

House Bill 3545

Sponsored by Representatives PARRISH, WEIDNER; Representatives ESQUIVEL, EVANS, HUFFMAN, KRIEGER, LIVELY, NOSSE, PILUSO, POST, WHISNANT, WILSON

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 every state agency, county and district to make available to Secretary of State information required for voter registration contained in any database in possession of agency, county or district. Requires secretary to by rule establish method for utilizing information to verify accuracy and notify county clerk of need to update centralized voter database.

Declares all current inactive electors who are inactive for reason other than unknown address in this state to be considered active electors and eligible to vote in next election.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the registration of electors; creating new provisions; amending ORS 137.281, 247.013,
3 247.290, 247.292, 247.295, 247.303, 247.307, 247.563, 249.046, 254.408, 254.426 and 254.431; repealing
4 ORS 254.411; and declaring an emergency.

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

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

7 **SECTION 2. (1) Notwithstanding any other provision of law, every state agency, county**
8 **and district shall, to the extent permitted by federal law and the Oregon Constitution, make**
9 **available to the Secretary of State information required for voter registration contained in**
10 **any database that is maintained by the state agency, county or district.**

11 **(2) In addition to the address verification under ORS 247.295, the Secretary of State shall**
12 **by rule establish a method to permit the secretary to use information made available to the**
13 **secretary under subsection (1) of this section to verify the accuracy of the information con-**
14 **tained in the centralized voter registration system.**

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

21 **SECTION 3. ORS 247.295 is amended to read:**

22 247.295. (1) The Secretary of State shall subscribe to a change of address service that is ap-
23 proved or endorsed by the United States Postal Service and use the service to verify the accuracy
24 of the addresses of electors contained in the centralized voter registration system.

25 **(2) The Secretary of State shall by rule establish a method for using information stored**
26 **by the Department of Transportation to verify the accuracy of the addresses of electors**
27 **contained in the centralized voter registration system.**

28 **[(2)] (3) If the Secretary of State determines that the **current** address of an elector is different**

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 from the address for the elector as contained in the records of the county clerk, the secretary shall
 2 provide the information obtained under this section to the county clerk of each affected county.
 3 Based on information received under this section, each county clerk shall update the registration
 4 of electors in the county if the clerk determines that an update is required.

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

6 247.292. (1) A county clerk shall update the registration of an elector in the county upon re-
 7 ceiving written evidence from:

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

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

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

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

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

19 **SECTION 5. (1) Except as provided in subsection (2) of this section, an individual, who**
 20 **immediately before the effective date of this 2015 Act was considered an inactive elector, is**
 21 **considered an active elector and may vote at subsequent elections.**

22 (2)(a) **Subject to paragraph (b) of this subsection, an individual, who immediately before**
 23 **the effective date of this 2015 Act was considered an inactive elector because neither the**
 24 **Secretary of State nor the county clerk possessed the current in-state residential address for**
 25 **the elector, remains an inactive elector.**

26 (b) **An individual, who on the effective date of this 2015 Act remained an inactive elector**
 27 **under paragraph (a) of this subsection, shall be considered an active elector who may vote**
 28 **at subsequent elections as of the date on which the Secretary of State or county clerk re-**
 29 **ceives written evidence of the current in-state address for the elector.**

30 **SECTION 6.** ORS 247.013 is amended to read:

31 247.013. (1) A qualified person shall be considered registered to vote in a county when the
 32 person's first registration in the county occurs as described in ORS 247.012.

33 (2) An elector who changes residence address from the county in which the elector is registered
 34 to a different county within the state, in order to vote in an election, must be an elector registered
 35 in the county in which the new residence address of the elector is located.

36 (3) If there is a change in any information required for registration under this chapter, and the
 37 elector has not changed residence address to another county, the registration of the elector may be
 38 updated as provided in this chapter **and is considered active.**

39 (4) Notwithstanding subsections (2) and (3) of this section, if an elector changes residence ad-
 40 dress from the county in which the elector is registered to a different county within the state, the
 41 elector need not register again if the registration of the elector is updated. **An elector's registra-**
 42 **tion that is updated under this subsection is considered active.**

43 (5) If the county clerk does not have evidence of a change in any information required for reg-
 44 istration under this chapter for an elector, the registration of the elector shall be considered active.

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

1 *[(a) The county clerk has received evidence that there has been a change in the information re-*
 2 *quired for registration under this chapter or the elector has neither voted nor updated the registration*
 3 *for a period of not less than five years; and]*

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

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

8 **[(8)] (6) [The] If an elector's registration is considered inactive due to unknown address,**
 9 **the** registration of *[an] the* elector must be updated before the elector may vote in an election.

10 **SECTION 7.** ORS 247.303 is amended to read:

11 247.303. Notwithstanding ORS 247.025, an elector *[whose registration is active or inactive]* **who**
 12 **is registered to vote** may update the registration at any time before 8 p.m. on the day of the
 13 election.

14 **SECTION 8.** ORS 247.307 is amended to read:

15 247.307. (1) Except as provided in subsection (2) of this section, if the county clerk receives in-
 16 formation updating the registration of an elector after the deadline in ORS 247.025:

17 (a) The county clerk shall issue a ballot to the elector if the elector's registration was inactive
 18 **due to unknown address** prior to updating; or

19 (b) The county clerk shall issue a replacement ballot upon request from the elector if the
 20 elector's registration was active prior to updating.

21 (2) If the county clerk receives a registration card updating an elector's residence or mailing
 22 address after the deadline in ORS 247.025 **and the elector's registration was active prior to up-**
 23 **dating**, the county clerk shall reissue a ballot to the elector *[if the elector's registration was active*
 24 *prior to updating]*.

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

27 (A) Verify the registration of the elector and ensure that another ballot has not been returned
 28 by the elector;

29 (B) Mark the return identification envelope clearly so that it may be readily identified as a re-
 30 issued ballot; and

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

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

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

39 **SECTION 9.** ORS 247.563 is amended to read:

40 247.563. (1) Except as provided in subsection (4) of this section and ORS 247.555, whenever it
 41 appears to the county clerk that an elector needs to update the elector's registration or that the
 42 elector has changed residence address to another county, the county clerk shall mail a notice to the
 43 elector.

44 (2) The notice shall be sent by forwardable mail and shall include a postage prepaid, pread-
 45 dressed return card on which the elector may state the elector's current residence and mailing ad-

1 dress. The notice shall advise the elector that:

2 (a) The elector should return the card promptly; **and**

3 *[(b) If the card is not returned by the 21st calendar day immediately preceding an election, the*
 4 *elector may be required to complete a new registration card in order to vote in an election; and]*

5 *[(c)]* (b) The elector’s registration will be canceled if:

6 (A) The elector neither votes nor updates the registration before two general elections have
 7 been held[.]; **and**

8 (B) **The Secretary of State or the county clerk does not receive written evidence of the**
 9 **elector’s current in-state address.**

10 (3) When the county clerk mails a notice under this section, the registration of the elector shall
 11 be considered inactive **due to unknown address** until the elector updates the registration, the
 12 registration is canceled or the clerk determines that the registration should be considered active.

13 (4) This section does not apply when the county clerk receives written evidence from the
 14 elector, **the Secretary of State** or another county clerk indicating a change of residence or mailing
 15 address or from the United States Postal Service indicating a change of residence address and the
 16 registration of the elector is automatically updated by the county clerk under any provision of this
 17 chapter.

18 **SECTION 10.** ORS 249.046 is amended to read:

19 249.046. If a candidate has not been a member of the major political party for at least 180 days
 20 before the deadline for filing a nominating petition or declaration of candidacy, the candidate shall
 21 not be entitled to receive the nomination of that major political party. If a candidate’s registration
 22 becomes inactive **due to unknown address**, the inactive status shall not constitute a lapse of
 23 membership in the party if, immediately before the registration became inactive, the candidate was
 24 a member of the party and was not a member of any other political party within the 180 days pre-
 25 ceding the deadline for filing a nominating petition or declaration of candidacy. The requirement
 26 that the candidate be qualified by length of membership does not apply to any candidate whose 18th
 27 birthday falls within the period of 180 days or to a write-in candidate.

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

29 254.408. (1) A person offering to vote and who claims to be an elector, but for whom no evidence
 30 of active or inactive **due to unknown address** registration can be found, shall be granted the right
 31 to vote in the manner provided in this section.

32 (2) Whenever an elector updates a registration at a county clerk’s office after the ballots have
 33 been mailed under ORS 254.470, the elector shall vote in that election in the manner provided in this
 34 section.

35 (3) An elector voting under this section shall complete and sign a registration card.

36 (4) The elector shall insert the ballot into a small envelope provided by the county clerk and
 37 then insert the small envelope into a larger envelope. The larger envelope shall be delivered to the
 38 county clerk and shall be segregated and not counted until the registration of the elector is verified
 39 under this section.

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

43 (6) A vote shall be counted only if the elector is qualified to vote for the particular office or
 44 on the measure.

45 **SECTION 12.** ORS 254.426 is amended to read:

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

4 (2) The county clerk shall examine the challenge and determine if the person is validly regis-
 5 tered to vote and if the vote was properly cast. The ballot shall be counted only if the county clerk
 6 determines the person is validly registered.

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

10 (4) The county clerk shall mail to each person offering to vote a ballot challenged under ORS
 11 254.415 a written statement that describes the nature of the challenge. *[If the person does not provide
 12 evidence sufficient to verify the person's registration by the deadline described in subsection (5) of this
 13 section, the registration of the person shall be considered inactive until the person updates or verifies
 14 the registration, the registration is canceled or the county clerk determines that the person is validly
 15 registered.]*

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

19 **SECTION 13.** ORS 254.431, as amended by section 3, chapter 67, Oregon Laws 2014, and section
 20 3, chapter 112, Oregon Laws 2014, is amended to read:

21 254.431. (1) If a ballot is challenged because it is returned in an unsigned return identification
 22 envelope or because the signature of an elector on a return identification envelope does not match
 23 the signature in the voter registration record for the elector, the county clerk shall mail to the
 24 elector a notice that describes the nature of the challenge. The Secretary of State shall design a
 25 standard form to be used in all notifications sent by county clerks under this subsection.

26 (2)(a) In order for the vote of the elector to be counted, the elector must provide evidence
 27 sufficient to disprove the challenge not later than the 14th calendar day after the date of the
 28 election.

29 *[(b) If the elector does not provide evidence sufficient to disprove a challenge alleging that the
 30 signature of the elector on a return identification envelope does not match the signature in the voter
 31 registration record for the elector by the 14th calendar day after the date of the election, the registration
 32 of the elector shall be considered inactive.]*

33 (3)(a) The county clerk may not release as a public record any information that could be used
 34 to identify an elector whose ballot has been challenged under this section until the eighth calendar
 35 day after the date of an election.

36 (b) Following the seventh calendar day after the date of an election, the county clerk may dis-
 37 close as a public record under ORS 192.410 to 192.505 the following information about each elector
 38 whose ballot was challenged under this section:

- 39 (A) The name of the elector;
- 40 (B) The residence addresses of the elector; and
- 41 (C) The reason the elector's ballot is being challenged.

42 **SECTION 14.** ORS 247.290 is amended to read:

43 247.290. (1) An elector shall update a registration if:

44 (a) The residence address of the elector is changed for any reason within the county in which
 45 the elector is registered, except as provided in subsection (3) of this section;

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

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

4 (d) The name of the elector is changed[, *except as provided in ORS 254.411*].

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

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

8 (a) The United States Postal Service or a city or county changes the residence or mailing ad-
9 dress of the elector and the residence of the elector has not been relocated; or

10 (b) The registration of the elector has been updated by the county clerk under ORS 247.292 or
11 247.296.

12 **SECTION 15.** ORS 137.281 is amended to read:

13 137.281. (1) In any felony case, when the defendant is sentenced to a term of incarceration, the
14 defendant is deprived of all rights and privileges described in subsection (3) of this section from the
15 date of sentencing until:

16 (a) The defendant is released from incarceration; or

17 (b) The defendant's conviction is set aside.

18 (2) Subsection (1) of this section applies to any term of incarceration, whether the term of
19 incarceration was imposed as a result of conviction or as a sanction or revocation resulting from
20 the defendant's violation of the terms and conditions of probation, parole or post-prison supervision.

21 (3) The rights and privileges of which a person may be deprived under this section are:

22 (a) Holding a public office or an office of a political party or becoming or remaining a candidate
23 for either office;

24 (b) Holding a position of private trust; **or**

25 (c) Acting as a juror.[: or]

26 [(d) *Exercising the right to vote.*]

27 (4) If the court under subsection (1) of this section temporarily stays execution of sentence for
28 any purpose other than probation, the defendant nonetheless is sentenced for purposes of subsection
29 (1) of this section.

30 [(5) *A person convicted of any crime and serving a term of imprisonment in any federal correctional*
31 *institution in this state is deprived of the rights to register to vote, update a registration or vote in any*
32 *election in this state from the date of sentencing until.:*]

33 [(a) *The person is discharged or paroled from imprisonment; or*]

34 [(b) *The person's conviction is set aside.*]

35 [(6) *The county clerk or county official in charge of elections in any county may cancel the regis-*
36 *tration of any person serving a term of imprisonment in any federal correctional institution in this*
37 *state.*]

38 [(7)] (5) Except as otherwise provided in ORS 10.030, the rights and privileges withdrawn by this
39 section are restored automatically upon release from incarceration, but in the case of parole shall
40 be automatically withdrawn upon a subsequent imprisonment for violation of the terms of the parole.

41 **SECTION 16.** The Secretary of State shall establish the rules required by section 2 of this
42 2015 Act and ORS 247.295 no later than January 1, 2016.

43 **SECTION 17.** ORS 254.411 is repealed.

44 **SECTION 18.** This 2015 Act being necessary for the immediate preservation of the public
45 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect

1 **on its passage.**

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