

Senate Bill 985

Sponsored by Senator KNOPP; Senator THATCHER

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 in certain circumstances.

A BILL FOR AN ACT

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

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

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

6 **SECTION 2. (1)(a) Subject to compliance with all applicable federal laws and regulations,**
7 **the Secretary of State shall by rule establish a schedule by which each qualified entity shall**
8 **provide to the secretary electronic records, derived from some or all of a person's registra-**
9 **tion information provided by the person to the qualified entity in a qualifying transaction,**
10 **of each person who the qualified entity deems may be eligible to be a qualified elector under**
11 **Article II, section 2, of the Oregon Constitution.**

12 **(b) The secretary may establish by rule, after consultation with each qualified entity,**
13 **what electronic records establish, for purposes of this subsection, whether a person may be**
14 **eligible to be a qualified elector.**

15 **(c) Notwithstanding paragraph (a) of this subsection, a qualified entity may not provide**
16 **to the secretary any electronic records demonstrating that a person is not a citizen of the**
17 **United States.**

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

20 **(3)(a) The secretary:**

21 **(A) Shall by rule develop a process to obtain any missing registration information from**
22 **the Department of Transportation for each person described in subsection (1) of this section**
23 **for whom the qualified entity does not provide all registration information; and**

24 **(B) May use any registration information that is obtained under subparagraph (A) of this**
25 **paragraph, or that is otherwise in the secretary's possession, for the purpose of registering**
26 **a person to vote under this section.**

27 **(b) The Department of Transportation may not provide to the secretary registration in-**
28 **formation of a person under this subsection if the department's records demonstrate that**
29 **the person is not a citizen of the United States.**

30 **(4) Upon receiving the electronic record for a person described in subsection (1) of this**
31 **section, and any missing registration information for the person under subsection (3) of this**
32 **section, the secretary shall provide the person's registration information to the county clerk**

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 of the county in which the person may be registered as an elector. The secretary or county
2 clerk shall notify each person of the process to:

3 (a) Decline being registered as an elector.

4 (b) Adopt a political party affiliation.

5 (5) If a person notified under subsection (4) of this section does not decline to be regis-
6 tered as an elector within 21 calendar days after the secretary or county clerk issues the
7 notification, the person's registration information submitted to the county clerk under sub-
8 section (4) of this section will constitute a completed registration card for the person for
9 purposes of this chapter. The person shall be registered to vote if the county clerk deter-
10 mines that the person is qualified to vote under Article II, section 2, of the Oregon Consti-
11 tution, and the person is not already registered to vote.

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

16 (7) The transfer of personal information and data by a qualified entity or the Department
17 of Transportation to the secretary under this section is limited to the information and data
18 that is necessary to register people as electors. Information and data transferred to the
19 secretary under this section may be used only for the purpose of registering people as elec-
20 tors.

21 (8) The secretary shall adopt rules required to implement this section. Any rules adopted
22 under this section:

23 (a) Are subject to input and public comment, including comment from each qualified en-
24 tity; and

25 (b) May come into effect only after the secretary and each qualified entity test and verify
26 the data transfer processes.

27 (9) As used in this section:

28 (a) "Electronic signature" means an electronic form of a handwritten signature that can
29 be verified, in the manner described in ORS 254.470 (11), for the purpose of tallying ballots.

30 (b) "Qualified entity" means:

31 (A) The State Department of Fish and Wildlife;

32 (B) The Oregon Military Department;

33 (C) The Department of Public Safety Standards and Training;

34 (D) The Department of Veterans' Affairs;

35 (E) The Water Resources Department; or

36 (F) The sheriff of a county.

37 (c) "Qualifying transaction" means:

38 (A) Applying for a permit or license with the State Department of Fish and Wildlife;

39 (B) Joining the Oregon National Guard;

40 (C) Completing training to receive a license or certificate from the Department of Public
41 Safety Standards and Training;

42 (D) Applying for services from the Department of Veterans' Affairs;

43 (E) Applying for a permit from the Water Resources Department; or

44 (F) Applying for a concealed handgun license from the sheriff of a county.

45 (d) "Registration information" means:

1 **(A) An individual’s legal name, age, residence and citizenship information; and**

2 **(B) The individual’s electronic signature.**

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

4 247.002. As used in this chapter:

5 (1) “County clerk” means the county clerk or the county official in charge of elections.

6 (2) “Elector” means an individual qualified to vote under Article II, section 2, Oregon Consti-
7 tution.

8 (3) “Registration card” means:

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

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

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

15 **(d) An electronic record created from some or all of an individual’s registration infor-**
16 **mation submitted by the individual to a qualified entity in the manner described in section**
17 **2 of this 2023 Act.**

18 **(4) As used in this section, “qualified entity” and “registration information” have the**
19 **meanings given those terms in section 2 of this 2023 Act.**

20 **SECTION 4.** ORS 247.012 is amended to read:

21 247.012. (1) A qualified person may register to vote or update a registration to vote by:

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

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

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

29 **(d) Submitting some or all of the person’s registration information to a qualified entity**
30 **as part of a qualifying transaction in a manner that allows the county clerk to register the**
31 **person to vote or update the person’s voter registration through the process described in**
32 **section 2 of this 2023 Act; or**

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

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

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

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

43 (3) Registration of a qualified person occurs:

44 (a) When a legible, accurate and complete registration card is received in the office of any
45 county clerk, the Office of the Secretary of State, an office of the Department of Transportation, a

1 designated voter registration agency under ORS 247.208 or at a location designated by a county
2 clerk under subsection (7) of this section;

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

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

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

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

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

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

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

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

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

35 (10) **As used in this section, "qualified entity," "qualifying transaction" and "registration**
36 **information" have the meanings given those terms in section 2 of this 2023 Act.**

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

38 247.292. (1) A county clerk shall update the registration of an elector in the county upon re-
39 ceiving evidence from:

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

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

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

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

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

7 **SECTION 6.** ORS 247.014 is amended to read:

8 247.014. (1) In implementing ORS 247.012, 247.017 and 247.171 **and section 2 of this 2023 Act**,
9 the Department of Transportation **and each qualified entity** shall take steps reasonably necessary
10 to allow transfer of voter registration information by electronic or magnetic medium.

11 **(2) As used in this section, “qualified entity” has the meaning given that term in section**
12 **2 of this 2023 Act.**

13 **SECTION 7.** ORS 247.171 is amended to read:

14 247.171. (1) Except as provided in this subsection, the Secretary of State shall design, prepare
15 and distribute state voter registration cards. The Secretary of State shall also distribute federal
16 registration cards. Any person may apply in writing to the Secretary of State for permission to print,
17 copy or otherwise prepare and distribute the registration cards designed by the Secretary of State.
18 The secretary may revoke any permission granted under this subsection at any time. All registration
19 cards shall be distributed to the public without charge.

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

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

25 (a) Full name;

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

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

29 (d) Date of birth;

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

31 (f) A signature attesting, **except for an electronic signature obtained as provided under**
32 **section 2 of this 2023 Act**, to the fact that the person is qualified to be an elector.

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

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

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

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

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

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

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

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

3 247.019. (1) The Secretary of State by rule shall adopt an electronic voter registration system
 4 to be used by qualified persons who have a valid:

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

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

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

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

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

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

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

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

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

28 **SECTION 9. (1) Section 2 of this 2023 Act and the amendments to ORS 247.002, 247.012,**
 29 **247.014, 247.019, 247.171 and 247.292 by sections 3 to 8 of this 2023 Act become operative on**
 30 **June 1, 2026.**

31 **(2) The Secretary of State, each qualified entity as defined in section 2 of this 2023 Act,**
 32 **the Department of Transportation and the county clerks may take any action before the**
 33 **operative date specified in subsection (1) of this section that is necessary for the Secretary**
 34 **of State, each qualified entity, the Department of Transportation and the county clerks to**
 35 **exercise, on and after the operative date specified in subsection (1) of this section, all of the**
 36 **duties, functions and powers conferred on the Secretary of State, each qualified entity, the**
 37 **Department of Transportation and the county clerks by section 2 of this 2023 Act and the**
 38 **amendments to ORS 247.002, 247.012, 247.014, 247.019, 247.171 and 247.292 by sections 3 to 8**
 39 **of this 2023 Act.**