

House Bill 2804

Sponsored by Representative THATCHER (Pre-session 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 **as introduced**.

Requires evidence of citizenship for persons registering to vote for first time in this state.
Specifies when registration of qualified person occurs.

Becomes operative January 1, 2012.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to voter registration; creating new provisions; amending ORS 247.012, 247.171 and 260.993;
3 and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 247.**

6 **SECTION 2. (1) A person registering to vote in this state for the first time must supply**
7 **evidence of citizenship with the person's completed voter registration card or with the voter**
8 **registration portion of the application for issuance or renewal of a driver license, issuance**
9 **of a state identification card under ORS 807.400 or a change of address at an office of the**
10 **Department of Transportation under ORS 247.017.**

11 **(2) Documents acceptable as evidence of citizenship include originals or copies of birth**
12 **certificates, naturalization documents and valid United States passports indicating that the**
13 **holder of the passport is a United States citizen.**

14 **SECTION 3. ORS 247.171 is amended to read:**

15 247.171. (1) Except as provided in this subsection, the Secretary of State shall design, prepare
16 and distribute state voter registration cards. The Secretary of State shall also distribute federal
17 registration cards. Any person may apply in writing to the Secretary of State for permission to print,
18 copy or otherwise prepare and distribute the registration cards designed by the Secretary of State.
19 The secretary may revoke any permission granted under this subsection at any time. All registration
20 cards shall be distributed to the public without charge.

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

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

27 (a) Full name;

28 (b) Residence address, mailing address or any other information necessary to locate the resi-
29 dence of the person offering to register to vote;

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

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 (d) Date of birth;

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

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

4 **(4) Each voter registration card designed or approved by the Secretary of State shall**
 5 **state that evidence of citizenship is required for persons registering to vote in this state for**
 6 **the first time and shall list examples of documents acceptable as evidence of citizenship.**

7 [(4)] (5) Any form containing a voter registration card may also include space for a person to
 8 provide:

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

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

12 [(5)] (6) A person shall not supply any information under subsection (3) or [(4)] (5) of this section
 13 knowing it to be false.

14 [(6)] (7) A county clerk or other person accepting registration cards shall not request any in-
 15 formation unless it is authorized by state or federal law.

16 [(7)] (8) A person shall attest to the information supplied on the voter registration card by
 17 signing the completed registration card.

18 [(8)] (9) Any completed and signed registration card described in subsection (3) of this section
 19 shall be the official registration card of the elector.

20 **SECTION 4.** ORS 247.012 is amended to read:

21 247.012. (1) A qualified person may register to vote or update a registration to vote by:

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

25 (b) Personally delivering the card to an official designated by a county clerk under subsection
 26 [(7)] (8) of this section;

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

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

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

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

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

40 [(3) *Registration of a qualified person occurs:*]

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

45 [(b) *On the date a registration card is postmarked if the card is received after the 21st day imme-*

1 *diately preceding an election but is postmarked not later than the 21st day immediately preceding the*
 2 *election and is addressed to an office of any county clerk, the Office of the Secretary of State, an office*
 3 *of the Department of Transportation or any designated voter registration agency as described in ORS*
 4 *247.208; or]*

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

10 **(3) The county clerk for the county in which the person resides shall register a person**
 11 **if:**

12 *[(4)] (a) Except as provided in ORS 247.125, [if a] the person's registration card is legible[,] and*
 13 *accurate and contains, at a minimum, the registrant's name, residence address, date of birth and*
 14 *signature[, the county clerk shall register the person.]; and*

15 **(b) For a person registering to vote in this state for the first time, the person's regis-**
 16 **tration card is accompanied by acceptable evidence of United States citizenship.**

17 **(4) If [this] information or evidence of citizenship required under subsection (3) of this**
 18 **section is [missing from the registration card] not supplied or the date of birth is incomplete, the**
 19 **county clerk shall attempt to contact the person to obtain the missing or incomplete information.**
 20 **The county clerk may supply the registrant's date of birth from any previous registration of the**
 21 **registrant.**

22 **(5) The county clerk shall mail a written notice to each person who has attempted to**
 23 **register to vote for the first time in this state under this section. The notice must indicate**
 24 **whether the person is registered and must be mailed not later than seven business days after**
 25 **the county clerk receives registration materials under subsection (1) or (2) of this section.**
 26 **The registration of a qualified person occurs on the date the county clerk mails the notice**
 27 **confirming the registration of the person.**

28 *[(5)] (6) If a registration card meets the requirements of subsection [(4)] (3) of this section but*
 29 *is missing an indication of political party affiliation, the registrant [shall be] is considered not af-*
 30 *filiated with any political party. This subsection does not apply if an elector is updating a registra-*
 31 *tion within the same county.*

32 *[(6)] (7) If a registration card contains an unintentional scrivener's error, the county clerk may*
 33 *attempt to contact the person to correct the error.*

34 *[(7)] (8) A county clerk may appoint officials to accept registration of persons at designated lo-*
 35 *cations. The appointments and locations shall be in writing and filed in the office of the county*
 36 *clerk. The county clerk [shall be] is responsible for the performance of duties by those appointed.*

37 *[(8)] (9) A registration [card received and accepted] that occurs under this section [shall be] is*
 38 *considered an active registration.*

39 *[(9)] (10) A registration may be updated at any time.*

40 **SECTION 5.** ORS 260.993 is amended to read:

41 260.993. (1) The penalty for violation of ORS 260.532 is limited to that provided in ORS 260.532
 42 (6) and (8).

43 (2) Violation of ORS 247.125 (1), 247.171 [(5)] (6), 247.420 (2), 253.710, 260.402, 260.555, 260.558,
 44 260.575, 260.645 or 260.665 (2) or (3) involving any action described in ORS 260.665 (2)(d) to (f) or
 45 260.715 is a Class C felony.

1 (3) Violation of ORS 260.695 (4) is a Class A misdemeanor.

2 (4) Violation of ORS 247.171 [(6)] (7) is a Class C misdemeanor.

3 **SECTION 6.** (1) **Section 2 of this 2011 Act applies only to persons who register to vote in**
4 **this state for the first time on or after the operative date of section 2 of this 2011 Act.**

5 (2) **The amendments to ORS 247.012 by section 4 of this 2011 Act apply only to voter**
6 **registration cards received, delivered or completed on or after the operative date of the**
7 **amendments to ORS 247.012 by section 4 of this 2011 Act.**

8 (3) **The amendments to ORS 247.171 by section 3 of this 2011 Act apply only to voter**
9 **registration cards designed, prepared or distributed on or after the operative date of the**
10 **amendments to ORS 247.171 by section 3 of this 2011 Act and to persons who register to vote**
11 **for the first time in this state on or after the operative date of the amendments to ORS**
12 **247.171 by section 3 of this 2011 Act.**

13 **SECTION 7.** (1) **Except as provided in subsection (2) of this section, section 2 of this 2011**
14 **Act and the amendments to ORS 247.012, 247.171 and 260.993 by sections 3 to 5 of this 2011**
15 **Act become operative on January 1, 2012.**

16 (2) **The Secretary of State and any county clerk or county official in charge of elections**
17 **may take any action under section 2 of this 2011 Act and ORS 247.012, 247.171 and 260.993 as**
18 **amended by sections 3 to 5 of this 2011 Act prior to the operative date specified in subsection**
19 **(1) of this section that is necessary to enable the Secretary of State and any county clerk**
20 **or county official in charge of elections to exercise, on and after the operative date specified**
21 **in subsection (1) of this section, all the duties, functions and powers conferred on the Sec-**
22 **retary of State and any county clerk or county official in charge of elections by section 2 of**
23 **this 2011 Act and the amendments to ORS 247.012, 247.171 and 260.993 by sections 3 to 5 of**
24 **this 2011 Act.**

25 **SECTION 8.** **This 2011 Act being necessary for the immediate preservation of the public**
26 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
27 **on its passage.**

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