

HB 2107-2
(LC 313)
2/14/23 (DRG/ps)

Requested by HOUSE COMMITTEE ON RULES (at the request of Secretary of State Shemia Fagan)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2107**

1 On page 1 of the printed bill, delete lines 5 through 28.

2 Delete pages 2 through 7 and insert:

3 **“SECTION 1. Section 2 of this 2023 Act is added to and made a part**
4 **of ORS chapter 247.**

5 **“SECTION 2. (1)(a) Subject to compliance with all applicable federal**
6 **laws and regulations, the Secretary of State shall by rule establish a**
7 **schedule by which the Oregon Health Authority shall provide to the**
8 **secretary electronic records, derived from information provided to the**
9 **Oregon Health Plan, containing the legal name, age, residence and**
10 **citizenship information for, and, if any, the electronic signature of,**
11 **each person who is eligible to be a qualified elector under Article II,**
12 **section 2, of the Oregon Constitution.**

13 **“(b) The secretary shall establish by rule, after consultation with**
14 **the authority, what electronic records establish whether a person is**
15 **eligible to be a qualified elector for purposes of this subsection.**

16 **“(c) Notwithstanding paragraph (a) of this subsection, the authority**
17 **may not provide to the secretary any electronic records for a person**
18 **who is not a citizen of the United States.**

19 **“(2) When establishing a schedule under subsection (1) of this sec-**
20 **tion, the secretary may adopt rules governing the format and fre-**
21 **quency of data transfer. Any rules adopted under this subsection:**

1 “(a) Are subject to input and public comment, including comment
2 from the authority; and

3 “(b) May come into effect only after the secretary and authority
4 test and verify the data transfer processes.

5 “(3) The secretary:

6 “(a) Shall by rule develop a process to obtain an electronic signa-
7 ture from the Department of Transportation for each person described
8 in subsection (1) of this section for whom the authority does not pro-
9 vide an electronic signature under this section; and

10 “(b) May use an electronic signature that is obtained under para-
11 graph (a) of this subsection or that is otherwise in the secretary’s
12 possession, for the purpose of registering electors to vote under this
13 section.

14 “(4) Upon receiving the electronic record for a person described in
15 subsection (1) of this section, the secretary shall provide the informa-
16 tion to the county clerk of the county in which the person may be
17 registered as an elector. The secretary or county clerk shall notify
18 each person of the process 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 does not have a copy of
23 the signature and is unable to obtain an electronic copy of the signa-
24 ture from the Department of Transportation under subsection (3) of
25 this section.

26 “(5) Notwithstanding the absence of any signature, if a person no-
27 tified under subsection (4) of this section does not decline to be regis-
28 tered as an elector within 21 calendar days after the secretary or
29 county clerk issues the notification, the person’s electronic record
30 submitted to the county clerk under subsection (4) of this section will

1 constitute a completed registration card for the person for purposes
2 of this chapter. The person shall be registered to vote if the county
3 clerk determines that the person is qualified to vote under Article II,
4 section 2, of the Oregon Constitution, and the person is not already
5 registered to vote.

6 “(6) A county clerk may not send a ballot to, or add to an elector
7 registration list, a person who is determined under subsection (5) of
8 this section to be qualified to vote, and who is not already registered
9 to vote, until at least 21 calendar days after the secretary or county
10 clerk provided notification to the person as described in subsection (4)
11 of this section.

12 “(7) The transfer of personal information and data by the authority
13 or department to the secretary under this section is limited to the in-
14 formation and data that is necessary to register electors. Information
15 and data transferred to the secretary under this section may be used
16 only for the purpose of registering electors.

17 “(8) The secretary shall adopt rules required to implement this
18 section, including rules to ensure that no ballot is counted for a person
19 registered to vote under this section whose registration record does
20 not contain an electronic signature.

21 “(9) As used in this section, ‘electronic signature’ means an elec-
22 tronic form of a handwritten signature that can be verified, in the
23 manner described in ORS 254.470 (11), for the purpose of tallying bal-
24 lots.

25 **“SECTION 3.** ORS 247.002 is amended to read:

26 “247.002. As used in this chapter:

27 “(1) ‘County clerk’ means the county clerk or the county official in charge
28 of elections.

29 “(2) ‘Elector’ means an individual qualified to vote under Article II, sec-
30 tion 2, Oregon Constitution.

1 “(3) ‘Registration card’ means:

2 “(a) A state voter registration card approved by the Secretary of State
3 under ORS 247.171[.];

4 “(b) A federal voter registration application form prescribed by the Fed-
5 eral Election Commission pursuant to the National Voter Registration Act
6 of 1993 (P.L. 103-31) [*or*];

7 “(c) An electronic record containing an individual’s legal name, age,
8 residence and citizenship information and electronic signature submitted to
9 the Department of Transportation in the manner described in ORS 247.017;
10 **or**

11 **“(d) An electronic record containing an individual’s legal name,
12 age, residence and citizenship information submitted to the Oregon
13 Health Authority in the manner described in section 2 of this 2023
14 Act.**

15 **“SECTION 4.** ORS 247.012 is amended to read:

16 “247.012. (1) A qualified person may register to vote or update a regis-
17 tration to vote by:

18 “(a) Delivering by mail, having a person deliver or otherwise delivering
19 a completed registration card to any county clerk, the Secretary of State, any
20 office of the Department of Transportation or any designated voter registra-
21 tion agency as described in ORS 247.208;

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

24 “(c) Submitting the person’s legal name, age, residence and citizenship
25 information and electronic signature to the Department of Transportation;
26 [*or*]

27 **“(d) Submitting the person’s legal name, age, residence and citi-
28 zenship information to the Oregon Health Authority for use in the
29 Oregon Health Plan; or**

30 “[*d*] (e) Completing a registration card using the electronic voter regis-

1 tration system described in ORS 247.019.

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

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

6 “(b) The Secretary of State or a county clerk for a county other than the
7 county in which the person applying for registration resides, the Secretary
8 of State or county clerk shall forward the card to the county clerk for the
9 county in which the person resides not later than the fifth day after receiv-
10 ing the card.

11 “(3) Registration of a qualified person occurs:

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

17 “(b) On the date a registration card is postmarked if the card is received
18 after the 21st day immediately preceding an election but is postmarked not
19 later than the 21st day immediately preceding the election and is addressed
20 to an office of any county clerk, the Office of the Secretary of State, an of-
21 fice of the Department of Transportation or any designated voter registration
22 agency as described in ORS 247.208; or

23 “(c) In the case of a registration card missing a date of birth, containing
24 an incomplete date of birth or containing an unintentional scrivener’s error
25 that is supplied or corrected as described in subsection (4) or (6) of this
26 section, on the date that registration would have occurred if the registration
27 card had not been missing the date of birth, contained an incomplete date
28 of birth or contained the scrivener’s error.

29 “(4)(a)(A) Except as provided in ORS 247.125, if a registration card is
30 legible, accurate and contains, at a minimum, the registrant’s name, resi-

1 dence address, date of birth and signature, the county clerk shall register the
2 person.

3 **“(B) The county clerk shall register a person pursuant to section 2**
4 **of this 2023 Act, regardless of whether the person’s registration card**
5 **contains a signature, if the person’s registration card is legible, accu-**
6 **rate and contains, at a minimum, the registrant’s name, residence**
7 **address and date of birth.**

8 “(b) If the information required under paragraph [(a)] (a)(A) of this sub-
9 section is missing from the registration card or the date of birth is incom-
10 plete, **or if the signature of a person described in paragraph (a)(B) of**
11 **this subsection has not been submitted,** the county clerk shall attempt
12 to obtain the missing or incomplete information from all sources available
13 to the county clerk, including but not limited to current and previous ad-
14 dresses and phone numbers of the registrant. The county clerk may also
15 supply the registrant’s date of birth from any previous registration of the
16 registrant. If the missing or incomplete information cannot be obtained from
17 sources available to the county clerk, the county clerk shall use reasonable
18 efforts to contact the registrant by phone, mail and electronic mail to obtain
19 the missing or incomplete information.

20 “(5) If a registration card meets the requirements of subsection (4) of this
21 section but is missing an indication of political party affiliation, the regis-
22 trant shall be considered not affiliated with any political party. This sub-
23 section does not apply if an elector is updating a registration.

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

26 “(7) A county clerk may appoint officials to accept registration of persons
27 at designated locations. The appointments and locations shall be in writing
28 and filed in the office of the county clerk. The county clerk shall be re-
29 sponsible for the performance of duties by those appointed.

30 “(8) A registration card received and accepted under this section shall be

1 considered an active registration.

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

3 **“SECTION 5.** ORS 247.292 is amended to read:

4 “247.292. (1) A county clerk shall update the registration of an elector in
5 the county upon receiving evidence from:

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

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

12 “(c) The Secretary of State as provided in ORS 247.017 or 247.295 **or**
13 **section 2 of this 2023 Act.**

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

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

21 **“SECTION 6.** ORS 247.014 is amended to read:

22 “247.014. In implementing ORS 247.012, 247.017 and 247.171 **and section**
23 **2 of this 2023 Act**, the Department of Transportation **and the Oregon**
24 **Health Authority** shall take steps reasonably necessary to allow transfer
25 of voter registration information by electronic or magnetic medium.

26 **“SECTION 7.** ORS 247.171 is amended to read:

27 “247.171. (1) Except as provided in this subsection, the Secretary of State
28 shall design, prepare and distribute state voter registration cards. The Sec-
29 retary of State shall also distribute federal registration cards. Any person
30 may apply in writing to the Secretary of State for permission to print, copy

1 or otherwise prepare and distribute the registration cards designed by the
2 Secretary of State. The secretary may revoke any permission granted under
3 this subsection at any time. All registration cards shall be distributed to the
4 public without charge.

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

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

12 “(a) Full name;

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

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

17 “(d) Date of birth;

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

19 “(f) **Except as provided in section 2 of this 2023 Act**, a signature at-
20 testing to the fact that the person is qualified to be an elector.

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

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

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

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

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

1 “(7) **Except as provided in section 2 of this 2023 Act**, a person shall
2 attest to the information supplied on the voter registration card by signing
3 the completed registration card.

4 “(8) **Except as provided in subsection (7) of this section**, any com-
5 pleted and signed registration card described in subsection (3) of this section
6 shall be the official registration card of the elector.

7 “**SECTION 8.** ORS 247.019, as amended by section 1, chapter 19, Oregon
8 Laws 2022, is amended to read:

9 “247.019. (1) The Secretary of State by rule shall adopt an electronic voter
10 registration system to be used by qualified persons who have a valid:

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

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

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

14 “(d) Social Security number.

15 “(2)(a) The electronic voter registration system shall:

16 “(A) Require a person registering to vote under subsection (1)(d) of this
17 section to enter only the final four digits of the person’s valid Social Secu-
18 rity number;

19 “(B) Allow a person [*registering to vote under subsection (1)(d) of this*
20 *section*] to electronically submit an image of the person’s signature; and

21 “(C) Allow a qualified person to complete and deliver a registration card
22 electronically.

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

25 “(3) A person who completes a registration card electronically under this
26 section consents to the use of the person’s driver license, driver permit or
27 state identification card signature, or an electronically submitted image of
28 the person’s signature, for voter registration purposes.

29 “(4) If available, the Department of Transportation shall provide to the
30 Secretary of State a digital copy of the driver license, driver permit or state

1 identification card signature of each person who completes a registration
2 card under this section.

3 “(5) The electronic voter registration system may also include an appli-
4 cation programming interface to allow third-party organizations to securely
5 submit registration cards electronically on behalf of individuals. In order to
6 submit registration cards under this subsection, a third-party organization
7 must be approved as a voter registration organization under a process de-
8 signed by the Secretary of State by rule.

9 **“SECTION 9. (1) Section 2 of this 2023 Act and the amendments to**
10 **ORS 247.002, 247.012, 247.014, 247.019, 247.171 and 247.292 by sections 3**
11 **to 8 of this 2023 Act become operative on June 1, 2026.**

12 **“(2) The Secretary of State, the Oregon Health Authority, the De-**
13 **partment of Transportation and the county clerks may take any action**
14 **before the operative date specified in subsection (1) of this section that**
15 **is necessary for the Secretary of State, the Oregon Health Authority,**
16 **the Department of Transportation and the county clerks to exercise,**
17 **on and after the operative date specified in subsection (1) of this sec-**
18 **tion, all of the duties, functions and powers conferred on the Secretary**
19 **of State, the Oregon Health Authority, the Department of Transpor-**
20 **tation and the county clerks by section 2 of this 2023 Act and the**
21 **amendments to ORS 247.002, 247.012, 247.014, 247.019, 247.171 and 247.292**
22 **by sections 3 to 8 of this 2023 Act.”.**

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