

# House Bill 3181

Sponsored by COMMITTEE ON JUDICIARY

## 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 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 247.012, 247.017 and 247.208;  
3 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 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)(a) When a person who is at least 17 years of age applies for issuance or renewal of an  
10 Oregon driver license[,] as defined in ORS 801.245, **an Oregon driver permit as defined in ORS**  
11 **801.250** or issuance of a state identification card under ORS 807.400, or submits a change of address  
12 application form at a department office where driver license **or driver permit** issuance or renewal  
13 applications, state identification card applications or change of address applications are distributed  
14 or received, department personnel shall inform the person that the person may register to vote at  
15 the department office.

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

19 (c) **Department personnel shall also inform the person that the person must opt out of**  
20 **the voter registration portion of the application form described in subsection (5) of this sec-**  
21 **tion if the person does not wish to use the form as an application for voter registration.**

22 (3) **If a person who is at least 17 years of age provides the information required by ORS**  
23 **247.171, other than party affiliation, on an application form described in subsection (5) of this**  
24 **section and does not opt out of using the voter registration portion of the form as an appli-**  
25 **cation for voter registration, the department shall consider the voter registration portion**  
26 **of the form a completed voter registration card.**

27 [(3)] (4) Each office shall deliver in a timely manner the completed voter registration cards to

**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 the county clerk or elections officer of the county in which the office is located. The county clerk  
 2 or elections officer of the county where the office is located shall forward the registration card to  
 3 the county clerk or elections officer of the county in which the applicant resides. The county clerk  
 4 or elections officer may reject any registration card in accordance with ORS 247.174. The Secretary  
 5 of State shall determine by rule the time and manner the completed registration cards are to be  
 6 delivered to the appropriate county clerk or elections officer.

7 [(4)] (5) The department shall develop a driver license **and driver permit** issuance or renewal  
 8 and voter registration application [*procedure and*] **form**, a state identification card issuance and  
 9 voter registration application [*procedure*] **form** and a change of address and voter registration ap-  
 10 plication [*procedure*] **form** that allows an applicant for a license, **permit**, renewal, state identifica-  
 11 tion card or change of address to register to vote by providing the information required by ORS  
 12 247.171, **other than political party affiliation**, and the information required for the issuance or  
 13 renewal of a license **or permit** or for issuance of a state identification card. **A form developed**  
 14 **under this subsection must contain a space for a person to indicate that the person opts out**  
 15 **of using the voter registration portion of the form as an application for voter registration.**  
 16 The Secretary of State shall approve the voter registration portion of each [*application procedure*  
 17 *and change of address procedure*] **form**.

18 [(5)] (6) The voter registration portion of an application **form** described in subsection [(4)] (5)  
 19 of this section shall comply with provisions of the National Voter Registration Act of 1993 (P.L.  
 20 103-31).

21 [(6)] (7) The Secretary of State shall adopt rules establishing procedures for meeting the re-  
 22 quirements of subsection [(3)] (4) of this section.

23 [(7)] (8) Information relating to the failure of [*an applicant*] **a person** under this section to sign  
 24 the voter registration portion of an application **form** for issuance or renewal of a driver license,  
 25 **driver permit**, issuance of a state identification card or [*for*] a change of address may not be used  
 26 for other than voter registration purposes.

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

28 247.208. (1) The Secretary of State by rule, in accordance with the requirements of the National  
 29 Voter Registration Act of 1993 (P.L. 103-31), shall designate agencies as voter registration agencies.  
 30 Agencies designated may include state, county, city or district offices and federal and nongovern-  
 31 mental offices with the agreement of the federal or nongovernmental offices.

32 (2) Services required by the National Voter Registration Act of 1993 (P.L. 103-31) **and this**  
 33 **section** shall be made available in connection with any registration card at each voter registration  
 34 agency designated by the Secretary of State.

35 (3) A person providing services referred to in subsection (2) of this section at a voter registra-  
 36 tion agency [*shall*] **may** not:

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

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

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

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

1 (e) Seek to induce any person to register or vote in any particular manner.

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

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

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

9 **(4) Each voter registration agency designated under this section shall make a voter reg-  
10 istration card available to any person at any office of the agency where agency services are  
11 provided.**

12 **(5)(a) When a person who is at least 17 years of age applies for services or assistance  
13 from a voter registration agency, agency personnel shall inform the person that the person  
14 may register to vote at the agency office.**

15 **(b) Agency personnel shall ask the person whether the person is registered to vote at the  
16 person's current address and, if not, whether the person would like to register to vote at the  
17 agency office.**

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

21 **(6) If a person who is at least 17 years of age provides the information required by ORS  
22 247.171, other than party affiliation, on an application form described in subsection (8) of this  
23 section and does not opt out of using the voter registration portion of the form as an appli-  
24 cation for voter registration, the agency shall consider the voter registration portion of the  
25 form a completed voter registration card.**

26 **(7) Each agency office shall deliver in a timely manner the completed voter registration  
27 cards to the county clerk or elections officer of the county in which the office is located.  
28 The county clerk or elections officer of the county where the office is located shall forward  
29 the registration card to the county clerk or elections officer of the county in which the ap-  
30 plicant resides. The county clerk or elections officer may reject any registration card in ac-  
31 cordance with ORS 247.174. The Secretary of State shall determine by rule the time and  
32 manner the completed registration cards are to be delivered to the appropriate county clerk  
33 or elections officer.**

34 **(8) Each voter registration agency shall develop a form that allows an applicant for ser-  
35 vices or assistance from the agency to register to vote by providing the information required  
36 by ORS 247.171, other than political party affiliation, and the information required for the  
37 application for services or assistance. A form developed under this subsection must contain  
38 a space for a person to indicate that the person opts out of using the voter registration  
39 portion of the form as an application for voter registration. The Secretary of State shall  
40 approve the voter registration portion of the form.**

41 **(9) The voter registration portion of an application described in subsection (8) of this  
42 section shall comply with provisions of the National Voter Registration Act of 1993 (P.L.  
43 103-31).**

44 [(5)] **(10) Information relating to a declination to register to vote in connection with an appli-  
45 cation made at an office described in [subsection (4) of] this section [shall] may not be used for any**

1 purpose other than voter registration.

2 [(6)] (11) A completed registration card accepted at a voter registration agency designated under  
3 this section shall be delivered to a county clerk or the Secretary of State.

4 [(7)] (12) At least once each biennium, the Secretary of State shall:

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

7 (b) Identify steps necessary to ensure ongoing compliance with the National Voter Registration  
8 Act of 1993 (P.L. 103-31);

9 (c) Identify barriers to and research opportunities for ensuring the accuracy, security and effi-  
10 ciency of current voter registration processes at voter registration agencies designated under this  
11 section; and

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

13 **(13) The Secretary of State shall adopt rules establishing procedures for meeting the re-**  
14 **quirements of subsection (7) of this section.**

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

16 247.012. (1) A qualified person may register to vote or update a registration to vote by:

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

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

22 (c) Completing the voter registration portion of the application for issuance or renewal of a  
23 driver license, **driver permit**, issuance of a state identification card under ORS 807.400 or a change  
24 of address at an office of the Department of Transportation under ORS 247.017; [*or*]

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

27 [*d*] (e) Completing a registration card using the electronic voter registration system described  
28 in ORS 247.019.

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

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

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

37 (3) Registration of a qualified person occurs:

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

42 (b) On the date a registration card is postmarked if the card is received after the 21st day im-  
43 mediately preceding an election but is postmarked not later than the 21st day immediately preceding  
44 the election and is addressed to an office of any county clerk, the Office of the Secretary of State,  
45 an office of the Department of Transportation or any designated voter registration agency as de-

1 scribed in ORS 247.208; or

2 (c) In the case of a registration card missing a date of birth, containing an incomplete date of  
 3 birth or containing an unintentional scrivener's error that is supplied or corrected as described in  
 4 subsection (4) or (6) of this section, on the date that registration would have occurred if the regis-  
 5 tration card had not been missing the date of birth, contained an incomplete date of birth or con-  
 6 tained the scrivener's error.

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

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

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

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

21 (8) A registration card received and accepted under this section shall be considered an active  
 22 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 of ORS chapter 247.**

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

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

29 **(b) That the elector must update the elector's registration to choose a political party if**  
 30 **the elector wishes to vote in the primary election of a major political party;**

31 **(c) The Internet website address of the Secretary of State's electronic voter registration**  
 32 **system; and**

33 **(d) That the elector may choose a political party listed on the postcard and return the**  
 34 **postcard to the county clerk in order to update the elector's registration.**

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

37 **SECTION 6. (1) Section 5 of this 2013 Act and the amendments to ORS 247.012, 247.017**  
 38 **and 247.208 by sections 1 to 3 of this 2013 Act become operative on January 1, 2014.**

39 **(2) The Secretary of State, a county clerk, the Department of Transportation and any**  
 40 **voter registration agency may take any action necessary before the operative date specified**  
 41 **in subsection (1) of this section to enable the secretary, county clerk, department or agency**  
 42 **to exercise, on and after the operative date specified in subsection (1) of this section, all the**  
 43 **duties, functions and powers conferred on the secretary, county clerk, department or agency**  
 44 **by section 5 of this 2013 Act and the amendments to ORS 247.012, 247.017 and 247.208 by**  
 45 **sections 1 to 3 of this 2013 Act.**

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

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