

House Bill 3468

Sponsored by Representative DRAZAN; Representatives ELMER, SCHARF, SKARLATOS

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act keeps county clerks from updating voter data by using data that ODOT and OHA send. The Act lets voters use voter registration cards to make updates to their data. The Act becomes law 91 days after the legislature is done. (Flesch Readability Score: 63.7).

Prohibits a county clerk from using certain information provided by the Department of Transportation or the Oregon Health Authority to update any registration information for an elector who is already registered to vote. Provides that an elector may update the elector's registration information by submitting a registration card.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to updating voter registration information; amending ORS 247.012, 247.013, 247.017 and
3 247.018; and prescribing an effective date.

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
7 of Transportation shall provide to the secretary electronic records containing the legal name, age,
8 residence and citizenship information for, and the electronic signature of, each person who meets
9 qualifications 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
12 clerk of the county in which the person may be registered as an elector. The secretary or county
13 clerk shall notify each person of the process to:

14 (a) Decline being registered as an elector.

15 (b) Adopt a political party affiliation.

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

23 **(b) A county clerk may not use the information provided by the Secretary of State under**
24 **subsection (2) of this section to change or update any registration information for an elector**
25 **who is already registered to vote.**

26 (4) A county clerk may not send a ballot to, or add to an elector registration list, a person who
27 meets eligibility requirements until at least 21 calendar days after the Secretary of State or county

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 clerk provided notification to the person as described in subsection (2) of this section.

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

6 (6) The Secretary of State shall adopt rules required to implement subsections (1) to (4) of this
 7 section.

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

9 247.018. (1)(a) Subject to compliance with all applicable federal laws and regulations, the Sec-
 10 retary of State shall by rule establish a schedule by which the Oregon Health Authority shall pro-
 11 vide to the secretary electronic records, derived from information provided to the Oregon Health
 12 Plan, containing the legal name, age, residence and citizenship information for, and, if any, the
 13 electronic signature of, each person who is eligible to be a qualified elector under Article II, section
 14 2, of the Oregon Constitution.

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

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

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

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

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

25 (3) The secretary:

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

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

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

36 (a) Decline being registered as an elector;

37 (b) Adopt a political party affiliation; and

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

41 (5)(a) Notwithstanding the absence of any signature, if a person notified under subsection (4)
 42 of this section does not decline to be registered as an elector within 21 calendar days after the
 43 secretary or county clerk issues the notification, the person's electronic record submitted to the
 44 county clerk under subsection (4) of this section will constitute a completed registration card for the
 45 person for purposes of this chapter. The person shall be registered to vote if the county clerk de-

1 termines that the person is qualified to vote under Article II, section 2, of the Oregon Constitution,
 2 and the person is not already registered to vote.

3 **(b) A county clerk may not use the information provided by the secretary under sub-**
 4 **section (4) of this section to change or update any registration information for an elector**
 5 **who is already registered to vote.**

6 (6) A county clerk may not send a ballot to, or add to an elector registration list, a person who
 7 is determined under subsection (5) of this section to be qualified to vote, and who is not already
 8 registered to vote, until at least 21 calendar days after the secretary or county clerk provided no-
 9 tification to the person as described in subsection (4) of this section.

10 (7) The transfer of personal information and data by the authority or department to the secre-
 11 tary under this section is limited to the information and data that is necessary to register electors.
 12 Information and data transferred to the secretary under this section may be used only for the pur-
 13 pose of registering electors.

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

17 (9) As used in this section, “electronic signature” means an electronic form of a handwritten
 18 signature that can be verified, in the manner described in ORS 254.470 (11), for the purpose of tal-
 19 lying ballots.

20 **SECTION 3.** 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)] (8) 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) Completing a registration card using the electronic voter registration system described in
 30 ORS 247.019.

31 **(2) An elector may update the elector’s registration to vote by:**

32 **(a) Delivering by mail, having a person deliver or otherwise delivering a completed reg-**
 33 **istration card to any county clerk, the Secretary of State or any designated voter registra-**
 34 **tion agency as described in ORS 247.208;**

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

37 **(c) Completing a registration card using the electronic voter registration system de-**
 38 **scribed in ORS 247.019.**

39 **(3) If a registration card is mailed or delivered to:**

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

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

1 receiving the card.

2 [(3)] (4) Registration of a qualified person occurs:

3 (a) When a legible, accurate and complete registration card is received in the office of any
 4 county clerk, the Office of the Secretary of State, an office of the Department of Transportation, a
 5 designated voter registration agency under ORS 247.208 or at a location designated by a county
 6 clerk under subsection [(7)] (8) of this section;

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

12 (c) In the case of a registration card missing a date of birth, containing an incomplete date of
 13 birth or containing an unintentional scrivener’s error that is supplied or corrected as described in
 14 subsection [(4) or (6)] (5) or (7) of this section, on the date that registration would have occurred
 15 if the registration card had not been missing the date of birth, contained an incomplete date of birth
 16 or contained the scrivener’s error.

17 [(4)(a)] (5)(a) Except as provided in ORS 247.125, if a registration card is legible, accurate and
 18 contains, at a minimum, the registrant’s name, residence address, date of birth and signature, the
 19 county clerk shall register the person.

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

28 [(5)] (6) If a registration card meets the requirements of subsection [(4)] (5) of this section but
 29 is missing an indication of political party affiliation, the registrant shall be considered not affiliated
 30 with any political party. This subsection does not apply if an elector is updating a registration.

31 [(6)] (7) If a registration card contains an unintentional scrivener’s error, the county clerk may
 32 attempt to contact the person to correct the error.

33 [(7)] (8) A county clerk may appoint officials to accept registration of persons at designated lo-
 34 cations. The appointments and locations shall be in writing and filed in the office of the county
 35 clerk. The county clerk shall be responsible for the performance of duties by those appointed.

36 [(8)] (9) A registration card received and accepted under this section shall be considered an
 37 active registration.

38 [(9)] (10) A registration may be updated at any time.

39 **SECTION 4.** ORS 247.012, as amended by section 4, chapter 492, Oregon Laws 2023, is amended
 40 to read:

41 247.012. (1) A qualified person may register to vote [*or update a registration to vote*] by:

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

45 (b) Personally delivering, or having a person deliver, the card to an official designated by a

1 county clerk under subsection [(7)] (8) of this section;

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

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

6 (e) Completing a registration card using the electronic voter registration system described in
7 ORS 247.019.

8 (2) **An elector may update the elector's registration to vote by:**

9 (a) **Delivering by mail, having a person deliver or otherwise delivering a completed reg-**
10 **istration card to any county clerk, the Secretary of State or any designated voter registra-**
11 **tion agency as described in ORS 247.208;**

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

14 (c) **Completing a registration card using the electronic voter registration system de-**
15 **scribed in ORS 247.019.**

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

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

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

24 [(3)] (4) Registration of a qualified person occurs:

25 (a) When a legible, accurate and complete registration card is received in the office of any
26 county clerk, the Office of the Secretary of State, an office of the Department of Transportation, a
27 designated voter registration agency under ORS 247.208 or at a location designated by a county
28 clerk under subsection [(7)] (8) of this section;

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

34 (c) In the case of a registration card missing a date of birth, containing an incomplete date of
35 birth or containing an unintentional scrivener's error that is supplied or corrected as described in
36 subsection [(4) or (6)] (5) or (7) of this section, on the date that registration would have occurred
37 if the registration card had not been missing the date of birth, contained an incomplete date of birth
38 or contained the scrivener's error.

39 [(4)(a)(A)] (5)(a)(A) Except as provided in ORS 247.125, if a registration card is legible, accurate
40 and contains, at a minimum, the registrant's name, residence address, date of birth and signature,
41 the county clerk shall register the person.

42 (B) The county clerk shall register a person pursuant to ORS 247.018, regardless of whether the
43 person's registration card contains a signature, if the person's registration card is legible, accurate
44 and contains, at a minimum, the registrant's name, residence address and date of birth.

45 (b) If the information required under paragraph (a)(A) of this subsection is missing from the

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

9 [(5)] (6) If a registration card meets the requirements of subsection [(4)] (5) of this section but
 10 is missing an indication of political party affiliation, the registrant shall be considered not affiliated
 11 with any political party. This subsection does not apply if an elector is updating a registration.

12 [(6)] (7) If a registration card contains an unintentional scrivener's error, the county clerk may
 13 attempt to contact the person to correct the error.

14 [(7)] (8) A county clerk may appoint officials to accept registration of persons at designated lo-
 15 cations. The appointments and locations shall be in writing and filed in the office of the county
 16 clerk. The county clerk shall be responsible for the performance of duties by those appointed.

17 [(8)] (9) A registration card received and accepted under this section shall be considered an
 18 active registration.

19 [(9)] (10) A registration may be updated at any time.

20 **SECTION 5.** ORS 247.013 is amended to read:

21 247.013. (1) A qualified person shall be considered registered to vote in a county when the
 22 person's first registration in the county occurs as described in ORS 247.012.

23 (2) An elector who changes residence address from the county in which the elector is registered
 24 to a different county within the state, in order to vote in an election, must be an elector registered
 25 in the county in which the new residence address of the elector is located.

26 [(3) *If there is a change in any information required for registration under this chapter, and the*
 27 *elector has not changed residence address to another county, the registration of the elector may be up-*
 28 *dated as provided in this chapter.*]

29 [(4)] (3) Notwithstanding [subsections (2) and (3)] **subsection (2)** of this section, if an elector
 30 changes residence address from the county in which the elector is registered to a different county
 31 within the state, the elector need not register again if the registration of the elector is updated.

32 [(5)] (4) If the county clerk does not have evidence of a change in any information required for
 33 registration under this chapter for an elector, the registration of the elector shall be considered
 34 active.

35 [(6)] (5) The registration of an elector shall be considered inactive if:

36 (a) The county clerk has received evidence that there has been a change in the information re-
 37 quired for registration under this chapter; and

38 (b) The county clerk has mailed the notice described in ORS 247.563.

39 [(7)] (6) The inactive registration of an elector must be updated before the elector may vote in
 40 an election.

41 **SECTION 6.** This 2025 Act takes effect on the 91st day after the date on which the 2025
 42 regular session of the Eighty-third Legislative Assembly adjourns sine die.