

House Bill 3121

Sponsored by Representatives HERNANDEZ, RAYFIELD; Representatives ALONSO LEON, HOLVEY, LIVELY, NOSSE

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 voter registration cards and electronic voter registration system to include option for person to identify race, ethnicity and preferred language of person. Provides that any identification information provided is public record.

Requires each county to identify five most common languages spoken by residents of county.

Requires Secretary of State and county to provide elector with voters' pamphlet in elector's preferred language if elector has identified preferred language as part of voter registration and preferred language is one of five languages identified by county. Applies to voters' pamphlets distributed on or after January 1, 2021.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to election materials; creating new provisions; amending ORS 247.019, 247.171 and 260.993
3 and section 21, chapter 70, Oregon Laws 2018; and prescribing an effective date.

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

5 **SECTION 1.** ORS 247.171 is amended to read:

6 247.171. (1) Except as provided in this subsection, the Secretary of State shall design, prepare
7 and distribute state voter registration cards. The Secretary of State shall also distribute federal
8 registration cards. Any person may apply in writing to the Secretary of State for permission to print,
9 copy or otherwise prepare and distribute the registration cards designed by the Secretary of State.
10 The secretary may revoke any permission granted under this subsection at any time. All registration
11 cards shall be distributed to the public without charge.

12 (2) The Secretary of State shall approve any voter registration application form developed for
13 use by any agency designated as a voter registration agency under ORS 247.208.

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

17 (a) Full name;

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

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

21 (d) Date of birth;

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

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

24 **(4) Any form containing a voter registration card must also include space where a person**
25 **has the option to provide the person's:**

26 **(a) Race;**

27 **(b) Ethnicity; and**

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 **(c) Preferred language.**

2 [(4)] (5) Any form containing a voter registration card may also include space for a person to
3 provide:

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

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

7 [(5)] (6) A person shall not supply any information under subsection (3) or [(4)] (5) of this section
8 knowing it to be false.

9 [(6)] (7) A county clerk or other person accepting registration cards shall not request any in-
10 formation unless it is authorized by state or federal law.

11 [(7)] (8) A person shall attest to the information supplied on the voter registration card by
12 signing the completed registration card.

13 [(8)] (9) Any completed and signed registration card described in subsection (3) of this section
14 shall be the official registration card of the elector.

15 **SECTION 2.** ORS 247.019 is amended to read:

16 247.019. (1) The Secretary of State by rule shall adopt an electronic voter registration system
17 to be used by qualified persons who have a valid:

18 (a) Oregon driver license, as defined in ORS 801.245;

19 (b) Oregon driver permit, as defined in ORS 801.250; or

20 (c) State identification card, issued under ORS 807.400.

21 (2)(a) The electronic voter registration system shall allow a qualified person to **electronically:**

22 **(A) Complete and deliver a registration card [electronically]; and**

23 **(B) Provide the optional demographic information described in ORS 247.171 (4).**

24 **(b)** A registration card delivered under this section is considered delivered to the Secretary of
25 State for purposes of this chapter.

26 (3) A person who **electronically** completes a registration card [electronically] under this section
27 consents to the use of the person's driver license, driver permit or state identification card signature
28 for voter registration purposes.

29 (4) The Department of Transportation shall provide to the Secretary of State a digital copy of
30 the driver license, driver permit or state identification card signature of each person who completes
31 a registration card under this section.

32 **SECTION 3.** Section 21, chapter 70, Oregon Laws 2018, is amended to read:

33 **Sec. 21.** (1)(a) Except as set forth in ORS 247.965 or 247.967, or as otherwise prohibited by law,
34 the following information about an elector contained within an elector's registration file is subject
35 to inspection as a public record under ORS 192.311 to 192.478 and shall be included in lists delivered
36 under ORS 247.940 and 247.945:

37 (A) The major political party or minor political party, if any, with which an elector is affiliated;

38 (B) The residence address of an elector;

39 (C) The address where an elector receives a ballot;

40 (D) The year in which an elector was born;

41 **(E) The race, ethnicity and preferred language of an elector, if provided by the elector;**

42 [(E)] (F) The name or number of the precinct in which the elector resides;

43 [(F)] (G) The precinct split of an elector;

44 [(G)] (H) The administrative number for an elector that is used by the Secretary of State to
45 determine which elections an elector may vote in;

1 [(H)] (I) The telephone number of an elector;

2 [(I)] (J) Whether or not an elector voted in previous elections; and

3 [(J)] (K) During an election period, the ballot status of an elector. In order to comply with this
 4 subparagraph, during the election period, the secretary shall maintain a list of the ballot status of
 5 electors. The secretary shall update the list, and make available an updated version of the list, on
 6 each business day of the election period.

7 (b) As used in this subsection:

8 (A) "Ballot status" means whether or not an elector has cast a ballot in the election;

9 (B) "Election period" means the period of time beginning on the date that ballots for an election
 10 are first mailed to electors and ending on the date of the election; and

11 (C) "Precinct split" means the enhanced precinct name or number used to determine the specific
 12 ballot configuration that will be received by an elector who resides in a precinct that:

13 (i) Has more than one election district subdivision; and

14 (ii) Requires more than one ballot configuration for electors in the precinct.

15 (2) Except as set forth in ORS 247.973 or as otherwise required by law, the following information
 16 about an elector contained within an elector's registration file is not subject to inspection as a
 17 public record under ORS 192.311 to 192.478 and may not be disclosed by the Secretary of State or
 18 a county clerk:

19 (a) The birth month of an elector;

20 (b) The day of the month on which an elector was born;

21 (c) The Social Security number of an elector;

22 (d) The driver license number of an elector; and

23 (e) The signature of an elector.

24 (3) Nothing in this section is intended to limit or restrict the disclosure of information that is
 25 otherwise subject to inspection as a public record under ORS 192.311 to 192.478.

26 **SECTION 4.** ORS 260.993 is amended to read:

27 260.993. (1) The penalty for violation of ORS 260.532 is limited to that provided in ORS 260.532
 28 (6) and (8).

29 (2) Violation of ORS 247.125 (1), 247.171 [(5)] (6), 247.420 (2), 253.710, 260.402, 260.555, 260.558,
 30 260.575, 260.645 or 260.665 (2) or (3) involving any action described in ORS 260.665 (2)(d) to (f) or
 31 260.715 is a Class C felony.

32 (3) Violation of ORS 260.695 (4) is a Class A misdemeanor.

33 (4) Violation of ORS 247.171 [(6)] (7) is a Class C misdemeanor.

34 **SECTION 5.** Section 6 of this 2019 Act is added to and made a part of ORS chapter 251.

35 **SECTION 6.** (1) The Secretary of State by rule shall establish a method for each county
 36 in this state to identify the five most common languages spoken by residents of that county.

37 (2) The secretary and county clerk shall ensure that an elector is mailed a state voters'
 38 pamphlet and county voters' pamphlet that is professionally translated into the elector's
 39 preferred language if:

40 (a) The elector has identified a preferred language as part of the elector's registration;
 41 and

42 (b) The preferred language identified by the elector is one of the five languages identified
 43 by the county under subsection (1) of this section.

44 **SECTION 7.** (1) The amendments to ORS 247.019, 247.171 and 260.993 by sections 1, 2 and
 45 4 of this 2019 Act and the amendments to section 21, chapter 70, Oregon Laws 2018, by sec-

1 tion 3 of this 2019 Act, become operative on January 1, 2020.

2 (2) Section 6 of this 2019 Act applies to all voters' pamphlets distributed on or after
3 January 1, 2021.

4 SECTION 8. The Secretary of State, and voter registration agencies designated by the
5 secretary under ORS 247.203, may take any action before the operative date specified in
6 section 7 of this 2019 Act that is necessary to enable the secretary, and designated voter
7 registration agencies, to exercise, on and after the operative date specified in section 7 of
8 this 2019 Act, all of the duties, functions and powers conferred on the secretary, and desig-
9 nated voter registration agencies, by the amendments to ORS 247.019, 247.171 and 260.993 by
10 sections 1, 2 and 4 of this 2019 Act and by the amendments to section 21, chapter 70, Oregon
11 Laws 2018, by section 3 of this 2019 Act.

12 SECTION 9. This 2019 Act takes effect on the 91st day after the date on which the 2019
13 regular session of the Eightieth Legislative Assembly adjourns sine die.

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