

House Bill 4060

Sponsored by Representative THATCHER; Representatives BERGER, HICKS, HUFFMAN, KENNEMER, OLSON, WHITSETT (Presession filed.)

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 persons registering to vote in this state for first time to supply acceptable evidence of residency. Requires persons updating voter registration to have previously supplied acceptable evidence of residency. Defines what constitutes acceptable evidence of residency.

Requires Secretary of State to conduct study on how to ensure that currently registered electors have provided acceptable evidence of residency.

Becomes operative January 1, 2015.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to voter registration; creating new provisions; amending ORS 247.012; and declaring an
3 emergency.

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

5 **SECTION 1. Sections 2 and 3 of this 2014 Act are added to and made a part of ORS**
6 **chapter 247.**

7 **SECTION 2. (1) As used in this section and section 3 of this 2014 Act, "acceptable evi-**
8 **dence of residency" means:**

9 (a) **The number of a valid personal identification document issued by the Department of**
10 **Transportation, including a driver license as defined in ORS 801.245, a driver permit as de-**
11 **defined in ORS 801.250 or a state identification card issued under ORS 807.400.**

12 (b) **If the person does not have a valid personal identification document issued by the**
13 **Department of Transportation, the last four digits of the person's Social Security number.**

14 (c) **If the person does not have evidence of residency listed in paragraph (a) or (b) of this**
15 **subsection, a copy of one of the following documents that shows the name and address of the**
16 **person:**

17 (A) **A current and valid photo identification.**

18 (B) **A current utility bill.**

19 (C) **A current bank statement.**

20 (D) **A current government check, paycheck or other government document.**

21 (2) **A voter registration card or a voter registration portion of an application for issuance**
22 **or renewal of a driver license, issuance of a state identification card under ORS 807.400 or**
23 **change of address at an office of the Department of Transportation under ORS 247.017 must**
24 **be accompanied by acceptable evidence of residency.**

25 (3) **If the acceptable evidence of residency that is required under subsection (2) of this**
26 **section for a person registering to vote has not been received by the deadline in ORS 247.025,**
27 **the person may vote in an election only if acceptable evidence of residency is received in the**
28 **office of the county clerk for the county in which the person resides no later than 8 p.m. on**

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 day of the election.

2 (4) Subsections (1) to (3) of this section do not apply to a person who is:

3 (a) Entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Ab-
4 sentee Voting Act, as set forth in 42 U.S.C. 1973ff-1 et seq.;

5 (b) Provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the
6 Voting Accessibility for the Elderly and Handicapped Act, as set forth in 42 U.S.C.
7 1973ee-1(b)(2)(B)(ii); or

8 (c) Entitled to vote otherwise than in person under any other federal law.

9 **SECTION 3.** (1) Before allowing a person registered to vote in this state to update the
10 person's voter registration information, the Secretary of State shall require that:

11 (a) The county clerk has previously received acceptable evidence of residency for the
12 person; or

13 (b) The person's submission to update a registration to vote is accompanied by acceptable
14 evidence of residency.

15 (2) Before the county clerk updates a person's voter registration information under ORS
16 247.292 or 247.296, the county clerk shall ensure that the clerk has previously received ac-
17 ceptable evidence of residency for the person.

18 (3) If the county clerk has not previously received acceptable evidence of residency re-
19 quired under subsections (1) and (2) of this section, the clerk shall attempt to contact the
20 person to obtain the evidence.

21 (4) If the acceptable evidence of residency that is required by subsections (1) to (3) of this
22 section for a person who is updating a registration to vote has not been received by the
23 deadline in ORS 247.025, the person may vote in an election only if acceptable evidence of
24 residency is received in the office of the county clerk for the county in which the person
25 resides no later than 8 p.m. on the day of the election.

26 **SECTION 4.** ORS 247.012 is amended to read:

27 247.012. (1) A qualified person may register to vote or update a registration to vote by:

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

31 (b) Personally delivering the card to an official designated by a county clerk under subsection
32 [(7)] (8) of this section;

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

36 (d) Completing a registration card using the electronic voter registration system described in
37 ORS 247.019.

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

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

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

(3) Registration of a qualified person occurs:

(a) *[When]* **On the date** a legible, accurate and complete registration card is received in the office of any county clerk, the Office of the Secretary of State, an office of the Department of Transportation, a designated voter registration agency under ORS 247.208 or at a location designated by a county clerk under subsection *[(7)]* **(8)** of this section;

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

(c) In the case of a registration card missing a date of birth, containing an incomplete date of birth or containing an unintentional scrivener's error that is supplied or corrected as described in subsection *[(4) or (6)]* **(5) or (7)** of this section, on the date that registration would have occurred if the registration card had not been missing the date of birth, contained an incomplete date of birth or contained the scrivener's error[.]; **or**

(d) In the case of a registration card that is not accompanied by acceptable evidence of residency listed in section 2 of this 2014 Act that is later supplied as described in subsection (5) of this section, on the date that registration would have occurred if the registration card had been accompanied by acceptable evidence of residency.

(4) Except as provided in ORS 247.125, the county clerk for the county in which the person resides shall register the person if:

[(4)] **(a)** *[Except as provided in ORS 247.125, if a]* **The person's** registration card is legible, accurate and contains, at a minimum, the registrant's name, residence address, date of birth and signature[, *the county clerk shall register the person.*]; **and**

(b) For a person registering to vote in this state, the person's registration is accompanied by acceptable evidence of residency listed under section 2 of this 2014 Act.

(5) If *[this]* information or acceptable evidence of residency required under subsection (4) of this section is not supplied *[is missing from the registration card]* or the date of birth is incomplete, the county clerk shall attempt to contact the person to obtain the *[missing or incomplete]* information or evidence. The county clerk may supply the registrant's date of birth from any previous registration of the registrant.

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

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

[(7)] **(8)** A county clerk may appoint officials to accept registration of persons at designated locations. The appointments and locations *[shall]* **must** be in writing and filed in the office of the county clerk. The county clerk *[shall be]* **is** responsible for the performance of duties by those appointed.

[(8)] **(9)** A registration card received and accepted under this section *[shall be]* **is** considered an active registration.

[(9)] **(10)** A registration may be updated at any time.

SECTION 5. (1) In consultation with the Oregon Association of County Clerks, the Secretary of State shall conduct a study to determine how to ensure that all persons registered

1 to vote have provided the county clerk with acceptable evidence of residency listed under
2 section 2 of this 2014 Act. The study must include an analysis of possible amendments and
3 updates to the rules and policies of the Secretary of State and the county clerks.

4 (2) The Secretary of State shall submit a report on the study described in subsection (1)
5 of this section to the interim legislative committees on rules no later than October 31, 2014.

6 **SECTION 6.** (1) Section 2 of this 2014 Act applies only to persons who register to vote in
7 this state on or after the operative date of section 2 of this 2014 Act.

8 (2) Section 3 of this 2014 Act applies only to updates of voter registration information
9 that occur on or after the operative date of section 3 of this 2014 Act.

10 (3) The amendments to ORS 247.012 by section 4 of this 2014 Act apply only to voter
11 registration cards received, delivered or completed on or after the operative date of the
12 amendments to ORS 247.012 by section 4 of this 2014 Act.

13 **SECTION 7.** (1) Except as provided in subsection (2) of this section, sections 2 and 3 of
14 this 2014 Act and the amendments to ORS 247.012 by section 4 of this 2014 Act become op-
15 erative on January 1, 2015.

16 (2) The Secretary of State and any county clerk or county official in charge of elections
17 may take any action under sections 2 and 3 of this 2014 Act and ORS 247.012, as amended
18 by section 4 of this 2014 Act, prior to the operative date specified in subsection (1) of this
19 section that is necessary to enable the secretary, county clerk or county official to exercise,
20 on and after the operative date specified in subsection (1) of this section, all the duties,
21 functions and powers conferred on the secretary, county clerk or county official by sections
22 2 and 3 of this 2014 Act and the amendments to ORS 247.012 by section 4 of this 2014 Act.

23 **SECTION 8.** This 2014 Act being necessary for the immediate preservation of the public
24 peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect
25 on its passage.

26