

DRAFT

SUMMARY

Extends automatic voter registration to Oregon Health Authority and any state agency designated by Governor. Allows registration from these agencies to occur if no electronic signature is on file. Requires elector to provide signature in order for ballot to be counted.

Requires Secretary of State to coordinate with Department of Revenue to obtain address information from individual tax returns to verify address of voters contained in voter record. Authorizes county clerks to use information to update address if necessary.

Requires electronic voter registration system to allow qualified individual to register to vote if individual has social security number. Requires system to enable individual to submit electronic image or digital copy of signature. Further requires system to allow approved third-party organizations to submit registration cards electronically on behalf of individuals.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to voter registration; creating new provisions; amending ORS 247.002, 247.012, 247.014, 247.019, 247.171, and 247.292; and prescribing an effective date.

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

SECTION 1. Sections 2, 3 and 4 of this 2021 Act are added to and made a part of ORS chapter 247.

SECTION 2. (1)(a) Subject to compliance with all applicable federal laws and regulations, the Secretary of State shall by rule establish a schedule by which the Oregon Health Authority shall provide to the secretary electronic records, derived from information provided to the Oregon Health Plan, containing the legal name, age, residence and citizenship information for each person who meets qualifications

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 identified by the secretary by rule.

2 (b) For each person for whom the Oregon Health Authority provides
3 electronic records under paragraph (a) of this subsection, the author-
4 ity shall also provide to the Secretary of State, to the extent such re-
5 cords are available, a copy of the person's electronic signature, the
6 person's driver license or identification card number or the last four
7 digits of the person's social security number.

8 (2)(a) Upon receiving the electronic record for a person described
9 in subsection (1) of this section, the Secretary of State shall provide
10 the information to the county clerk of the county in which the person
11 may be registered as an elector.

12 (b) If no electronic signature for a person is provided under sub-
13 section (1) of this section, the Secretary of State shall provide to the
14 county clerk any electronic signature in the secretary's possession.
15 The secretary shall also by rule develop a process to obtain signatures
16 described in this subsection from the Department of Transportation.

17 (c) The secretary or county clerk shall notify each person described
18 in subsection (1) of this section of the processes to:

19 (A) Decline being registered as an elector;

20 (B) Adopt a political party affiliation; and

21 (C) Provide a signature if no signature was provided under sub-
22 section (1) of this section and the Secretary of State does not have a
23 copy of the signature or is unable to obtain an electronic copy of the
24 signature from the Department of Transportation under paragraph (b)
25 of this subsection.

26 (3) Notwithstanding the absence of any signature, if a person noti-
27 fied under subsection (2) of this section does not decline to be regis-
28 tered as an elector within 21 calendar days after the Secretary of State
29 or county clerk issues the notification, the person's electronic record
30 submitted under subsection (1) of this section will constitute a com-
31 pleted registration card for the person for purposes of this chapter.

The person shall be registered to vote if the county clerk determines that the person is qualified to vote under Article II, section 2, of the Oregon Constitution, and the person is not already registered to vote.

(4) A county clerk may not send a ballot to, or add to an elector registration list, a person who meets eligibility requirements until at least 21 calendar days after the Secretary of State or county clerk provided notification to the person as described in subsection (2) of this section.

(5) The Secretary of State shall adopt rules required to implement this section.

SECTION 3. (1) The Governor may designate any state agency an automatic voter registration agency upon a determination by the Governor that in the regular course of business the agency collects the legal name, age, residence and citizenship information of individuals in this state.

(2) Upon a designation by the Governor under subsection (1) of this section, the Secretary of State shall by rule establish a schedule by which the state agency shall provide to the secretary electronic records of the individuals described in subsection (1) of this section. The procedure established under this subsection must be substantially similar to the procedure established for obtaining electronic records from the Oregon Health Authority under section 2 of this 2021 Act, subject to any modifications necessary to comply with federal law.

(3)(a) Upon receiving the electronic record for a person described in subsection (2) of this section, the Secretary of State shall provide the information to the county clerk of the county in which the person may be registered as an elector.

(b) If no electronic signature for the person was provided under subsection (2) of this section, the Secretary of State shall provide to the county clerk any electronic signature in the secretary's possession. The secretary shall also request any missing signature from the De-

partment of Transportation.

(c) The secretary or county clerk shall notify each person described in subsection (2) of this section of the processes to:

(A) Decline being registered as an elector;

(B) Adopt a political party affiliation; and

(C) Provide a signature if no signature was provided under subsection (2) of this section and the Secretary of State does not have a copy of the signature or is unable to obtain a copy of the signature from the Department of Transportation under paragraph (b) of this subsection.

(4) If a person notified under subsection (3) of this section does not decline to be registered as an elector within 21 calendar days after the Secretary of State or county clerk issues the notification, notwithstanding the absence of any signature, the person's electronic record submitted under subsection (2) of this section will constitute a completed registration card for the person for purposes of this chapter. The person shall be registered to vote if the county clerk determines that the person is qualified to vote under Article II, section 2, of the Oregon Constitution, and the person is not already registered to vote.

(5) A county clerk may not send a ballot to, or add to an elector registration list, a person who meets eligibility requirements until at least 21 calendar days after the Secretary of State or county clerk provided notification to the person as described in subsection (3) of this section.

(6) The Secretary of State shall adopt rules required to implement this section.

SECTION 4. (1) Notwithstanding ORS 314.835 and 314.840, and to the degree permitted under federal law, the Secretary of State shall coordinate with the Department of Revenue to obtain address information from individual income tax returns and use this information to verify the accuracy of the addresses of electors contained in the centralized

1 voter registration system.

2 (2) If the Secretary of State determines that the address an elector
3 used to file income tax returns is different from the address for the
4 elector contained in the centralized voter registration system, the
5 secretary shall provide the information obtained under subsection (1)
6 of this section to the county clerk of each affected county.

7 (3) The Secretary of State may adopt rules necessary to implement
8 this section.

9 SECTION 5. Section 6 of this 2021 Act is added to and made a part
10 of ORS chapter 254.

11 SECTION 6. (1) As used in this section, “elector without a qualify-
12 ing signature” means an individual:

13 (a) Who is registered to vote under section 2 or 3 of this 2021 Act;
14 and

15 (b) For whom the Secretary of State or county clerk has not re-
16 ceived a signature that can be used to verify the identity of the elector
17 under ORS 254.470 (9).

18 (2) If an elector without a qualifying signature returns a ballot at
19 an election, the county clerk shall mail to the elector a notice, on a
20 standard form designed by the Secretary of State by rule, that:

21 (a) Explains that a signature is needed for identification purposes
22 before the elector’s ballot may be tallied; and

23 (b) Provides instructions for the elector to:

24 (A) Confirm that the elector returned the ballot to the county clerk;
25 and

26 (B) Provide a signature that can be used to verify the identity of
27 the elector under ORS 254.470 (9).

28 (3) If the elector without a qualifying signature provides the county
29 clerk with the materials described in subsection (2)(b) of this section
30 no later than 14 days after the date of the election:

31 (a) The ballot shall be tallied if the county clerk determines that

1 **the ballot is otherwise valid; and**

2 **(b) The signature provided by the elector under subsection (2)(b) of**
 3 **this section shall be added to the elector's registration record and used**
 4 **to verify the identity of the elector in future elections.**

5 **(4) The Secretary of State may adopt rules necessary to implement**
 6 **this section.**

7 **SECTION 7.** ORS 247.002 is amended to read:

8 247.002. As used in this chapter:

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

11 (2) "Elector" means an individual qualified to vote under Article II, sec-
 12 tion 2, Oregon Constitution.

13 (3) "Registration card" means:

14 **(a)** A state voter registration card approved by the Secretary of State
 15 under ORS 247.171[.];

16 **(b)** A federal voter registration application form prescribed by the Federal
 17 Election Commission pursuant to the National Voter Registration Act of
 18 1993 (P.L. 103-31) [*or*];

19 **(c)** An electronic record containing an individual's legal name, age, resi-
 20 dence and citizenship information and electronic signature submitted to the
 21 Department of Transportation in the manner described in ORS 247.017; **or**

22 **(d) An electronic record containing an individual's legal name, age,**
 23 **residence and citizenship information submitted either to the Oregon**
 24 **Health Authority in the manner described in section 2 of this 2021 Act**
 25 **or any state agency designated by the Governor pursuant to section 3**
 26 **of this 2021 Act in the manner described in section 3 of this 2021 Act.**

27 **SECTION 8.** ORS 247.012 is amended to read:

28 247.012. (1) A qualified person may register to vote or update a registra-
 29 tion to vote by:

30 (a) Delivering by mail, having a person deliver or otherwise delivering a
 31 completed registration card to any county clerk, the Secretary of State, any

office of the Department of Transportation or any designated voter registration agency as described in ORS 247.208;

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

(c) Submitting the person's legal name, age, residence and citizenship information and electronic signature to the Department of Transportation; [or]

(d) Submitting the person's legal name, age, residence and citizenship information either to the Oregon Health Authority or any state agency designated by the Governor pursuant to section 3 of this 2021 Act; or

~~[(d)]~~ (e) Completing a registration card using the electronic voter registration system described in ORS 247.019.

(2) If a registration card is mailed or delivered to:

(a) Any person other than a county clerk or the Secretary of State, the person shall forward the card to a county clerk or the Secretary of State not later than the fifth day after receiving the card; or

(b) The Secretary of State or a county clerk for a county other than the county in which the person applying for registration resides, the Secretary of State or county clerk 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:

(a) When a legible, accurate and complete registration card is received in the office of any county clerk, the Office of the Secretary of State, an office of the Department of Transportation, a designated voter registration agency under ORS 247.208 or at a location designated by a county clerk under subsection (7) of this section;

(b) On the date a registration card is postmarked if the card is received after the 21st day immediately preceding an election but is postmarked not later than the 21st day immediately preceding the election and is addressed

1 to an office of any county clerk, the Office of the Secretary of State, an of-
2 fice of the Department of Transportation or any designated voter registration
3 agency as described in ORS 247.208; or

4 (c) In the case of a registration card missing a date of birth, containing
5 an incomplete date of birth or containing an unintentional scrivener's error
6 that is supplied or corrected as described in subsection (4) or (6) of this
7 section, on the date that registration would have occurred if the registration
8 card had not been missing the date of birth, contained an incomplete date
9 of birth or contained the scrivener's error.

10 (4)(a)(A) Except as provided in ORS 247.125, if a registration card is leg-
11 ible, accurate and contains, at a minimum, the registrant's name, residence
12 address, date of birth and, **except as provided in subparagraph (B) of this**
13 **paragraph**, signature, the county clerk shall register the person.

14 **(B) The county clerk shall register a person pursuant to section 2**
15 **or 3 of this 2021 Act, regardless of whether the person's registration**
16 **card contains a signature, if the person's registration card is legible,**
17 **accurate and contains, at a minimum, the registrant's name, residence**
18 **address and date of birth.**

19 (b) If the information required under paragraph (a) of this subsection is
20 missing from the registration card or the date of birth is incomplete, **or if**
21 **the signature of a person registered under section 2 or 3 of this 2021**
22 **Act is missing**, the county clerk shall attempt to obtain the missing or in-
23 complete information from all sources available to the county clerk, includ-
24 ing but not limited to current and previous addresses and phone numbers of
25 the registrant. The county clerk may also supply the registrant's date of
26 birth from any previous registration of the registrant. If the missing or in-
27 complete information cannot be obtained from sources available to the
28 county clerk, the county clerk shall use reasonable efforts to contact the
29 registrant by phone, mail and electronic mail to obtain the missing or in-
30 complete information.

31 (5) If a registration card meets the requirements of subsection (4) of this

section but is missing an indication of political party affiliation, the registrant shall be considered not affiliated with any political party. This subsection does not apply if an elector is updating a registration.

(6) If a registration card contains an unintentional scrivener's error, the county clerk may attempt to contact the person to correct the error.

(7) A county clerk may appoint officials to accept registration of 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.

(8) A registration card received and accepted under this section shall be considered an active registration.

(9) A registration may be updated at any time.

SECTION 9. ORS 247.292 is amended to read:

247.292. (1) A county clerk shall update the registration of an elector in the county upon receiving evidence from:

(a) The elector indicating a residence or mailing address that is different from the residence or mailing address for the elector as contained in the records of the county clerk;

(b) The United States Postal Service indicating a residence address that is different from the residence address for the elector as contained in the records of the county clerk; or

(c) The Secretary of State as provided in ORS 247.017 or 247.295 **or section 2, 3 or 4 of this 2021 Act.**

(2) When a county clerk updates the registration of an elector under subsection (1) of this section, the clerk shall send a new voter notification card by nonforwardable mail to the elector as provided in ORS 247.181. The clerk shall include a notice stating that if the residence address or mailing address is not correct, the elector must notify the clerk.

(3) An elector is not disqualified from voting due to any error relating to an update of registration made under this section.

SECTION 10. ORS 247.019 is amended to read:

247.019. (1) The Secretary of State by rule shall adopt an electronic voter registration system to be used by qualified persons who have a valid:

(a) Oregon driver license, as defined in ORS 801.245;

(b) Oregon driver permit, as defined in ORS 801.250; [or]

(c) State identification card, issued under ORS 807.400; **or**

(d) Social security number.

(2) The electronic voter registration system shall allow a qualified person to complete and deliver a registration card electronically **and to electronically submit an electronic image or digital copy of the person's signature.** A registration card delivered under this section is considered delivered to the Secretary of State for purposes of this chapter.

(3) A person who completes a registration card electronically under this section consents to the use of the person's driver license, driver permit or state identification card signature, **or a digital copy of the person's signature,** for voter registration purposes.

(4) **If available,** the Department of Transportation shall provide to the Secretary of State a digital copy of the driver license, driver permit or state identification card signature of each person who completes a registration card under this section.

(5) The electronic voting system shall also include an application programming interface to allow third-party organizations to securely submit registration cards electronically on behalf of individuals. In order to submit registration cards under this subsection, a third-party organization must be approved as a voter registration organization under a process designed by the secretary by rule.

SECTION 11. ORS 247.014 is amended to read:

247.014. In implementing ORS 247.012, 247.017 and 247.171 **and sections 2, 3 and 4 of this 2021 Act,** the Department of Transportation, **Oregon Health Authority and any state agency designated by the Governor under section 3 of this 2021 Act** shall take steps reasonably necessary to allow transfer of voter registration information by electronic or magnetic

medium.

SECTION 12. ORS 247.171 is amended to read:

247.171. (1) Except as provided in this subsection, the Secretary of State shall design, prepare and distribute state voter registration cards. The Secretary of State shall also distribute federal 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.

(2) The Secretary of State shall approve any voter registration application form developed for use by any agency designated as a voter registration agency under ORS 247.208.

(3) Each voter registration card designed or approved by the Secretary of State shall describe the penalties for knowingly supplying false information on the registration card and shall contain space for a person to provide the following information:

(a) Full name;

(b) Residence address, mailing address or any other information necessary to locate the residence of the person offering to register to vote;

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

(d) Date of birth;

(e) An indication that the person is a citizen of the United States; and

(f) **Except as provided in sections 2 and 3 of this 2021 Act**, a signature attesting to the fact that the person is qualified to be an elector.

(4) Any form containing a voter registration card may also include space for a person to provide:

(a) A telephone number where the person may be contacted; and

(b) If previously registered to vote in this state, the name then supplied by the person and the county and, if known, the address of previous regis-

1 tration.

2 (5) A person shall not supply any information under subsection (3) or (4)
3 of this section knowing it to be false.

4 (6) A county clerk or other person accepting registration cards shall not
5 request any information unless it is authorized by state or federal law.

6 (7) **Except as provided in sections 2 and 3 of this 2021 Act**, a person
7 shall attest to the information supplied on the voter registration card by
8 signing the completed registration card.

9 (8) Any completed and signed registration card described in subsection (3)
10 of this section shall be the official registration card of the elector.

11 **SECTION 13. (1) Sections 2 and 4 of this 2021 Act apply to electronic**
12 **records and electronic signatures in the possession of the Oregon**
13 **Health Authority and the Department of Revenue on or after the ef-**
14 **fective date of this 2021 Act.**

15 **(2) The Secretary of State, Oregon Health Authority and Depart-**
16 **ment of Revenue shall implement sections 2 to 4 and 6 of this 2021 Act**
17 **and the amendments to ORS 247.002, 247.012, 247.014 247.019, 247.171 and**
18 **247.292 by sections 7 to 12 of this 2021 Act no later than January 1, 2023.**

19 **SECTION 14. This 2021 Act takes effect on the 91st day after the**
20 **date on which the 2021 regular session of the Eighty-first Legislative**
21 **Assembly adjourns sine die.**