

Enrolled
House Bill 2107

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Secretary of State Shemia Fagan)

CHAPTER

AN ACT

Relating to voter registration; creating new provisions; and amending ORS 247.002, 247.012, 247.014, 247.019, 247.171 and 247.292.

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

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

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

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

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

(2) When establishing a schedule under subsection (1) of this section, the secretary may adopt rules governing the format and frequency of data transfer. Any rules adopted under this subsection:

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

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

(3) The secretary:

(a) Shall by rule develop a process to obtain an electronic signature from the Department of Transportation for each person described in subsection (1) of this section for whom the authority does not provide an electronic signature under this section; and

(b) May use an electronic signature that is obtained under paragraph (a) of this subsection or that is otherwise in the secretary's possession, for the purpose of registering electors to vote under this section.

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

(a) Decline being registered as an elector;

(b) Adopt a political party affiliation; and

(c) Provide a signature if no signature was provided under subsection (1) of this section and the secretary does not have a copy of the signature and is unable to obtain an electronic copy of the signature from the Department of Transportation under subsection (3) of this section.

(5) Notwithstanding the absence of any signature, if a person notified under subsection (4) of this section does not decline to be registered as an elector within 21 calendar days after the secretary or county clerk issues the notification, the person's electronic record submitted to the county clerk under subsection (4) of this section will constitute a completed registration card for the person for purposes of this chapter. The person shall be registered to vote if the county clerk determines that the person is qualified to vote under Article II, section 2, of the Oregon Constitution, and the person is not already registered to vote.

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

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

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

(9) As used in this section, "electronic signature" means an electronic form of a handwritten signature that can be verified, in the manner described in ORS 254.470 (11), for the purpose of tallying ballots.

SECTION 3. ORS 247.002 is amended to read:

247.002. As used in this chapter:

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

(2) "Elector" means an individual qualified to vote under Article II, section 2, Oregon Constitution.

(3) "Registration card" means:

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

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

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

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

SECTION 4. ORS 247.012 is amended to read:

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

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

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

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

(d) Submitting the person's legal name, age, residence and citizenship information to the Oregon Health Authority for use in the Oregon Health Plan; or

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

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

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

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

(3) Registration of a qualified person occurs:

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

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

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

(4)(a)(A) Except as provided in ORS 247.125, if a registration card is legible, accurate and contains, at a minimum, the registrant's name, residence address, date of birth and signature, the county clerk shall register the person.

(B) The county clerk shall register a person pursuant to section 2 of this 2023 Act, regardless of whether the person's registration card contains a signature, if the person's registration card is legible, accurate and contains, at a minimum, the registrant's name, residence address and date of birth.

(b) If the information required under paragraph [(a)] (a)(A) of this subsection is missing from the registration card or the date of birth is incomplete, **or if the signature of a person described in paragraph (a)(B) of this subsection has not been submitted**, the county clerk shall attempt to obtain the missing or incomplete information from all sources available to the county clerk, including but not limited to current and previous addresses and phone numbers of the registrant. The county clerk may also supply the registrant's date of birth from any previous registration of the registrant. If the missing or incomplete information cannot be obtained from sources available to the county clerk, the county clerk shall use reasonable efforts to contact the registrant by phone, mail and electronic mail to obtain the missing or incomplete information.

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

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

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

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

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

SECTION 5. ORS 247.292 is amended to read:

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

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

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

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

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

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

SECTION 6. ORS 247.014 is amended to read:

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

SECTION 7. ORS 247.171 is amended to read:

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

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

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

(a) Full name;

(b) Residence address, mailing address or any other information necessary to locate the residence of the person offering to register to vote;

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

(d) Date of birth;

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

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

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

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

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

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

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

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

(8) **Except as provided in subsection (7) of this section**, any completed and signed registration card described in subsection (3) of this section shall be the official registration card of the elector.

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

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

- (a) Oregon driver license, as defined in ORS 801.245;
- (b) Oregon driver permit, as defined in ORS 801.250;
- (c) State identification card, issued under ORS 807.400; or
- (d) Social Security number.

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

(A) Require a person registering to vote under subsection (1)(d) of this section to enter only the final four digits of the person's valid Social Security number;

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

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

(b) A registration card delivered under this section is considered delivered to the Secretary of State for purposes of this chapter.

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

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

(5) The electronic voter registration system may also include an application programming interface to allow third-party organizations to securely submit registration cards electronically on behalf of individuals. In order to submit registration cards under this subsection, a third-party organization must be approved as a voter registration organization under a process designed by the Secretary of State by rule.

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

(2) The Secretary of State, the Oregon Health Authority, the Department of Transportation and the county clerks may take any action before the operative date specified in subsection (1) of this section that is necessary for the Secretary of State, the Oregon Health Authority, the Department of Transportation and the county clerks to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the Secretary of State, the Oregon Health Authority, the Department of Transportation and the county clerks by section 2 of this 2023 Act and the amendments to ORS 247.002, 247.012, 247.014, 247.019, 247.171 and 247.292 by sections 3 to 8 of this 2023 Act.

Passed by House May 3, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 24, 2023

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Rob Wagner, President of Senate

Received by Governor:

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Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State