

House Bill 2739

Sponsored by Representative HOLVEY

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**.

Adjusts hours of business of county clerk on election days.

Renames card issued to electors upon registration, or update to registration, to "voter notification card."

Allows Secretary of State to approve automated system for county clerks to use to verify signatures of electors casting ballots.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to elections procedures followed by county clerks; amending ORS 166.291, 246.270, 247.181,
3 247.191, 247.292 and 254.465; and declaring an emergency.

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

5 **SECTION 1.** ORS 246.270 is amended to read:

6 246.270. On the day of any primary election, general election or special election held throughout
7 the county, the county clerk's office [*shall*] **must** remain open for business pertaining to the election
8 from [7 a.m.] **8 a.m.** to 8 p.m. of the same day.

9 **SECTION 2.** ORS 247.181 is amended to read:

10 247.181. (1) The county clerk shall prepare and issue by nonforwardable mail to each elector a
11 [*memorandum*] **voter notification** card of convenient size containing the name and residence ad-
12 dress of the elector, the name or number of the precinct in which the elector resides and a brief
13 statement of the circumstances under which the elector is required to register or update a regis-
14 tration.

15 (2) When an elector registers or updates a registration, the county clerk shall issue the elector
16 a new [*memorandum*] **voter notification** card by nonforwardable mail.

17 (3) If an elector loses a [*memorandum*] **voter notification** card the elector may apply to the
18 county clerk for a new card, and the county clerk shall issue the elector a new card by
19 nonforwardable mail.

20 **SECTION 3.** ORS 247.191 is amended to read:

21 247.191. When changes in the boundaries of a precinct are made, the county clerk may alter the
22 registration card of an elector to conform with the change, and [*shall*] **may** issue by nonforwardable
23 mail a written notice of the change and a new [*memorandum*] **voter notification** card to the elector.
24 This requirement does not apply to a change of precincts for special district or special elections.

25 **SECTION 4.** ORS 247.292 is amended to read:

26 247.292. (1) A county clerk shall update the registration of an elector in the county upon re-
27 ceiving written evidence from:

28 (a) The elector indicating a residence or mailing address that is different from the residence or
29 mailing address for the elector as contained in the records of the county clerk;

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 (b) The United States Postal Service indicating a residence address that is different from the
 2 residence address for the elector as contained in the records of the county clerk; or

3 (c) The Secretary of State as provided in ORS 247.295.

4 (2) When a county clerk updates the registration of an elector under subsection (1) of this sec-
 5 tion, the clerk shall send a new [*precinct memorandum*] **voter notification** card by nonforwardable
 6 mail to the elector as provided in ORS 247.181. The clerk shall include a notice stating that if the
 7 residence address or mailing address is not correct, the elector must notify the clerk.

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

10 **SECTION 5.** ORS 166.291 is amended to read:

11 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
 12 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
 13 out in this section, shall issue the person a concealed handgun license if the person:

14 (a)(A) Is a citizen of the United States; or

15 (B) Is a legal resident alien who can document continuous residency in the county for at least
 16 six months and has declared in writing to the United States Citizenship and Immigration Services
 17 the intent to acquire citizenship status and can present proof of the written declaration to the
 18 sheriff at the time of application for the license;

19 (b) Is at least 21 years of age;

20 (c) Is a resident of the county;

21 (d) Has no outstanding warrants for arrest;

22 (e) Is not free on any form of pretrial release;

23 (f) Demonstrates competence with a handgun by any one of the following:

24 (A) Completion of any hunter education or hunter safety course approved by the State Depart-
 25 ment of Fish and Wildlife or a similar agency of another state if handgun safety was a component
 26 of the course;

27 (B) Completion of any National Rifle Association firearms safety or training course if handgun
 28 safety was a component of the course;

29 (C) Completion of any firearms safety or training course or class available to the general public
 30 offered by law enforcement, community college, or private or public institution or organization or
 31 firearms training school utilizing instructors certified by the National Rifle Association or a law
 32 enforcement agency if handgun safety was a component of the course;

33 (D) Completion of any law enforcement firearms safety or training course or class offered for
 34 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-
 35 cers if handgun safety was a component of the course;

36 (E) Presents evidence of equivalent experience with a handgun through participation in organ-
 37 ized shooting competition or military service;

38 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
 39 revoked; or

40 (G) Completion of any firearms training or safety course or class conducted by a firearms in-
 41 structor certified by a law enforcement agency or the National Rifle Association if handgun safety
 42 was a component of the course;

43 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,
 44 of a felony;

45 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS

1 161.295, of a misdemeanor within the four years prior to the application;

2 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;

3 (j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that
4 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

5 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,
6 while a minor, the person was found to be within the jurisdiction of the juvenile court for having
7 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-
8 volving violence, as defined in ORS 166.470;

9 (L) Has not been convicted of an offense involving controlled substances or participated in a
10 court-supervised drug diversion program, except this disability does not operate to exclude a person
11 if:

12 (A) The person has been convicted only once of violating ORS 475.864 (3) and has not completed
13 a court-supervised drug diversion program under ORS 135.907; or

14 (B) The person has completed a court-supervised drug diversion program under ORS 135.907 and
15 has not been convicted of violating ORS 475.864 (3);

16 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
17 107.700 to 107.735 or 163.738;

18 (n) Has not received a dishonorable discharge from the Armed Forces of the United States; and

19 (o) Is not required to register as a sex offender in any state.

20 (2) A person who has been granted relief under ORS 166.274 or 166.293 or section 5, chapter 826,
21 Oregon Laws 2009, or 18 U.S.C. 925(c) or has had the person's record expunged under the laws of
22 this state or equivalent laws of other jurisdictions is not subject to the disabilities in subsection
23 (1)(g) to (L) of this section.

24 (3) Before the sheriff may issue a license:

25 (a) The application must state the applicant's legal name, current address and telephone number,
26 date and place of birth, hair and eye color and height and weight. The application must also list the
27 applicant's residence address or addresses for the previous three years. The application must contain
28 a statement by the applicant that the applicant meets the requirements of subsection (1) of this
29 section. The application may include the Social Security number of the applicant if the applicant
30 voluntarily provides this number. The application must be signed by the applicant.

31 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
32 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
33 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
34 records check is necessary, the sheriff shall request the Department of State Police to conduct the
35 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
36 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
37 check and may not keep any record of the fingerprints. The Department of State Police shall report
38 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
39 Police shall also furnish the sheriff with any information about the applicant that the Department
40 of State Police may have in its possession including, but not limited to, manual or computerized
41 criminal offender information.

42 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-
43 quest. The forms shall be uniform throughout this state in substantially the following form:

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APPLICATION FOR LICENSE TO CARRY
CONCEALED HANDGUN

Date _____

I hereby declare as follows:

I am a citizen of the United States or a legal resident alien who can document continuous residency in the county for at least six months and have declared in writing to the United States Citizenship and Immigration Services my intention to become a citizen and can present proof of the written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have been discharged from the jurisdiction of the juvenile court for more than four years if, while a minor, I was found to be within the jurisdiction of the juvenile court for having committed an act that, if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years, been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense involving controlled substances or completed a court-supervised drug diversion program. There are no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not been committed to the Oregon Health Authority under ORS 426.130, nor have I been found mentally ill and presently subject to an order prohibiting me from purchasing or possessing a firearm because of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish to petition for relief from the disability under ORS 166.274 or 166.293 or section 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge from the Armed Forces of the United States. I am not required to register as a sex offender in any state. I understand I will be fingerprinted and photographed.

Legal name _____
Age _____ Date of birth _____
Place of birth _____
Social Security number _____

(Disclosure of your Social Security account number is voluntary. Solicitation of the number is authorized under ORS 166.291. It will be used only as a means of identification.)

Proof of identification (Two pieces of current identification are required, one of which must bear a photograph of the applicant. The type of identification and the number on the identification are to be filled in by the sheriff.):

- 1. _____
- 2. _____

Height _____ Weight _____
Hair color _____ Eye color _____
Current address _____

(List residence addresses for the

past three years on the back.)

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City _____ County _____ Zip _____
Phone _____

I have read the entire text of this application, and the statements therein are correct and true.
(Making false statements on this application is a misdemeanor.)

(Signature of Applicant)

Character references.

Name	Address

Approved _____ Disapproved _____ by _____

Competence with handgun demonstrated by _____ (to be filled in by sheriff)

Date _____ Fee Paid _____

License No. _____

- (5)(a) Fees for concealed handgun licenses are:
 - (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
 - (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.
 - (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.
- (b) The sheriff may enter into an agreement with the Department of Transportation to produce the concealed handgun license.
- (6) No civil or criminal liability shall attach to the sheriff or any authorized representative engaged in the receipt and review of, or an investigation connected with, any application for, or in the issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful performance of duties under those sections.
- (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff shall enter the applicant's name into the Law Enforcement Data System indicating that the person is an applicant for a concealed handgun license or is a license holder.
- (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section for a resident of a contiguous state who has a compelling business interest or other legitimate demonstrated need.
- (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the person:
 - (a) Has a current Oregon driver license issued to the person showing a residence address in the county;
 - (b) Is registered to vote in the county and has a [memorandum] voter notification card issued to the person under ORS 247.181 showing a residence address in the county;

1 (c) Has documentation showing that the person currently leases or owns real property in the
2 county; or

3 (d) Has documentation showing that the person filed an Oregon tax return for the most recent
4 tax year showing a residence address in the county.

5 **SECTION 6.** ORS 166.291, as amended by section 10, chapter 826, Oregon Laws 2009, and sec-
6 tion 34, chapter 547, Oregon Laws 2011, is amended to read:

7 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
8 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
9 out in this section, shall issue the person a concealed handgun license if the person:

10 (a)(A) Is a citizen of the United States; or

11 (B) Is a legal resident alien who can document continuous residency in the county for at least
12 six months and has declared in writing to the United States Citizenship and Immigration Services
13 the intent to acquire citizenship status and can present proof of the written declaration to the
14 sheriff at the time of application for the license;

15 (b) Is at least 21 years of age;

16 (c) Is a resident of the county;

17 (d) Has no outstanding warrants for arrest;

18 (e) Is not free on any form of pretrial release;

19 (f) Demonstrates competence with a handgun by any one of the following:

20 (A) Completion of any hunter education or hunter safety course approved by the State Depart-
21 ment of Fish and Wildlife or a similar agency of another state if handgun safety was a component
22 of the course;

23 (B) Completion of any National Rifle Association firearms safety or training course if handgun
24 safety was a component of the course;

25 (C) Completion of any firearms safety or training course or class available to the general public
26 offered by law enforcement, community college, or private or public institution or organization or
27 firearms training school utilizing instructors certified by the National Rifle Association or a law
28 enforcement agency if handgun safety was a component of the course;

29 (D) Completion of any law enforcement firearms safety or training course or class offered for
30 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-
31 cers if handgun safety was a component of the course;

32 (E) Presents evidence of equivalent experience with a handgun through participation in organ-
33 ized shooting competition or military service;

34 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
35 revoked; or

36 (G) Completion of any firearms training or safety course or class conducted by a firearms in-
37 structor certified by a law enforcement agency or the National Rifle Association if handgun safety
38 was a component of the course;

39 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,
40 of a felony;

41 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
42 161.295, of a misdemeanor within the four years prior to the application;

43 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;

44 (j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that
45 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

1 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,
2 while a minor, the person was found to be within the jurisdiction of the juvenile court for having
3 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-
4 volving violence, as defined in ORS 166.470;

5 (L) Has not been convicted of an offense involving controlled substances or participated in a
6 court-supervised drug diversion program, except this disability does not operate to exclude a person
7 if:

8 (A) The person has been convicted only once of violating ORS 475.864 (3) and has not completed
9 a court-supervised drug diversion program under ORS 135.907; or

10 (B) The person has completed a court-supervised drug diversion program under ORS 135.907 and
11 has not been convicted of violating ORS 475.864 (3);

12 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
13 107.700 to 107.735 or 163.738;

14 (n) Has not received a dishonorable discharge from the Armed Forces of the United States; and

15 (o) Is not required to register as a sex offender in any state.

16 (2) A person who has been granted relief under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or
17 has had the person’s record expunged under the laws of this state or equivalent laws of other ju-
18 risdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

19 (3) Before the sheriff may issue a license:

20 (a) The application must state the applicant’s legal name, current address and telephone number,
21 date and place of birth, hair and eye color and height and weight. The application must also list the
22 applicant’s residence address or addresses for the previous three years. The application must contain
23 a statement by the applicant that the applicant meets the requirements of subsection (1) of this
24 section. The application may include the Social Security number of the applicant if the applicant
25 voluntarily provides this number. The application must be signed by the applicant.

26 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
27 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
28 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
29 records check is necessary, the sheriff shall request the Department of State Police to conduct the
30 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
31 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
32 check and may not keep any record of the fingerprints. The Department of State Police shall report
33 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
34 Police shall also furnish the sheriff with any information about the applicant that the Department
35 of State Police may have in its possession including, but not limited to, manual or computerized
36 criminal offender information.

37 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-
38 quest. The forms shall be uniform throughout this state in substantially the following form:

39 _____
40
41 APPLICATION FOR LICENSE TO CARRY
42 CONCEALED HANDGUN

43 Date _____

44 I hereby declare as follows:

45 I am a citizen of the United States or a legal resident alien who can document continuous res-

1 idency in the county for at least six months and have declared in writing to the United States Cit-
2 izenship and Immigration Services my intention to become a citizen and can present proof of the
3 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
4 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
5 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
6 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
7 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
8 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
9 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
10 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
11 volving controlled substances or completed a court-supervised drug diversion program. There are
12 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
13 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found mentally
14 ill and presently subject to an order prohibiting me from purchasing or possessing a firearm because
15 of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish
16 to petition for relief from the disability under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or have
17 had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order is-
18 sued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge
19 from the Armed Forces of the United States. I am not required to register as a sex offender in any
20 state. I understand I will be fingerprinted and photographed.

21
22 Legal name _____
23 Age _____ Date of birth _____
24 Place of birth _____
25 Social Security number _____

26 (Disclosure of your Social Security account number is voluntary. Solicitation of the number is au-
27 thorized under ORS 166.291. It will be used only as a means of identification.)

28
29 Proof of identification (Two pieces of current identification are required, one of which must bear a
30 photograph of the applicant. The type of identification and the number on the identification are to
31 be filled in by the sheriff.):

- 32 1. _____
- 33 2. _____

34
35 Height _____ Weight _____
36 Hair color _____ Eye color _____

37
38 Current address _____

(List residence addresses for the
past three years on the back.)

39
40
41
42 City _____ County _____ Zip _____
43 Phone _____

44
45 I have read the entire text of this application, and the statements therein are correct and true.

1 (Making false statements on this application is a misdemeanor.)

2 _____
3 (Signature of Applicant)
4

5 Character references.

6 _____
7 Name: Address
8 _____
9 Name: Address

10
11 Approved _____ Disapproved _____ by _____

12
13 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

14 Date _____ Fee Paid _____

15 License No. _____
16 _____

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18 (5)(a) Fees for concealed handgun licenses are:

19 (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.

20 (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.

21 (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.

22 (b) The sheriff may enter into an agreement with the Department of Transportation to produce
23 the concealed handgun license.

24 (6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-
25 gaged in the receipt and review of, or an investigation connected with, any application for, or in the
26 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful
27 performance of duties under those sections.

28 (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff
29 shall enter the applicant's name into the Law Enforcement Data System indicating that the person
30 is an applicant for a concealed handgun license or is a license holder.

31 (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section
32 for a resident of a contiguous state who has a compelling business interest or other legitimate
33 demonstrated need.

34 (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the
35 person:

36 (a) Has a current Oregon driver license issued to the person showing a residence address in the
37 county;

38 (b) Is registered to vote in the county and has a [memorandum] voter notification card issued
39 to the person under ORS 247.181 showing a residence address in the county;

40 (c) Has documentation showing that the person currently leases or owns real property in the
41 county; or

42 (d) Has documentation showing that the person filed an Oregon tax return for the most recent
43 tax year showing a residence address in the county.

44 **SECTION 7.** ORS 254.465 is amended to read:

45 254.465. (1) County clerks shall conduct all elections in this state by mail.

1 (2) The Secretary of State shall adopt rules to:

2 (a) Provide for uniformity in the conduct of state elections by mail; and

3 (b) Govern the procedures for conducting elections by mail.

4 **(3) The Secretary of State may approve an automated system to be used by county clerks**
5 **to verify the signature of each elector on the return identification envelope with the signa-**
6 **ture on the elector's registration card under ORS 253.690 and 254.470.**

7 **SECTION 8. This 2013 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
9 **on its passage.**

10