D R A F T

SUMMARY

Digest: The Act changes certain laws for automatic voter registration. The Act tells ODOT and OHA to adopt procedures to ensure data sent to the SOS is correct. The Act removes the 21 days for a person to decline being registered to vote. (Flesch Readability Score: 61.6).

Permits the Department of Transportation to not provide electronic records of persons who are program participants in the Address Confidentiality Program to the Secretary of State for purposes of automatic voter registration.

Removes the 21-day period by which a person who is automatically registered to vote may decline being registered automatically.

Directs the Secretary of State or county clerk to cancel the registration of a person who is automatically registered to vote if that person declines to be registered in accordance with the notification of the process to decline provided to the person by the secretary.

Directs the Department of Transportation and the Oregon Health Authority to adopt procedures to ensure the accuracy of electronic records to be provided to the Secretary of State for purposes of automatic voter registration.

1   **A BILL FOR AN ACT**

2   Relating to automatic voter registration; amending ORS 247.017 and 247.018.

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

4   <u>**SECTION 1.**</u> ORS 247.017 is amended to read:

5   247.017. (1)**(a)** The Secretary of State shall by rule establish a schedule

6   by which the Department of Transportation shall provide to the secretary

7   electronic records, **other than records described in paragraph (b) of this**

8   **subsection,** containing the legal name, age, residence and citizenship infor-

9   mation for, and the electronic signature of, each person who meets quali-

1 fications identified by the secretary by rule.

2 **(b) The department may exclude from the records described in**

3 **paragraph (a) of this subsection the electronic records of any person**

4 **who is a program participant of the Address Confidentiality Program**

5 **established under ORS 192.822.**

6 (2) Upon receiving the electronic record for, and electronic signature of,

7 a person described in subsection (1) of this section, the Secretary of State

8 shall provide the information to the county clerk of the county in which the

9 person may be registered as an elector. The secretary or county clerk shall

10 notify each person **who is registered under subsection (3) of this section**

11 of the process to:

12 (a) Decline being registered as an elector.

13 (b) Adopt a political party affiliation.

14 (3) [*If a person notified under subsection (2) of this section does not decline*

15 *to be registered as an elector within 21 calendar days after the Secretary of*

16 *State or county clerk issues the notification, the*] **A** person's electronic record

17 and electronic signature submitted under subsection (1) of this section will

18 constitute a completed registration card for the person for purposes of this

19 chapter. The person shall be registered to vote if the county clerk determines

20 that the person is qualified to vote under Article II, section 2, of the Oregon

21 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 registra-*

23 *tion list, a person who meets eligibility requirements until at least 21 calendar*

24 *days after the Secretary of State or county clerk provided notification to the*

25 *person as described in subsection (2) of this section.*] **The Secretary of State**

26 **or county clerk shall cancel the registration of any person who de-**

27 **clines being registered as an elector in accordance with the notifica-**

28 **tion of the process under subsection (2) of this section.**

29 **(5) The Department of Transportation, in consultation with the**

30 **Secretary of State, shall adopt and regularly update procedures to en-**

31 **sure that each electronic record provided to the secretary under sub-**

1 **section (1) of this section is accurate and complies with the**

2 **qualifications identified by the secretary by rule. The department and**

3 **the secretary shall meet at least annually to review and update the**

4 **procedures required under this subsection. At a minimum, the proce-**

5 **dures adopted under this subsection must:**

6 **(a) Provide for the exclusion of any record of a person who is not**

7 **a citizen of the United States;**

8 **(b) Require the use of data entry and verification systems designed**

9 **to minimize the provision of any misclassified, improperly labeled, in-**

10 **correctly entered or otherwise incorrectly provided records from the**

11 **Department of Transportation to the Secretary of State. The verifica-**

12 **tion systems under this paragraph must include the use of a service**

13 **to verify any United States passport and the Systematic Alien Verifi-**

14 **cation for Entitlements program administered by the United States**

15 **Citizenship and Immigration Services to verify any naturalization**

16 **document;**

17 **(c) Require the institution of quality control and data integrity**

18 **verification to ensure the accuracy of any electronic record subject to**

19 **being provided to the Secretary of State under subsection (1) of this**

20 **section; and**

21 **(d) Require the training of department staff on the procedures**

22 **adopted under this subsection with an emphasis on the importance of**

23 **accuracy in providing electronic records to the Secretary of State un-**

24 **der subsection (1) of this section.**

25 [*(5)*] **(6)** In addition to providing electronic records to the Secretary of

26 State under subsection (1) of this section, the Department of Transportation

27 may by rule develop, and require the availability or use of, any form or ap-

28 plication the department determines is necessary to ensure compliance with

29 the voter registration provisions of the National Voter Registration Act of

30 1993 (P.L. 103-31).

31 [*(6)*] **(7)** The Secretary of State shall adopt rules required to implement

1 subsections (1) to (4) of this section.

2 **SECTION 2.** ORS 247.018 is amended to read:

3 247.018. (1)(a) Subject to compliance with all applicable federal laws and

4 regulations, the Secretary of State shall by rule establish a schedule by

5 which the Oregon Health Authority shall provide to the secretary electronic

6 records, derived from information provided to the Oregon Health Plan, con-

7 taining the legal name, age, residence and citizenship information for, and,

8 if any, the electronic signature of, each person who is eligible to be a qual-

9 ified elector under Article II, section 2, of the Oregon Constitution.

10 (b) The secretary shall establish by rule, after consultation with the au-

11 thority, what electronic records establish whether a person is eligible to be

12 a qualified elector for purposes of this subsection.

13 (c) Notwithstanding paragraph (a) of this subsection, the authority may

14 not provide to the secretary any electronic records for a person who is not

15 a citizen of the United States.

16 (2) When establishing a schedule under subsection (1) of this section, the

17 secretary may adopt rules governing the format and frequency of data

18 transfer. Any rules adopted under this subsection:

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

20 authority; and

21 (b) May come into effect only after the secretary and authority test and

22 verify the data transfer processes.

23 (3) The secretary:

24 (a) Shall by rule develop a process to obtain an electronic signature from

25 the Department of Transportation for each person described in subsection (1)

26 of this section for whom the authority does not provide an electronic signa-

27 ture under this section; and

28 (b) May use an electronic signature that is obtained under paragraph (a)

29 of this subsection or that is otherwise in the secretary's possession, for the

30 purpose of registering electors to vote under this section.

31 (4) Upon receiving the electronic record for a person described in sub-

1 section (1) of this section, the secretary shall provide the information to the

2 county clerk of the county in which the person may be registered as an

3 elector. The secretary or county clerk shall notify each person **who is reg-**

4 **istered under subsection (5) of this section** of the process to:

5 (a) Decline being registered as an elector;

6 (b) Adopt a political party affiliation; and

7 (c) Provide a signature if no signature was provided under subsection (1)

8 of this section and the secretary does not have a copy of the signature and

9 is unable to obtain an electronic copy of the signature from the Department

10 of Transportation under subsection (3) of this section.

11 (5) Notwithstanding the absence of any signature, [*if a person notified*

12 *under subsection (4) of this section does not decline to be registered as an*

13 *elector within 21 calendar days after the secretary or county clerk issues the*

14 *notification,*] the person's electronic record submitted to the county clerk

15 under subsection (4) of this section will constitute a completed registration

16 card for the person for purposes of this chapter. The person shall be regis-

17 tered to vote if the county clerk determines that the person is qualified to

18 vote under Article II, section 2, of the Oregon Constitution, and the person

19 is not already registered to vote.

20 (6) [*A county clerk may not send a ballot to, or add to an elector registra-*

21 *tion list, a person who is determined under subsection (5) of this section to be*

22 *qualified to vote, and who is not already registered to vote, until at least 21*

23 *calendar days after the secretary or county clerk provided notification to the*

24 *person as described in subsection (4) of this section.*] **The Secretary of State**

25 **or county clerk shall cancel the registration of any person who de-**

26 **clines being registered as an elector in accordance with the notifica-**

27 **tion of the process under subsection (4) of this section.**

28 (7) The transfer of personal information and data by the authority or de-

29 partment to the secretary under this section is limited to the information and

30 data that is necessary to register electors. Information and data transferred

31 to the secretary under this section may be used only for the purpose of reg-

1 istering electors.

2 **(8) The Oregon Health Authority, in consultation with the Secre-**

3 **tary of State, shall adopt and regularly update procedures to ensure**

4 **that each electronic record provided to the secretary under subsection**

5 **(1) of this section is accurate and complies with the qualifications**

6 **identified by the secretary by rule. The authority and the secretary**

7 **shall meet at least annually to review and update the procedures re-**

8 **quired under this subsection. At a minimum, the procedures adopted**

9 **under this subsection must:**

10 **(a) In accordance with subsection (1)(c) of this section, provide for**

11 **the exclusion of any record of a person who is not a citizen of the**

12 **United States;**

13 **(b) Require the use of data entry and verification systems designed**

14 **to minimize the provision of any misclassified, improperly labeled, in-**

15 **correctly entered or otherwise incorrectly provided records from the**

16 **authority to the Secretary of State;**

17 **(c) Require the institution of quality control and data integrity**

18 **verification to ensure the accuracy of any electronic record subject to**

19 **being provided to the Secretary of State under subsection (1) of this**

20 **section; and**

21 **(d) Require the training of authority staff on the procedures**

22 **adopted under this subsection with an emphasis on the importance of**

23 **accuracy in providing electronic records to the Secretary of State un-**

24 **der subsection (1) of this section.**

25 [*(8)*] **(9)** The secretary shall adopt rules required to implement this sec-

26 tion, including rules to ensure that no ballot is counted for a person regis-

27 tered to vote under this section whose registration record does not contain

28 an electronic signature.

29 [*(9)*] **(10)** As used in this section, "electronic signature" means an elec-

30 tronic form of a handwritten signature that can be verified, in the manner

31 described in ORS 254.470 (11), for the purpose of tallying ballots.

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