

# House Bill 3061

Sponsored by Representatives CANNON, J SMITH

## 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**.

Provides for automatic voter registration of person who applies for issuance or renewal of driver license, state identification card or change of address, unless person declines to register to vote. Allows county clerk to make official ballot available to persons automatically registered to vote by mail or at office of county clerk or other designated location.

Becomes operative on January 1, 2012.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to voter registration; creating new provisions; amending ORS 247.017 and 254.470; and de-  
3 claring an emergency.

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

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

6 247.017. (1) The Department of Transportation shall make a voter registration card available to  
7 any person at any office of the department where licenses or renewal applications are distributed  
8 or received.

9 (2) When a person who is at least 17 years of age applies for issuance or renewal of an Oregon  
10 driver license, as defined in ORS 801.245, or issuance of a state identification card under ORS  
11 807.400 or submits a change of address application form at a department office where driver license  
12 issuance or renewal applications, state identification card applications or change of address appli-  
13 cations are distributed or received, department personnel shall inform the person that [*the person*  
14 *may register to vote at the department office. Department personnel shall ask the applicant whether the*  
15 *applicant is registered to vote at the applicant's current address and if not, whether the applicant would*  
16 *like to register to vote at the department office.*] **the application form described in subsection (5)**  
17 **of this section is considered a voter registration card unless the person indicates in the space**  
18 **provided that the person declines to use the form as an application for voter registration.**

19 (3) **If a person who is at least 17 years of age provides the information required by ORS**  
20 **247.171 on an application form described in subsection (5) of this section and does not decline**  
21 **to use the voter registration portion of the form as an application for voter registration, the**  
22 **voter registration portion of the form shall be considered a completed voter registration**  
23 **card.**

24 [(3)] (4) Each office shall deliver in a timely manner the completed voter registration cards to  
25 the county clerk or elections officer of the county in which the office is located. The county clerk  
26 or elections officer of the county where the office is located shall forward the registration card to  
27 the county clerk or elections officer of the county in which the applicant resides. The county clerk  
28 or elections officer may reject any registration card in accordance with ORS 247.174. The Secretary  
29 of State shall determine by rule the time and manner the completed registration cards are to be

**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 delivered to the appropriate county clerk or elections officer.

2 [(4)] (5) The department shall develop a driver license issuance or renewal and voter registra-  
 3 tion application [*procedure*] **form**, [*and*] a state identification card issuance and voter registration  
 4 application [*procedure*] **form** and a change of address and voter registration application [*procedure*]  
 5 **form** that [*allows*] **allow** an applicant for a license, renewal, state identification card or change of  
 6 address to register to vote by providing the information required by ORS 247.171 and the informa-  
 7 tion required for the issuance or renewal of a license or for issuance of a state identification card.  
 8 **A form developed under this subsection must also contain a space for a person to decline to**  
 9 **use the voter registration portion of the form as an application for voter registration.** The  
 10 Secretary of State shall approve the voter registration portion of each [*application procedure and*  
 11 *change of address procedure*] **form**.

12 [(5)] (6) The voter registration portion of an application **form** described in subsection [(4)] (5)  
 13 of this section shall comply with provisions of the National Voter Registration Act of 1993 (P.L.  
 14 103-31).

15 [(6)] (7) The Secretary of State shall adopt rules establishing procedures for meeting the re-  
 16 quirements of subsection [(3)] (4) of this section.

17 [(7)] (8) Information relating to the failure of [*an applicant*] **a person** under this section to sign  
 18 the voter registration portion of an application **form** for issuance or renewal of a driver license,  
 19 issuance of a state identification card or [*for*] a change of address may not be used for other than  
 20 voter registration purposes.

21 **SECTION 2.** ORS 254.470 is amended to read:

22 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the  
 23 designation of places of deposit for the ballots cast in an election. The rules shall also specify the  
 24 dates and times the places of deposit must be open and the security requirements for the places of  
 25 deposit. At a minimum, the places designated under this section shall be open on the date of the  
 26 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place  
 27 of deposit designated under this section, the county clerk shall prominently display a sign stating  
 28 that the location is an official ballot drop site.

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

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

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

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

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

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

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

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

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

18 **(b) For each elector who registers to vote using the form described in ORS 247.017 (5),**  
 19 **the county clerk shall make the official ballot, the return identification envelope and the**  
 20 **secrecy envelope available either by mail or at the county clerk's office or at another place**  
 21 **designated by the county clerk.**

22 (5) The ballot shall contain the following warning:

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

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 28  
 29 (6) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign  
 30 the return identification envelope supplied with the ballot and comply with the instructions provided  
 31 with the ballot. The elector may return the marked ballot to the county clerk by United States mail  
 32 or by depositing the ballot at the office of the county clerk, at any place of deposit designated by  
 33 the county clerk or at any location described in ORS 254.472 or 254.474. The ballot must be returned  
 34 in the return identification envelope. If the elector returns the ballot by mail, the elector must  
 35 provide the postage. A ballot must be received at the office of the county clerk, at the designated  
 36 place of deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the  
 37 period determined under subsection (1) of this section on the date of the election.

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

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

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

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

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

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

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

14 **SECTION 3. The amendments to ORS 247.017 and 254.470 by sections 1 and 2 of this 2011**  
15 **Act become operative on January 1, 2012.**

16 **SECTION 4. The Department of Transportation, Secretary of State or county clerk may**  
17 **take any action before January 1, 2012, that is necessary to enable the department, secretary**  
18 **or clerk to exercise, on and after January 1, 2012, all the duties, functions and powers con-**  
19 **ferred upon the department, secretary or clerk by the amendments to ORS 247.017 and**  
20 **254.470 by sections 1 and 2 of this 2011 Act.**

21 **SECTION 5. This 2011 Act being necessary for the immediate preservation of the public**  
22 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
23 **on its passage.**