House Bill 3073

Sponsored by Representatives CATE, LEVY B; Representative HIEB

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.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to public disclosure of voter records; amending ORS 247.948, 249.031 and 249.720; and prescribing an effective date.

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

SECTION 1. ORS 247.948 is amended to read:

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

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

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

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

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

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

(F) The precinct split of an elector;

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

(H) The telephone number of an elector;

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

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

(b) As used in this subsection:

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

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

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

(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.

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

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

(a) The birth month of an elector;
(b) The day of the month on which an elector was born;
(c) The residence address of an elector who is either a candidate for elected office or a holder of elected office;
(d) The Social Security number of an elector;
(e) The driver license number of an elector; and
(f) The signature of an elector.

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

SECTION 2, ORS 249.031 is amended to read:

249.031. (1) Except as provided in subsection (2) of this section, a nominating petition or declaration of candidacy shall contain:

(a) The name by which the candidate is commonly known. A candidate may use a nickname in parentheses in connection with the candidate’s full name.
(b) Address information as required by the Secretary of State by rule. The address information required by this paragraph is not subject to inspection as a public record under ORS 192.311 to 192.478 and may not be:

(A) Disclosed by the secretary or a county clerk; or
(B) Included in a list provided under ORS 247.940 or 247.945.
(c) The office and department or position number, if any, for which the candidate seeks nomination.

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

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

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

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

(h) The signature of the candidate.

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

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

(3) The Secretary of State shall ensure that the templates for a nominating petition or declaration of candidacy provide the candidate with the option to provide the candidate’s race and ethnicity.

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

(5) If required by the national rules of the major political party, the declaration of a candidate for election as a precinct committeeperson shall include the name of the individual the candidate supports for President of the United States or “uncommitted” or “no preference.”

SECTION 3. ORS 249.720 is amended to read:

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

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

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

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

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

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

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

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

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

(g) The signature of the candidate.

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

(2) The Secretary of State shall ensure that the template for a certificate of nomination provides the candidate with the option to provide the candidate’s race and ethnicity.

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

(4) A certificate of nomination made by an assembly of electors shall be signed by the presiding officer and secretary of the nominating convention of the assembly. A certificate of nomination made by a minor political party shall be signed by an officer of the party. An affidavit shall be made on the certificate by the presiding officer and secretary of the nominating convention of the assembly or by the officer of the minor political party and signed and acknowledged by them before a notary public. The affidavit shall be that the statements in the certificate of nomination and related documents are true. With respect to an assembly of electors, the affidavit shall state that the assembly satisfied the requirements of ORS 249.735.

SECTION 4. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

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