

Chapter 247

1959 REPLACEMENT PART

Qualifications and Registration of Voters

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247.010 [Repealed by 1957 c.608 §231]

247.011 Appointment and duties of official registrars. (1) Each county clerk shall appoint as many official registrars as are necessary to facilitate the registration of electors. Each official registrar so appointed shall qualify by subscribing to an oath of office and shall hold office at the pleasure of the county clerk who appointed him but not beyond the term for which the county clerk was elected. Each official registrar shall receive compensation of not less than 10 cents per name to be allowed by the county court or board of county commissioners and paid out of the county treasury, except that any official registrar, in his discretion, may perform his functions without being so compensated therefor.

(2) In addition to official registrars appointed under subsections (1) and (3) of this section, the county clerk shall appoint as an official registrar any notary public who is qualified and who agrees to accept such appointment and who agrees to accept and abide by the rules and regulations of the county clerk upon such appointment. Such appointment shall be for a period expiring on the date of the expiration of the term of the appointee as a notary public, unless such appointee sooner resigns as official registrar, is removed as official registrar by the county clerk for failure to perform the functions of official registrar as directed by the county clerk or ceases to be a notary public.

(3) In addition to official registrars appointed under subsections (1) and (2) of this section, the county clerk shall appoint as permanent official registrars at least one person for every 2,000 electors. For the purposes of this section the county clerk shall divide the county into areas containing not more than 2,000 registered voters. These areas shall be established not later than January preceding the primary election. Other areas may be established thereafter at the discretion of the county clerk.

(4) If the county court or board of county commissioners finds that sufficient official registrars have not been appointed, it shall direct the county clerk to appoint one or more additional official registrars, and the county clerk shall comply with such directive.

(5) The county clerk shall designate the precincts for which each official registrar shall register electors, shall furnish him with

the supplies and materials necessary for the performance of his functions and shall supervise and instruct him in such performance.

(6) Each official registrar shall establish and maintain a permanent or temporary place, conveniently located or may conduct a mobile facility, for the registration of electors. In so far as practicable, he shall acquaint the public with the location of such place or mobile facility, the facilities available for registration and the ease and convenience with which registration may be accomplished. He shall not conduct any canvass for the purpose of securing registrations.

(7) Each official registrar may administer oaths and affirmations in connection with the performance of his functions.

(8) At the end of each week each official registrar shall deliver, by mail or otherwise, to the county clerk the official registration cards of all electors registered by him during the week. The county clerk may reject any such registration if he determines that the elector is not qualified or that the official registration card is inaccurate or incomplete. The county clerk shall immediately notify the elector of such rejection. Notwithstanding the provisions of ORS 247.070, such elector shall have 10 days from the date of such notice to perfect his registration. [1957 c.608 §28; 1959 c.277 §1]

247.020 [Amended by 1955 c.695 §1; repealed by 1957 c.608 §231]

247.030 [Amended by 1955 c.695 §2; repealed by 1957 c.608 §231]

247.031 Registration without charge; registration of sick or disabled voter. (1) Any county clerk or official registrar shall register without charge any qualified elector who personally appears in the office of the county clerk or before the official registrar, as the case may be, and requests to be registered.

(2) Upon receipt of a written application to the county clerk from any qualified elector who by reason of illness or physical incapacity is prevented from personally appearing in the office of the county clerk or before an official registrar, the county clerk or an official registrar so directed by the county clerk shall register such elector at the place of abode of the elector. [1957 c.608 §29]

247.040 [Repealed by 1957 c.608 §231]

247.050 [Repealed by 1957 c.608 §231]

247.060 [Repealed by 1957 c.608 §231]

247.070 Time for registering. (1) No elector may register within 30 days preceding any election held throughout the county in which he resides for the purpose of voting at such election. No elector residing in any precinct in which any election not held throughout the county is to be held may register within 30 days preceding such election for the purpose of voting at such election.

(2) Any elector who will complete his residence requirement or attain the age of 21 years during the period when the register of electors is closed may register within 30 days preceding the closing of the register. [1957 c.608 §30]

247.080 [Repealed by 1957 c.608 §231]

247.090 [Repealed by 1957 c.608 §231]

247.100 Office hours of county clerk on last day for registration. On the last day for registration of electors, including Saturday, the county clerk in all counties shall keep his office open for registration of electors from the time the office is opened in the morning continuously until 8 p.m.

247.110 [Repealed by 1957 c.608 §231]

247.111 Registration of elector absent from county of residence or from Oregon.

(1) Any elector absent from the county in which he resides but within the state may register before the county clerk or any official registrar of the county in which he may then be. Such county clerk or official registrar shall mail the official registration card of the elector to the county clerk of the county in which the elector resides and may collect from the elector a fee of not more than 25 cents.

(2) An elector absent from the state may register by:

(a) Signing a statement, under oath or affirmation, containing the same information as an official registration card or by completing an official registration card before a notary public or an official with elector registration functions similar to those of a county clerk or official registrar, and by mailing such statement or card, together with a certificate of such notary public or official that the elector has satisfied the requirement of ORS 247.131, to the county clerk of the county in which the elector resides; or

(b) Mailing a request for registration to the county clerk of the county in which the elector resides, and the postmark on such request indicates that it was posted not less than 30 days preceding the election. Upon receipt of such request the county clerk shall send to the elector an official registration card. The elector shall complete the card before a notary public or an official with elector registration functions similar to those of a county clerk or official registrar and shall return it to the county clerk, together with a certificate of such notary public or official that the elector has satisfied the requirement of ORS 247.131. [1957 c.608 §33; 1959 c.274 §1]

247.120 [Amended by 1955 c.695 §3; repealed by 1957 c.608 §231]

247.121 Required registration information. (1) Each elector who requests registration shall supply the following information under oath or affirmation:

(a) His full name and sex.

(b) His mailing address, his residence address or any other necessary information definitely locating his residence.

(c) The period of time preceding the date of registration during which he has resided in the state.

(d) The date and place of his birth.

(e) The full name of his father, the full maiden name of his mother and the full name of his spouse.

(f) His occupation or profession.

(g) Whether or not he is a naturalized citizen. If he is a naturalized citizen and if he has not been previously registered in the county as a naturalized citizen, the elector shall exhibit his final citizenship papers or an authenticated copy thereof.

(h) The name of the political party with which he is affiliated, or that he is not affiliated with any political party or that he does not desire to supply such information.

(2) No elector shall supply any information under subsection (1) of this section, knowing it to be false. [1957 c.608 §34]

247.130 [Repealed by 1957 c.608 §231]

247.131 Literacy test. If he has not been previously registered in this state, no elector shall be registered unless he is able, except for physical disability, to read and write English. The elector may be required to demonstrate such ability by reading a paragraph of his own choosing from any

available printed matter and by signing his name. [1957 c.608 §35]

247.140 [Repealed by 1957 c.608 §231]

247.141 Determining if person qualified to be registered; hearing by county clerk if registration denied. (1) The qualifications of any person who requests to be registered shall be determined in the first instance by the registering official from the evidence before him. If the registering official determines that such person is not qualified, he shall refuse to register the person.

(2) A person refused registration under subsection (1) of this section may make application to the county clerk for a hearing on his qualifications. Not more than 10 days after the date he receives such application, the county clerk shall hold a hearing on the qualifications of the applicant and shall notify the applicant of the place and time of such hearing. At such hearing the applicant may present evidence as to his qualifications. If the county clerk determines, upon the conclusion of the hearing, that the applicant is qualified, the county clerk shall register the applicant. [1957 c.608 §37]

247.150 [Repealed by 1957 c.608 §231]

247.151 Certificate of registration for elector changing residence when register is closed. Any elector who changes his residence within the state during the period when the register of electors is closed may, upon request therefor, procure from the county clerk of the county in which he previously resided a certificate of his registration. Upon delivery of the certificate to the election board and upon subscribing to an oath or affirmation before one of the election board clerks stating his present residence and that he has removed to such residence since the close of the register, the elector shall be permitted to vote in the precinct in which he presently resides. The certificate is subject to challenge as is an elector's right to vote. The certificate is invalid for all purposes after the election following the date it is issued and shall be returned to the county clerk who issued it. [1957 c.608 §31]

247.160 [Repealed by 1957 c.608 §231]

247.161 Elector moving from one precinct to another in same county may vote in old precinct and reregister at same time. Any elector who changes his residence from a precinct in which he is registered to another precinct within the same county and who does not reregister in the latter precinct shall be permitted to vote in the former precinct for offices and measures to be voted for in the state at large or in the congressional district, if he prepares and delivers to the election board of such former precinct a written application for reregistration. The application shall contain the former and new residence address of the elector and shall be signed by the elector using the same name as appears on his official registration card. As soon as practicable after the election the election board shall cause all such applications to be delivered to the county clerk. Subsections (2) and (3) of ORS 247.300 apply to such applications. [1957 c.608 §32]

247.170 [Repealed by 1957 c.608 §231]

247.171 Official registration card. (1) The county clerk or official registrar shall enter the information supplied by the elector under ORS 247.121, together with a notation that the elector has complied with ORS 247.131, on a form prepared for such purpose. The form shall contain the following warning:

WARNING: Any elector who supplies any information, knowing it to be false, is punishable upon conviction by imprisonment in the penitentiary for not more than two years or by a fine of not more than \$5,000, or both.

(2) The elector shall read the warning set forth in subsection (1) of this section and shall sign his name in an appropriate place on the completed form. The official who personally registers the elector shall sign his name and title in attestation in an appropriate place on the completed form.

(3) The form completed and signed as provided in this section constitutes the official registration card of the elector. The county clerk shall keep and file all such cards in a convenient manner in his office. Such cards constitute the register of electors and are available for public inspection. [1957 c.608 §36]

247.180 [Repealed by 1957 c.608 §231]

247.181 Registration memorandum card. (1) The county clerk shall prepare and issue to each registered elector a memorandum card of convenient size containing the name and residence address of the elector, the name or number of the precinct in which the elector resides and a brief statement of the circumstances under which the elector is required to reregister.

(2) At the time he reregisters, each elector shall surrender any memorandum card in his possession previously issued to him, and the county clerk shall issue a new card to him.

(3) If an elector loses his memorandum card he may apply to the county clerk for a new card, and the county clerk shall issue a new card to him. [1957 c.608 §38]

247.190 [Repealed by 1957 c.608 §231]

247.191 Correction of official and memorandum cards when precinct boundaries changed. When changes in the boundaries of any precinct are made, the county clerk shall alter the official registration card of any elector to conform with the change and shall mail a written notice thereof and a new memorandum card referred to in ORS 247.181, to such elector at his residence address indicated on the altered registration card. [1957 c.608 §39]

247.200 [Repealed by 1957 c.608 §231]

247.201 Party affiliation not to be changed during certain periods. No elector may make a change in the information supplied by him under paragraph (h) of subsection (1) of ORS 247.121, within 30 days preceding or on the day of any primary election. No county clerk or official registrar shall reregister any elector for such purpose within 30 days preceding or on the day of any primary election. [1957 c.608 §45]

247.210 [Repealed by 1957 c.608 §231]

247.211 Additional municipal registration. Nothing in this chapter prevents any additional registration of electors required by any city charter or ordinance provision. [1957 c.608 §27]

247.220 Privileges as an elector forfeited upon conviction of a felony. Every person convicted of a felony forfeits his privileges as an elector. He shall thereafter be prohibited from exercising any privileges of an elector until such privileges are restored.

247.230 Procedure for restoring privileges as an elector. (1) At the end of one year after full satisfaction of any judgment based upon conviction of a felony, the convicted person who has forfeited his privileges as an elector by reason of the conviction and who has conducted himself since the conviction as a good law-abiding citizen may apply in writing to the Governor of

Oregon for the restoration of the privileges of an elector. The application shall be filed by the applicant with the State Board of Parole and Probation.

(2) The board shall immediately investigate every application and ascertain whether or not the applicant since conviction has conducted himself as a good law-abiding citizen. After making such investigation the board shall report its findings to the Governor. Upon receiving the report, the Governor may issue to the applicant a certificate restoring all privileges of an elector.

(3) Every applicant whose application is denied may apply again at the end of one year after the date of the denial.

247.240 Rules of procedure for restoring privileges. The State Board of Parole and Probation shall promulgate the rules of procedure necessary or advisable to carry out the provisions of ORS 247.220 and 247.230.

247.250 [1955 c.552 §1; repealed by 1957 c.608 §231]

247.251 Comparison of poll books with register and cancelation of registration of nonvoting electors. (1) Within 60 days after each regular biennial general election the county clerk shall compare the poll books for all elections held throughout the county during the two years preceding the day following the regular biennial general election with the register of electors. The county clerk shall remove from the register the official registration card of any elector who has not voted in at least one election held throughout the county during the two-year period, as indicated by the poll books. The county clerk shall retain all cards so removed and not replaced under subsection (2) of this section for two years from the date of removal and may thereafter destroy them.

(2) Within 10 days after the removal of an official registration card from the register of electors under subsection (1) of this section the county clerk shall mail a written notice of such removal to the elector whose card was removed at his residence address indicated on the card. If the elector appears in the office of the county clerk within 90 days after the date of the notice and signs a statement that the information on his card is still correct, or if the elector signs and mails such a statement to the county clerk within such 90 days, the county clerk shall replace the card in the register. If the elector fails to

do either of these things the county clerk shall cancel the registration of the elector. [1957 c.608 §40]

247.260 [1955 c.552 §2; repealed by 1957 c.608 §231]

247.261 Removal of aliens from register. The county clerk shall remove from the register of electors the official registration card of any elector who appears by the registration records in the office of the county clerk not to be a citizen of the United States and shall suspend the registration of such elector. The county clerk shall mail a written notice of such removal and suspension to the elector at his residence address indicated on the card. If the elector proves to the county clerk that he is in fact a citizen of the United States, his card shall be replaced in the register and his registration reinstated. [1957 c.608 §41]

247.270 [1955 c.552 §3; repealed by 1957 c.608 §231]

247.280 Registration not to be canceled while elector is in Armed Forces. No elector's registration shall be canceled, nor shall he be deprived of his right to vote at any election by reason of the removal of his official registration card from the register of electors, during any period that he is serving in the Armed Forces of the United States or of any ally of the United States. [1957 c.608 §42]

247.290 Conditions necessitating, and procedure for, reregistration. (1) An elector shall reregister if:

(a) His registration is canceled under ORS 247.251.

(b) He changes his residence to another precinct within the state.

(c) He desires to make a change in the information supplied by him under paragraph (h) of subsection (1) of ORS 247.121.

(d) His name is changed by marriage.

(2) Except as otherwise provided in ORS 247.131, an elector shall be reregistered in the same manner as a first registration. [1957 c.608 §43]

247.300 Reregistration by mail or otherwise for intracounty moves or change of name by marriage. (1) In lieu of reregistration as provided in ORS 247.290, if an elector changes his residence to another precinct within the county or if his name is changed

by marriage, he may transfer his registration by delivering, by mail or otherwise, to the county clerk at any time during which he may appear in the office of the county clerk and register, a written application for transfer of registration. The application shall contain the former and new residence address or the former and new name of the elector, or both, as the case may be, and shall be signed by the elector using the same name as appears on his official registration card.

(2) Upon receiving an application under subsection (1) of this section the county clerk shall compare the signature of the elector thereon with the signature of the elector on his official registration card. If such signatures appear to be the same, the county clerk shall record the change upon the official registration card. Such recording constitutes the transfer of registration of the elector, and the county clerk shall mail a written notice thereof to the elector at his residence address then indicated on the card. The county clerk shall retain the application for two years from the date of receipt thereof.

(3) If the county clerk is not satisfied that such signatures are the same, he shall mail to the elector at his present residence address indicated on the application a written notice directing the elector to appear in the office of the county clerk on a date not less than 10 days after the date of such notice to answer questions necessary to determine whether the elector is qualified for transfer of registration. If the elector fails to so appear, his registration shall not be transferred as requested in his application. [1957 c.608 §44]

247.310 to 247.500 [Reserved for expansion]

247.510 Supplying Secretary of State with list of registered voters. The Secretary of State at any time may require any county clerk to submit to him for use in mailing voters' pamphlets a current list containing the name, mailing address, residence address and information supplied under paragraph (h) of subsection (1) of ORS 247.121, of each elector who has an official registration card in the register of electors. [1957 c.608 §46]

247.520 Registration lists available for political purposes; commercial use prohibited. (1) Each county clerk, upon receiving a request therefor, shall make available for

use by any candidate for public office, political party, political organization or non-profit public service organization a list of the registered electors of the county and their addresses for the purpose of preparing therefrom lists of registered electors to be used for political purposes. The county clerk shall neither make nor collect any charge for making available a list of registered electors under this subsection.

(2) Each county clerk, upon receiving a request therefor at least 60 days before a general, special or primary election, shall supply to any major political party, as defined in ORS 248.010, a list of the registered electors of the county on the sixtieth day before the election and their addresses, arranged in groups according to election precincts. The county clerk shall make, collect and pay into the county treasury a charge for supplying lists of registered electors un-

der this subsection sufficient to cover the additional actual cost thereof to the county.

(3) No person to whom a list of registered electors is made available or supplied under subsection (1) or (2) of this section and no person who acquires a list of registered electors prepared from such list shall use any information contained therein for commercial purposes. [1957 c.608 §47]

247.530 to 247.980 [Reserved for expansion]

247.990 [Amended by 1955 c.695 §4; repealed by 1957 c.608 §231]

247.991 Penalties. (1) Violation of subsection (2) of ORS 247.121 is punishable upon conviction by imprisonment in the penitentiary for not more than two years or by a fine of not more than \$5,000, or both.

(2) Violation of subsection (3) of ORS 247.520 is a misdemeanor. [1957 c.608 §48]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
 Done at Salem, Oregon,
 on November 1, 1959.

Sam R. Haley
 Legislative Counsel

