



Helping Voters Register Under Oregon Law

Important: Voter registration drives in Oregon have to follow certain state laws and rules, such as a requirement that drives turn in applications they collect within a certain amount of time after receiving them and a rule regarding altering information on the registration form. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

About this guide: The guide is broken up into five parts: 1) Eligibility, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

Need assistance? Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, www.projectvote.org, info@projectvote.org.

PART 1: ELIGIBILITY

In Oregon, an individual is eligible to vote if they:¹

- are a U.S. citizen;
 - An otherwise eligible person who will become a U.S. citizen after the 21st calendar day immediately preceding Election Day may register to vote in person before the deadline for registration; however, their registration will be cancelled before Election Day unless the person appears before the county clerk and provides a Certificate of Naturalization issued by the Bureau of Citizenship and Immigration Services.²
- are 18 years of age or older;
 - An otherwise eligible person who is at least 17 years old may register to vote, but cannot cast a ballot until turning 18 years old.³
- are an Oregon resident;
 - Under Oregon law, one's "residence" is "the place in which habitation is fixed and to which, when the person is absent, the person intends to return";⁴
- are not currently serving a jail or prison sentence for a felony conviction, including for violation of the terms of parole.⁵

PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

Homeless Applicants: A qualified person who is homeless or resides in a shelter, park, motor home, marina or other identifiable location may not be denied the opportunity to register to vote. The residence address of a

person who is homeless or resides in a shelter, park, motor home, marina, or other identifiable location may be any place within the county describing the physical location of the person. The mailing address of such person may be the office of the county clerk.⁶

Felony Convictions: Persons with felony convictions can vote if otherwise qualified if they are not currently serving a jail or prison sentence for a felony conviction, including for violation of the terms of parole.⁷

College Students: Oregon law does not contain provisions specific to college students.

PART 3: FILLING OUT AN APPLICATION

Information required by Oregon law:

- Name
- Residence address
- Date of birth
- Signature of the applicant⁸
 - If a registrant is unable to sign their name by hand, the person may use a signature stamp or other indicator to satisfy this requirement, so long as they also submit an attestation that they need to use a signature stamp or other indicator because of a disability.⁹

Major political parties in Oregon can choose to hold a closed primary in which only the registered voters in that party can vote for candidates in that party's primary.¹⁰

PART 4: VOTER REGISTRATION DEADLINE

- Completed applications must be received by the county clerk no later than the time the office or location closes for business on the 21st day preceding Election Day, but in no case later than midnight on the 21st day, or must be postmarked no later than the 21st day immediately preceding an election, in order for a registrant to be eligible to vote in that election. Electronic registrations must be submitted no later than 11:59 of the 21st day before the election.¹¹ An existing Oregon registration may be updated at any time.¹²
- **A specific turn-around-time applies to voter registration drives turning in applications they collect. See below.**

PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<i>Does the state require organizations conducting voter registration drives to register?</i>	No, if an organization requests no more than 5,000 voter registration cards, see question A below regarding obtaining forms.
<i>Are there restrictions on getting voter registration forms?</i>	State request forms must be submitted for requests for 100 or more voter registration cards. The county official must fill requests for less than 500 cards, and the Secretary of State fills requests for 500 or more cards. A distribution plan rule applies if an organization

	requests more than 5,000 voter registration cards. In addition, 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. See question A below for further details.
<i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i>	Oregon law does not directly address this issue. Under Oregon law, 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. ¹⁴
<i>Does the state require any training in order to conduct voter registration drives?</i>	No.
<i>Does the state have restrictions on who may help others register to vote?</i>	No.
<i>Does the state have restrictions on paying drive workers, or additional rules related to payment?</i>	Yes, a person may not pay or receive money or another thing of value based on the number of signed voter registration cards a person collects. ¹⁵ State regulations provide further information about what specific practices are allowed, such as an hourly wage. See further details below, question B.
<i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i>	Yes, under state and federal law. See question C below for details.
<i>Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i>	No.
<i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i>	No.

<i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i>	Oregon law does not address this issue.
<i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i>	Oregon law does not specifically address copying by third party registration groups, but states that a person may not copy or provide to another person a copy of an individual's signature submitted under the election law for voter registration purposes. ¹⁶
<i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i>	Yes. Voter registration groups must forward completed voter registration forms to the county clerk or Secretary of State no later than the 5 th calendar day following receipt. ¹⁷
<i>What are the consequences for failing to submit applications on time?</i>	Oregon law does not specifically address the penalty, but there is a catch-all provision that allows for a civil penalty not to exceed \$1000 for each violation of any provision of Oregon Revised Statutes relating to the conduct of any election, any rule adopted by the secretary under Oregon Revised States chapters 246 to 260 or any other matter preliminary to or relating to an election, for which a civil penalty is not otherwise provided. ¹⁸
<i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i>	No. No person other than the applicant or an elections officer in the performance of official duties may alter any information provided on a voter registration card. ¹⁹ Violation of this statute is a Class C felony. ²⁰
<i>How will an applicant know whether the election official received the application?</i>	When an elector registers or updates a registration, the county clerk must issue the elector a new voter notification card by nonforwardable mail. ²¹ The clerk or official must also promptly notify the person of a rejection. ²²
<i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i>	The county clerk must attempt to contact the registrant if certain information is missing, see question D below.
<i>Who investigates and enforces the state rules?</i>	Secretary of State and the Attorney General, see details below, question E.

State Voter Registration Drive Rules: Detailed Explanations

BEFORE THE DRIVE

A. *Are there restrictions on getting voter registration forms?*

If an organization requests more than 5,000 voter registration cards, it must develop and abide by a distribution plan to be included on the registration card request form as well as provide written assurances that unused cards will be returned to the Secretary of State.²³ At the discretion of the Secretary of State, requests for additional voter registration forms may be satisfied by authorizing the requesting person to print the voter registration forms at the person's own expense, according to Secretary of State specifications.²⁴

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.²⁵

In addition, state request forms must be submitted for requests for 100 or more voter registration cards. The county official must fill requests for less than 500 cards, and the Secretary of State fills requests for 500 or more cards. The Secretary of State must maintain records to determine when an aggregate of 5,000 forms has been provided to any person during the statutory time period.²⁶

The rules state that the procedures shall be construed liberally in order not to impede voter registration.²⁷

B. *Does the state have restrictions on paying drive workers?*

Yes, a person may not pay or receive money or another thing of value based on the number of signed voter registration cards a person collects.²⁸ Employment relationships that do not base payment on the number of signatures collected are allowed. Allowable practices include: paying an hourly wage or salary, using express minimum signature requirements (quota), terminating those who do not meet the productivity requirements, adjusting salaries prospectively relative to productivity, and paying discretionary bonuses based on reliability, longevity and productivity, provided no payments are made on a per signature basis. Violations of the rule are processed as civil penalties under Oregon Revised Statute 260.995. Violations will be calculated by deeming each individual voter registration card that contains signatures that was collected in violation of this rule as a single occurrence.²⁹

C. *Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?*

Yes. Oregon law provides that a person, acting either alone or with or through any other person, may not directly or indirectly subject any person to undue influence with the intent to induce any person to register to vote. "Undue influence," among other things, includes giving or promising to give money or other thing of value. This law does not prohibit the public distribution of registration cards by a person approved by the Secretary of State to print, copy or otherwise prepare and distribute registration cards, even though the distributor incurs costs in the distribution.³¹

Federal law also states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."³² At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."³³

Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."³⁴

DURING THE DRIVE

D. How may an applicant correct an incomplete application after it has been submitted to election officials?

If the registrant's name, residence address, date of birth or signature is missing from the voter registration form, or if the registrant's date of birth is incomplete, the county clerk must attempt to contact the registrant to obtain the missing or incomplete information. If a registration card contains an unintentional scrivener's error, the county clerk may attempt to contact the person to correct the error.³⁵

E. Who is responsible for investigating and enforcing the state rules?

The Secretary of State is the chief elections officer of Oregon, and it is her responsibility to maintain uniformity in the application, operation and interpretation of the Oregon Election Code.³⁶ The Secretary of State and each county clerk are required to diligently seek out any evidence of violation of any election law.³⁷ The county clerk may also inquire into the validity of the registration of any elector.³⁸ Whenever it appears to the Secretary of State that a county clerk, city elections officer or a local elections official is not in compliance with election rule, directive or instruction made by the Secretary of State, the Secretary seek an order from the circuit court to compel the official to comply.³⁹ Complaints regarding violation of the election laws may be filed with the Secretary of State, except that those that concern the Secretary may be filed with the Attorney General. If the Secretary believes after its investigation that a criminal violation has occurred, the Secretary must report the findings to the Attorney General and request prosecution. In the case of non-criminal violation, the Secretary may impose a civil penalty. When the Attorney General receives a complaint subject to criminal penalties, the Attorney General or another prosecutor immediately must examine the complaint or report to determine whether a violation of an election law has occurred, and if so, must prosecute the violation in the name of the state. If the complaint is for a violation not subject to criminal penalties, the Attorney General must investigate as she deems necessary, and if the Attorney General believes after an investigation that a violation has occurred, the Attorney General may impose a civil penalty.⁴⁰

WEB PAGE OF STATUTE

https://www.oregonlegislature.gov/bills_laws/ors/ors247.html

For more information, contact:

Project Vote

1420 K Street NW, 7TH Floor
Washington, D.C. 20005
(888) 546-4173
www.projectvote.org

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¹ Or. Const. art. II, § 2

² Or. Rev. Stat. § 247.015(3); Or. Admin. R. 165-005-0050(2)(c).

³ Or. Rev. Stat. § 247.016

⁴ Or. Rev. Stat. § 247.035(1)(a)

⁵ Or. Rev. Stat. § 137.281.

⁶ Or. Rev. Stat. § 247.038(2)(a)-(b)

⁷ Or. Rev. Stat. § 137.281.

⁸ Or. Rev. Stat. § 247.012(4)

⁹ Or. Admin. R. 165-005-0150

¹⁰ Or. Sec'y of State, *Voting in Oregon*, <http://sos.oregon.gov/voting/Pages/voteinor.aspx> (last visited Mar. 11, 2016).

¹¹ Or. Rev. Stat. § 247.025; Or. Const. art. II, § 2

¹² Or. Rev. Stat. § 247.012 (9)

¹⁴ Or. Rev. Stat. § 247.178

¹⁵ Or. Rev. Stat. § 260.569

¹⁶ Or. Rev. Stat. § 247.973(2)

¹⁷ Or. Rev. Stat. § 247.012(2)(a)

¹⁸ Or. Rev. Stat. § 260.995

¹⁹ Or. Rev. Stat. § 247.125(1)

²⁰ Or. Rev. Stat. § 260.993(2)

²¹ Or. Rev. Stat. § 247.181

²² Or. Rev. Stat. § 247.174

²³ Or. Rev. Stat. § 247.176; Secretary of State Elections Division, Request for Voter Registration Cards, Form SEL 505 (Rev. Feb. 2016), available at <http://sos.oregon.gov/elections/Documents/SEL505.pdf>; Or. Admin. R. 165-005-0080

²⁴ Or. Admin. R. 165-005-0080

²⁵ Or. Rev. Stat. Ann. § 247.171

²⁶ Or. Admin. R. 165-005-0080

²⁷ Or. Admin. R. 165-005-0080

²⁸ Or. Rev. Stat. § 260.569

²⁹ Or. Admin. R. 165-014-0260

³¹ Or. Rev. Stat. § 260.665

³² 52 U.S.C. § 10307(c)

³³ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).

³⁴ California Secretary of State, Guide to Voter Registration Drives 11, available at <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (last revised Jan. 2016)

³⁵ Or. Rev. Stat. § 247.012(4), (6)

³⁶ Or. Rev. Stat. § 246.110

³⁷ Or. Rev. Stat. § 246.046

³⁸ Or. Rev. Stat. § 247.195(1)

³⁹ Or. Rev. Stat. § 246.820(1)

⁴⁰ Or. Rev. Stat. § 260.345