

Senate Bill 826

Sponsored by Senator GELSER; Senators DEMBROW, WAGNER

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**.

Prohibits Secretary of State and county clerks from disclosing as public record, or including on lists of electors, residence address of elector who is candidate for elected office or holder of elected office.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public disclosure of voter records; amending ORS 249.031 and 249.720 and section 21,
3 chapter 70, Oregon Laws 2018; and declaring an emergency.

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

5 **SECTION 1.** Section 21, chapter 70, Oregon Laws 2018, is amended to read:

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

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

11 (B) **Except as provided in subsection (2) of this section**, the residence address of an elector;

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

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

14 (E) The name or number of the precinct in which the elector resides;

15 (F) The precinct split of an elector;

16 (G) The administrative number for an elector that is used by the Secretary of State to determine
17 which elections an elector may vote in;

18 (H) The telephone number of an elector;

19 (I) Whether or not an elector voted in previous elections; and

20 (J) During an election period, the ballot status of an elector. In order to comply with this sub-
21 paragraph, during the election period, the secretary shall maintain a list of the ballot status of
22 electors. The secretary shall update the list, and make available an updated version of the list, on
23 each business day of the election period.

24 (b) As used in this subsection:

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

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

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

30 (i) Has more than one election district subdivision; 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 (ii) Requires more than one ballot configuration for electors in the precinct.

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

6 (a) The birth month of an elector;

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

8 **(c) The residence address of an elector who is either a candidate for elected office or a**
 9 **holder of elected office;**

10 [(c)] **(d)** The Social Security number of an elector;

11 [(d)] **(e)** The driver license number of an elector; and

12 [(e)] **(f)** The signature of an elector.

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

15 **SECTION 2.** ORS 249.031 is amended to read:

16 249.031. (1) Except as provided in subsection (2) of this section, a nominating petition or decla-
 17 ration of candidacy shall contain:

18 (a) The name by which the candidate is commonly known. A candidate may use a nickname in
 19 parentheses in connection with the candidate’s full name.

20 (b) Address information as required by the Secretary of State by rule. **The address information**
 21 **required by this paragraph is not subject to inspection as a public record under ORS 192.311**
 22 **to 192.478 and may not be:**

23 **(A) Disclosed by the secretary or a county clerk; or**

24 **(B) Included in a list provided under ORS 247.940 or 247.945.**

25 (c) The office and department or position number, if any, for which the candidate seeks nomi-
 26 nation.

27 (d) If the candidate is seeking the nomination of a major political party, the name of the major
 28 political party of which the candidate will have been a member, subject to the exceptions stated in
 29 ORS 249.046, during at least 180 days before the deadline for filing a nominating petition or decla-
 30 ration of candidacy.

31 (e) A statement that the candidate is willing to accept the nomination or election or, regarding
 32 a candidate for precinct committeeperson, that the candidate accepts the office if elected.

33 (f) A statement that the candidate will qualify if elected.

34 (g) If the candidate is seeking the nomination of a major political party, a statement that the
 35 candidate, if not nominated, will not accept the nomination or endorsement of any political party
 36 other than the one of which the candidate is a member on the date the petition or declaration is
 37 filed.

38 (h) The signature of the candidate.

39 (i) A statement of the candidate’s occupation, educational and occupational background and
 40 prior governmental experience.

41 (2) Subsection (1)(i) of this section does not apply to a candidate for election as a precinct
 42 committeeperson.

43 (3) A declaration of candidacy shall include a statement that the required fee is included with
 44 the declaration.

45 (4) If required by the national rules of the major political party, the declaration of a candidate

1 for election as a precinct committeeperson shall include the name of the individual the candidate
 2 supports for President of the United States or “uncommitted” or “no preference.”

3 **SECTION 3.** ORS 249.720 is amended to read:

4 249.720. (1) A certificate of nomination shall contain:

5 (a) The name by which the candidate is commonly known. A candidate may use a nickname in
 6 parentheses in connection with the full name.

7 (b) Address information as required by the Secretary of State by rule. **The address information**
 8 **required by this paragraph is not subject to inspection as a public record under ORS 192.311**
 9 **to 192.478 and may not be:**

10 (A) **Disclosed by the secretary or a county clerk; or**

11 (B) **Included in a list provided under ORS 247.940 or 247.945.**

12 (c) The office, and department or position number if any, for which the candidate is nominated.

13 (d) The name of the minor political party, if any, that nominated the candidate.

14 (e) If the candidate is nominated for a partisan office by an assembly of electors or individual
 15 electors, the word “nonaffiliated” and a statement that the candidate has not been a member of a
 16 major or minor political party during at least 180 days before the deadline for filing the certificate
 17 of nomination.

18 (f) A statement that the candidate will qualify if elected.

19 (g) The signature of the candidate.

20 (h) A statement of the candidate’s occupation, educational and occupational background and
 21 prior governmental experience.

22 (2) For certificates of nomination of candidates for electors of President and Vice President of
 23 the United States, the names of the candidates for President and Vice President the candidates
 24 represent may be added to the name of the minor political party or the word “nonaffiliated,” as the
 25 case may be. The names of all the candidates of a minor political party, or nonaffiliated candidates,
 26 for electors of President and Vice President may be upon the same certificate of nomination.

27 (3) A certificate of nomination made by an assembly of electors shall be signed by the presiding
 28 officer and secretary of the nominating convention of the assembly. A certificate of nomination made
 29 by a minor political party shall be signed by an officer of the party. An affidavit shall be made on
 30 the certificate by the presiding officer and secretary of the nominating convention of the assembly
 31 or by the officer of the minor political party and signed and acknowledged by them before a notary
 32 public. The affidavit shall be that the statements in the certificate of nomination and related docu-
 33 ments are true. With respect to an assembly of electors, the affidavit shall state that the assembly
 34 satisfied the requirements of ORS 249.735.

35 **SECTION 4. This 2019 Act being necessary for the immediate preservation of the public**
 36 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
 37 **on its passage.**