

Enrolled
Senate Bill 1098

Sponsored by Senator BROWN; Representative TOMEI (Pre-session filed.)

CHAPTER

AN ACT

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

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

SECTION 1. 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; 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 **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 registration would have occurred if the regis-

tration 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.

SECTION 2. ORS 247.025 is amended to read:

247.025. 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 **and be 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.**

SECTION 3. ORS 247.292 is amended to read:

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

[(A)] (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; [or]

[(B)] (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 section 8 of this 2008 Act.

[(b) *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 is not disqualified from voting due to any error relating to an update of registration made under this section.

SECTION 4. ORS 247.307 is amended to read:

247.307. (1) **Except as provided in subsection (2) of this section,** 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; or

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

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

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

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

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

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

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

SECTION 5. ORS 254.470 is amended to read:

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

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

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

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

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

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

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

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

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

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

(5) The ballot shall contain the following warning:

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

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

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

(8) A ballot shall be counted only if:

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

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

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

SECTION 6. ORS 254.480 is amended to read:

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

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

- (3) Upon receiving a request for a replacement ballot, the county clerk shall:
- (a) Verify the registration of the elector and ensure that another ballot has not been returned by the elector;
 - (b) Note in the list of electors that the elector has requested a replacement ballot;
 - (c) Mark the return identification envelope clearly so that it may be readily identified as a replacement ballot; and
 - (d) Issue the replacement ballot by mail or other means.
- (4) The completed and signed replacement ballot request form and the voted replacement ballot must be received at the office of the county clerk, a place of deposit designated by the county clerk or [at] any location described in ORS 254.472 or 254.474 not later than the end of the period determined under ORS 254.470 (1) on the date of the election.
- (5) Upon receiving a voted replacement ballot, the county clerk shall verify that a completed and signed replacement ballot request form has been received by the county clerk or is included with the voted replacement ballot. If a request form has been completed and signed by the elector and received by the county clerk, the county clerk shall process the ballot. If the request form is not completed or signed by the elector or received by the county clerk, the county clerk may not process the ballot.

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

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

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

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

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

Passed by Senate February 15, 2008

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Secretary of Senate

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President of Senate

Passed by House February 22, 2008

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Speaker of House

Received by Governor:

.....M,....., 2008

Approved:

.....M,....., 2008

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Governor

Filed in Office of Secretary of State:

.....M,....., 2008

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Secretary of State