

House Bill 3433

Sponsored by Representative THATCHER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that notice be sent by certified mail to electors who need to update voter registration and to any person who votes challenged ballot and for whom registration cannot be validated.

Directs Secretary of State to obtain Social Security records to determine whether any electors have died or whether duplicate records exist. Directs secretary to notify county clerks of affected counties.

Requires county clerks to send notice by certified mail to each person listed as deceased in Social Security records and cancel registration of person if person does not respond within specified time.

A BILL FOR AN ACT

1
2 Relating to elections; amending ORS 247.563, 247.570 and 254.426.

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

4 **SECTION 1.** ORS 247.563 is amended to read:

5 247.563. (1) Except as provided in subsection (4) of this section and ORS 247.555, whenever it
6 appears to the county clerk that an elector needs to update the elector's registration or that the
7 elector has changed residence address to another county, the county clerk shall mail a notice to the
8 elector.

9 (2) The notice shall be sent by [*forwardable mail*] **certified mail, return receipt requested**, and
10 shall include a postage prepaid, preaddressed return card on which the elector may state the elec-
11 tor's current residence and mailing address. The notice shall advise the elector that:

12 (a) The elector should return the card promptly;

13 (b) If the card is not returned by the 21st calendar day immediately preceding an election, the
14 elector may be required to complete a new registration card in order to vote in an election; and

15 (c) The elector's registration will be canceled if the elector neither votes nor updates the reg-
16 istration before two general elections have been held.

17 (3) When the county clerk mails a notice under this section, the registration of the elector shall
18 be considered inactive until the elector updates the registration, the registration is canceled or the
19 clerk determines that the registration should be considered active.

20 (4) This section does not apply when the county clerk receives written evidence from the elector
21 or another county clerk indicating a change of residence or mailing address or from the United
22 States Postal Service indicating a change of residence address and the registration of the elector is
23 automatically updated by the county clerk under any provision of this chapter.

24 **SECTION 2.** ORS 247.570 is amended to read:

25 247.570. (1) Not later than five business days after receiving a certificate of death under ORS
26 432.307, a county registrar designated under ORS 432.035 shall furnish to the county clerk of that
27 county the name, age, date of birth and residence address of the person for whom the registrar has
28 received the certificate of death. If the person was registered to vote in the county, the county clerk

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 immediately shall cancel the registration of the person.

2 (2) Not later than five business days after receiving information from the county registrar under
 3 subsection (1) of this section, the county clerk shall furnish the information to the Secretary of
 4 State. The Secretary of State shall furnish a copy of the appropriate names received under this
 5 subsection to each county clerk. Each county clerk immediately shall cancel the registrations of
 6 those persons.

7 (3) The Department of Human Services, during the last week of each month, shall furnish to the
 8 Secretary of State a list of the name, age, date of birth, county of residence and residence address
 9 of each resident of this state who has died during the preceding month and for whom a certificate
 10 of death was not filed with a county registrar. The Secretary of State shall furnish a copy of the
 11 appropriate names to each county clerk. Each county clerk immediately shall cancel **the** registra-
 12 tions of those persons.

13 **(4)(a) Once every three months, the Secretary of State shall obtain Social Security re-**
 14 **ords from the United States Social Security Administration and use the records to deter-**
 15 **mine whether any electors have died in the preceding three months or whether any duplicate**
 16 **records of registration exist. The Secretary of State shall provide the information obtained**
 17 **under this subsection to the county clerk of each affected county.**

18 **(b) Based on information received under this subsection, the county clerk shall eliminate**
 19 **any duplicate records of electors and in the case of an elector presumed to be deceased based**
 20 **upon Social Security records:**

21 **(A) Mail a notice by certified mail, return receipt requested, that advises the elector that**
 22 **Social Security records indicate that the elector is deceased; and**

23 **(B) Cancel the registration of the elector if the elector does not respond to the notice**
 24 **within 30 days after the date the notice was mailed.**

25 **(c) The Secretary of State shall adopt rules to implement the provisions of this sub-**
 26 **section.**

27 **SECTION 3.** ORS 254.426 is amended to read:

28 254.426. (1) Whenever any person votes a challenged ballot, the county clerk shall ensure that
 29 the ballot offered by the person includes the number of the written statement of challenge so that
 30 the ballot may be identified in any future contest of the election.

31 (2) The county clerk shall examine the challenge and determine if the person is validly regis-
 32 tered to vote and if the vote was properly cast. The ballot shall be counted only if the county clerk
 33 determines the person is validly registered.

34 **(3) If the county clerk determines that the person is not validly registered to vote, the**
 35 **county clerk shall send a notice to the person by certified mail, return receipt requested,**
 36 **including a written statement that describes the nature of the challenge.**

37 [(3)] (4) The county clerk shall ensure that the information on the numbered written statement
 38 is treated as confidential so that in the event of a recount of votes it cannot be determined how any
 39 challenged person voted.

40 [(4)] (5) The registration of [any] **each** person voting under this section and ORS 254.415 shall
 41 be verified not later than the *[last business day prior to the last day for the official certification of*
 42 *election results required by ORS 254.545 (3) and 255.295 (1)]* **10th calendar day after the date of**
 43 **the election** in order for the vote of the person to be counted.