

From the Desk of
Senator Ted Ferrioli

HB 2177-6
(LC 860)
2/27/15 (DRG/ps)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2177**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and delete line 3 and insert “247.013, 247.290, 247.292, 247.295, 247.303,
3 247.307, 247.563, 249.046, 254.408, 254.426 and 254.431; repealing ORS 254.411;
4 and declaring an emergency.”.

5 Delete lines 5 through 25.

6 Delete pages 2 through 6 and insert:

7 **“SECTION 1. Section 2 of this 2015 Act is added to and made a part**
8 **of ORS chapter 247.**

9 **“SECTION 2. (1) In addition to the address verification under ORS**
10 **247.295, the Secretary of State shall by rule establish a method to**
11 **permit the secretary to use information required for voter registration**
12 **contained in any database that is maintained by a state agency in or-**
13 **der for the secretary to verify the accuracy of the information con-**
14 **tained in the centralized voter registration system.**

15 **“(2) If the Secretary of State determines that the information for**
16 **an elector is different from the information for the elector as con-**
17 **tained in the records of the county clerk, the secretary shall provide**
18 **the information obtained under this section to the county clerk of**
19 **each affected county. Based on information received under this sec-**
20 **tion, each county clerk shall update the registration of electors in the**
21 **county if the clerk determines that an update is required.**

22 **“SECTION 3. ORS 247.295 is amended to read:**

1 "247.295. (1) The Secretary of State shall subscribe to a change of address
2 service that is approved or endorsed by the United States Postal Service and
3 use the service to verify the accuracy of the addresses of electors contained
4 in the centralized voter registration system.

5 **"(2) The Secretary of State shall by rule establish a method for us-**
6 **ing information stored by the Department of Transportation to verify**
7 **the accuracy of the addresses of electors contained in the centralized**
8 **voter registration system.**

9 "[2] (3) If the Secretary of State determines that the address of an
10 elector is different from the address for the elector as contained in the re-
11 cords of the county clerk, the secretary shall provide the information ob-
12 tained under this section to the county clerk of each affected county. Based
13 on information received under this section, each county clerk shall update
14 the registration of electors in the county if the clerk determines that an
15 update is required.

16 **"SECTION 4. ORS 247.292 is amended to read:**

17 "247.292. (1) A county clerk shall update the registration of an elector in
18 the county upon receiving written evidence from:

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

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

25 "(c) The Secretary of State as provided in ORS 247.295 **or section 2 of**
26 **this 2015 Act.**

27 "(2) When a county clerk updates the registration of an elector under
28 subsection (1) of this section, the clerk shall send a new voter notification
29 card by nonforwardable mail to the elector as provided in ORS 247.181. The
30 clerk shall include a notice stating that if the residence address or mailing

1 address is not correct, the elector must notify the clerk.

2 “(3) An elector is not disqualified from voting due to any error relating
3 to an update of registration made under this section.

4 **“SECTION 5. (1) An individual who on the effective date of this 2015**
5 **Act was considered an inactive elector under ORS 254.411, as in effect**
6 **immediately before the effective date of this 2015 Act, due to the**
7 **elector’s name being changed is considered to be an active elector and**
8 **may vote at subsequent elections.**

9 “(2) An individual who on the effective date of this 2015 Act was
10 considered an inactive elector under ORS 254.426 or 254.431, as those
11 sections were in effect immediately before the effective date of this
12 2015 Act, because the individual did not respond to a challenged ballot
13 is considered to be an active elector and may vote at subsequent
14 elections.

15 “(3) An individual who on the effective date of this 2015 Act was
16 considered an inactive voter under ORS 247.013, as in effect imme-
17 diately before the effective date of this 2015 Act, because the individual
18 had not voted, updated the individual’s registration or engaged in any
19 other voter-related activities in five or more years is considered to be
20 an active elector and may vote at subsequent elections.

21 “(4) This section may not be construed to enable an individual who
22 is considered an inactive elector due to the individual’s incarceration
23 to be considered an active elector, or to in any way amend the prohi-
24 bition against incarcerated persons exercising the right to vote found
25 in ORS 137.281.

26 **“SECTION 6. ORS 247.013 is amended to read:**

27 “247.013. (1) A qualified person shall be considered registered to vote in
28 a county when the person’s first registration in the county occurs as de-
29 scribed in ORS 247.012.

30 “(2) An elector who changes residence address from the county in which

1 the elector is registered to a different county within the state, in order to
2 vote in an election, must be an elector registered in the county in which the
3 new residence address of the elector is located.

4 “(3) If there is a change in any information required for registration un-
5 der this chapter, and the elector has not changed residence address to an-
6 other county, the registration of the elector may be updated as provided in
7 this chapter.

8 “(4) Notwithstanding subsections (2) and (3) of this section, if an elector
9 changes residence address from the county in which the elector is registered
10 to a different county within the state, the elector need not register again if
11 the registration of the elector is updated. **An elector’s registration that
12 is updated under this subsection is considered active.**

13 “(5) If the county clerk does not have evidence of a change in any infor-
14 mation required for registration under this chapter for an elector, the regis-
15 tration of the elector shall be considered active.

16 “[~~(6)~~ *The registration of an elector shall be considered inactive if:*]

17 “[~~(a)~~ *The county clerk has received evidence that there has been a change
18 in the information required for registration under this chapter or the elector
19 has neither voted nor updated the registration for a period of not less than five
20 years; and]*

21 “[~~(b)~~ *The county clerk has mailed the notice described in ORS 247.563.]*

22 “[~~(7)~~ *The registration of an elector shall not be moved to an inactive file
23 during the 60-day period prior to any election because the elector has neither
24 voted nor updated the registration for a period of not less than five years.]*

25 “[~~(8)~~ **(6)** [~~The~~ **If an elector’s registration is considered inactive due
26 to unknown address, the** registration of [~~an~~ **the** elector must be updated
27 before the elector may vote in an election.

28 “**SECTION 7.** ORS 247.303 is amended to read:

29 “247.303. Notwithstanding ORS 247.025, an elector [*whose registration is
30 active or inactive*] **who is registered to vote** may update the registration at

1 any time before 8 p.m. on the day of the election.

2 **“SECTION 8.** ORS 247.307 is amended to read:

3 “247.307. (1) Except as provided in subsection (2) of this section, if the
4 county clerk receives information updating the registration of an elector af-
5 ter the deadline in ORS 247.025:

6 “(a) The county clerk shall issue a ballot to the elector if the elector’s
7 registration was inactive **due to unknown address** prior to updating; or

8 “(b) The county clerk shall issue a replacement ballot upon request from
9 the elector if the elector’s registration was active prior to updating.

10 “(2) If the county clerk receives a registration card updating an elector’s
11 residence or mailing address after the deadline in ORS 247.025 **and the**
12 **elector’s registration was active prior to updating**, the county clerk shall
13 reissue a ballot to the elector [*if the elector’s registration was active prior to*
14 *updating*].

15 “(3)(a) If the county clerk is required to reissue a ballot under subsection
16 (2) of this section, the county clerk shall:

17 “(A) Verify the registration of the elector and ensure that another ballot
18 has not been returned by the elector;

19 “(B) Mark the return identification envelope clearly so that it may be
20 readily identified as a reissued ballot; and

21 “(C) Reissue the ballot by mail or other means.

22 “(b) A ballot reissued under this section must be received at the office
23 of the county clerk, a place of deposit designated by the county clerk or any
24 location described in ORS 254.472 or 254.474 not later than the end of the
25 period determined under ORS 254.470 (1) on the date of the election. Upon
26 receiving a voted ballot reissued under this section, the county clerk shall
27 process the ballot.

28 “(4) Ballots issued under this section need not be mailed to electors after
29 the fifth day before the date of the election and may be obtained by the
30 elector in person from the county clerk up until and including the date of

1 the election.

2 **“SECTION 9.** ORS 247.563 is amended to read:

3 “247.563. (1) Except as provided in subsection (4) of this section and ORS
4 247.555, whenever it appears to the county clerk that an elector needs to
5 update the elector’s registration or that the elector has changed residence
6 address to another county, the county clerk shall mail a notice to the elec-
7 tor.

8 “(2) The notice shall be sent by forwardable mail and shall include a
9 postage prepaid, preaddressed return card on which the elector may state the
10 elector’s current residence and mailing address. The notice shall advise the
11 elector that:

12 “(a) The elector should return the card promptly;

13 “(b) If the card is not returned by the 21st calendar day immediately
14 preceding an election, the elector may be required to complete a new regis-
15 tration card in order to vote in an election; and

16 “(c) The elector’s registration will be canceled if the elector neither votes
17 nor updates the registration before two general elections have been held.

18 “(3) When the county clerk mails a notice under this section, the regis-
19 tration of the elector shall be considered inactive **due to unknown address**
20 until the elector updates the registration, the registration is canceled or the
21 clerk determines that the registration should be considered active.

22 “(4) This section does not apply when the county clerk receives written
23 evidence from the elector, **the Secretary of State** or another county clerk
24 indicating a change of residence or mailing address or from the United
25 States Postal Service indicating a change of residence address and the reg-
26 istration of the elector is automatically updated by the county clerk under
27 any provision of this chapter.

28 **“SECTION 10.** ORS 249.046 is amended to read:

29 “249.046. If a candidate has not been a member of the major political
30 party for at least 180 days before the deadline for filing a nominating peti-

1 tion or declaration of candidacy, the candidate shall not be entitled to re-
2 ceive the nomination of that major political party. If a candidate's
3 registration becomes inactive **due to unknown address**, the inactive status
4 shall not constitute a lapse of membership in the party if, immediately before
5 the registration became inactive, the candidate was a member of the party
6 and was not a member of any other political party within the 180 days pre-
7 ceding the deadline for filing a nominating petition or declaration of candi-
8 dacy. The requirement that the candidate be qualified by length of
9 membership does not apply to any candidate whose 18th birthday falls within
10 the period of 180 days or to a write-in candidate.

11 **"SECTION 11.** ORS 254.408 is amended to read:

12 "254.408. (1) A person offering to vote and who claims to be an elector,
13 but for whom no evidence of active or inactive **due to unknown address**
14 registration can be found, shall be granted the right to vote in the manner
15 provided in this section.

16 "(2) Whenever an elector updates a registration at a county clerk's office
17 after the ballots have been mailed under ORS 254.470, the elector shall vote
18 in that election in the manner provided in this section.

19 "(3) An elector voting under this section shall complete and sign a reg-
20 istration card.

21 "(4) The elector shall insert the ballot into a small envelope provided by
22 the county clerk and then insert the small envelope into a larger envelope.
23 The larger envelope shall be delivered to the county clerk and shall be seg-
24 regated and not counted until the registration of the elector is verified under
25 this section.

26 "(5) The county clerk shall determine if the elector is validly registered
27 to vote and if the vote was properly cast. The ballot shall be counted only
28 if the county clerk determines the registration of the elector is considered
29 active or inactive **due to unknown address**.

30 "(6) A vote shall be counted only if the elector is qualified to vote for the

1 particular office or on the measure.

2 **“SECTION 12.** ORS 254.426 is amended to read:

3 “254.426. (1) Whenever any person offers to vote a ballot challenged under
4 ORS 254.415, the county clerk shall ensure that the ballot offered by the
5 person includes the number of the written statement of challenge so that the
6 ballot may be identified in any future contest of the election.

7 “(2) The county clerk shall examine the challenge and determine if the
8 person is validly registered to vote and if the vote was properly cast. The
9 ballot shall be counted only if the county clerk determines the person is
10 validly registered.

11 “(3) The county clerk shall ensure that the information on the numbered
12 written statement is treated as confidential so that in the event of a recount
13 of votes it cannot be determined how any challenged person voted.

14 “(4) The county clerk shall mail to each person offering to vote a ballot
15 challenged under ORS 254.415 a written statement that describes the nature
16 of the challenge. *[If the person does not provide evidence sufficient to verify
17 the person’s registration by the deadline described in subsection (5) of this
18 section, the registration of the person shall be considered inactive until the
19 person updates or verifies the registration, the registration is canceled or the
20 county clerk determines that the person is validly registered.]*

21 “(5) The registration of each person offering to vote a ballot challenged
22 under ORS 254.415 shall be verified not later than the 14th calendar day after
23 the date of the election in order for the vote of the person to be counted.

24 **“SECTION 13.** ORS 254.431, as amended by section 3, chapter 67, Oregon
25 Laws 2014, and section 3, chapter 112, Oregon Laws 2014, is amended to read:

26 “254.431. (1) If a ballot is challenged because it is returned in an unsigned
27 return identification envelope or because the signature of an elector on a
28 return identification envelope does not match the signature in the voter
29 registration record for the elector, the county clerk shall mail to the elector
30 a notice that describes the nature of the challenge. The Secretary of State

1 shall design a standard form to be used in all notifications sent by county
2 clerks under this subsection.

3 “(2)[(a)] In order for the vote of the elector to be counted, the elector
4 must provide evidence sufficient to disprove the challenge not later than the
5 14th calendar day after the date of the election.

6 “[*(b) If the elector does not provide evidence sufficient to disprove a chal-*
7 *lenge alleging that the signature of the elector on a return identification en-*
8 *velope does not match the signature in the voter registration record for the*
9 *elector by the 14th calendar day after the date of the election, the registration*
10 *of the elector shall be considered inactive.*]

11 “(3)(a) The county clerk may not release as a public record any informa-
12 tion that could be used to identify an elector whose ballot has been chal-
13 lenged under this section until the eighth calendar day after the date of an
14 election.

15 “(b) Following the seventh calendar day after the date of an election, the
16 county clerk may disclose as a public record under ORS 192.410 to 192.505
17 the following information about each elector whose ballot was challenged
18 under this section:

19 “(A) The name of the elector;

20 “(B) The residence addresses of the elector; and

21 “(C) The reason the elector’s ballot is being challenged.

22 “**SECTION 14.** ORS 247.290 is amended to read:

23 “247.290. (1) An elector shall update a registration if:

24 “(a) The residence address of the elector is changed for any reason within
25 the county in which the elector is registered, except as provided in sub-
26 section (3) of this section;

27 “(b) The elector desires to change or adopt a political party affiliation;

28 “(c) The mailing address of the elector is changed, except as provided in
29 subsection (3) of this section; or

30 “(d) The name of the elector is changed[, *except as provided in ORS*

1 254.411].

2 “(2) A registration may be updated by an elector in the same manner as
3 an original registration or by the county clerk as provided in this chapter.

4 “(3) An elector need not update a registration if:

5 “(a) The United States Postal Service or a city or county changes the
6 residence or mailing address of the elector and the residence of the elector
7 has not been relocated; or

8 “(b) The registration of the elector has been updated by the county clerk
9 under ORS 247.292 or 247.296.

10 **“SECTION 15. The Secretary of State shall establish the rules re-**
11 **quired by section 2 of this 2015 Act and ORS 247.295 no later than**
12 **January 1, 2016.**

13 **“SECTION 16. ORS 254.411 is repealed.**

14 **“SECTION 17. This 2015 Act being necessary for the immediate**
15 **preservation of the public peace, health and safety, an emergency is**
16 **declared to exist, and this 2015 Act takes effect on its passage.”**

17