

House Bill 3723

Sponsored by Representatives RESCHKE, WRIGHT, HELFRICH, LEVY B; Representatives BOICE, ELMER, MCINTIRE, SKARLATOS, YUNKER, Senator SMITH DB

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 ends the transfer of voter registration data from ODOT and the OHA to the SOS. The Act ends voter registration for those who are at least 16 years old. The Act declares an emergency and becomes law when the Governor signs it. (Flesch Readability Score: 68.8).

Repeals the automatic transfer of voter registration information from the Department of Transportation and the Oregon Health Authority to the Secretary of State. Repeals the process for registration of those persons who are at least 16 years of age.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to registering to vote by voter registration card; creating new provisions; amending ORS
3 247.002, 247.012, 247.014, 247.017, 247.019, 247.171, 247.292 and 247.302; repealing ORS 247.016
4 and 247.018 and section 9, chapter 492, Oregon Laws 2023; and declaring an emergency.

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

6 **SECTION 1. ORS 247.016 and 247.018 and section 9, chapter 492, Oregon Laws 2023, are**
7 **repealed.**

8 **SECTION 2.** ORS 247.017 is amended to read:

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

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

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

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

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

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

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

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

7 **(1) The Department of Transportation shall make a voter registration card available to**
 8 **any person at any office of the department where a license or renewal application is dis-**
 9 **tributed or received.**

10 **(2) When a person who is at least 17 years of age applies for issuance or renewal of an**
 11 **Oregon driver license, as defined in ORS 801.245, or issuance of a state identification card**
 12 **under ORS 807.400 or submits a change of address application form at a department office**
 13 **where a driver license issuance or renewal application, state identification card application**
 14 **or change of address application is distributed or received, department personnel shall in-**
 15 **form the person that the person may register to vote at the department office. Department**
 16 **personnel shall ask the applicant whether the applicant is registered to vote at the**
 17 **applicant’s current address and if the applicant is not, whether the applicant would like to**
 18 **register to vote at the department office.**

19 **(3) Each department office shall deliver in a timely manner any completed voter regis-**
 20 **tration card to the county clerk or elections officer of the county in which the office is lo-**
 21 **cated. The county clerk or elections officer of the county where the office is located shall**
 22 **forward the registration card to the county clerk or elections officer of the county in which**
 23 **the applicant resides. The county clerk or elections officer may reject any registration card**
 24 **in accordance with ORS 247.174. The Secretary of State shall determine by rule the time and**
 25 **manner any completed registration card is to be delivered to the appropriate county clerk**
 26 **or elections officer.**

27 **(4) The department shall develop a driver license issuance or renewal and voter regis-**
 28 **tration application procedure, a state identification card issuance and voter registration ap-**
 29 **plication procedure and a change of address and voter registration application procedure that**
 30 **allows an applicant for the issuance or renewal of a driver license, the issuance of a state**
 31 **identification card or a change of address to register to vote by providing the information**
 32 **required by ORS 247.171 and the information required for the issuance or renewal of a license**
 33 **or for issuance of a state identification card. The Secretary of State shall approve the voter**
 34 **registration portion of each application procedure and change of address procedure.**

35 **(5) The voter registration portion of an application described in subsection (4) of this**
 36 **section must comply with provisions of the National Voter Registration Act of 1993 (P.L.**
 37 **103-31).**

38 **(6) Information relating to the failure of an applicant under this section to sign the voter**
 39 **registration portion of an application for issuance or renewal of a driver license, issuance**
 40 **of a state identification card or for a change of address may not be used for other than voter**
 41 **registration purposes.**

42 **SECTION 3.** ORS 247.002, as amended by section 3, chapter 492, Oregon Laws 2023, is amended
 43 to read:

44 247.002. As used in this chapter:

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

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

3 (3) "Registration card" means:

4 (a) A state voter registration card approved by the Secretary of State under ORS 247.171; **or**

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

7 *[(c) An electronic record containing an individual's legal name, age, residence and citizenship in-*
8 *formation and electronic signature submitted to the Department of Transportation in the manner de-*
9 *scribed in ORS 247.017; or]*

10 *[(d) An electronic record containing an individual's legal name, age, residence and citizenship in-*
11 *formation submitted to the Oregon Health Authority in the manner described in ORS 247.018.]*

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

14 247.012. (1) A qualified person may register to vote or update a registration to vote by:

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

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

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

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

24 **(c) Completing the voter registration portion of the application for issuance or renewal**
25 **of a driver license, issuance of a state identification card under ORS 807.400 or a change of**
26 **address at an office of the Department of Transportation; or**

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

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

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

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

37 (3) Registration of a qualified person occurs:

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

42 (b) On the date a registration card is postmarked if the card is received after the 21st day im-
43 mediately preceding an election but is postmarked not later than the 21st day immediately preceding
44 the election and is addressed to an office of any county clerk, the Office of the Secretary of State,
45 an office of the Department of Transportation or any designated voter registration agency as de-

1 scribed in ORS 247.208; or

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

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

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

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

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

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

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

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

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

33 **SECTION 5.** ORS 247.171, as amended by section 7, chapter 492, Oregon Laws 2023, is amended
34 to read:

35 247.171. (1) Except as provided in this subsection, the Secretary of State shall design, prepare
36 and distribute state voter registration cards. The Secretary of State shall also distribute federal
37 registration cards. Any person may apply in writing to the Secretary of State for permission to print,
38 copy or otherwise prepare and distribute the registration cards designed by the Secretary of State.
39 The secretary may revoke any permission granted under this subsection at any time. All registration
40 cards shall be distributed to the public without charge.

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

44 (3) Each voter registration card designed or approved by the Secretary of State shall describe
45 the penalties for knowingly supplying false information on the registration card and shall contain

1 space for a person to provide the following information:

2 (a) Full name;

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

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

6 (d) Date of birth;

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

8 (f) *[Except as provided in ORS 247.018,]* A signature attesting to the fact that the person is
9 qualified to be an elector.

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

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

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

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

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

18 (7) *[Except as provided in ORS 247.018,]* A person shall attest to the information supplied on the
19 voter registration card by signing the completed registration card.

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

22 **SECTION 6.** ORS 247.292, as amended by section 5, chapter 492, Oregon Laws 2023, is amended
23 to read:

24 247.292. (1) A county clerk shall update the registration of an elector in the county upon re-
25 ceiving **written** evidence from:

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

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

30 (c) The Secretary of State as provided in ORS [247.017, 247.018 or] 247.295.

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

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

37 **SECTION 7.** ORS 247.302 is amended to read:

38 247.302. (1) The effective date of a voter registration updated under ORS 247.292 is the date on
39 which the county clerk receives **written** evidence of the change of residence or mailing address.

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

42 **SECTION 8. A qualified person may register to vote at an office of the Department of**
43 **Transportation as provided in ORS 247.017.**

44 **SECTION 9.** ORS 247.014, as amended by section 6, chapter 492, Oregon Laws 2023, is amended
45 to read:

1 247.014. In implementing ORS 247.012, 247.017[, 247.018] and 247.171, the Department of Trans-
 2 portation [*and the Oregon Health Authority*] shall take steps reasonably necessary to allow transfer
 3 of voter registration information by electronic or magnetic medium.

4 **SECTION 10.** ORS 247.019, as amended by section 8, chapter 492, Oregon Laws 2023, is
 5 amended to read:

6 247.019. (1) The Secretary of State by rule shall adopt an electronic voter registration system
 7 to be used by qualified persons who have a valid:

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

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

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

15 (B) Allow a person **registering to vote under subsection (1)(d) of this section** to electron-
 16 ically submit an image of the person’s signature; and

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

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

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

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

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

31 **SECTION 11. This 2025 Act being necessary for the immediate preservation of the public**
 32 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
 33 **on its passage.**