

House Bill 2499

Sponsored by Representatives FAHEY, ZIKA (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**.

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

1
2 Relating to voter registration; creating new provisions; amending ORS 247.002, 247.012, 247.014,
3 247.019, 247.171, and 247.292; and prescribing an effective date.

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

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

7 **SECTION 2. (1)(a) Subject to compliance with all applicable federal laws and regulations,**
8 **the Secretary of State shall by rule establish a schedule by which the Oregon Health Au-**
9 **thority shall provide to the secretary electronic records, derived from information provided**
10 **to the Oregon Health Plan, containing the legal name, age, residence and citizenship infor-**
11 **mation for each person who meets qualifications identified by the secretary by rule.**

12 **(b) For each person for whom the Oregon Health Authority provides electronic records**
13 **under paragraph (a) of this subsection, the authority shall also provide to the Secretary of**
14 **State, to the extent such records are available, a copy of the person's electronic signature,**
15 **the person's driver license or identification card number or the last four digits of the**
16 **person's social security number.**

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

20 **(b) If no electronic signature for a person is provided under subsection (1) of this section,**
21 **the Secretary of State shall provide to the county clerk any electronic signature in the**
22 **secretary's possession. The secretary shall also by rule develop a process to obtain signa-**
23 **tures described in this subsection from the Department of Transportation.**

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

26 **(A) Decline being registered as an elector;**

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 (B) Adopt a political party affiliation; and

2 (C) Provide a signature if no signature was provided under subsection (1) of this section
 3 and the Secretary of State does not have a copy of the signature or is unable to obtain an
 4 electronic copy of the signature from the Department of Transportation under paragraph (b)
 5 of this subsection.

6 (3) Notwithstanding the absence of any signature, if a person notified under subsection
 7 (2) of this section does not decline to be registered as an elector within 21 calendar days after
 8 the Secretary of State or county clerk issues the notification, the person's electronic record
 9 submitted under subsection (1) of this section will constitute a completed registration card
 10 for the person for purposes of this chapter. The person shall be registered to vote if the
 11 county clerk determines that the person is qualified to vote under Article II, section 2, of
 12 the Oregon Constitution, and the person is not already registered to vote.

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

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

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

22 (2) Upon a designation by the Governor under subsection (1) of this section, the Secretary
 23 of State shall by rule establish a schedule by which the state agency shall provide to the
 24 secretary electronic records of the individuals described in subsection (1) of this section. The
 25 procedure established under this subsection must be substantially similar to the procedure
 26 established for obtaining electronic records from the Oregon Health Authority under section
 27 2 of this 2021 Act, subject to any modifications necessary to comply with federal law.

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

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

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

37 (A) Decline being registered as an elector;

38 (B) Adopt a political party affiliation; and

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

43 (4) If a person notified under subsection (3) of this section does not decline to be regis-
 44 tered as an elector within 21 calendar days after the Secretary of State or county clerk is-
 45 sues the notification, notwithstanding the absence of any signature, the person's electronic

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

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

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

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

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

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

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

21 **SECTION 6.** (1) As used in this section, “elector without a qualifying signature” means
 22 an individual:

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

24 (b) For whom the Secretary of State or county clerk has not received a signature that
 25 can be used to verify the identity of the elector under ORS 254.470 (9).

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

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

31 (b) Provides instructions for the elector to:

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

33 (B) Provide a signature that can be used to verify the identity of the elector under ORS
 34 254.470 (9).

35 (3) If the elector without a qualifying signature provides the county clerk with the ma-
 36 terials described in subsection (2)(b) of this section no later than 14 days after the date of
 37 the election:

38 (a) The ballot shall be tallied if the county clerk determines that the ballot is otherwise
 39 valid; and

40 (b) The signature provided by the elector under subsection (2)(b) of this section shall be
 41 added to the elector’s registration record and used to verify the identity of the elector in
 42 future elections.

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

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

45 247.002. As used in this chapter:

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

2 (2) "Elector" means an individual qualified to vote under Article II, section 2, Oregon Consti-
 3 tution.

4 (3) "Registration card" means:

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

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

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

11 **(d) An electronic record containing an individual's legal name, age, residence and citi-
 12 zenship information submitted either to the Oregon Health Authority in the manner de-
 13 scribed in section 2 of this 2021 Act or any state agency designated by the Governor pursuant
 14 to section 3 of this 2021 Act in the manner described in section 3 of this 2021 Act.**

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

16 247.012. (1) A qualified person may register to vote or update a registration to vote by:

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

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

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

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

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

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

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

33 (b) The Secretary of State or a county clerk for a county other than the county in which the
 34 person applying for registration resides, the Secretary of State or county clerk shall forward the
 35 card to the county clerk for the county in which the person resides not later than the fifth day after
 36 receiving the card.

37 (3) Registration of a qualified person occurs:

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

42 (b) On the date a registration card is postmarked if the card is received after the 21st day im-
 43 mediately preceding an election but is postmarked not later than the 21st day immediately preceding
 44 the election and is addressed to an office of any county clerk, the Office of the Secretary of State,
 45 an office of the Department of Transportation or any designated voter registration agency as de-

1 scribed in ORS 247.208; or

2 (c) In the case of a registration card missing a date of birth, containing an incomplete date of
 3 birth or containing an unintentional scrivener’s error that is supplied or corrected as described in
 4 subsection (4) or (6) of this section, on the date that registration would have occurred if the regis-
 5 tration card had not been missing the date of birth, contained an incomplete date of birth or con-
 6 tained the scrivener’s error.

7 (4)(a)(A) Except as provided in ORS 247.125, if a registration card is legible, accurate and con-
 8 tains, at a minimum, the registrant’s name, residence address, date of birth and, **except as provided**
 9 **in subparagraph (B) of this paragraph**, signature, the county clerk shall register the person.

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

14 (b) If the information required under paragraph (a) of this subsection is missing from the regis-
 15 tration card or the date of birth is incomplete, **or if the signature of a person registered under**
 16 **section 2 or 3 of this 2021 Act is missing**, the county clerk shall attempt to obtain the missing
 17 or incomplete information from all sources available to the county clerk, including but not limited
 18 to current and previous addresses and phone numbers of the registrant. The county clerk may also
 19 supply the registrant’s date of birth from any previous registration of the registrant. If the missing
 20 or incomplete information cannot be obtained from sources available to the county clerk, the county
 21 clerk shall use reasonable efforts to contact the registrant by phone, mail and electronic mail to
 22 obtain the missing or incomplete information.

23 (5) If a registration card meets the requirements of subsection (4) of this section but is missing
 24 an indication of political party affiliation, the registrant shall be considered not affiliated with any
 25 political party. This subsection does not apply if an elector is updating a registration.

26 (6) If a registration card contains an unintentional scrivener’s error, the county clerk may at-
 27 tempt to contact the person to correct the error.

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

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

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

34 **SECTION 9.** ORS 247.292 is amended to read:

35 247.292. (1) A county clerk shall update the registration of an elector in the county upon re-
 36 ceiving evidence from:

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

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

41 (c) The Secretary of State as provided in ORS 247.017 or 247.295 **or section 2, 3 or 4 of this**
 42 **2021 Act.**

43 (2) When a county clerk updates the registration of an elector under subsection (1) of this sec-
 44 tion, the clerk shall send a new voter notification card by nonforwardable mail to the elector as
 45 provided in ORS 247.181. The clerk shall include a notice stating that if the residence address or

1 mailing address is not correct, the elector must notify the clerk.

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

4 **SECTION 10.** ORS 247.019 is amended to read:

5 247.019. (1) The Secretary of State by rule shall adopt an electronic voter registration system
6 to be used by qualified persons who have a valid:

- 7 (a) Oregon driver license, as defined in ORS 801.245;
- 8 (b) Oregon driver permit, as defined in ORS 801.250; [or]
- 9 (c) State identification card, issued under ORS 807.400; **or**
- 10 **(d) Social security number.**

11 (2) The electronic voter registration system shall allow a qualified person to complete and de-
12 liver a registration card electronically **and to electronically submit an electronic image or dig-**
13 **ital copy of the person's signature.** A registration card delivered under this section is considered
14 delivered to the Secretary of State for purposes of this chapter.

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

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

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

26 **SECTION 11.** ORS 247.014 is amended to read:

27 247.014. In implementing ORS 247.012, 247.017 and 247.171 **and sections 2, 3 and 4 of this 2021**
28 **Act,** the Department of Transportation, **Oregon Health Authority and any state agency desig-**
29 **nated by the Governor under section 3 of this 2021 Act** shall take steps reasonably necessary
30 to allow transfer of voter registration information by electronic or magnetic medium.

31 **SECTION 12.** ORS 247.171 is amended to read:

32 247.171. (1) Except as provided in this subsection, the Secretary of State shall design, prepare
33 and distribute state voter registration cards. The Secretary of State shall also distribute federal
34 registration cards. Any person may apply in writing to the Secretary of State for permission to print,
35 copy or otherwise prepare and distribute the registration cards designed by the Secretary of State.
36 The secretary may revoke any permission granted under this subsection at any time. All registration
37 cards shall be distributed to the public without charge.

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

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

- 43 (a) Full name;
- 44 (b) Residence address, mailing address or any other information necessary to locate the resi-
45 dence of the person offering to register to vote;

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

2 (d) Date of birth;

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

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

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

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

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

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

12 (6) A county clerk or other person accepting registration cards shall not request any informa-
13 tion unless it is authorized by state or federal law.

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

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

18 **SECTION 13. (1) Sections 2 and 4 of this 2021 Act apply to electronic records and elec-**
19 **tronic signatures in the possession of the Oregon Health Authority and the Department of**
20 **Revenue on or after the effective date of this 2021 Act.**

21 **(2) The Secretary of State, Oregon Health Authority and Department of Revenue shall**
22 **implement sections 2 to 4 and 6 of this 2021 Act and the amendments to ORS 247.002, 247.012,**
23 **247.014 247.019, 247.171 and 247.292 by sections 7 to 12 of this 2021 Act no later than January**
24 **1, 2023.**

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

27