

## CHAPTER 233

AN ACT

HB 2681

Relating to inactive voters; creating new provisions; amending ORS 254.411 and 254.431; and prescribing an effective date.

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

**SECTION 1.** Sections 2 and 3 of this 2021 Act are added to and made a part of ORS chapter 247.

**SECTION 2.** (1) Notwithstanding any other provision of ORS chapters 246 to 260, the registration of an elector may not be considered inactive due to an elector not voting or updating the elector's registration for any period of time.

(2) The registration of an elector shall be considered active if the only reason for the registration of an elector being considered inactive is that the elector neither voted nor updated the elector's registration for any period of time.

(3) The Secretary of State may adopt rules necessary to implement this section.

**SECTION 3.** (1) The county clerk shall mail a notice to each elector:

(a) Whose registration is inactive as of the 75th day before the date of a primary election or general election;

(b) Whose registration is considered inactive due to a nonmatching signature under ORS 254.431 or a name change under ORS 254.411; and

(c) For whom the county clerk has a valid and current mailing address.

(2) The notice sent under subsection (1) of this section must:

(a) Inform the elector that the elector's registration is currently inactive;

(b) State the reason for the inactivation;

(c) Contain information on how the elector can reactivate the elector's registration; and

(d) Be sent to the elector no earlier than 70 days and no later than 60 days before the election.

(3) In addition to the notice required to be sent under subsection (1) of this section, the county clerk may mail a notice to each elector described in subsection (1)(b) of this section whose registration is inactive as of the 75th day before the date of an election other than a primary election or general election. Any notice the county clerk chooses to send under this subsection must comply with the requirements set forth in subsection (2) of this section.

(4) The Secretary of State shall design a standard form to be used in all notifications sent by the county clerk under this section.

**SECTION 4.** ORS 254.431 is amended to read:

254.431. (1) If a ballot is challenged because it is returned in an unsigned return identification envelope or because the signature of an elector on a return identification envelope does not match the signature in the voter registration record for the elector, the county clerk shall mail to the elector a notice that describes the nature of the challenge. The Secretary of State shall design a standard form to be used in all notifications sent by county clerks under this subsection.

(2)(a) In order for the vote of the elector to be counted, the elector must provide evidence sufficient to disprove the challenge not later than the 14th calendar day after the date of the election. In the case of an unsigned return identification envelope, providing sufficient evidence may include completing a certified statement on a form provided by the county clerk. The Secretary of State shall design a standard form to be used for certified statements made under this paragraph.

(b) If the elector does not provide evidence sufficient to disprove a challenge alleging that the signature of the elector on a return identification envelope does not match the signature in the voter registration record for the elector by the 14th calendar day after the date of the election, the registration of the elector shall be considered inactive.

(3)(a) The filing officer may not release as a public record any information that could be used to identify an elector whose ballot has been challenged under this section until the eighth calendar day after the date of an election.

(b) Following the seventh calendar day after the date of an election, the filing officer may disclose as a public record under ORS 192.311 to 192.478 the following information about each elector whose ballot was challenged under this section:

(A) The name of the elector;

(B) The residence addresses of the elector; and

(C) The reason the elector's ballot is being challenged.

**(4) The provisions of section 3 of this 2021 Act apply to an elector whose registration becomes inactive under this section.**

[(4)] (5) As used in this section, "filing officer" means:

(a) The Secretary of State, for federal or statewide elections and for elections to the office of state Senator or Representative; or

(b) The county clerk, for county, city or district elections.

**SECTION 5.** ORS 254.411 is amended to read:

254.411. (1) Any elector whose name has been changed may vote once in the county in which the elector is registered under the elector's former name.

(2) Following the election, the registration of the elector shall be considered inactive. **The provisions of section 3 of this 2021 Act apply to an elector whose registration becomes inactive under this section.**

(3) In order to vote at subsequent elections the elector whose name has changed must update the elector's registration.

**SECTION 6. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.**

Approved by the Governor June 11, 2021  
Filed in the office of Secretary of State June 14, 2021  
Effective date September 25, 2021

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**NOTE:** Chapter 233, Oregon Laws 2021 (Enrolled House Bill 2681), was the subject of a referendum petition filed in the office of Secretary of State on June 30, 2021, and approved for circulation on July 2, 2021. Referendum petitioners had until the 90th day after adjournment sine die [September 24, 2021] to file signatures with the Secretary of State for verification. Petitioners failed to turn in signatures by the deadline.

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