

SENATE AMENDMENTS TO SENATE BILL 1098

By COMMITTEE ON ELECTIONS AND ETHICS

February 13

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest of the line and insert
2 “amending ORS 247.012, 247.025, 247.292, 247.307, 254.470 and 254.480; and declaring an
3 emergency.”.

4 Delete lines 4 through 30 and delete page 2 and insert:

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
8 Secretary of State, any office of the Department of Transportation or any designated voter regis-
9 tration 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
17 the card to a county clerk or the Secretary of State not later than the fifth day after receiving the
18 card; 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
22 receiving the card.

23 “(3) Registration of a qualified person occurs:

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

28 “(b) On the date a registration card is postmarked if the card is received after the 21st day
29 immediately preceding an election but is postmarked not later than the 21st day immediately pre-
30 ceding the election **and is addressed to an office of any county clerk, the Office of the Secre-**
31 **tary of State, an office of the Department of Transportation or any designated voter**
32 **registration agency as described in ORS 247.208; or**

33 “(c) In the case of a registration card missing a date of birth, containing an incomplete date of
34 birth or containing an unintentional scrivener’s error that is supplied or corrected as described in
35 subsection (4) or (6) of this section, on the date that registration would have occurred if the regis-

1 tration card had not been missing the date of birth, contained an incomplete date of birth or con-
2 tained the scrivener's error.

3 "(4) If a registration card is legible, accurate and contains, at a minimum, the registrant's name,
4 residence address, date of birth and signature, the county clerk shall register the person. If this in-
5 formation is missing from the registration card or the date of birth is incomplete, the county clerk
6 shall attempt to contact the person to obtain the missing or incomplete information. The county
7 clerk may supply the registrant's date of birth from any previous registration of the registrant.

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

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

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

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

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

20 "**SECTION 2.** ORS 247.025 is amended to read:

21 "247.025. To vote in an election:

22 "(1) A person's registration card must be received at an office or location described in ORS
23 247.012 not later than the time the office or location closes for business on the 21st day immediately
24 preceding the election, but in no case later than midnight of the 21st day immediately preceding the
25 election; or

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

30 "**SECTION 3.** ORS 247.292 is amended to read:

31 "247.292. (1)[(a)] A county clerk shall update the registration of an elector in the county upon
32 receiving written evidence from:

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

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

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

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

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

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

1 “**SECTION 4.** ORS 247.307 is amended to read:

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

4 “(a) The county clerk shall issue a ballot to the elector if the elector’s registration was inactive
5 prior to updating; or

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

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

11 “**(3)(a) Notwithstanding ORS 254.480, if the county clerk is required to issue a replace-
12 ment ballot under subsection (2) of this section, the county clerk shall:**

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

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

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

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

23 “**[(2)] (4)** Ballots issued under this section need not be mailed to electors after the fifth day be-
24 fore the date of the election and may be obtained by the elector in person from the county clerk
25 up until and including the date of the election.

26 “**SECTION 5.** ORS 254.470 is amended to read:

27 “254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
28 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
29 dates and times the places of deposit must be open and the security requirements for the places of
30 deposit. At a minimum, the places designated under this section shall be open on the date of the
31 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
32 of deposit designated under this section, the county clerk shall prominently display a sign stating
33 that the location is an official ballot drop site.

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

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

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

1 the date of the election.

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

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

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

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

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

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

23 “(5) The ballot shall contain the following warning:

24 “

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

28 “

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

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

1 mailed after the fifth day before the date of the election.

2 “(8) A ballot shall be counted only if:

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

4 “(b) The envelope is signed by the elector to whom the ballot is issued; and

5 “(c) The signature is verified as provided in subsection (9) of this section.

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

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

15 “**SECTION 6.** ORS 254.480 is amended to read:

16 “254.480. (1) An elector may obtain a replacement ballot described in ORS 254.470. **Except as**
17 **provided in ORS 247.307,** to vote a replacement ballot, the elector must complete and sign a re-
18 placement ballot request form. The request for a replacement ballot may be made electronically, by
19 telephone, in writing, in person or by other means designated by the Secretary of State by rule.

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

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

23 “(a) Verify the registration of the elector and ensure that another ballot has not been returned
24 by the elector;

25 “(b) Note in the list of electors that the elector has requested a replacement ballot;

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

28 “(d) Issue the replacement ballot by mail or other means.

29 “(4) The completed and signed replacement ballot request form and the voted replacement ballot
30 must be received at the office of the county clerk, a place of deposit designated by the county clerk
31 or [at] any location described in ORS 254.472 or 254.474 not later than the end of the period deter-
32 mined under ORS 254.470 (1) on the date of the election.

33 “(5) Upon receiving a voted replacement ballot, the county clerk shall verify that a completed
34 and signed replacement ballot request form has been received by the county clerk or is included
35 with the voted replacement ballot. If a request form has been completed and signed by the elector
36 and received by the county clerk, the county clerk shall process the ballot. If the request form is
37 not completed or signed by the elector or received by the county clerk, the county clerk may not
38 process the ballot.

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

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

44 “(2) If the secretary determines that the address of an elector is different from the ad-
45 dress for the elector as contained in the records of the county clerk, the secretary shall

1 provide the information obtained under this section to the county clerk of each affected
2 county. Based on information received under this section, each county clerk shall update the
3 registration of electors in the county.

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

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

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