

House Bill 2177

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Secretary of State Kate Brown)

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**.

Directs Department of Transportation to provide Secretary of State with electronic records containing legal name, age, residence and citizenship information and electronic signature of each person who may qualify as elector as prescribed by secretary by rule. Directs secretary to register as elector each nonregistered person who is qualified to vote and to notify persons how to decline registration and how to adopt political party affiliation.

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

Establishes July 1, 2015, as date for determination of total number of registered electors in this state for purpose of maintaining status as minor political party for 2016 general election.

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

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; amending ORS 246.410, 247.002, 247.012, 247.016,
3 247.017, 247.171, 247.292 and 247.302; repealing ORS 802.085; 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 or*
8 *received.*]

9 [(2) *When a person who is at least 17 years of age applies for issuance or renewal of an Oregon*
10 *driver license, as defined in ORS 801.245, or issuance of a state identification card under ORS 807.400*
11 *or submits a change of address application form at a department office where driver license issuance*
12 *or renewal applications, state identification card applications or change of address applications are*
13 *distributed or received, department personnel shall inform the person that the person may register to*
14 *vote at the department office. Department personnel shall ask the applicant whether the applicant is*
15 *registered to vote at the applicant's current address and if not, whether the applicant would like to*
16 *register to vote at the department office.*]

17 [(3) *Each office shall deliver in a timely manner the completed voter registration cards to the county*
18 *clerk or elections officer of the county in which the office is located. The county clerk or elections of-*
19 *ficer of the county where the office is located shall forward the registration card to the county clerk*
20 *or elections officer of the county in which the applicant resides. The county clerk or elections officer*
21 *may reject any registration card in accordance with ORS 247.174. The Secretary of State shall deter-*
22 *mine by rule the time and manner the completed registration cards are to be delivered to the appro-*
23 *priate county clerk or elections officer.*]

24 [(4) *The department shall develop a driver license issuance or renewal and voter registration ap-*
25 *plication procedure and a state identification card issuance and voter registration application procedure*

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 and a change of address and voter registration application procedure that allows an applicant for a
 2 license, renewal, state identification card or change of address to register to vote by providing the in-
 3 formation required by ORS 247.171 and the information required for the issuance or renewal of a li-
 4 cense or for issuance of a state identification card. The Secretary of State shall approve the voter
 5 registration portion of each application procedure and change of address procedure.]

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

8 [(6) The Secretary of State shall adopt rules establishing procedures for meeting the requirements
 9 of subsection (3) of this section.]

10 [(7) Information relating to the failure of an applicant under this section to sign the voter regis-
 11 tration portion of an application for issuance or renewal of a driver license, issuance of a state iden-
 12 tification card or for a change of address may not be used for other than voter registration purposes.]

13 **(1) The Secretary of State shall by rule establish a schedule by which the Department**
 14 **of Transportation shall provide to the secretary electronic records containing the legal name,**
 15 **age, residence and citizenship information for, and the electronic signature of, each person**
 16 **who meets qualifications identified by the secretary by rule.**

17 **(2) Upon receiving the electronic record for, and electronic signature of, a person de-**
 18 **scribed in subsection (1) of this section, the Secretary of State shall provide the information**
 19 **to the county clerk of the county in which the person may be registered as an elector. The**
 20 **secretary or county clerk shall notify each person of the process to:**

21 **(a) Decline being registered as an elector.**

22 **(b) Adopt a political party affiliation.**

23 **(3) If a person notified under subsection (2) of this section does not decline to be regis-**
 24 **tered as an elector within 21 calendar days after the Secretary of State or county clerk is-**
 25 **ssues the notification, the person's electronic record and electronic signature submitted**
 26 **under subsection (1) of this section will constitute a completed registration card for the**
 27 **person for purposes of this chapter. The person shall be registered to vote if the county clerk**
 28 **determines that the person is qualified to vote under Article II, section 2, of the Oregon**
 29 **Constitution, and the person is not already registered to vote.**

30 **(4) A county clerk may not send a ballot to, or add to an elector registration list, a per-**
 31 **son who meets eligibility requirements until at least 21 calendar days after the Secretary of**
 32 **State or county clerk provided notification to the person as described in subsection (2) of this**
 33 **section.**

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

35 **SECTION 2.** ORS 247.002 is amended to read:

36 247.002. As used in this chapter:

37 (1) "County clerk" means the county clerk or the county official in charge of elections.

38 (2) "Elector" means an individual qualified to vote under [section 2,] Article II, **section 2,**
 39 Oregon Constitution.

40 (3) "Registration card" means a state voter registration card approved by the Secretary of State
 41 under ORS 247.171, a federal voter registration application form prescribed by the Federal Election
 42 Commission pursuant to the National Voter Registration Act of 1993 (P.L. 103-31) or [the voter reg-
 43 istration portion of an application] **an electronic record containing an individual's legal name,**
 44 **age, residence and citizenship information and electronic signature submitted to the De-**
 45 **partment of Transportation in the manner** described in ORS 247.017.

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

2 247.012. (1) A qualified person may register to vote or update a registration to vote by:

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

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

8 (c) *[Completing the voter registration portion of the application for issuance or renewal of a driver*
9 *license, issuance of a state identification card under ORS 807.400 or a change of address at an office*
10 *of the Department of Transportation under ORS 247.017]* **Submitting the person's legal name, age,**
11 **residence and citizenship information and electronic signature to the Department of Trans-**
12 **portation;** or

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

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

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

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

23 (3) Registration of a qualified person occurs:

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

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

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

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

44 (5) If a registration card meets the requirements of subsection (4) of this section but is missing
45 an indication of political party affiliation, the registrant shall be considered not affiliated with any

1 political party. This subsection does not apply if an elector is updating a registration.

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

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

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

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

10 **SECTION 4.** ORS 247.171 is amended to read:

11 247.171. (1) Except as provided in this subsection, the Secretary of State shall design, prepare
12 and distribute state voter registration cards. The Secretary of State shall also distribute federal
13 registration cards. Any person may apply in writing to the Secretary of State for permission to print,
14 copy or otherwise prepare and distribute the registration cards designed by the Secretary of State.
15 The secretary may revoke any permission granted under this subsection at any time. All registration
16 cards shall be distributed to the public without charge.

17 (2) The Secretary of State shall approve any voter registration application form developed for
18 use by [*the Department of Transportation under ORS 247.017 or by any other*] **any** agency designated
19 **as** a voter registration agency under ORS 247.208.

20 (3) Each voter registration card designed or approved by the Secretary of State shall describe
21 the penalties for knowingly supplying false information on the registration card and shall contain
22 space for a person to provide the following information:

23 (a) Full name;

24 (b) Residence address, mailing address or any other information necessary to locate the resi-
25 dence of the person offering to register to vote;

26 (c) The name of the political party with which the person is affiliated, if any;

27 (d) Date of birth;

28 (e) An indication that the person is a citizen of the United States; and

29 (f) A signature attesting to the fact that the person is qualified to be an elector.

30 (4) Any form containing a voter registration card may also include space for a person to provide:

31 (a) A telephone number where the person may be contacted; and

32 (b) If previously registered to vote in this state, the name then supplied by the person and the
33 county and, if known, the address of previous registration.

34 (5) A person shall not supply any information under subsection (3) or (4) of this section knowing
35 it to be false.

36 (6) A county clerk or other person accepting registration cards shall not request any informa-
37 tion unless it is authorized by state or federal law.

38 (7) A person shall attest to the information supplied on the voter registration card by signing
39 the completed registration card.

40 (8) Any completed and signed registration card described in subsection (3) of this section shall
41 be the official registration card of the elector.

42 **SECTION 5.** ORS 247.292 is amended to read:

43 247.292. (1) A county clerk shall update the registration of an elector in the county upon re-
44 ceiving [*written*] evidence from:

45 (a) The elector indicating a residence or mailing address that is different from the residence or

1 mailing address for the elector as contained in the records of the county clerk;

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

4 (c) The Secretary of State as provided in ORS **247.017 or 247.295**.

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

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

11 **SECTION 6.** ORS 247.302 is amended to read:

12 247.302. (1) The effective date of a voter registration updated under ORS 247.292 is the date on
13 which the county clerk receives [*written*] evidence of the change of residence or mailing address.

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

16 **SECTION 7.** ORS 246.410 is amended to read:

17 246.410. (1)(a) After each federal decennial census, the Secretary of State shall prepare detailed
18 and comprehensive directives providing guidelines for fixing precinct and other electoral district
19 boundaries based on census population figures.

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

23 (A) Each county clerk; and

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

26 (2)(a) In accordance with any directive distributed by the Secretary of State under this section,
27 the county clerk, not later than the 30th day before an election, may create, combine or divide one
28 or more precincts. The number of electors to be included in a precinct shall not exceed [*5,000*]
29 **10,000**. The county clerk shall fix the boundaries of the precincts and designate the precincts by
30 numbers or names.

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

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

35 247.016. (1) Subject to [*subsection (2) of*] this section, an otherwise qualified person who is at
36 least 17 years of age may register to vote.

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

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

44 **SECTION 9. For the purpose of maintaining status as a minor political party under ORS**
45 **248.008 (4)(b) for the general election to be held on November 8, 2016, the total number of**

1 registered electors in this state is deemed to be the total number of registered electors
2 identified in the elector registration records of the Secretary of State on July 1, 2015.

3 **SECTION 10.** (1) The amendments to ORS 247.017 by section 1 of this 2015 Act apply to
4 electronic records and electronic signatures in the possession of the Department of Trans-
5 portation on or after the effective date of this 2015 Act.

6 (2) The Secretary of State and the Department of Transportation shall implement the
7 amendments to ORS 247.012 and 247.017 by sections 1 and 3 of this 2015 Act no later than
8 January 1, 2016.

9 **SECTION 11.** ORS 802.085 is repealed.

10 **SECTION 12.** This 2015 Act being necessary for the immediate preservation of the public
11 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
12 on its passage.
13
