

House Bill 2233

Sponsored by Representative MANNIX (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**.

Ends automatic voter registration through Oregon Motor Voter. Reestablishes process of registration at any office of Department of Transportation where licenses or renewal applications are distributed or received that existed prior to enactment of Oregon Motor Voter.

A BILL FOR AN ACT

1
2 Relating to voter registration; creating new provisions; and amending ORS 247.002, 247.012, 247.017,
3 247.171, 247.292 and 247.302.

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

5 **SECTION 1.** ORS 247.017 is amended to read:

6 247.017. *[(1) The Secretary of State shall by rule establish a schedule by which the Department of*
7 *Transportation shall provide to the secretary electronic records containing the legal name, age, resi-*
8 *dence and citizenship information for, and the electronic signature of, each person who meets quali-*
9 *fications identified by the secretary by rule.]*

10 *[(2) Upon receiving the electronic record for, and electronic signature of, a person described in*
11 *subsection (1) of this section, the Secretary of State shall provide the information to the county clerk*
12 *of the county in which the person may be registered as an elector. The secretary or county clerk shall*
13 *notify each person of the process to:]*

14 *[(a) Decline being registered as an elector.]*

15 *[(b) Adopt a political party affiliation.]*

16 *[(3) If a person notified under subsection (2) of this section does not decline to be registered as an*
17 *elector within 21 calendar days after the Secretary of State or county clerk issues the notification, the*
18 *person's electronic record and electronic signature submitted under subsection (1) of this section will*
19 *constitute a completed registration card for the person for purposes of this chapter. The person shall*
20 *be registered to vote if the county clerk determines that the person is qualified to vote under Article*
21 *II, section 2, of the Oregon Constitution, and the person is not already registered to vote.]*

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

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

29 *[(6) The Secretary of State shall adopt rules required to implement subsections (1) to (4) of this*
30 *section.]*

31 **(1) The Department of Transportation shall make a voter registration card available to**

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 any person at any office of the department where licenses or renewal applications are dis-
 2 tributed or received.

3 (2) When a person who is at least 17 years of age applies for issuance or renewal of an
 4 Oregon driver license, as defined in ORS 801.245, or issuance of a state identification card
 5 under ORS 807.400 or submits a change of address application form at a department office
 6 where driver license issuance or renewal applications, state identification card applications
 7 or change of address applications are distributed or received, department personnel shall
 8 inform the person that the person may register to vote at the department office. Department
 9 personnel shall ask the applicant whether the applicant is registered to vote at the
 10 applicant's current address and if not, whether the applicant would like to register to vote
 11 at the department office.

12 (3) Each office shall deliver in a timely manner the completed voter registration cards
 13 to the county clerk or elections officer of the county in which the office is located. The
 14 county clerk or elections officer of the county where the office is located shall forward the
 15 registration card to the county clerk or elections officer of the county in which the applicant
 16 resides. The county clerk or elections officer may reject any registration card in accordance
 17 with ORS 247.174. The Secretary of State shall determine by rule the time and manner the
 18 completed registration cards are to be delivered to the appropriate county clerk or elections
 19 officer.

20 (4) The department shall develop a driver license issuance or renewal and voter regis-
 21 tration application procedure and a state identification card issuance and voter registration
 22 application procedure and a change of address and voter registration application procedure
 23 that allows an applicant for a license, renewal, state identification card or change of address
 24 to register to vote by providing the information required by ORS 247.171 and the information
 25 required for the issuance or renewal of a license or for issuance of a state identification card.
 26 The Secretary of State shall approve the voter registration portion of each application pro-
 27 cedure and change of address procedure.

28 (5) The voter registration portion of an application described in subsection (4) of this
 29 section shall comply with provisions of the National Voter Registration Act of 1993 (P.L.
 30 103-31).

31 (6) The Secretary of State shall adopt rules establishing procedures for meeting the re-
 32 quirements of subsection (3) of this section.

33 (7) Information relating to the failure of an applicant under this section to sign the voter
 34 registration portion of an application for issuance or renewal of a driver license, issuance
 35 of a state identification card or for a change of address may not be used for other than voter
 36 registration purposes.

37 **SECTION 2.** ORS 247.002 is amended to read:

38 247.002. As used in this chapter:

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

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

42 (3) "Registration card" means a state voter registration card approved by the Secretary of State
 43 under ORS 247.171, a federal voter registration application form prescribed by the Federal Election
 44 Commission pursuant to the National Voter Registration Act of 1993 (P.L. 103-31) or **the voter**
 45 **registration portion of an application** *[an electronic record containing an individual's legal name,*

1 *age, residence and citizenship information and electronic signature submitted to the Department of*
 2 *Transportation in the manner]* described in ORS 247.017.

3 **SECTION 3.** ORS 247.012 is amended to read:

4 247.012. (1) A qualified person may register to vote or update a registration to vote by:

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

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

10 (c) **Completing the voter registration portion of the application for issuance or renewal**
 11 **of a driver license, issuance of a state identification card under ORS 807.400 or a change of**
 12 **address at an office of the Department of Transportation under ORS 247.017** [*Submitting the*
 13 *person's legal name, age, residence and citizenship information and electronic signature to the De-*
 14 *partment of Transportation*]; or

15 (d) Completing a registration card using the electronic voter registration system described in
 16 ORS 247.019.

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

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

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

25 (3) Registration of a qualified person occurs:

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

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

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

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

43 (b) If the information required under paragraph (a) of this subsection is missing from the regis-
 44 tration card or the date of birth is incomplete, the county clerk shall attempt to obtain the missing
 45 or incomplete information from all sources available to the county clerk, including but not limited

1 to current and previous addresses and phone numbers of the registrant. The county clerk may also
 2 supply the registrant's date of birth from any previous registration of the registrant. If the missing
 3 or incomplete information cannot be obtained from sources available to the county clerk, the county
 4 clerk shall use reasonable efforts to contact the registrant by phone, mail and electronic mail to
 5 obtain the missing or incomplete information.

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

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

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

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

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

17 **SECTION 4.** ORS 247.171 is amended to read:

18 247.171. (1) Except as provided in this subsection, the Secretary of State shall design, prepare
 19 and distribute state voter registration cards. The Secretary of State shall also distribute federal
 20 registration cards. Any person may apply in writing to the Secretary of State for permission to print,
 21 copy or otherwise prepare and distribute the registration cards designed by the Secretary of State.
 22 The secretary may revoke any permission granted under this subsection at any time. All registration
 23 cards shall be distributed to the public without charge.

24 (2) The Secretary of State shall approve any voter registration application form developed for
 25 use by **the Department of Transportation under ORS 247.017 or by any other** [any] agency
 26 designated as a voter registration agency under ORS 247.208.

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

30 (a) Full name;

31 (b) Residence address, mailing address or any other information necessary to locate the resi-
 32 dence of the person offering to register to vote;

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

34 (d) Date of birth;

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

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

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

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

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

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

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

45 (7) A person shall attest to the information supplied on the voter registration card by signing

1 the completed registration card.

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

4 **SECTION 5.** ORS 247.292 is amended to read:

5 247.292. (1) A county clerk shall update the registration of an elector in the county upon re-
6 ceiving **written** evidence from:

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

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

11 (c) The Secretary of State as provided in ORS [247.017 or] 247.295.

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

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

18 **SECTION 6.** ORS 247.302 is amended to read:

19 247.302. (1) The effective date of a voter registration updated under ORS 247.292 is the date on
20 which the county clerk receives **written** evidence of the change of residence or mailing address.

21 (2) The effective date of a voter registration updated under ORS 247.296 is the date on which
22 the county clerk changes the address information on the voter registration file.

23 **SECTION 7. A qualified person may register to vote at an office of the Department of**
24 **Transportation as provided in ORS 247.017.**

25 **SECTION 8. Section 7 of this 2023 Act and the amendments to ORS 247.002, 247.012,**
26 **247.017, 247.171, 247.292 and 247.302 by sections 1 to 6 of this 2023 Act apply to voter regis-**
27 **trations and updates to voter registrations that occur on or after the effective date of this**
28 **2023 Act.**

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