

B-Engrossed
House Bill 3521

Ordered by the House June 24
Including House Amendments dated May 24 and June 24

Sponsored by COMMITTEE ON RULES

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.

Defines "qualified designated voter registration agency." Directs qualified designated voter registration agencies to provide Secretary of State with age, residence and citizenship data and digital signature of each person who meets qualifications set by secretary by rule. Directs secretary to register to vote each nonregistered person who is qualified to vote and to notify persons how to cancel registration and how to adopt or change political party affiliation.

Increases maximum number of electors in precinct from 5,000 to 10,000.

Establishes July 1, 2013, as date for determination of total number of registered electors in this state for purpose of maintaining status as minor political party for 2014 general election.

Prohibits public record disclosure of voter registration information for persons under 18 years of age who are registered to vote.

Limits biennial expenditures of Secretary of State from federal funds.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; amending ORS 246.410, 247.012, 247.016, 247.017,
3 247.292 and 247.302; limiting expenditures; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 247.**

6 **SECTION 2. (1) For purposes of this section, "qualified designated voter registration**
7 **agency" means a voter registration agency designated under ORS 247.208 that:**

8 (a) **Records and stores digital copies of signatures;**

9 (b) **Collects age and residence data; and**

10 (c) **Processes citizenship documentation.**

11 (2) **Each qualified designated voter registration agency shall provide to the Secretary of**
12 **State the age, residence and citizenship data for, and a digital copy of the signature of, each**
13 **person who meets qualifications set by the secretary by rule.**

14 (3) **Upon receiving the data for, and a digital copy of the signature of, a person described**
15 **in subsection (2) of this section, the Secretary of State shall register the person to vote if**
16 **the person is qualified to vote under Article II, section 2, of the Oregon Constitution, and is**
17 **not already registered to vote.**

18 (4) **For purposes of this chapter, data submitted with a digital copy of a person's signa-**
19 **ture under this section constitutes a completed registration card upon receipt by the Secre-**
20 **tary of State.**

21 (5) **The Secretary of State shall notify each person who is registered to vote under this**
22 **section of the registration and of the process 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 (a) **Cancel the registration; and**

2 (b) **Adopt or change political party affiliation.**

3 (6) **The Secretary of State may not send a ballot to, or add to public voter registration**
4 **lists, a person who is registered to vote under this section until at least 14 calendar days**
5 **after the secretary has provided notification to the person as described in subsection (5) of**
6 **this section.**

7 (7) **The Secretary of State shall adopt rules required to implement this section.**

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

9 247.012. (1) A qualified person may register to vote or update a registration to vote by:

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

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

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

18 (d) Completing a registration card using the electronic voter registration system described in
19 ORS 247.019[.]; or

20 (e) **Submitting age, residence and citizenship data and a signature to a qualified desig-**
21 **nated voter registration agency described in section 2 of this 2013 Act.**

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

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

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

30 (3) Registration of a qualified person occurs:

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

35 (b) On the date a registration card is postmarked if the card is received after the 21st day im-
36 mediately preceding an election but is postmarked not later than the 21st day immediately preceding
37 the election and is addressed to an office of any county clerk, the Office of the Secretary of State,
38 an office of the Department of Transportation or any designated voter registration agency as de-
39 scribed in ORS 247.208; or

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

45 (4) Except as provided in ORS 247.125, if a registration card is legible, accurate and contains,

1 at a minimum, the registrant's name, residence address, date of birth and signature, the county clerk
2 shall register the person. If this information is missing from the registration card or the date of birth
3 is incomplete, the county clerk shall attempt to contact the person to obtain the missing or incom-
4 plete information. The county clerk may supply the registrant's date of birth from any previous
5 registration of the registrant.

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

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

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

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

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

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

18 247.292. (1) A county clerk shall update the registration of an elector in the county upon re-
19 ceiving [*written*] evidence from:

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

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

24 (c) The Secretary of State as provided in ORS 247.295; **or**

25 **(d) A voter registration agency designated under ORS 247.208 or a qualified designated**
26 **voter registration agency under section 2 of this 2013 Act.**

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

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

33 **SECTION 5.** ORS 247.302 is amended to read:

34 247.302. (1) The effective date of a voter registration updated under ORS 247.292 is the date on
35 which the county clerk receives [*written*] evidence of the change of residence or mailing address.

36 (2) The effective date of a voter registration updated under ORS 247.296 is the date on which
37 the county clerk changes the address information on the voter registration file.

38 **SECTION 6.** ORS 246.410 is amended to read:

39 246.410. (1)(a) After each federal decennial census, the Secretary of State shall prepare detailed
40 and comprehensive directives providing guidelines for fixing precinct and other electoral district
41 boundaries based on census population figures.

42 (b) After the federal decennial census and before the Legislative Assembly or Secretary of State,
43 whichever is applicable, apportions the state into congressional and legislative districts, the secre-
44 tary shall deliver the directives to:

45 (A) Each county clerk; and

1 (B) Any local government, as defined in ORS 174.116, or special government body, as defined in
2 ORS 174.117, that fixes electoral district boundaries based on census population figures.

3 (2)(a) In accordance with any directive distributed by the Secretary of State under this section,
4 the county clerk, not later than the 30th day before an election, may create, combine or divide one
5 or more precincts. The number of electors to be included in a precinct shall not exceed [5,000]
6 **10,000**. The county clerk shall fix the boundaries of the precincts and designate the precincts by
7 numbers or names.

8 (b) A local government or special government body that fixes electoral district boundaries based
9 on census population figures shall fix the electoral district boundaries in accordance with any di-
10 rective distributed by the Secretary of State under this section.

11 **SECTION 7.** ORS 247.017 is amended to read:

12 247.017. (1) The Department of Transportation shall make a voter registration card available to
13 any person at any office of the department where licenses or renewal applications are distributed
14 or received.

15 (2) When a person who is at least 17 years of age applies for issuance or renewal of an Oregon
16 driver license, as defined in ORS 801.245, or issuance of a state identification card under ORS
17 807.400 or submits a change of address application form at a department office where driver license
18 issuance or renewal applications, state identification card applications or change of address appli-
19 cations are distributed or received, department personnel shall inform the person that the person
20 may register to vote at the department office. Department personnel shall ask the applicant whether
21 the applicant is registered to vote at the applicant's current address and if not, whether the appli-
22 cant would like to register to vote at the department office.

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

30 (4) The department shall develop a driver license issuance or renewal and voter registration
31 application procedure and a state identification card issuance and voter registration application
32 procedure and a change of address and voter registration application procedure that allows an ap-
33 plicant for a license, renewal, state identification card or change of address to register to vote by
34 providing the information required by ORS 247.171 and the information required for the issuance or
35 renewal of a license or for issuance of a state identification card. The Secretary of State shall ap-
36 prove the voter registration portion of each application procedure and change of address procedure.

37 (5) The voter registration portion of an application described in subsection (4) of this section
38 shall comply with provisions of the National Voter Registration Act of 1993 (P.L. 103-31).

39 (6) The Secretary of State shall adopt rules establishing procedures for meeting the requirements
40 of subsection (3) of this section.

41 (7) Information relating to the failure of an applicant under this section to sign the voter reg-
42 istration portion of an application for issuance or renewal of a driver license, issuance of a state
43 identification card or for a change of address may not be used for other than voter registration
44 purposes.

45 **(8) The department is not subject to this section if the department is a qualified desig-**

1 **nated voter registration agency as defined in section 2 of this 2013 Act.**

2 **SECTION 8.** ORS 247.016 is amended to read:

3 247.016. (1) Subject to [subsection (2)] **subsections (2) and (3)** of this section, an otherwise
4 qualified person who is at least 17 years of age may register to vote.

5 (2) A person who registers to vote under subsection (1) of this section may not vote in an
6 election until the person attains the age of 18 years.

7 **(3) If a person who registers to vote under subsection (1) of this section will be under 18**
8 **years of age on the date of the next election held on a date listed in ORS 171.185 or the next**
9 **special election, the person's voter registration information, including but not limited to the**
10 **person's name and any identifying information, may not be disclosed as a public record under**
11 **ORS 192.410 to 192.505.**

12 **SECTION 9.** For purposes of maintaining status as a minor political party under ORS
13 248.008 (4)(b) for the general election to be held in November 2014, the total number of reg-
14 istered electors in this state is the total number of registered electors in this state on July
15 1, 2013.

16 **SECTION 10.** (1) Section 2 of this 2013 Act applies to:

17 (a) Voter registration agencies designated by the Secretary of State under ORS 247.208
18 before, on or after the effective date of this 2013 Act; and

19 (b) Data and signatures in the possession of qualified designated voter registration
20 agencies under section 2 of this 2013 Act before, on or after the effective date of this 2013
21 Act.

22 (2) The Secretary of State and a qualified designated voter registration agency that exists
23 as a voter registration agency designated under ORS 247.208 on the effective date of this 2013
24 Act shall implement section 2 of this 2013 Act and ORS 247.012, as amended by section 3 of
25 this 2013 Act, no later than January 1, 2014.

26 **SECTION 11.** Notwithstanding any other law limiting expenditures, the amount of
27 \$300,000 is established for the biennium beginning July 1, 2013, as the maximum limit for
28 payment of expenses for administration of the provisions of this 2013 Act from federal funds
29 collected or received by the Secretary of State.

30 **SECTION 12.** This 2013 Act being necessary for the immediate preservation of the public
31 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
32 on its passage.

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