

D R A F T

SUMMARY

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

Directs voter registration agencies to use forms that allow applicants for services to register to vote and apply for services or assistance using same form. Requires person to opt out of voter registration on form if person does not wish to register to vote.

Directs county clerk to send postcard notice to electors who register at Department of Transportation office or voter registration agency using form. Allows elector to update registration by returning postcard to county clerk.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to voter registration; creating new provisions; amending ORS
3 247.012, 247.017 and 247.208; and declaring 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 regis-
7 tration card available to any person at any office of the department where
8 licenses or renewal applications are distributed or received.

9 (2)(a) When a person who is at least 17 years of age applies for issuance
10 or renewal of an Oregon driver license[,] as defined in ORS 801.245, **an**
11 **Oregon driver permit as defined in ORS 801.250** or issuance of a state
12 identification card under ORS 807.400, or submits a change of address ap-
13 plication form at a department office where driver license **or driver permit**
14 issuance or renewal applications, state identification card applications or

1 change of address applications are distributed or received, department per-
2 sonnel shall inform the person that the person may register to vote at the
3 department office.

4 (b) Department personnel shall ask the [applicant] **person** whether the
5 [applicant] **person** is registered to vote at the [applicant's] **person's** current
6 address and, if not, whether the [applicant] **person** would like to register to
7 vote at the department office.

8 (c) **Department personnel shall also inform the person that the**
9 **person must opt out of the voter registration portion of the application**
10 **form described in subsection (5) of this section if the person does not**
11 **wish to use the form as an application for voter registration.**

12 (3) **If a person who is at least 17 years of age provides the infor-**
13 **mation required by ORS 247.171, other than party affiliation, on an**
14 **application form described in subsection (5) of this section and does**
15 **not opt out of using the voter registration portion of the form as an**
16 **application for voter registration, the department shall consider the**
17 **voter registration portion of the form a completed voter registration**
18 **card.**

19 [(3)] (4) Each office shall deliver in a timely manner the completed voter
20 registration cards to the county clerk or elections officer of the county in
21 which the office is located. The county clerk or elections officer of the
22 county where the office is located shall forward the registration card to the
23 county clerk or elections officer of the county in which the applicant resides.
24 The county clerk or elections officer may reject any registration card in ac-
25 cordance with ORS 247.174. The Secretary of State shall determine by rule
26 the time and manner the completed registration cards are to be delivered to
27 the appropriate county clerk or elections officer.

28 [(4)] (5) The department shall develop a driver license **and driver permit**
29 issuance or renewal and voter registration application [*procedure and*] **form,**
30 a state identification card issuance and voter registration application [*pro-*
31 *cedure*] **form** and a change of address and voter registration application

1 [procedure] **form** that allows an applicant for a license, **permit**, renewal,
 2 state identification card or change of address to register to vote by providing
 3 the information required by ORS 247.171, **other than political party affil-**
 4 **iation**, and the information required for the issuance or renewal of a license
 5 **or permit** or for issuance of a state identification card. **A form developed**
 6 **under this subsection must contain a space for a person to indicate**
 7 **that the person opts out of using the voter registration portion of the**
 8 **form as an application for voter registration.** The Secretary of State
 9 shall approve the voter registration portion of each [*application procedure*
 10 *and change of address procedure*] **form.**

11 [(5)] **(6)** The voter registration portion of an application **form** described
 12 in subsection [(4)] **(5)** of this section shall comply with provisions of the
 13 National Voter Registration Act of 1993 (P.L. 103-31).

14 [(6)] **(7)** The Secretary of State shall adopt rules establishing procedures
 15 for meeting the requirements of subsection [(3)] **(4)** of this section.

16 [(7)] **(8)** Information relating to the failure of [*an applicant*] **a person**
 17 under this section to sign the voter registration portion of an application
 18 **form** for issuance or renewal of a driver license, **driver permit**, issuance
 19 of a state identification card or [*for*] a change of address may not be used
 20 for other than voter registration purposes.

21 **SECTION 2.** ORS 247.208 is amended to read:

22 247.208. (1) The Secretary of State by rule, in accordance with the re-
 23 quirements of the National Voter Registration Act of 1993 (P.L. 103-31), shall
 24 designate agencies as voter registration agencies. Agencies designated may
 25 include state, county, city or district offices and federal and nongovern-
 26 mental offices with the agreement of the federal or nongovernmental offices.

27 (2) Services required by the National Voter Registration Act of 1993 (P.L.
 28 103-31) **and this section** shall be made available in connection with any
 29 registration card at each voter registration agency designated by the Secre-
 30 tary of State.

31 (3) A person providing services referred to in subsection (2) of this section

1 at a voter registration agency [*shall*] **may** not:

2 (a) Seek to influence the political preference or party registration of a
3 person registering to vote;

4 (b) In accordance with provisions of the Oregon Constitution, display
5 such political preference or party allegiance;

6 (c) Make any statement to a person registering to vote or take any action
7 the purpose or effect of which is to discourage a person from registering to
8 vote;

9 (d) Make any statement to a person registering to vote or take any action
10 the purpose or effect of which is to lead the person to believe that a decision
11 to register or not to register has any bearing on the availability of services
12 or benefits; or

13 (e) Seek to induce any person to register or vote in any particular man-
14 ner.

15 *[(4) Each state agency required to be designated a voter registration agency*
16 *under the National Voter Registration Act of 1993 (P.L. 103-31) shall, with*
17 *each application for service or assistance and with each recertification, renewal*
18 *or change of address form relating to the service or assistance:]*

19 *[(a) Distribute a registration card, including all statements required under*
20 *the National Voter Registration Act of 1993 (P.L. 103-31); and]*

21 *[(b) Provide a form including other information required by the National*
22 *Voter Registration Act of 1993 (P.L. 103-31).]*

23 **(4) Each voter registration agency designated under this section**
24 **shall make a voter registration card available to any person at any**
25 **office of the agency where agency services are provided.**

26 **(5)(a) When a person who is at least 17 years of age applies for**
27 **services or assistance from a voter registration agency, agency per-**
28 **sonnel shall inform the person that the person may register to vote**
29 **at the agency office.**

30 **(b) Agency personnel shall ask the person whether the person is**
31 **registered to vote at the person's current address and, if not, whether**

1 the person would like to register to vote at the agency office.

2 (c) Agency personnel shall also inform the person that the person
3 must opt out of the voter registration portion of the application form
4 described in subsection (8) of this section if the person does not wish
5 to use the form as an application for voter registration.

6 (6) If a person who is at least 17 years of age provides the infor-
7 mation required by ORS 247.171, other than party affiliation, on an
8 application form described in subsection (8) of this section and does
9 not opt out of using the voter registration portion of the form as an
10 application for voter registration, the agency shall consider the voter
11 registration portion of the form a completed voter registration card.

12 (7) Each agency office shall deliver in a timely manner the com-
13 pleted voter registration cards to the county clerk or elections officer
14 of the county in which the office is located. The county clerk or
15 elections officer of the county where the office is located shall forward
16 the registration card to the county clerk or elections officer of the
17 county in which the applicant resides. The county clerk or elections
18 officer may reject any registration card in accordance with ORS
19 247.174. The Secretary of State shall determine by rule the time and
20 manner the completed registration cards are to be delivered to the
21 appropriate county clerk or elections officer.

22 (8) Each voter registration agency shall develop a form that allows
23 an applicant for services or assistance from the agency to register to
24 vote by providing the information required by ORS 247.171, other than
25 political party affiliation, and the information required for the appli-
26 cation for services or assistance. A form developed under this sub-
27 section must contain a space for a person to indicate that the person
28 opts out of using the voter registration portion of the form as an ap-
29 plication for voter registration. The Secretary of State shall approve
30 the voter registration portion of the form.

31 (9) The voter registration portion of an application described in

1 **subsection (8) of this section shall comply with provisions of the Na-**
2 **tional Voter Registration Act of 1993 (P.L. 103-31).**

3 [(5)] (10) Information relating to a declination to register to vote in con-
4 nection with an application made at an office described in [*subsection (4)*
5 *of*] this section [*shall*] **may** not be used for any purpose other than voter
6 registration.

7 [(6)] (11) A completed registration card accepted at a voter registration
8 agency designated under this section shall be delivered to a county clerk or
9 the Secretary of State.

10 [(7)] (12) At least once each biennium, the Secretary of State shall:

11 (a) Assess new and developing federal guidelines regarding compliance
12 with the National Voter Registration Act of 1993 (P.L. 103-31);

13 (b) Identify steps necessary to ensure ongoing compliance with the Na-
14 tional Voter Registration Act of 1993 (P.L. 103-31);

15 (c) Identify barriers to and research opportunities for ensuring the accu-
16 racy, security and efficiency of current voter registration processes at voter
17 registration agencies designated under this section; and

18 (d) Identify ways to improve use of current technology.

19 **(13) The Secretary of State shall adopt rules establishing procedures**
20 **for meeting the requirements of subsection (7) of this section.**

21 **SECTION 3.** ORS 247.012 is amended to read:

22 247.012. (1) A qualified person may register to vote or update a registra-
23 tion to vote by:

24 (a) Delivering by mail or otherwise a completed registration card to any
25 county clerk, the Secretary of State, any office of the Department of Trans-
26 portation or any designated voter registration agency as described in ORS
27 247.208;

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

30 (c) Completing the voter registration portion of the application for issu-
31 ance or renewal of a driver license, **driver permit**, issuance of a state

1 identification card under ORS 807.400 or a change of address at an office of
2 the Department of Transportation under ORS 247.017; [or]

3 **(d) Completing the voter registration portion of an application for**
4 **services or assistance at an office of any voter registration agency as**
5 **described in ORS 247.208; or**

6 [(d)] (e) Completing a registration card using the electronic voter regis-
7 tration system described in ORS 247.019.

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

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

12 (b) The Secretary of State or a county clerk for a county other than the
13 county in which the person applying for registration resides, the Secretary
14 of State or county clerk shall forward the card to the county clerk for the
15 county in which the person resides not later than the fifth day after receiv-
16 ing the card.

17 (3) Registration of a qualified person occurs:

18 (a) When a legible, accurate and complete registration card is received in
19 the office of any county clerk, the Office of the Secretary of State, an office
20 of the Department of Transportation, a designated voter registration agency
21 under ORS 247.208 or at a location designated by a county clerk under sub-
22 section (7) of this section;

23 (b) On the date a registration card is postmarked if the card is received
24 after the 21st day immediately preceding an election but is postmarked not
25 later than the 21st day immediately preceding the election and is addressed
26 to an office of any county clerk, the Office of the Secretary of State, an of-
27 fice of the Department of Transportation or any designated voter registration
28 agency as described in ORS 247.208; or

29 (c) In the case of a registration card missing a date of birth, containing
30 an incomplete date of birth or containing an unintentional scrivener's error
31 that is supplied or corrected as described in subsection (4) or (6) of this

1 section, on the date that registration would have occurred if the registration
2 card had not been missing the date of birth, contained an incomplete date
3 of birth or contained the scrivener's error.

4 (4) Except as provided in ORS 247.125, if a registration card is legible,
5 accurate and contains, at a minimum, the registrant's name, residence ad-
6 dress, date of birth and signature, the county clerk shall register the person.
7 If this information is missing from the registration card or the date of birth
8 is incomplete, the county clerk shall attempt to contact the person to obtain
9 the missing or incomplete information. The county clerk may supply the
10 registrant's date of birth from any previous registration of the registrant.

11 (5) If a registration card meets the requirements of subsection (4) of this
12 section but is missing an indication of political party affiliation, the regis-
13 trant shall be considered not affiliated with any political party. This sub-
14 section does not apply if an elector is updating a registration.

15 (6) If a registration card contains an unintentional scrivener's error, the
16 county clerk may attempt to contact the person to correct the error.

17 (7) A county clerk may appoint officials to accept registration of persons
18 at designated locations. The appointments and locations shall be in writing
19 and filed in the office of the county clerk. The county clerk shall be re-
20 sponsible for the performance of duties by those appointed.

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

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

24 **SECTION 4. Section 5 of this 2013 Act is added to and made a part**
25 **of ORS chapter 247.**

26 **SECTION 5. (1) Upon receiving a completed voter registration card**
27 **under ORS 247.017 or 247.208, the county clerk shall send by**
28 **nonforwardable mail to each elector a postcard stating:**

29 **(a) That the elector has been registered as not affiliated with any**
30 **political party;**

31 **(b) That the elector must update the elector's registration to choose**

1 a political party if the elector wishes to vote in the primary election
2 of a major political party;

3 (c) The Internet website address of the Secretary of State's elec-
4 tronic voter registration system; and

5 (d) That the elector may choose a political party listed on the
6 postcard and return the postcard to the county clerk in order to up-
7 date the elector's registration.

8 (2) If the county clerk receives a postcard described in this section
9 that contains an elector's choice of a political party, the county clerk
10 shall update the elector's registration.

11 SECTION 6. (1) Section 5 of this 2013 Act and the amendments to
12 ORS 247.012, 247.017 and 247.208 by sections 1 to 3 of this 2013 Act be-
13 come operative on January 1, 2014.

14 (2) The Secretary of State, a county clerk, the Department of
15 Transportation and any voter registration agency may take any action
16 necessary before the operative date specified in subsection (1) of this
17 section to enable the secretary, county clerk, department or agency
18 to exercise, on and after the operative date specified in subsection (1)
19 of this section, all the duties, functions and powers conferred on the
20 secretary, county clerk, department or agency by section 5 of this 2013
21 Act and the amendments to ORS 247.012, 247.017 and 247.208 by sections
22 1 to 3 of this 2013 Act.

23 SECTION 7. This 2013 Act being necessary for the immediate pres-
24 ervation of the public peace, health and safety, an emergency is de-
25 clared to exist, and this 2013 Act takes effect on its passage.

26