

Senate Bill 110

Sponsored by Senator THATCHER; Representative KENNEMER (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 identification. Requires persons updating voter registration to have previously supplied acceptable evidence of identification. Defines what constitutes acceptable evidence of identification.

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

Limits applicability of requirement to supply acceptable evidence of identification for purpose of updating voter registration information to persons initially registered to vote in this state on or after January 1, 2003.

Becomes operative January 1, 2016.

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 2015 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 2015 Act, "acceptable evi-**
8 **dence of identification" 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 **finied 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 identification listed in paragraph (a) or (b) of**
15 **this subsection, a copy of one of the following documents that shows the name and address**
16 **of the 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 identification.**

25 (3) **If the acceptable evidence of identification 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 identification is received in**

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 office of the county clerk for the county in which the person resides no later than 8 p.m.
 2 on the day of the election.

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

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

6 (b) Provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the
 7 Voting Accessibility for the Elderly and Handicapped Act, as set forth in 42 U.S.C.
 8 1973ee-1(b)(2)(B)(ii); or

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

10 **SECTION 3.** (1) Except as provided in subsection (5) of this section, before allowing a
 11 person registered to vote in this state to update the person's voter registration information,
 12 the Secretary of State shall require that:

13 (a) The county clerk has previously received acceptable evidence of identification for the
 14 person; or

15 (b) The person's submission to update a registration to vote is accompanied by acceptable
 16 evidence of identification.

17 (2) Except as provided in subsection (5) of this section, before the county clerk updates
 18 a person's voter registration information under ORS 247.292 or 247.296, the county clerk shall
 19 ensure that the clerk has previously received acceptable evidence of identification for the
 20 person.

21 (3) If the county clerk has not previously received acceptable evidence of identification
 22 required under subsections (1) and (2) of this section, the clerk shall attempt to contact the
 23 person to obtain the evidence.

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

29 (5) This section applies only when the submission to update voter registration informa-
 30 tion is made by a person who initially registered to vote in this state on or after January 1,
 31 2003. If a person initially registered to vote in this state before January 1, 2003, the county
 32 clerk shall update the person's voter registration information even if the submission to up-
 33 date a registration to vote is not accompanied by acceptable evidence of identification and
 34 the clerk has not previously received acceptable evidence of identification.

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

36 247.012. (1) A qualified person may register to vote or update a registration to vote by:

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

40 (b) Personally delivering the card to an official designated by a county clerk under subsection
 41 [(7)] (8) of this section;

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

45 (d) Completing a registration card using the electronic voter registration system described in

1 ORS 247.019.

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

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

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

10 (3) Registration of a qualified person occurs:

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

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

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

25 **(d) In the case of a registration card that is not accompanied by acceptable evidence of**
26 **identification listed in section 2 of this 2015 Act that is later supplied as described in sub-**
27 **section (5) of this section, on the date that registration would have occurred if the regis-**
28 **tration card had been accompanied by acceptable evidence of identification.**

29 **(4) Except as provided in ORS 247.125, the county clerk for the county in which the per-**
30 **son resides shall register the person if:**

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

34 **(b) For a person registering to vote in this state, the person's registration is accompa-**
35 **nied by acceptable evidence of identification listed under section 2 of this 2015 Act.**

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

41 *[(5)]* **(6)** If a registration card meets the requirements of subsection (4) of this section but is
42 missing an indication of political party affiliation, the registrant *[shall be]* **is** considered not affil-
43 iated with any political party. This subsection does not apply if an elector is updating a registration.

44 *[(6)]* **(7)** If a registration card contains an unintentional scrivener's error, the county clerk may
45 attempt to contact the person to correct the error.

1 [(7)] (8) A county clerk may appoint officials to accept registration of persons at designated lo-
 2 cations. The appointments and locations [shall] **must** be in writing and filed in the office of the
 3 county clerk. The county clerk [shall be] **is** responsible for the performance of duties by those ap-
 4 pointed.

5 [(8)] (9) A registration card received and accepted under this section shall be considered an
 6 active registration.

7 [(9)] (10) A registration may be updated at any time.

8 **SECTION 5. (1) In consultation with the Oregon Association of County Clerks, the Sec-**
 9 **retary of State shall conduct a study to determine how to ensure that all persons registered**
 10 **to vote have provided the county clerk with acceptable evidence of identification listed under**
 11 **section 2 of this 2015 Act. The study must include an analysis of possible amendments and**
 12 **updates to the rules and policies of the Secretary of State and the county clerks.**

13 (2) The Secretary of State shall submit a report on the study described in subsection (1)
 14 of this section to the interim legislative committees on rules no later than September 15,
 15 2015.

16 **SECTION 6. (1) Section 2 of this 2015 Act applies only to persons who register to vote in**
 17 **this state on or after the operative date of section 2 of this 2015 Act.**

18 (2) Section 3 of this 2015 Act applies only to updates of voter registration information
 19 that occur on or after the operative date of section 3 of this 2015 Act.

20 (3) The amendments to ORS 247.012 by section 4 of this 2015 Act apply only to voter
 21 registration cards received, delivered or completed on or after the operative date of the
 22 amendments to ORS 247.012 by section 4 of this 2015 Act.

23 **SECTION 7. (1) Except as provided in subsection (2) of this section, sections 2 and 3 of**
 24 **this 2015 Act and the amendments to ORS 247.012 by section 4 of this 2015 Act become op-**
 25 **erative on January 1, 2016.**

26 (2) The Secretary of State and any county clerk or county official in charge of elections
 27 may take any action under sections 2 and 3 of this 2015 Act and ORS 247.012, as amended
 28 by section 4 of this 2015 Act, prior to the operative date specified in subsection (1) of this
 29 section that is necessary to enable the secretary, county clerk or county official to exercise,
 30 on and after the operative date specified in subsection (1) of this section, all the duties,
 31 functions and powers conferred on the secretary, county clerk or county official by sections
 32 2 and 3 of this 2015 Act and the amendments to ORS 247.012 by section 4 of this 2015 Act.

33 **SECTION 8. This 2015 Act being necessary for the immediate preservation of the public**
 34 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
 35 **on its passage.**

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