ORS 247.025:

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

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

22 **(2) If the county clerk receives a registration card updating an elector's residence or**  
23 **mailing address after the deadline in ORS 247.025, the county clerk shall issue a replacement**  
24 **ballot to the elector if the elector's registration was active prior to updating.**

25 **(3)(a) Notwithstanding ORS 254.480, if the county clerk is required to issue a replacement**  
26 **ballot under subsection (2) of this section, the county clerk shall:**

27 **(A) Verify the registration of the elector and ensure that another ballot has not been**  
28 **returned by the elector;**

29 **(B) Mark the return identification envelope clearly so that it may be readily identified**  
30 **as a replacement ballot; and**

31 **(C) Issue the replacement ballot by mail or other means.**

32 **(b) A replacement ballot issued under this section must be received at the office of the**  
33 **county clerk, a place of deposit designated by the county clerk or any location described in**  
34 **ORS 254.472 or 254.474 not later than the end of the period determined under ORS 254.470 (1)**  
35 **on the date of the election. Upon receiving a voted replacement ballot issued under this**  
36 **section, the county clerk shall process the ballot.**

37 [(2)] (4) Ballots issued under this section need not be mailed to electors after the fifth day before  
38 the date of the election and may be obtained by the elector in person from the county clerk up until  
39 and including the date of the election.

40 **SECTION 5.** ORS 254.470 is amended to read:

41 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the  
42 designation of places of deposit for the ballots cast in an election. The rules shall also specify the  
43 dates and times the places of deposit must be open and the security requirements for the places of  
44 deposit. At a minimum, the places designated under this section shall be open on the date of the  
45 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place

1 of deposit designated under this section, the county clerk shall prominently display a sign stating  
2 that the location is an official ballot drop site.

3 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the county clerk shall mail  
4 by nonforwardable mail an official ballot with a return identification envelope and a secrecy envel-  
5 ope not sooner than the 18th day before the date of an election and not later than the 14th day  
6 before the date of the election, to each active elector of the electoral district as of the 21st day  
7 before the date of the election.

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

13 (c) In the case of ballots to be mailed to addresses outside this state to electors who are not  
14 long-term absent electors, the county clerk may mail the ballots not sooner than the 29th day before  
15 the date of the election.

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

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

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

24 (c) An elector not affiliated with any political party who wishes to vote in the primary election  
25 of a major political party shall apply to the county clerk in writing. The application shall indicate  
26 which major political party ballot the elector wishes to receive. Except for electors described in  
27 subsection (4) of this section, and subject to ORS 247.203, the application must be received by the  
28 county clerk not later than 5 p.m. of the 21st day before the date of the election.

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

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

37 (5) The ballot shall contain the following warning:  
38  
39

---

40 Any person who, by use of force or other means, unduly influences an elector to vote in any  
41 particular manner or to refrain from voting is subject to a fine.  
42

---

43  
44 (6) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign  
45 the return identification envelope supplied with the ballot and comply with the instructions provided

1 with the ballot. The elector may return the marked ballot to the county clerk by United States mail  
 2 or by depositing the ballot at the office of the county clerk, at any place of deposit designated by  
 3 the county clerk or at any location described in ORS 254.472 or 254.474. The ballot must be returned  
 4 in the return identification envelope. If the elector returns the ballot by mail, the elector must  
 5 provide the postage. A ballot must be received at the office of the county clerk, at the designated  
 6 place of deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the  
 7 period determined under subsection (1) of this section on the date of the election.

8 (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not  
 9 received by the elector. Replacement ballots shall be issued and processed as described in this  
 10 section and ORS **247.307** and 254.480. The county clerk shall keep a record of each replacement  
 11 ballot provided under this subsection. Notwithstanding any deadline for mailing ballots in subsection  
 12 (2) of this section, a replacement ballot may be mailed, made available in the office of the county  
 13 clerk or made available at one central location in the electoral district in which the election is  
 14 conducted. The county clerk shall designate the central location. A replacement ballot need not be  
 15 mailed after the fifth day before the date of the election.

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

- 17 (a) It is returned in the return identification envelope;
- 18 (b) The envelope is signed by the elector to whom the ballot is issued; and
- 19 (c) The signature is verified as provided in subsection (9) of this section.

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

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

29 **SECTION 6.** ORS 254.480 is amended to read:

30 254.480. (1) An elector may obtain a replacement ballot described in ORS 254.470. **Except as**  
 31 **provided in ORS 247.307**, to vote a replacement ballot, the elector must complete and sign a re-  
 32 placement ballot request form. The request for a replacement ballot may be made electronically, by  
 33 telephone, in writing, in person or by other means designated by the Secretary of State by rule.

34 (2) The replacement ballot request form shall be mailed or made available to the elector along  
 35 with the replacement ballot.

36 (3) Upon receiving a request for a replacement ballot, the county clerk shall:

- 37 (a) Verify the registration of the elector and ensure that another ballot has not been returned  
 38 by the elector;
- 39 (b) Note in the list of electors that the elector has requested a replacement ballot;
- 40 (c) Mark the return identification envelope clearly so that it may be readily identified as a re-  
 41 placement ballot; and
- 42 (d) Issue the replacement ballot by mail or other means.

43 (4) The completed and signed replacement ballot request form and the voted replacement ballot  
 44 must be received at the office of the county clerk, a place of deposit designated by the county clerk  
 45 or [at] any location described in ORS 254.472 or 254.474 not later than the end of the period deter-

1 mined under ORS 254.470 (1) on the date of the election.

2 (5) Upon receiving a voted replacement ballot, the county clerk shall verify that a completed  
3 and signed replacement ballot request form has been received by the county clerk or is included  
4 with the voted replacement ballot. If a request form has been completed and signed by the elector  
5 and received by the county clerk, the county clerk shall process the ballot. If the request form is  
6 not completed or signed by the elector or received by the county clerk, the county clerk may not  
7 process the ballot.

8 **SECTION 7. Section 8 of this 2008 Act is added to and made a part of ORS chapter 247.**

9 **SECTION 8. (1) The Secretary of State shall subscribe to a change of address service that  
10 is approved or endorsed by the United States Postal Service and use the service to verify the  
11 accuracy of the addresses of electors contained in the centralized voter registration system.**

12 **(2) If the secretary determines that the address of an elector is different from the ad-  
13 dress for the elector as contained in the records of the county clerk, the secretary shall  
14 provide the information obtained under this section to the county clerk of each affected  
15 county. Based on information received under this section, each county clerk shall update the  
16 registration of electors in the county.**

17 **SECTION 9. The amendments to ORS 247.307, 254.470 and 254.480 by sections 4, 5 and 6  
18 of this 2008 Act apply to elector registration updates received by the county clerk on or after  
19 the effective date of this 2008 Act.**

20 **SECTION 10. This 2008 Act being necessary for the immediate preservation of the public  
21 peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect  
22 on its passage.**