

House Bill 2681

Sponsored by Representative RAYFIELD; Representatives HUDSON, PHAM, REARDON, WILDE, Senators DEMBROW, GOLDEN, PATTERSON (Pre-session 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 **as introduced**.

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.

Requires county clerk, if voter moved to inactive status due to signature on return identification envelope not matching signature in voter registration record, to mail voter notification of reason for inactive status between 60 and 70 days before date of both next 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 254.431; and prescribing an ef-
3 fective date.

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

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

7 **SECTION 2. (1) Each county clerk shall file an annual report with the Secretary of State**
8 **that:**

9 **(a) Identifies each elector whose registration the clerk moved to inactive status during**
10 **the previous calendar year; and**

11 **(b) Specifies the reason the registration of each elector identified in paragraph (a) of this**
12 **subsection was moved to inactive status.**

13 **(2) Each county clerk must file the report required under subsection (1) of this section**
14 **no later than April 1 of each year.**

15 **SECTION 3. County clerks shall file the first report required under section 2 of this 2021**
16 **Act no later than April 1, 2023.**

17 **SECTION 4. Notwithstanding any other provision of this chapter, the registration of an**
18 **elector may not be considered inactive due to an elector not voting or updating the elector's**
19 **registration for any period of time.**

20 **SECTION 5. ORS 254.431 is amended to read:**

21 254.431. (1) If a ballot is challenged because it is returned in an unsigned return identification
22 envelope or because the signature of an elector on a return identification envelope does not match
23 the signature in the voter registration record for the elector, the county clerk shall mail to the
24 elector a notice that describes the nature of the challenge. The Secretary of State shall design a

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 standard form to be used in all notifications sent by county clerks under this subsection.

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

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

11 **(c) The county clerk shall mail a notice to each elector whose registration becomes in-**
 12 **active under this subsection. The notice must inform the elector that the elector’s registra-**
 13 **tion is now inactive for the reasons set forth in paragraph (b) of this subsection, contain**
 14 **information on how the elector can reactivate the elector’s registration and be sent to the**
 15 **elector no earlier than 70 days and no later than 60 days before both the first primary**
 16 **election and the first general election immediately following the date on which the elector’s**
 17 **registration becomes inactive. The Secretary of State shall design a standard form to be used**
 18 **in all notifications sent by the county clerk under this subsection.**

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

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

- 25 (A) The name of the elector;
 - 26 (B) The residence addresses of the elector; and
 - 27 (C) The reason the elector’s ballot is being challenged.
- 28 (4) As used in this section, “filing officer” means:

- 29 (a) The Secretary of State, for federal or statewide elections and for elections to the office of
 30 state Senator or Representative; or
- 31 (b) The county clerk, for county, city or district elections.

32 **SECTION 6. The county clerk shall mail a notice to each elector whose registration is**
 33 **inactive and for whom the county clerk has a valid mailing address. The notice must inform**
 34 **the elector that the elector’s registration is currently inactive, contain information on how**
 35 **the elector can reactivate the elector’s registration and be sent to the elector no earlier than**
 36 **70 days and no later than 60 days before both the primary election held on March 8, 2022,**
 37 **and the general election held on November 8, 2022. The Secretary of State shall design a**
 38 **standard form to be used in all notifications sent by the county clerk under this section.**

39 **SECTION 7. Section 6 of this 2021 Act is repealed on July 2, 2023.**

40 **SECTION 8. This 2021 Act takes effect on the 91st day after the date on which the 2021**
 41 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**