

Enrolled House Bill 3073

Sponsored by Representatives CATE, LEVY B; Representatives HIEB, RESCHKE

CHAPTER

AN ACT

Relating to public disclosure of voter records; creating new provisions; amending ORS 247.948, 249.031, 249.720 and 255.235; and prescribing an effective date.

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

SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 249.

SECTION 2. (1)(a) The Secretary of State by rule shall establish a new provision that must be added to every nominating petition or declaration of candidacy used for public office. The provision established under this section shall:

(A) Allow each candidate for public office to check a box indicating that the candidate does not want the residence address of the candidate to be disclosed on:

(i) Publicly accessible versions of the nominating petition or declaration of candidacy used by the candidate; or

(ii) A list of electors delivered under ORS 247.940 or 247.945; and

(A) of this paragraph includes an alternative mailing address that will be included on each list of electors delivered under ORS 247.940 or 247.945.

(b) The residence address of a candidate who checks the box described in paragraph (a)(A) of this subsection:

(A) May not be visible on any publicly accessible nominating petition or declaration of candidacy;

(B) May not be disclosed on a list of electors delivered under ORS 247.940 or 247.945 until:

(i) The relevant filing officer determines that the person is no longer a candidate for the public office described in the nominating petition or declaration of candidacy and was not elected to that public office;

(ii) The relevant filing officer determines that a candidate who is elected to the public office described in the nominating petition or declaration of candidacy ceases to hold that public office; or

(iii) The candidate indicates to the relevant filing officer in a manner determined by the Secretary of State by rule that the candidate would like the candidate’s residence address to be visible on publicly accessible nominating petitions or declarations of candidacy or to appear on lists of electors delivered under ORS 247.940 or 247.945; and

(C) Until one of the criteria in subparagraph (B) of this paragraph is satisfied, is subject to inspection as a public record under ORS 192.311 to 192.478 only to a person who has filed a written public records request.

(2)(a) The Secretary of State shall by rule establish a method to allow any public office holder to indicate that the public office holder does not want the residence address of the public office holder to be disclosed on a list of electors delivered under ORS 247.940 or 247.945.

(b) The residence address of a public office holder who makes an indication described in paragraph (a) of this subsection:

(A) May not be disclosed on a list of electors delivered under ORS 247.940 or 247.945 until:

(i) The relevant filing officer determines that the public office holder no longer holds that public office; or

(ii) The public office holder indicates to the relevant filing officer in a manner determined by the Secretary of State by rule that the public office holder would like the public office holder's residence address to appear on lists of electors delivered under ORS 247.940 or 247.945; and

(B) Until one of the criteria in subparagraph (A) of this paragraph is satisfied, is subject to inspection as a public record under ORS 192.311 to 192.478 only to a person who has filed a written public records request.

(3) This section does not apply to:

(a) Nominating petitions or declarations of candidacy for candidates for precinct committeeperson; or

(b) Precinct committeepersons.

(4) The Secretary of State may adopt any rules necessary to effectively implement this section.

(5) As used in this section, "filing officer" has the meaning given that term in ORS 260.005.

SECTION 3. ORS 249.031 is amended to read:

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

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

(b) Address information as required by the Secretary of State by rule.

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

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

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

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

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

(h) The signature of the candidate.

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

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

(3) The Secretary of State shall ensure that the templates for a nominating petition or declaration of candidacy provide the candidate with the option to:

(a) Provide the candidate's race and ethnicity; and

(b) **Limit the public accessibility of the candidate's residence address in the manner set forth in section 2 of this 2023 Act.**

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

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

SECTION 4. ORS 249.720 is amended to read:

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

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

(b) Address information as required by the Secretary of State by rule.

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

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

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

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

(g) The signature of the candidate.

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

(2) The Secretary of State shall ensure that the template for a certificate of nomination provides the candidate with the option to:

(a) Provide the candidate’s race and ethnicity; and

(b) Limit the public accessibility of the candidate’s residence address in the manner set forth in section 2 of this 2023 Act.

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

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

SECTION 5. ORS 255.235 is amended to read:

255.235. Except as provided in ORS 255.400 to 255.424:

(1) A candidate for election as a member of a district board shall be nominated by filing with the elections officer either:

(a) A petition for nomination signed by at least 25 electors, or 10 percent of the electors, residing in the election district for the office, whichever number is less; or

(b) A declaration of candidacy accompanied by a filing fee of \$10.

(2) A petition for nomination or a declaration of candidacy shall be filed with the elections officer not sooner than the 40th day before the deadline specified in paragraph (a) or (b) of this subsection and:

(a) Not later than the 61st day before the date of the district election if the election is a regular district election or the first election at which members of the district board are elected.

(b) Not later than the 70th day before the date of the district election if the election is held on the date of a primary election or general election.

(3) A nominating petition or declaration of candidacy shall contain the information specified in ORS 249.031.

(4) The Secretary of State shall ensure that the templates for a nominating petition or declaration of candidacy provide the candidate with the option to:

(a) Provide the candidate's race and ethnicity; **and**

(b) Limit the public accessibility of the candidate's residence address in the manner set forth in section 2 of this 2023 Act.

(5) In a district in which a position or zone number is assigned to each office on the district board, each petition for nomination or declaration of candidacy for election to the district board shall state the position or zone number of the office to which the candidate seeks election.

(6) The provisions of ORS 249.009 (1)(b) and 249.061 do not apply to nominating petitions filed under this section.

(7) A nominee for election to the district board may withdraw the nomination not later than 5 p.m. of the last day specified for filing a petition or declaration under this section by filing with the elections officer a written withdrawal of candidacy. The withdrawal shall be signed by the nominee and state the reasons for withdrawal.

SECTION 6. ORS 247.948 is amended to read:

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

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

(B) **Except as provided in subsection (3) of this section,** the residence address of an elector;

(C) **Except as provided in subsection (3) of this section,** the address where an elector receives a ballot;

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

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

(F) The precinct split of an elector;

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

(H) The telephone number of an elector;

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

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

(b) As used in this subsection:

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

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

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

(i) Has more than one election district subdivision; and

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

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

(a) The birth month of an elector;

(b) The day of the month on which an elector was born;

(c) The Social Security number of an elector;

(d) The driver license number of an elector; and

(e) The signature of an elector.

(3) The residence address of an elector may not be included in lists delivered under ORS 247.940 and 247.945 if the elector:

(a) Is either a candidate for elected office or a holder of elected office; and

(b) Has chosen to limit the public accessibility of the elector’s residence address in the manner described in section 2 of this 2023 Act.

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

SECTION 7. Section 2 of this 2023 Act and the amendments to ORS 247.948, 249.031, 249.720 and 255.235 by sections 3 to 6 of this 2023 Act become operative on January 1, 2024.

SECTION 8. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Passed by House May 31, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 23, 2023

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Rob Wagner, President of Senate

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State