

Chapter 247

1989 EDITION

Qualification and Registration of Electors

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ELECTIONS

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]

247.007 When ballot considered legally cast; prohibition on voting more than once in the same election. (1) A ballot shall be considered legally cast if the person casting the ballot is an elector at the time the ballot is cast.

(2) If an elector has voted in any election, the elector may not reregister and vote in any election held on the same date. [1989 c.175 §2]

247.008 [1979 c.559 §2; 1983 c.567 §4; repealed by 1987 c.719 §17 and 1987 c.733 §13]

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247.010 [Repealed by 1957 c.608 §231]

247.011 [1957 c.608 §28, 1959 c.277 §1; 1975 c.678 §4; repealed by 1977 c.168 §6]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; minimum registration information required; temporary registration; registration locations. (1) A qualified person may register to vote by delivering by mail or otherwise a completed registration card to any county clerk or the Secretary of State or by personally delivering the card to an official designated by a county clerk under subsection (7) of this section.

(2) If a person mails or delivers a registration card to an election officer or any other person other than the county clerk for the county in which the person resides, the election officer or other person shall forward the card to the county clerk for the county in which the person resides not later than the fifth day after receiving the card.

(3) Registration of a qualified person occurs when a legible, accurate and complete registration card is received in the office of any county clerk, the Office of the Secretary of State or at a location designated by a

county clerk under subsection (7) of this section.

(4) If a registration card is legible, accurate and contains, at a minimum, the registrant's name, residence address and signature, the county clerk shall register the person. If information required by ORS 247.121 (1)(e) or (h) is missing from the registration card, the county clerk shall contact the person to obtain the missing information.

(5) If a registration card is not complete as specified in ORS 247.121 (1) by 5 p.m. on the 21st day before any election in which the registrant is eligible to vote, but contains the information required by subsection (4) of this section, the registration shall be considered valid only for the immediately ensuing election. Immediately following the election the county clerk shall cancel the registration and notify the person of the cancellation.

(6) If a registration card meets the requirements of subsection (4) of this section but is missing the information required by ORS 247.121 (1)(h) at 5 p.m. on the 21st day before any election in which the registrant is eligible to vote, the voter shall be considered not affiliated with any political party for the immediately ensuing election.

(7) A 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; 1985 c.808 §1a; 1989 c.20 §1; 1989 c.173 §5]

Note: The amendments to 247.012 by section 2, chapter 979, Oregon Laws 1989, become operative as provided in section 6, chapter 979, Oregon Laws 1989. The text, as amended by section 5, chapter 173, Oregon Laws 1989, is set forth for the user's convenience.

247.012. (1) A qualified person may register to vote by:

(a) Delivering by mail or otherwise a completed registration card to any county clerk or the Secretary of State;

(b) Personally delivering the card to an official designated by a county clerk under subsection (7) of this section; or

(c) Completing the voter registration portion of the application for a license, renewal or state identification card under ORS 807.400 at an office of the Motor Vehicles Division of the Department of Transportation under ORS 802.090.

(2) Except as provided in ORS 802.090, if a person mails or delivers a registration card to an election officer or any other person other than the county clerk for the county in which the person resides, the election officer or other person shall forward the card to the county clerk for the county in which the person resides not later than the fifth day after receiving the card.

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

Secretary of State or at a location designated by a county clerk under subsection (7) of this section

(4) If a registration card is legible, accurate and contains, at a minimum, the registrant's name, residence address and signature, the county clerk shall register the person. If information required by ORS 247.121 (1)(e) or (h) is missing from the registration card, the county clerk shall contact the person to obtain the missing information.

(5) If a registration card is not complete as specified in ORS 247.121 (1) by 5 p.m. on the 21st day before any election in which the registrant is eligible to vote, but contains the information required by subsection (4) of this section, the registration shall be considered valid only for the immediately ensuing election. Immediately following the election the county clerk shall cancel the registration and notify the person of the cancellation.

(6) If a registration card meets the requirements of subsection (4) of this section but is missing the information required by ORS 247.121 (1)(h) at 5 p.m. on the 21st day before any election in which the registrant is eligible to vote, the voter shall be considered not affiliated with any political party for the immediately ensuing election.

(7) A 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.

Note: Section 6, chapter 979, Oregon Laws 1989, provides:

Sec. 6. This Act does not become operative until:

(1) Federal law becomes operative that requires states to register to vote persons applying for motor vehicle licenses or renewals, and

(2) The Secretary of State reports to the appropriate committee of the Legislative Assembly that the federal law has become operative. The report shall also describe the contents of the federal law. [1989 c.979 §6]

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.

(4) An otherwise qualified person who will become a United States citizen after the 21st calendar day immediately preceding an election may register before the 20th day before the election. The person shall register using a special registration card designed by the Secretary of State under ORS 247.171. The county clerk of the county in which the

person resides shall cancel the person's registration before the election unless the person appears before the county clerk and provides evidence of citizenship. [1979 c.190 §42; 1979 c.507 §1a; 1989 c.20 §2]

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

247.025 Registration deadline. (1) A person, to vote in an election, must be registered not later than 5 p.m. of the 21st calendar day immediately preceding the election.

(2) 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. [1979 c.190 §43, 1985 c.833 §1; 1987 c.719 §9, 1987 c.733 §1]

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, if known, the address of previous registration.
- (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; 1985 c.833 §2; 1987 c.719 §10; 1987 c.733 §2]

247.125 Alteration of registration card prohibited; exceptions. No person shall alter any information supplied on a registration card except:

- (1) An election officer in the performance of official duties.
- (2) The person who fills out the registration card for the purpose of registering to vote. [1985 c.808 §6]

- 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; preparation of registration card by person other than Secretary of State; special registration card. (1) Each 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 for not more than five years or to a fine of not more than \$100,000, or both.

(2) Except as provided in this subsection, the Secretary of State shall design, prepare and distribute the registration cards. Any person may apply in writing to the Secretary of State for permission to print, copy or otherwise prepare and distribute the registration cards designed by the Secretary of State. The secretary may revoke any permission granted under this subsection at any time. All registration cards shall be distributed to the public without charge.

(3) The Secretary of State shall design, prepare and distribute a special registration card for otherwise qualified persons who will become United States citizens after the 21st calendar day immediately preceding an election and who may register before the 20th day before an election under ORS 247.015. [1957 c.608 §36; 1965 c.464 §2; 1971 c.241 §5; 1975 c.678 §16; 1977 c.168 §4; 1979 c.190 §47; 1985 c.808 §4; 1985 c.833 §3; 1987 c.320 §150; 1987 c.719 §11; 1987 c.733 §3; 1989 c.20 §3; 1989 c.173 §1]

Note: The amendments to 247.171 by section 5, chapter 979, Oregon Laws 1989, become operative as provided in section 6, chapter 979, Oregon Laws 1989. See note following 247.012. The text is set forth for the user's convenience.

247.171. (1) Each 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 for not more than five years or to a fine of not more than \$100,000, or both.

(2) Except as provided in this subsection, the Secretary of State shall design, prepare and distribute the registration cards. Any person may apply in writing to the Secretary of State for permission to print, copy or otherwise prepare and distribute the registration cards designed by the Secretary of State. The secretary may revoke any permission granted under this subsection at any time. All registration cards shall be distributed to the public without charge.

(3) The Secretary of State shall design, prepare and distribute a special registration card for otherwise qualified persons who will become United States citizens after the 21st calendar day immediately preceding an election and who may register before the 20th day before an election under ORS 247.015.

(4) The Secretary of State shall approve any voter registration application form developed for use by the Motor Vehicles Division of the Department of Transportation under ORS 802.090.

247.174 Determining if person qualified to be registered or reregistered; hearing by county clerk if registration or reregistration denied. (1) The qualifications of any person who requests to be registered or reregistered 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 or reregistration 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 whose registration or reregistration is rejected may apply to the county clerk, not later than the 10th day after the rejection, for a hearing on the person's qualifications to register or reregister. 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 second, 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; 1985 c.471 §2, 1985 c.833 §4; 1987 c.719 §12; 1987 c.733 §4]

247.176 Request for delivery of registration card. (1) During the period extending from the 250th day before the primary election to the date of the primary election and the period extending from the day after the primary election to the 250th day before the next primary election:

(a) Any person may request delivery from the Secretary of State of not more than an aggregate total of 5,000 registration cards prepared under ORS 247.171; and

(b) Upon receiving a request under this subsection, the Secretary of State shall deliver to the person the number of registration cards requested that does not exceed an aggregate total of 5,000.

(2) The Secretary of State shall adopt rules describing when the Secretary of State will honor requests for delivery of more than 5,000 registration cards prepared under ORS 247.171. [1989 c.173 §7]

Note: Section 8, chapter 173, Oregon Laws 1989, provides:

Sec. 8. As used in section 7 of this 1989 Act [247.176], "primary election" means the biennial primary election [1989 c.173 §8]

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 may alter the registration card of an elector to conform with the change, and shall issue by first class nonforwardable 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, 1985 c.808 §5]

247.195 Inquiry into validity of registration; hearing; cancellation. 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 or 247.565. If the county clerk has reason to suspect that a person is not qualified to register to vote or that the registration card is inaccurate, the county clerk shall schedule a hearing on the validity of the registration and shall notify the elector of the place and time of the hearing. The hearing shall be held not sooner than the second, nor later than the 20th, day after notice is given. At the hearing the elector may present evidence of qualification. If the county clerk, upon the conclusion of the hearing, determines that the elector's registration is not valid, the county clerk shall cancel the registration. [1981 c.173 §16; 1985 c.471 §3; 1989 c.503 §3]

247.200 [Repealed by 1957 c.608 §231]

247.201 [1957 c.608 §45; 1971 c.241 §6; 1975 c.678 §17, 1977 c.168 §5; 1979 c.190 §53; 1983 c.514 §4; 1985 c.808 §7, repealed by 1987 c.719 §17 and 1987 c.733 §13]

247.203 Party affiliation not to be changed or adopted during certain period. A person who reregisters under ORS 247.290 during the period extending from the 45th day before a primary election to the 21st day before a primary election may not, during that period:

(1) Change the person's political party affiliation under ORS 247.121 (1)(h) if the person's immediate past registration record shows the person was or is registered as affiliated with a political party.

(2) Reregister as not being affiliated with a political party if the person's immediate past registration record shows the person was or is registered as affiliated with a political party.

(3) Adopt a political party affiliation under ORS 247.121 (1)(h) if the person's immediate past registration shows that the person was not or is not registered as affiliated with a political party. [1987 c.719 §5, 1989 c.965 §1]

Note: The amendments to 247.203 by section 22, chapter 719, Oregon Laws 1987, and section 2, chapter 965, Oregon Laws 1989, are repealed January 1, 1994. See section 19, chapter 719, Oregon Laws 1987, and section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

247.203. A person who reregisters under ORS 247.290 during the period extending from the 45th day before a presidential or biennial primary election to the 21st day before a presidential or biennial primary election may not, during that period:

(1) Change the person's political party affiliation under ORS 247.121 (1)(h) if the person's immediate past registration record shows the person was or is registered as affiliated with a political party.

(2) Reregister as not being affiliated with a political party if the person's immediate past registration record shows the person was or is registered as affiliated with a political party.

(3) Adopt a political party affiliation under ORS 247.121 (1)(h) if the person's immediate past registration shows that the person was not or is not registered as affiliated with a political party.

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 When reregistration required; procedure; exceptions. (1) A person shall reregister if:

(a) The registration of the person is canceled.

(b) The residence or mailing 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 except as provided in ORS 254.411.

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

(3) Notwithstanding subsection (1) of this section:

(a) A person need not reregister if the United States Postal Service or a city or county changes the residence or mailing address of the person and the residence of the person has not been relocated.

(b) A person whose residence address is changed for any reason after the 40th day before an election may vote in that election without reregistering if the person obtains a certificate of registration as provided in ORS 247.340.

(c) A person whose mailing address has changed but whose residence address has not changed may vote once in the precinct in which the person is registered. The following apply:

(A) The election board clerk shall enter into the poll book the fact that the person's mailing address has changed. In noting such entry, the county clerk shall immediately cancel the person's current registration.

(B) The person whose mailing address has changed must reregister in order to vote in any subsequent election. [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; 1985 c.471 §4, 1987 c.733 §5; 1989 c.20 §4]

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]

CERTIFICATE OF REGISTRATION

247.320 Certificate of registration; change of residence address within county. (1) Any elector who changes residence within a precinct, or from one precinct, to another precinct within the same county after the 40th day before any election, and who has not reregistered, shall be permitted to vote at the ensuing election if the elector obtains a certificate of registration from the county clerk. Upon delivery of the certificate to the election board in the precinct or the county clerk of the county where the elector is currently resident, the elector shall be permitted to vote the entire ballot or ballots issued to that precinct.

(2) Any elector referred to in subsection (1) of this section is permitted to obtain a separate certificate for each election held during the closed registration period. [1987 c.733 §9; 1989 c.20 §5]

247.330 Certificate of registration; change of residence address between counties. (1) Any elector who changes residence address from one county to another county within the state after the 40th day before any election, and who has not reregistered, shall be permitted to vote in the ensuing election if:

(a) The elector obtains a certificate of registration from the county clerk of the county in which the elector was previously registered; or

(b) The elector obtains a certificate of registration from the county clerk of the

county in which the elector is currently a resident. The county clerk of the county where the elector is currently a resident shall issue a certificate of registration only after verifying the elector's registration in the county in which the elector previously resided.

(2) An elector who obtains a certificate of registration under paragraph (b) of subsection (1) of this section shall supply proof of identity and proof that the elector resides at the address to which the certificate is issued. The Secretary of State shall designate kinds of proof of identity and residence that are acceptable for purposes of this subsection.

(3) Upon delivery of the certificate to the election board of the precinct or the county clerk of the county where the elector is currently resident, the elector shall be permitted to vote the entire ballot or ballots issued to that precinct. [1987 c.733 §10; 1989 c.20 §6]

247.340 Application for certificate of registration; contents. (1) An application for a certificate of registration may be made to the appropriate county clerk in person or in writing. The application shall contain the former and new residence address or mailing address of the elector and the date the elector changed residence or mailing address. The application shall be signed by the elector using the same name as appears on the elector's official registration card.

(2) Upon receipt of an application for a certificate of registration, the county clerk shall immediately cancel the applicant's current registration. In order to vote at any election subsequent to the election for which the certificate was issued, the elector must reregister as provided in ORS 247.290.

(3) Certificates of registration shall be issued only by the county clerk or an official appointed by the county clerk under ORS 247.012.

(4) No person shall certify the information required by this section or supply any proof of identity or residence under ORS 247.330 (2) knowing it to be false.

(5) The certificate of registration shall bear the following:

WARNING: Any person who supplies false information, knowing it to be false, to obtain a certificate of registration is subject to imprisonment for not more than five years or to a fine of not more than \$100,000, or both.

[1987 c.733 §11]

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]

Note: The amendments to 247.410 by section 7, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

247.410. 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 presidential 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.

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 pri-

mary 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]

Note: The amendments to 247.435 by section 8, chapter 267, Oregon Laws 1987, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

247.435. An elector of this state who moves to another state after the 31st day before a presidential 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 presidential 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."

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; written statement. (1) 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."

(2) An elector or member of an election board who challenges the entry of a name in the poll book shall make, under oath or affirmation before a member of the election board, a written statement of challenge. The statement shall contain the name and residence address of the challenger, the name of the person challenged and a statement of the facts upon which the challenge is based. Any member of the election board may administer the oath or affirmation required under this subsection. [1963 c.346 §2; 1977 c.508 §2; 1979 c.190 §57; 1985 c.808 §8]

247.560 Notice of challenge to elector; elector's reply; hearing; 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 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 determine whether the information satisfies the challenge. If the county clerk determines that the challenge has not been satisfied, the county clerk shall schedule a hearing on the challenge and shall notify the elector of the place and time of the hearing. The hearing shall be held not sooner than the second, nor later than the 20th, day after notice is given. At the hearing, the challenged elector may present evidence of qualification. If the county clerk, upon the conclusion of the hearing, determines that the challenged elector's registration is not valid, the county clerk shall cancel the registration.

(3) If a challenged elector fails to make the statement or request in response to the inquiry, 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, 1985 c.471 §5]

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 or to whom a ballot has been mailed, but not returned to the county clerk indicating a change of the elector's residence or mailing address. If the elector activity maintenance file of a county is manually maintained, the name of an elector who has voted in any election or to whom a ballot has been mailed, but not returned to the county clerk indicating a change of the elector's residence or mailing address 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 re-

cord of electors who have voted in any election or to whom a ballot has been mailed, but not returned to the county clerk indicating a change of the elector's residence or mailing address during that period shall be updated to indicate which electors have voted or to whom a ballot has been mailed, but not returned to the county clerk indicating a change of the elector's residence or mailing address. 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 or not having received a ballot by mail during the period described in subsection (2) of this section. The notice shall be sent first class mail and be clearly marked "Address Correction Requested." The notice shall be in a form prescribed by the Secretary of State.

(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 or has not received a ballot by mail.

(5) The county clerk shall remove from the register of electors the registration card of any elector sent the notice in subsection (3) or (4) of this section if the county clerk receives evidence that the elector's residence or mailing address has changed. [Formerly 247 600, 1981 c.173 §17, 1987 c 719 §§15, 16; 1989 c 503 §4]

Note: Section 4, chapter 979, Oregon Laws 1989, becomes operative as provided in section 6, chapter 979, Oregon Laws 1989. See note following 247 012 Section 4, chapter 989, Oregon Laws 1989, provides:

Sec. 4. (1) The Motor Vehicles Division of the Department of Transportation shall furnish to the Secretary of State, each month, a list of the names of persons who have notified the division of a change in the person's residence or mailing address. The list shall also include, if available, the person's date of birth, county of residence, any previous county of residence, residence or mailing address, previous residence or mailing address and any other information required by the Secretary of State by rule.

(2) The Secretary of State shall furnish, at least once a month, a copy of the appropriate names from the list referred to in subsection (1) of this section to every county clerk

(3) Notwithstanding ORS 247 565, a county clerk may cancel the registration of an individual if the list referred to in subsection (1) of this section shows a residence or mailing address that is different from the residence or mailing address on the individual's registration card. The county clerk shall mail the person a forwardable written notice of the cancellation. The written notice shall contain a voter registration card [1989 c 979 §4]

247.570 Notice of deaths to Secretary of State and county clerk; effect of no-

tice. 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, 247.570 and 247.595 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, 1985 c.808 §8b]

247.585 Cancellation of registration based on United States Postal Service records. (1) Notwithstanding ORS 247.565, a county clerk may cancel the registration of an individual if the United States Postal Service records show a residence or mailing address that is different from the residence or mailing address on the individual's registration card. The county clerk shall mail the person a forwardable written notice of the cancellation. If the United States Postal Service records show that the new residence or mailing address of the individual is within the state, the written notice shall include a voter registration card.

(2) This section shall not apply if the United States Postal Service or a city or county changes the residence or mailing address of the person and the residence of the person has not been relocated. [1989 c.173 §4]

247.590 Registration not to be canceled while elector in Armed Forces; exception. Except as provided in ORS 247.595, 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; 1985 c.808 §8c]

247.595 Cancellation of registration of long term absent elector; notice. (1) The county clerk may cancel the registration of a long term absent elector if:

(a) The county clerk mails a written notice of inquiry as provided in subsections (2) and (3) of this section; and

(b) The county clerk determines that the elector has not responded as provided in subsection (4) of this section.

(2) The county clerk shall mail a written notice of inquiry to a long term absent elector when either of the following circumstances occurs:

(a) When the elector is indicated by the records of the county clerk as having had a four-year period of voting inactivity.

(b) When the absentee ballots for any two elections in any year have been sent to the elector and the ballots have been returned to the county clerk with an indication to the effect that the ballot was undeliverable because the address to which the ballot was sent is not the current mailing address of the elector.

(3) The notice of inquiry shall be in a form prescribed by the Secretary of State and:

(a) Shall state the requirements of reregistration and allow the elector to supply necessary information for reregistration on the notice; and

(b) Shall contain a warning that the elector's registration will be canceled if the information is not given to the county clerk before the 70th day after the date of the notice.

(4) The county clerk shall not remove from the register of electors the registration card of any long term absent elector sent the notice of inquiry if before the 70th day after the date of 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.

(5) As used in this section, "long term absent elector" has the meaning given that term in ORS 253.510. [1985 c.808 §8a]

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) Not later than the 21st day before any primary, general or special congressional election, the chair of the county or state central committee of a major political party qualified under ORS 248.006 may request from the county clerk 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. A chair of the county or state central committee of a major political party may make no more than two separate requests under this subsection.

(2) If the county clerk receives a request under subsection (1) of this section, the clerk shall deliver the list not later than:

(a) Ten days after receiving the request; or

(b) The date requested, provided that the date requested is more than 10 days after the request was made and at least 10 days before the date of any primary, general or special congressional election.

(3) The county clerk shall not charge for preparation or delivery of the list supplied under this section. [1979 c.190 §63; 1979 c.519 §13a; 1989 c.637 §1]

247.945 Registration lists delivered to any person; charges. (1) The county clerk, upon request before the 45th day before a primary, general or special election, shall deliver to any person 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.

(3) The county clerk shall keep a record of all persons to whom a list of electors is delivered under this section. [1969 c.421 §§8, 9; 1979 c.190 §64, 1989 c.637 §2]

247.955 Use of lists for commercial purposes prohibited; exceptions. (1) Except as provided in subsection (2) of this section, 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.

(2) A person shall not be considered to use for commercial purposes any information contained in a list of electors made available or supplied under ORS 247.940 or 247.945 if the person obtains the list of electors for the purposes of resale to candidates or political committees for political purposes only. [1969 c.421 §10; 1979 c.190 §65; 1989 c.637 §3]

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), 247.125, 247.340 (4) 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; 1985 c.808 §9; 1985 c.833 §5; 1987 c.719 §13; 1987 c.733 §6]