

A-Engrossed
House Bill 2681

Ordered by the House April 10
Including House Amendments dated April 10

Sponsored by Representative RAYFIELD; Representatives HUDSON, PHAM, REARDON, REYNOLDS, WILDE, WILLIAMS, Senators DEMBROW, GOLDEN, PATTERSON (Presession filed.)

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.

[Requires each county clerk to file annual report with Secretary of State identifying each voter who clerk moved to inactive status during previous calendar year and specifying reason for moving voter to inactive status.]

Prohibits moving voter to inactive status due to voter not voting or updating voter registration for any period of time. **Reactivates any voter whose registration is currently inactive due to voter not voting or updating voter registration.**

Requires county clerk, if voter moved to inactive status due to **name change or signature** on return identification envelope not matching signature in voter registration record, to mail voter notification of reason for inactive status **and information on how voter can reactivate voter registration** between 60 and 70 days before date of *[both next]* **each** primary election and *[next]* general election.

[Requires county clerk to mail all currently inactive voters for whom county clerk has valid address voter notification of inactive status between 60 and 70 days before date of both 2022 primary election and 2022 general election.]

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to inactive voters; creating new provisions; amending ORS 254.411 and 254.431; and pre-
3 scribing an effective date.

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

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

7 **SECTION 2. (1) Notwithstanding any other provision of ORS chapters 246 to 260, the**
8 **registration of an elector may not be considered inactive due to an elector not voting or**
9 **updating the elector's registration for any period of time.**

10 **(2) The registration of an elector shall be considered active if the only reason for the**
11 **registration of an elector being considered inactive is that the elector neither voted nor up-**
12 **dated the elector's registration for any period of time.**

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

14 **SECTION 3. (1) The county clerk shall mail a notice to each elector:**

15 **(a) Whose registration is inactive as of the 75th day before the date of a primary election**
16 **or general election;**

17 **(b) Whose registration is considered inactive due to a nonmatching signature under ORS**
18 **254.431 or a name change under ORS 254.411; and**

19 **(c) For whom the county clerk has a valid and current mailing address.**

20 **(2) The notice sent under subsection (1) of this section must:**

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 (a) Inform the elector that the elector's registration is currently inactive;

2 (b) State the reason for the inactivation;

3 (c) Contain information on how the elector can reactivate the elector's registration; and

4 (d) Be sent to the elector no earlier than 70 days and no later than 60 days before the
5 election.

6 (3) In addition to the notice required to be sent under subsection (1) of this section, the
7 county clerk may mail a notice to each elector described in subsection (1)(b) of this section
8 whose registration is inactive as of the 75th day before the date of an election other than a
9 primary election or general election. Any notice the county clerk chooses to send under this
10 subsection must comply with the requirements set forth in subsection (2) of this section.

11 (4) The Secretary of State shall design a standard form to be used in all notifications sent
12 by the county clerk under this section.

13 **SECTION 4.** ORS 254.431 is amended to read:

14 254.431. (1) If a ballot is challenged because it is returned in an unsigned return identification
15 envelope or because the signature of an elector on a return identification envelope does not match
16 the signature in the voter registration record for the elector, the county clerk shall mail to the
17 elector a notice that describes the nature of the challenge. The Secretary of State shall design a
18 standard form to be used in all notifications sent by county clerks under this subsection.

19 (2)(a) In order for the vote of the elector to be counted, the elector must provide evidence suf-
20 ficient to disprove the challenge not later than the 14th calendar day after the date of the election.
21 In the case of an unsigned return identification envelope, providing sufficient evidence may include
22 completing a certified statement on a form provided by the county clerk. The Secretary of State
23 shall design a standard form to be used for certified statements made under this paragraph.

24 (b) If the elector does not provide evidence sufficient to disprove a challenge alleging that the
25 signature of the elector on a return identification envelope does not match the signature in the
26 voter registration record for the elector by the 14th calendar day after the date of the election, the
27 registration of the elector shall be considered inactive.

28 (3)(a) The filing officer may not release as a public record any information that could be used
29 to identify an elector whose ballot has been challenged under this section until the eighth calendar
30 day after the date of an election.

31 (b) Following the seventh calendar day after the date of an election, the filing officer may dis-
32 close as a public record under ORS 192.311 to 192.478 the following information about each elector
33 whose ballot was challenged under this section:

34 (A) The name of the elector;

35 (B) The residence addresses of the elector; and

36 (C) The reason the elector's ballot is being challenged.

37 (4) **The provisions of section 3 of this 2021 Act apply to an elector whose registration**
38 **becomes inactive under this section.**

39 [(4)] (5) As used in this section, "filing officer" means:

40 (a) The Secretary of State, for federal or statewide elections and for elections to the office of
41 state Senator or Representative; or

42 (b) The county clerk, for county, city or district elections.

43 **SECTION 5.** ORS 254.411 is amended to read:

44 254.411. (1) Any elector whose name has been changed may vote once in the county in which
45 the elector is registered under the elector's former name.

1 (2) Following the election, the registration of the elector shall be considered inactive. **The**
2 **provisions of section 3 of this 2021 Act apply to an elector whose registration becomes inac-**
3 **tive under this section.**

4 (3) In order to vote at subsequent elections the elector whose name has changed must update
5 the elector's registration.

6 **SECTION 6. This 2021 Act takes effect on the 91st day after the date on which the 2021**
7 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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