

House Bill 3959

Sponsored by COMMITTEE ON RULES (at the request of Representatives Ben Bowman, Christine Drazan)

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 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.

A BILL FOR AN ACT

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

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

SECTION 1. ORS 247.017 is amended to read:

247.017. (1)(a) The Secretary of State shall by rule establish a schedule by which the Department of Transportation shall provide to the secretary electronic records, **other than records described in paragraph (b) of this subsection**, containing the legal name, age, residence and citizenship information for, and the electronic signature of, each person who meets qualifications identified by the secretary by rule.

(b) The department may exclude from the records described in paragraph (a) of this subsection the electronic records of any person who is a program participant of the Address Confidentiality Program established under ORS 192.822.

(2) Upon receiving the electronic record for, and electronic signature of, a person described in subsection (1) of this section, the Secretary of State shall provide the information to the county clerk of the county in which the person may be registered as an elector. The secretary or county clerk shall notify each person **who is registered under subsection (3) of this section** of the process to:

(a) Decline being registered as an elector.

(b) Adopt a political party affiliation.

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

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.

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

(4) *[A county clerk may not send a ballot to, or add to an elector registration list, a person who meets eligibility requirements until at least 21 calendar days after the Secretary of State or county clerk provided notification to the person as described in subsection (2) of this section.]* **The Secretary of State or county clerk shall cancel the registration of any person who declines being registered as an elector in accordance with the notification of the process under subsection (2) of this section.**

(5) **The Department of Transportation, in consultation with the Secretary of State, shall adopt and regularly update procedures to ensure that each electronic record provided to the secretary under subsection (1) of this section is accurate and complies with the qualifications identified by the secretary by rule. The department and the secretary shall meet at least annually to review and update the procedures required under this subsection. At a minimum, the procedures adopted under this subsection must:**

(a) **Provide for the exclusion of any record of a person who is not a citizen of the United States;**

(b) **Require the use of data entry and verification systems designed to minimize the provision of any misclassified, improperly labeled, incorrectly entered or otherwise incorrectly provided records from the Department of Transportation to the Secretary of State. The verification systems under this paragraph must include the use of a service to verify any United States passport and the Systematic Alien Verification for Entitlements program administered by the United States Citizenship and Immigration Services to verify any naturalization document;**

(c) **Require the institution of quality control and data integrity verification to ensure the accuracy of any electronic record subject to being provided to the Secretary of State under subsection (1) of this section; and**

(d) **Require the training of department staff on the procedures adopted under this subsection with an emphasis on the importance of accuracy in providing electronic records to the Secretary of State under subsection (1) of this section.**

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

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

SECTION 2. ORS 247.018 is amended to read:

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

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

1 section.

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

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

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

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

9 (3) The secretary:

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

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

16 (4) Upon receiving the electronic record for a person described in subsection (1) of this section,
17 the secretary shall provide the information to the county clerk of the county in which the person
18 may be registered as an elector. The secretary or county clerk shall notify each person **who is**
19 **registered under subsection (5) of this section** of the process to:

20 (a) Decline being registered as an elector;

21 (b) Adopt a political party affiliation; and

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

25 (5) Notwithstanding the absence of any signature, *[if a person notified under subsection (4) of this*
26 *section does not decline to be registered as an elector within 21 calendar days after the secretary or*
27 *county clerk issues the notification,]* the person's electronic record submitted to the county clerk
28 under subsection (4) of this section will constitute a completed registration card for the person for
29 purposes of this chapter. The person shall be registered to vote if the county clerk determines that
30 the person is qualified to vote under Article II, section 2, of the Oregon Constitution, and the person
31 is not already registered to vote.

32 (6) *[A county clerk may not send a ballot to, or add to an elector registration list, a person who*
33 *is determined under subsection (5) of this section to be qualified to vote, and who is not already reg-*
34 *istered to vote, until at least 21 calendar days after the secretary or county clerk provided notification*
35 *to the person as described in subsection (4) of this section.]* **The Secretary of State or county clerk**
36 **shall cancel the registration of any person who declines being registered as an elector in**
37 **accordance with the notification of the process under subsection (4) of this section.**

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

42 (8) **The Oregon Health Authority, in consultation with the Secretary of State, shall adopt**
43 **and regularly update procedures to ensure that each electronic record provided to the sec-**
44 **retary under subsection (1) of this section is accurate and complies with the qualifications**
45 **identified by the secretary by rule. The authority and the secretary shall meet at least an-**

1 nually to review and update the procedures required under this subsection. At a minimum,
2 the procedures adopted under this subsection must:

3 (a) In accordance with subsection (1)(c) of this section, provide for the exclusion of any
4 record of a person who is not a citizen of the United States;

5 (b) Require the use of data entry and verification systems designed to minimize the pro-
6 vision of any misclassified, improperly labeled, incorrectly entered or otherwise incorrectly
7 provided records from the authority to the Secretary of State;

8 (c) Require the institution of quality control and data integrity verification to ensure the
9 accuracy of any electronic record subject to being provided to the Secretary of State under
10 subsection (1) of this section; and

11 (d) Require the training of authority staff on the procedures adopted under this sub-
12 section with an emphasis on the importance of accuracy in providing electronic records to
13 the Secretary of State under subsection (1) of this section.

14 [(8)] (9) The secretary shall adopt rules required to implement this section, including rules to
15 ensure that no ballot is counted for a person registered to vote under this section whose registration
16 record does not contain an electronic signature.

17 [(9)] (10) As used in this section, "electronic signature" means an electronic form of a hand-
18 written signature that can be verified, in the manner described in ORS 254.470 (11), for the purpose
19 of tallying ballots.