

Chapter 247

1983 REPLACEMENT PART

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GENERAL PROVISIONS

247.002 Definitions. As used in this chapter:

(1) "County clerk" means the county clerk or the county official in charge of elections.

(2) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution. [1979 c.190 §39]

247.005 Policy. It is the policy of this state that all election laws and procedures shall be established and construed to assist the elector in the exercise of the right of franchise. [1969 c.337 §3, 1979 c.190 §40]

247.008 Organization of county clerk office before election. Not later than the fifth day before a primary or general election, each county clerk shall organize the clerk's office to insure that persons registering to vote do not significantly delay service to a person wishing to apply for or return an absentee ballot, or otherwise have access to the other services of the clerk's office. For this purpose a waiting line or service area separate from that for registrants shall be established for persons in need of other services. [1979 c.559 §2; 1983 c.567 §4]

REGISTRATION

247.009 Qualification to vote in political subdivision. Unless specifically provided otherwise, a person may vote in an election of a political subdivision of this state only if the person is an elector registered in the political subdivision. [1983 c.83 §2]

247.010 [Repealed by 1957 c.608 §231]

247.011 [1957 c.608 §28; 1959 c.277 §1; 1975 c.678 §4; repealed by 1977 c.168 §6]

247.012 Method of registration; when registration occurs; registration locations. (1) A qualified person may register to vote by delivering by mail or otherwise a completed registration card to the county clerk for the county in which the person resides, or by personally delivering the card to an official designated by the county clerk under subsection (4) of this section.

(2) If a person mails or delivers a registration card to an election officer other than the county clerk for the county in which the person resides, the election officer immediately shall forward the card to the proper county clerk.

(3) Registration of a qualified person occurs when a legible, accurate and complete registration card is received in the office of the county

clerk for the county in which the person resides, or at a location designated by the county clerk under subsection (4) of this section.

(4) The county clerk may appoint officials to accept registration of, and issue certificates of registration to, persons at designated locations. The appointments and locations shall be in writing and filed in the office of the county clerk. The county clerk shall be responsible for the performance of duties by those appointed. [1979 c.190 §41]

247.015 Other registration procedures. (1) A qualified person absent from the state may register by mailing to the county clerk for the county in which the person resides a completed registration card or a signed statement containing the information required on a registration card.

(2) An otherwise qualified person who will complete the residence requirement or attain the age of 18 years before the election may register after the 60th day before the election.

(3) On written request from a qualified person who by physical incapacity cannot register in the office of the county clerk, the county clerk of the county in which the person resides shall send the person a registration card or register the person at the person's residence. [1979 c.190 §42; 1979 c.507 §1a]

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

247.025 Verification of registration; delivery of certificate of registration. (1) A person, to vote in an election, must be registered before the polls close. If a person registers before the 20th day before the election, the person's name shall be listed in the poll book of the person's precinct.

(2) If a person registers after the 21st day before the election, the person's name may be listed in the poll book. If the person's name will be listed in the poll book the person shall be so notified and a certificate of registration need not be given to the person. If the person's name will not be listed in the poll book, a certificate of registration shall be signed by the issuing official and delivered to the person.

(3) The county clerk shall deliver a certificate of registration by the following methods:

(a) By mail, if the registration card was received in the clerk's office before the 10th day before an election;

(b) By making the certificate available to the registrant in the clerk's office, if the registrant applies for an absentee ballot and delivers the

registration card in the clerk's office before the 10th day before an election;

(c) By mail or by making the certificate available to the registrant in a location designated in ORS 247.012 (4), if the registrant personally delivers the registration card before the 10th day before an election to such a location;

(d) By making the certificate available to the registrant in the clerk's office, if the registration card was received in the clerk's office after the 11th day before an election; or

(e) By making the certificate available to the registrant in a location designated in ORS 247.012 (4), if the registrant personally delivers the registration card after the 11th day before an election to such a location. [1979 c.190 §43]

247.028 Use of certificate of registration. A person issued a certificate of registration who desires to vote must give the certificate to the election board of the precinct in which the elector is a resident before the elector is given a ballot. If the person desires to vote by absentee ballot, the person must give the certificate to the county clerk when the person returns the person's voted absentee ballot. [1979 c.190 §44; 1981 c.173 §11]

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

247.031 [1957 c.608 §29; 1975 c.678 §5; 1977 c.168 §2; repealed by 1979 c.190 §431]

247.035 Rules to consider in determining qualifications of a person to register or vote. An election official, in determining the residence and qualifications of a person offering to register or vote, shall consider the following rules, so far as they may be applicable:

(1) The person's residence shall be the place in which habitation is fixed and to which, when the person is absent, the person has intention of returning.

(2) A person who has gone into another state or territory or county of this state for a temporary purpose only shall not be considered to have lost residence.

(3) A person shall not be considered to have gained a residence in any location in this state into which the person comes for temporary purposes only, without the intention of making it the person's home.

(4) If a person moves to another state with the intention of making a permanent home, the person shall be considered to have lost residence in this state.

(5) The place where a married person's family resides shall be considered the person's residence.

(6) The place where an unmarried person sleeps shall be considered the person's residence.

(7) If a person goes from this state into any other state or territory and votes there, the person shall be considered to have lost residence in this state. [Formerly 250.410]

247.040 [Repealed by 1957 c.608 §231]

247.045 [1975 c.678 §7; 1977 c.163 §4; 1979 c.507 §1b; 1979 c.519 §2; renumbered 247.178]

247.050 [Repealed by 1957 c.608 §231]

247.060 [Repealed by 1957 c.608 §231]

247.070 [1957 c.608 §30; 1973 c.827 §24; 1975 c.678 §8; 1977 c.829 §3; repealed by 1979 c.190 §431]

247.080 [Repealed by 1957 c.608 §231]

247.090 [Repealed by 1957 c.608 §231]

247.100 [Repealed by 1977 c.508 §15]

247.110 [Repealed by 1957 c.608 §231]

247.111 [1957 c.608 §33; 1959 c.274 §1; 1971 c.621 §30; 1975 c.678 §10; 1977 c.168 §3; repealed by 1979 c.190 §431]

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

247.121 Required registration information; retention of registration cards. (1) Each person who requests registration shall supply the following information:

(a) Full name and signature.

(b) Mailing address, residence address or any other necessary information definitely locating the residence of the person.

(c) If the person desires, a telephone number where the person may be contacted.

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

(e) Date and place of birth.

(f) The name of the father and maiden name of the mother of the person, if known, and the full name of the person's spouse.

(g) A statement that the person is a citizen of the United States and a resident of this state for 20 days before the election at which the person will vote.

(h) The name of the political party with which the person is affiliated, if any.

(2) No person shall supply any information under subsection (1) of this section, knowing it to be false.

(3) No county clerk shall request any information unless it is required by subsection (1) of this section or by federal law.

(4) The person shall certify the information supplied by signing the completed registration card.

(5) The completed and signed registration card is the official registration card of the elector. The county clerk shall keep the cards in the clerk's office as the register of electors. [1957 c.608 §34; 1971 c.241 §1; 1973 c.841 §1; 1975 c.678 §11; 1977 c.352 §1; 1979 c.190 §46; 1979 c.519 §4a]

247.130 [Repealed by 1957 c.608 §231]

247.131 [1957 c.608 §35; repealed by 1971 c.241 §10]

247.140 [Repealed by 1957 c.608 §231]

247.141 [1957 c.608 §37; 1979 c.190 §48; renumbered 247.174]

247.145 [1965 c.174 §3; 1969 c.337 §1; 1975 c.678 §13; 1977 c.829 §4; repealed by 1979 c.190 §431]

247.150 [Repealed by 1957 c.608 §231]

247.151 [1957 c.608 §31; 1961 c.65 §1; repealed by 1965 c.174 §1]

247.155 [1965 c.174 §4; repealed by 1977 c.829 §23]

247.160 [Repealed by 1957 c.608 §231]

247.161 [1957 c.608 §32; repealed by 1965 c.174 §1]

247.165 [1965 c.174 §§5, 6, 7; 1975 c.678 §15; 1977 c.352 §2; repealed by 1979 c.190 §431]

247.170 [Repealed by 1957 c.608 §231]

247.171 Official registration card. (1) The registration card shall be designed to accommodate the information required by ORS 247.121 and shall contain the following:

WARNING: Any person who supplies any information, knowing it to be false, is subject upon conviction to imprisonment in the penitentiary for not more than five years or to a fine of not more than \$2,500, or both.

(2) The Secretary of State shall design, prepare and distribute the registration cards. [1957 c.608 §36; 1965 c.464 §2; 1971 c.241 §5; 1975 c.678 §16; 1977 c.168 §4; 1979 c.190 §47]

247.174 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 county clerk or registering official from the evidence present.

(2) The county clerk or official designated by the county clerk to register persons as electors

may reject any registration if the clerk or official determines that the person is not qualified or that the registration card is illegible, inaccurate or incomplete. The clerk or official shall promptly notify the person of the rejection.

(3) A person refused registration may apply to the county clerk, not later than the 10th day after the refusal, for a hearing on the person's qualifications to register. Not later than the 10th day after the date the county clerk receives the application, the clerk shall notify the applicant of the place and time of the hearing on the qualifications. The hearing shall be held not sooner than the 10th, nor later than the 20th, day after notice is given. At the hearing the applicant may present evidence of qualification. If the county clerk, upon the conclusion of the hearing, determines that the applicant is qualified, the county clerk shall register the applicant. [Formerly 247.141; 1983 c.83 §28]

247.178 Distribution of registration card. Any person may distribute a registration card in any reasonable manner that facilitates elector registration, including but not limited to distribution of the card door to door. The card shall be available at any field office of the Motor Vehicles Division of the Department of Transportation. [Formerly 247.045]

247.180 [Repealed by 1957 c.608 §231]

247.181 Precinct memorandum card.

(1) The county clerk shall prepare and issue by first class nonforwardable mail to each 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) When an elector reregisters, the county clerk shall issue the elector a new memorandum card by first class nonforwardable mail.

(3) If an elector loses a memorandum card the elector may apply to the county clerk for a new card, and the county clerk shall issue the elector a new card by first class nonforwardable mail. [1957 c.608 §38; 1977 c.508 §1; 1979 c.190 §50; 1979 c.519 §6a; 1981 c.173 §12]

247.190 [Repealed by 1957 c.608 §231]

247.191 Correction of registration and precinct memorandum cards when precinct boundaries changed. When changes in the boundaries of a precinct are made, the county clerk shall alter the registration card of an elector to conform with the change, and shall issue by first class nonforward-

able mail a written notice of the change and a new memorandum card to the elector. This requirement does not apply to a change of precincts for special district or special elections.

[1957 c.608 §39; 1975 c.675 §8; 1979 c.190 §51; 1979 c.519 §7a]

247.195 Inquiry into validity of registration. The county clerk, at any time, may make inquiry into the validity of the registration of any elector. The inquiry shall proceed as provided in ORS 247.560. [1981 c.173 §16]

247.200 [Repealed by 1957 c.608 §231]

247.201 Party affiliation not to be changed during certain periods. No elector may change political party affiliation under ORS 247.121 (1)(h) from the 20th day before a primary election to the day of the primary election. This prohibition includes in its application any elector who reregisters under ORS 247.290 (1)(a), (b) or (d) during the period described in this section. [1957 c.608 §45; 1971 c.241 §6; 1975 c.678 §17; 1977 c.168 §5; 1979 c.190 §53; 1983 c.514 §4]

247.210 [Repealed by 1957 c.608 §231]

247.211 [1957 c.608 §27; repealed by 1971 c.241 §10]

247.220 [Repealed by 1961 c.412 §5]

247.230 [Repealed by 1961 c.412 §5]

247.240 [Repealed by 1961 c.412 §5]

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

247.251 [1957 c.608 §40; repealed by 1963 c.595 §1 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251)]

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

247.261 [1957 c.608 §41; repealed by 1979 c.190 §431]

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

247.280 [1957 c.608 §42; 1979 c.190 §62; renumbered 247.590]

247.282 [1971 c.30 §2; repealed by 1973 c.125 §1 and by 1973 c.827 §83]

247.284 [1971 c.30 §§4, 6; repealed by 1973 c.125 §1 and by 1973 c.827 §83]

247.286 [1971 c.30 §§5, 7; repealed by 1973 c.125 §1 and by 1973 c.827 §83]

247.288 [1971 c.30 §3; repealed by 1973 c.125 §1 and by 1973 c.827 §83]

REREGISTRATION

247.290 Conditions necessitating, and procedure for, reregistration; exception.

(1) A person shall reregister if:

(a) The registration of the person is canceled.

(b) The residence address of the person is changed for any reason, except as provided in subsection (3) of this section.

(c) The person desires to change political party affiliation under ORS 247.121 (1)(h).

(d) The name of the person is changed by marriage or court order.

(2) The person shall reregister in the same manner as registration.

(3) Notwithstanding subsection (1) of this section, a person need not reregister if:

(a) The United States Postal Service or a city or county changes the residence address of the person; and

(b) The residence of the person has not been relocated. [1957 c.608 §43; 1961 c.115 §1; 1965 c.583 §1; 1971 c.241 §2; 1975 c.678 §18; 1979 c.190 §52; 1981 c.173 §13]

247.300 [1957 c.608 §44; 1961 c.115 §2; repealed by 1975 c.678 §25]

247.310 [1961 c.62 §2; 1967 c.25 §1; 1971 c.241 §3; repealed by 1979 c.190 §431 and 1979 c.519 §38]

ELIGIBILITY IN PRESIDENTIAL ELECTIONS

247.410 Eligibility to vote for President or Vice President, or electors, only. A person who is qualified to register, except that the person will have resided in this state less than 20 days before the election, may vote in the election for candidates for nomination or election for President or Vice President of the United States or elector of President and Vice President of the United States if the person:

(1) Did not vote for the nomination of such candidates in another state during the six months immediately preceding the person's request for registration to vote for the nomination of such candidates in the primary election in this state; or

(2) Did not vote for the election of such candidates in another state during the six months immediately preceding the person's request for registration to vote for the election of such candidates in the general election in this state. [1961 c.114 §2; 1973 c.150 §1; 1979 c.190 §54; 1979 c.519 §9a]

247.420 Special registration certificate to vote for candidates specified in ORS 247.410. (1) A county clerk shall give a certificate of registration marked "Presidential only" to any person eligible under ORS 247.410 who personally appears in the office of the county clerk, completes a registration card and verifies eligibility to vote under ORS 247.410.

(2) No person shall supply any information under subsection (1) of this section, knowing it to be false. [1961 c.114 §3; 1969 c.153 §1; 1975 c.678 §19; 1979 c.190 §55]

247.430 [1961 c.114 §4; 1971 c.241 §7; repealed by 1979 c.190 §431]

247.435 Electors changing residence eligible to vote in presidential elections. An elector of this state who moves to another state after the 31st day before a primary or general election for President or for electors of President and Vice President, and who does not qualify to vote in the state of the elector's present residence, may vote for these offices in the primary or general election in this state. If voting in person, the elector must obtain a certificate of registration marked "Presidential only." If voting by absentee ballot, the elector must apply for an absentee ballot that will be marked "Presidential only." [Formerly 253.300]

247.440 [1961 c.114 §5; 1971 c.241 §8; 1975 c.678 §20; repealed by 1979 c.190 §431]

247.450 [1961 c.114 §6; repealed by 1979 c.190 §431]

247.460 [1961 c.114 §7; repealed by 1979 c.190 §431]

247.470 [1961 c.114 §8; 1975 c.678 §21; repealed by 1979 c.190 §431]

247.510 [1957 c.608 §46; renumbered 247.910]

247.520 [1957 c.608 §47; 1961 c.48 §1; renumbered 247.920]

REMOVAL OF NAMES FROM REGISTER OF ELECTORS

247.550 Challenge of elector's name in poll book. An elector or member of an election board may challenge the entry of a name in the poll book. The challenge will be noted in the remarks column following the name stating the reason, such as "died," "moved," or "incorrect address." The signature and residence address of the individual making the challenge shall follow the entry. [1963 c.346 §2; 1977 c.508 §2; 1979 c.190 §57]

247.560 Notice of challenge to elector; elector's reply; effect of failure to reply. (1) Not later than the 60th day after each election, the county clerk shall examine the poll

books and note the challenges made under ORS 247.550. The county clerk shall mail a written inquiry to the challenged elector at the mailing address indicated on the registration card. The inquiry shall state the nature of the challenge and provide a suitable form for reply.

(2) Not later than the 20th day after the date of mailing of the inquiry the elector, in person or in writing, may state that the information on the registration card is correct or may request a change in the information on the card. Upon receipt of the statement or request the county clerk shall consider the challenge satisfied. If the elector fails to make the statement or request, the county clerk shall cancel the registration of the challenged elector. [1963 c.346 §3; 1965 c.583 §2; 1971 c.241 §4; 1977 c.508 §3; 1979 c.190 §58; 1979 c.519 §10a; 1981 c.173 §14]

247.565 Elector activity maintenance file. (1) The county clerk, not later than January 1 of each even-numbered year, shall create a separate file of electors within the county for the purpose of elector activity determination.

(2) From the time a new elector activity maintenance file is created until September 1 of the next odd-numbered year, the county clerk shall examine the poll books for each election held within the county to determine the names of electors who have voted. If the elector activity maintenance file of a county is manually maintained, the name of an elector who has voted in any election during that period shall be removed from the elector activity maintenance file. The name of an elector who has reregistered or whose registration has been canceled also shall be removed from the registration record and the elector activity maintenance file. If the elector activity maintenance file of a county is mechanically maintained, the automated registration record of electors who have voted in any election during that period shall be updated to indicate which electors have voted. The registration record of an elector who has reregistered or whose registration has been canceled shall be removed from the registration records and the elector activity maintenance file.

(3) Between September 15 and September 30 of each odd-numbered year, the county clerk shall mail a written notice to electors who are indicated by the elector activity maintenance file as not having voted during the period described in subsection (2) of this section. The notice shall be in a form prescribed by the Secretary of State. The notice shall state the requirements of reregistration and allow the elector to supply necessary information for reregistration on the notice. The notice in addition shall contain a warning

that the elector's registration will be canceled if the information is not given to the county clerk before the 20th day after the date of the notice.

(4) In lieu of mailing the notice in September as provided in subsection (3) of this section, the county clerk may mail the notice to an elector after the elector has had a continuous two-year period of voting inactivity.

(5) The county clerk shall not remove from the register of electors the registration card of any elector sent the notice in subsection (3) or (4) of this section if before the 20th day after the date of the notice:

(a) The elector signs and delivers to the county clerk a statement that the information on the card is still correct; or

(b) The elector reregisters. [Formerly 247.600; 1981 c.173 §17]

247.570 Notice of deaths to Secretary of State and county clerk; effect of notice. The Health Division, during the last week of each month, shall furnish to the Secretary of State a list of the name, age, county of residence and residence address of each resident of this state who has died during the preceding month. The Secretary of State shall furnish a copy of the appropriate names to each county clerk. Each county clerk immediately shall cancel registrations of those individuals. [1963 c.346 §4; 1979 c.190 §60]

247.575 [1975 c.766 §2; repealed by 1979 c.190 §431]

247.580 County clerk to retain notices or elector listings for two years. (1) Copies of all notices and other correspondence issued under ORS 247.195, 247.560, 247.565 and 247.570 shall be retained by the county clerk for two years.

(2) If the elector registration records of a county are mechanically maintained, the county clerk may satisfy the requirements of subsection (1) of this section by maintaining for two years:

(a) Computer listings of electors to whom the clerk issued notices or any other correspondence under ORS 247.195, 247.560, 247.565 and 247.570 and facsimile copies of notices and correspondence; or

(b) Microfilm records of the listings and copies. [1963 c.346 §5; 1975 c.766 §3; 1979 c.190 §61; 1981 c.173 §18]

247.590 Registration not to be canceled while elector in Armed Forces. An elector's registration shall not be canceled during service in the Armed Forces of the United States

or of any ally of the United States. [Formerly 247.280]

247.600 [1975 c.766 §1; 1977 c.829 §5; 1979 c.190 §59; 1979 c.519 §11a; renumbered 247.565]

247.610 [1963 c.595 §2 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); repealed by 1975 c.766 §29]

247.620 [1963 c.595 §3 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); 1967 c.64 §1; repealed by 1975 c.766 §29]

247.625 [1967 c.64 §§3, 4, 5, 6; repealed by 1975 c.766 §29]

247.630 [1963 c.595 §4 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); repealed by 1967 c.64 §7]

247.640 [1963 c.595 §7 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); repealed by 1967 c.64 §7]

247.650 [1963 c.595 §8 (247.610, 247.620, 247.630 to 247.650, 250.365 and 250.375 enacted in lieu of 247.251); repealed by 1975 c.766 §29]

REGISTRATION LISTS

247.905 [1969 c.421 §2; repealed by 1979 c.190 §431]

247.910 [Formerly 247.510; 1971 c.241 §9; 1975 c.678 §22; repealed by 1979 c.190 §431]

247.915 [1969 c.421 §§3, 4, 6; 1971 c.32 §1; 1975 c.779 §3; repealed by 1979 c.190 §431]

247.920 [Formerly 247.520; repealed by 1969 c.421 §11]

247.925 [1969 c.421 §5; 1971 c.32 §2; repealed by 1979 c.190 §431]

247.935 [1969 c.421 §7; repealed by 1979 c.190 §431]

247.940 Registration lists; delivery without charge to specified persons. (1) If a request from the chairman of the county or state central committee of a major political party qualified under ORS 248.006, is received by the county clerk not later than the 40th day before a primary, general or special congressional election, the county clerk on the 30th day before the election shall deliver to the committee a list of electors of the county. The list shall contain the name, party affiliation, residence or mailing address and precinct name or number of each elector, and shall be arranged in groups by election precinct.

(2) If a request from the chairman of the county or state central committee of a major political party is received by the county clerk not later than the 25th day before a primary, general or special congressional election, the county clerk on the 15th day before the election shall deliver to the committee amendments to the list supplied under subsection (1) of this section.

The amendments shall list new, changed and deleted registrations.

(3) The county clerk shall not charge for preparation or delivery of the list or amendments supplied under this section. [1979 c.190 §63; 1979 c.519 §13a]

247.945 Lists provided to candidates, political parties and organizations and nonprofit public service organizations; charges. (1) The county clerk, upon request before the 45th day before a primary, general or special election, shall deliver to any candidate for public office, major political party, political organization or nonprofit public service organization a list of electors. The lists shall be prepared in the manner requested, limited only to the capabilities of the Secretary of State or the county clerk.

(2) The county clerk shall collect and pay into the county treasury a charge for the actual cost of supplying lists under subsection (1) of

this section. [1969 c.421 §§8, 9; 1979 c.190 §64]

247.955 Use of lists for commercial purposes prohibited. No person to whom a list of electors is made available or supplied under ORS 247.940 or 247.945 shall use any information in the list for commercial purposes. [1969 c.421 §10; 1979 c.190 §65]

PENALTIES

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

247.991 Penalties. (1) Violation of ORS 247.121 (2) or 247.420 (2) is a Class C felony.

(2) Violation of ORS 247.121 (3) is a Class C misdemeanor. [1957 c.608 §48; 1961 c.114 §9; 1975 c.678 §23; 1979 c.190 §66]

