

Requested by Representative PHAM

**PROPOSED AMENDMENTS TO
HOUSE BILL 2745**

1 On page 1 of the printed bill, line 2, after “ORS” insert “247.017,”.

2 Delete lines 5 through 30 and delete pages 2 and 3 and insert:

3 **“SECTION 1.** ORS 247.171 is amended to read:

4 “247.171. (1) Except as provided in this subsection, the Secretary of State
5 shall design, prepare and distribute state voter registration cards. The Sec-
6 retary of State shall also distribute federal registration cards. Any person
7 may apply in writing to the Secretary of State for permission to print, copy
8 or otherwise prepare and distribute the registration cards designed by the
9 Secretary of State. The secretary may revoke any permission granted under
10 this subsection at any time. All registration cards shall be distributed to the
11 public without charge.

12 “(2) The Secretary of State shall approve any voter registration applica-
13 tion form developed for use by any agency designated as a voter registration
14 agency under ORS 247.208.

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

19 “(a) Full name;

20 “(b) Residence address, mailing address or any other information neces-
21 sary to locate the residence of the person offering to register to vote;

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

3 “(d) Date of birth;

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

5 “(f) A signature attesting to the fact that the person is qualified to be an
6 elector.

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

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

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

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

15 “(6)(a)(A) **In addition to the requirements set forth in subsections**
16 **(3) and (4) of this section, each voter registration card designed, pre-**
17 **pared or distributed by the Secretary of State must also include a**
18 **space where a person has the option to provide the person’s:**

19 “(i) **Race;**

20 “(ii) **Ethnicity; and**

21 “(iii) **Preferred language.**

22 “(B) **The Secretary of State shall ensure that any voter registration**
23 **card described in subparagraph (A) of this paragraph distinctively**
24 **emphasizes that the demographic information described in this sub-**
25 **section is optional and that a qualified person may register to vote or**
26 **update a registration to vote without providing the demographic in-**
27 **formation.**

28 “(b) **Unless otherwise expressly provided by law, the requirements**
29 **of this subsection do not apply to voter registration cards used to**
30 **register a person to vote, or to update a registration to vote, at the**

1 **Department of Transportation or any designated voter registration**
2 **agency as described in ORS 247.208 where the Secretary of State does**
3 **not design, prepare or distribute the voter registration cards.**

4 “[6] (7) A county clerk or other person accepting registration cards shall
5 not request any information unless it is authorized by state or federal law.

6 “[7] (8) A person shall attest to the information supplied on the voter
7 registration card by signing the completed registration card.

8 “[8] (9) Any completed and signed registration card described in sub-
9 section (3) of this section shall be the official registration card of the elector.

10 **“SECTION 2.** ORS 247.019 is amended to read:

11 “247.019. (1) The Secretary of State by rule shall adopt an electronic voter
12 registration system to be used by qualified persons who have a valid:

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

14 “(b) Oregon driver permit, as defined in ORS 801.250; or

15 “(c) State identification card, issued under ORS 807.400.

16 “(2)(a) The electronic voter registration system shall allow a qualified
17 person to **electronically**:

18 “(A) Complete and deliver a registration card [*electronically*]; and

19 “(B) **Provide the optional demographic information described in**
20 **ORS 247.171 (6).**

21 “(b) **The electronic voter registration system must distinctively**
22 **emphasize that the demographic information that may be provided**
23 **under paragraph (a)(B) of this subsection is optional and that a qual-**
24 **ified person may register to vote or update a registration to vote**
25 **without providing the demographic information.**

26 “(c) A registration card delivered under this section is considered deliv-
27 ered to the Secretary of State for purposes of this chapter.

28 “(3) A person who **electronically** completes a registration card [*electron-*
29 *ically*] under this section consents to the use of the person’s driver license,
30 driver permit or state identification card signature for voter registration

1 purposes.

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

6 **“SECTION 3.** ORS 247.948 is amended to read:

7 “247.948. (1)(a) Except as set forth in ORS 247.965 or 247.967, or as oth-
8 erwise prohibited by law, the following information about an elector con-
9 tained within an elector’s registration file is subject to inspection as a public
10 record under ORS 192.311 to 192.478 and shall be included in lists delivered
11 under ORS 247.940 and 247.945:

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

14 “(B) The residence address of an elector;

15 “(C) The address where an elector receives a ballot;

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

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

18 “(F) The precinct split of an elector;

19 “(G) The administrative number for an elector that is used by the Secre-
20 tary of State to determine which elections an elector may vote in;

21 “(H) The telephone number of an elector;

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

23 “(J) During an election period, the ballot status of an elector. In order
24 to comply with this subparagraph, during the election period, the secretary
25 shall maintain a list of the ballot status of electors. The secretary shall up-
26 date the list, and make available an updated version of the list, on each
27 business day of the election period.

28 “(b) As used in this subsection:

29 “(A) ‘Ballot status’ means whether or not an elector has cast a ballot in
30 the election;

1 “(B) ‘Election period’ means the period of time beginning on the date that
2 ballots for an election are first mailed to electors and ending on the date of
3 the election; and

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

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

8 “(ii) Requires more than one ballot configuration for electors in the pre-
9 cinct.

10 “(2) Except as set forth in ORS 247.973 or as otherwise required by law,
11 the following information about an elector contained within an elector’s
12 registration file is not subject to inspection as a public record under ORS
13 192.311 to 192.478 and may not be disclosed by the Secretary of State or a
14 county clerk:

15 “(a) The birth month of an elector;

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

17 “(c) The Social Security number of an elector;

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

19 “(e) The signature of an elector.

20 “(3) **Information pertaining to the race, ethnicity or preferred lan-**
21 **guage of an elector that is contained within an elector’s registration**
22 **file and disclosed as a public record under section 5 of this 2021 Act**
23 **may not be included in lists delivered under ORS 247.940 and 247.945.**

24 “[3] (4) Nothing in this section is intended to limit or restrict the dis-
25 closure of information that is otherwise subject to inspection as a public
26 record under ORS 192.311 to 192.478.

27 “**SECTION 4. Section 5 of this 2021 Act is added to and made a part**
28 **of ORS 192.311 to 192.478.**

29 “**SECTION 5. (1) Except as provided in subsection (2) of this section,**
30 **demographic information about electors may not be disclosed in re-**

1 sponse to a request to inspect public records under ORS 192.311 to
2 192.478.

3 “(2) The Secretary of State shall disclose demographic information
4 about electors in response to a request to inspect public records under
5 ORS 192.311 to 192.478 that is made by:

6 “(a) A culturally specific organization;

7 “(b) A community-based organization;

8 “(c) A public body;

9 “(d) A social service organization that does culturally competent
10 work on issues of social welfare; or

11 “(e) A bona fide representative of the news media.

12 “(3) The Secretary of State:

13 “(a) Shall define by rule:

14 “(A) ‘Bona fide representative of the news media’;

15 “(B) ‘Cultural community’; and

16 “(C) ‘Culturally competent work on issues of social welfare’; and

17 “(b) May adopt any additional rules necessary to effectively imple-
18 ment this section.

19 “(4) As used in this section:

20 “(a) ‘Community-based organization’ means a not-for-profit organ-
21 ization that is representative of a community or significant segments
22 of a community and is located within, or in close proximity to, the
23 community it serves. A culturally specific organization that has an
24 expressed mission of providing services to specific populations within
25 a community may qualify as a community-based organization.

26 “(b) ‘Culturally specific organization’ means an organization that
27 serves a particular cultural community, is primarily staffed and led
28 by members of that community and that demonstrates:

29 “(A) Intimate knowledge of the lived experience of the community,
30 including the impact of structural and individual racism or discrimi-

1 nation on the community;

2 “(B) Knowledge of specific disparities, barriers or challenges docu-
3 mented in the community;

4 “(C) Commitment to the community’s strength-based and self-
5 driven thriving and resilience; and

6 “(D) The ability to describe and adopt the organization’s services
7 to the community’s cultural practices, health and safety beliefs, posi-
8 tive cultural identity and religious beliefs.

9 “(c) ‘Demographic information about electors’ has the meaning
10 given that term in section 7 of this 2021 Act.

11 “SECTION 6. Section 7 of this 2021 Act is added to and made a part
12 of ORS chapter 247.

13 “SECTION 7. (1) A person who receives demographic information
14 about electors under section 5 of this 2021 Act in response to a request
15 to inspect public records under ORS 192.311 to 192.478 may not use any
16 demographic information about electors for commercial purposes or
17 sell the information to candidates or political committees for political
18 purposes.

19 “(2) The Secretary of State shall publish and make easily accessible
20 to the public a list of each person who received demographic infor-
21 mation about electors under section 5 of this 2021 Act.

22 “(3) As used in this section, ‘demographic information about elec-
23 tors’ means information pertaining to the race, ethnicity or preferred
24 language of an elector that was provided to the Secretary of State as
25 part of a voter registration card, or that is otherwise contained within
26 an elector’s registration file.

27 “SECTION 8. ORS 247.017, as amended by section 23c, chapter 701,
28 Oregon Laws 2019, is amended to read:

29 “247.017. (1) The Secretary of State shall by rule establish a schedule by
30 which the Department of Transportation shall provide to the secretary elec-

1 tronic records containing the legal name, age, residence and citizenship in-
2 formation for, and the electronic signature of, each person who meets
3 qualifications identified by the secretary by rule.

4 “(2) Upon receiving the electronic record for, and electronic signature of,
5 a person described in subsection (1) of this section, the Secretary of State
6 shall provide the information to the county clerk of the county in which the
7 person may be registered as an elector. The secretary or county clerk shall
8 notify each person of the process to:

9 “(a) Decline being registered as an elector.

10 “(b) Adopt a political party affiliation.

11 “(c) **Provide the optional demographic information described in ORS**
12 **247.171 (6).**

13 “(3) If a person notified under subsection (2) of this section does not de-
14 cline to be registered as an elector within 21 calendar days after the Secre-
15 tary of State or county clerk issues the notification, the person’s electronic
16 record and electronic signature submitted under subsection (1) of this section
17 will constitute a completed registration card for the person for purposes of
18 this chapter. The person shall be registered to vote if the county clerk de-
19 termines that the person is qualified to vote under Article II, section 2, of
20 the Oregon Constitution, and the person is not already registered to vote.

21 “(4) A county clerk may not send a ballot to, or add to an elector regis-
22 tration list, a person who meets eligibility requirements until at least 21
23 calendar days after the Secretary of State or county clerk provided notifica-
24 tion to the person as described in subsection (2) of this section.

25 “(5) In addition to providing electronic records to the Secretary of State
26 under subsection (1) of this section, the Department of Transportation may
27 by rule develop, and require the availability or use of, any form or applica-
28 tion the department determines is necessary to ensure compliance with the
29 voter registration provisions of the National Voter Registration Act of 1993
30 (P.L. 103-31).

1 “(6) The Secretary of State shall adopt rules required to implement sub-
2 sections (1) to (4) of this section.

3 **“SECTION 9.** ORS 260.993 is amended to read:

4 “260.993. (1) The penalty for violation of ORS 260.532 is limited to that
5 provided in ORS 260.532 (6) and (8).

6 “(2) Violation of ORS 247.125 (1), 247.171 (5), 247.420 (2), 253.710, 260.402,
7 260.555, 260.558, 260.575, 260.645 or 260.665 (2) or (3) involving any action
8 described in ORS 260.665 (2)(d) to (f) or 260.715 is a Class C felony.

9 “(3) Violation of ORS 260.695 (4) is a Class A misdemeanor.

10 “(4) Violation of ORS 247.171 [(6)] (7) is a Class C misdemeanor.

11 **“SECTION 10.** Sections 5 and 7 of this 2021 Act and the amendments
12 to ORS 247.017, 247.019, 247.171, 247.948 and 260.993 by sections 1 to 3, 8
13 and 9 of this 2021 Act become operative on January 1, 2022.

14 **“SECTION 11.** The Secretary of State, and voter registration agen-
15 cies designated by the secretary under ORS 247.208, may take any
16 action before the operative date specified in section 10 of this 2021 Act
17 that is necessary to enable the secretary, and designated voter regis-
18 tration agencies, to exercise, on and after the operative date specified
19 in section 10 of this 2021 Act, all of the duties, functions and powers
20 conferred on the secretary, and designated voter registration agencies,
21 by sections 5 and 7 of this 2021 Act and the amendments to ORS
22 247.017, 247.019, 247.171, 247.948 and 260.993 by sections 1 to 3, 8 and 9
23 of this 2021 Act.

24 **“SECTION 12.** This 2021 Act takes effect on the 91st day after the
25 date on which the 2021 regular session of the Eighty-first Legislative
26 Assembly adjourns sine die.”

27