



Tobias Read
Oregon Secretary of State

DIRECTIVE OF THE SECRETARY OF STATE

NUMBER: 2026-01

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SUBJECT: Voter List Maintenance

The Secretary of State, in carrying out the duties of the office, shall issue detailed directives necessary to maintain uniformity in the application, operation, and interpretation of Oregon election laws.¹ The Secretary of State is also the “chief State election official...responsible for coordination of State responsibilities under” the National Voter Registration Act of 1993 (NVRA).² Pursuant to that authority, the Secretary of State issues this two-part directive on how to perform voter list maintenance in compliance with both federal and state law.

The information provided here is an official directive of the Secretary of State.

LEGAL FRAMEWORK

Federal Law

The NVRA establishes voter registration requirements with respect to elections for federal office that each state must comply with. Section 8 of the NVRA, codified as 52 U.S.C. § 20507, requires each state to implement certain procedures to maintain accurate and current voter registration lists. Portions of the Help America Vote Act of 2002 (HAVA), codified as 52 U.S.C. § 21083, further clarify the nature of some of the requirements of Section 8 of the NVRA. As relevant here, the NVRA requires that states “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of” a change of address.³

A name may be removed from “the official list of eligible voters in elections for Federal office” based on an address change only if the voter:

¹ ORS 246.110; ORS 246.120.

² 52 U.S.C. § 20509; ORS 246.110; ORS 247.208.

³ 52 U.S.C. § 20507(a)(4).

- Confirms in writing that they have moved outside of the relevant jurisdiction; or
- Meets both of the following criteria:
 - Has failed to respond to a written notice (Confirmation Notice) sent by the county clerk; and
 - Has not voted in an election during the period of time beginning on the date of the Confirmation Notice and ending on the day after the second general election for federal office that occurs after the notice is sent (Statutory Waiting Period).⁴

The Confirmation Notice must be sent by forwardable mail with a postage prepaid and pre-addressed return card and inform the voter that:

- If the voter has not moved, or remains in the relevant jurisdiction, the voter should return the Confirmation Notice card not later than 21 days before the date of the next federal election;
- If the card is not returned in a timely manner, the voter may be required to affirm or confirm their address before voting during the Statutory Waiting Period; and
- The voter's name "*will be removed* from the list of eligible voters" if they neither return the card before the voter registration deadline before the next federal election nor vote during the Statutory Waiting Period.⁵

In *Husted v. A. Philip Randolph Institute et al.*, 584 U.S. 756, 767 (2018), the U.S. Supreme Court clarified that cancellation is not simply authorized in these circumstances but is, in fact, required. It held that, in light of HAVA, “[n]ot only are States *allowed* to remove [voters] who [fail to respond to a Confirmation Notice and also fail to vote in two consecutive general elections], but federal law makes this removal *mandatory*.” (Emphases added.)

State Law

Oregon law prescribes two different processes for handling address changes depending on the nature of the evidence received:

- **No Valid Address or Out-of-State Move – Voter Confirmation Card.** In the event that any official elections mail is returned to a county clerk as undeliverable (that is, with no valid forwarding address) or the county clerk receives evidence from official sources that

⁴ 52 U.S.C. § 20507(d)(1).

⁵ 52 U.S.C. § 20507(d)(2)(A) (emphasis added); ORS 247.025.

a voter has moved out of state, the clerk follows the process outlined in ORS 247.563.

Under that statute, the clerk is required to (1) immediately inactivate the voter's registration, and (2) send a Voter Confirmation Card (VCC) by forwardable mail that includes a postage prepaid and preaddressed return card. The VCC must inform the voter that:

- The voter should return the VCC "promptly";
- If the card is not returned by the 21st calendar day preceding an election, the voter "may be required to complete a new registration card in order to vote"; and
- The voter's registration "*will be canceled* if the [voter] neither votes nor updates the registration before two general elections have been held."⁶
- **New In-State Address – Voter Notification Card + Voter Confirmation Card.** If a county clerk is notified of a new in-state residence or mailing address for a voter – whether by the voter themselves, the United States Postal Service (USPS), or the Secretary of State⁷ – the clerk follows the process outlined in ORS 247.292. Under that statute, the clerk is required to (1) update the voter's address, and (2) send a Voter Notification Card (VNC) by nonforwardable mail that contains the information required by ORS 247.181.

If the VNC is returned as undeliverable, then the clerk initiates the process outlined in ORS 247.563 and sends a VCC by forwardable mail.

ORS 247.555(1) sets out four circumstances in which a county clerk "*may cancel the registration of*" a voter. (Emphasis added.) Among those circumstances is if a voter requests cancellation. For voters that move out of state, a county clerk may cancel their registration if the clerk "receives written evidence that the elector has registered to vote in another state." Finally, a clerk may cancel a registration if the voter

"has not responded to a notice described in ORS 247.563 and has not voted or updated a registration during the period beginning on the date the notice is sent and ending on the day after the date of

⁶ ORS 247.563(2) (emphasis added).

⁷ The notifications from the Secretary of State are based on information provided by the Oregon Department of Transportation, an address-change subscription service endorsed by USPS, or (as of June 1, 2026) the Oregon Health Authority. ORS 247.292(1)(c).

the second regular general election that occurs after the date the notice was sent.”⁸

That statute has not been amended to reflect the U.S. Supreme Court’s decision in *Husted*, and it therefore continues to authorize – but not require – county clerks to cancel the registration of voters that do not respond to a VCC or otherwise update their registration and fail to vote in two federal elections.

FACTUAL BACKGROUND

On July 20, 2017, the Secretary of State issued Directive 2017-1, which removed the statutory cancellation language from Oregon’s VCCs. Routine cancellations following the VCC process also appear to have stopped around that time, leaving a backlog of outdated inactive voters on the rolls.

As required by the NVRA and HAVA, the Secretary of State hosts a statewide voter registration list through the Oregon Centralized Voter Registration (OCVR) system. OCVR is a database that contains the names, addresses, and other relevant information regarding registered Oregon voters. That information includes, but is not limited to, each voter’s status code (“*Active*,” “*Inactive*,” “*Pending*,” or “*Cancelled*”) and the associated reason codes (e.g., “*Undeliverable Ballot*,” “*Returned Confirmation Card*,” “*Returned Voter Notification Card*,” etc.). The voter list in OCVR is accessible to, and regularly updated by, the state’s local election officials.

In fall 2025, the Data Integrity Working Group, a collaboration between the Secretary of State and the Oregon Association of County Clerks, developed the Inactive Status Code Review Survey. Counties were invited to participate in the survey to identify how they were using inactive status codes in OCVR. The survey responses were amalgamated and reviewed to identify a phased path to ensure compliance with federal and state law and to propose future data entry standardization.

As of today’s date, each county has been provided with (1) a secure list of targeted inactive voter records for audit and cancellation processing (the Targeted Inactive Voter Records); and (2) detailed written instructions regarding how to perform the cancellation processing and data standardization (the Instructions). The Targeted Inactive Voter Records were selected because the Secretary of State has determined that they satisfy each of the following criteria:

- Current inactive status meets statutory definitions and aligns with county survey responses for inactivation code usage in OCVR;

⁸ ORS 247.555(1). Mandatory cancellations are addressed in ORS 247.015, ORS 247.195, and ORS 247.570.

- Date of last qualifying inactivation transaction was on or before July 20, 2017;
- VCC correspondence was sent for the qualifying inactivation on or before July 20, 2017;
- No subsequent VCC correspondence was sent after July 20, 2017; and
- The voter did not respond to the VCC or otherwise update their registration and did not vote in the two general federal elections following their inactivation.

DIRECTIVE

Part A: Audit and Cancellation of Targeted Inactive Voter Records

Not later than February 17, 2026, each county shall:

1. Retrieve the secure list of Targeted Inactive Voter Records provided to that county by the Secretary of State;
2. Conduct an audit of the Targeted Inactive Voter Records in order to verify, to the county's satisfaction, that the records meet each of the following criteria:
 - a. Current inactive status meets statutory definitions and aligns with county survey responses for inactivation code usage in OCVR;
 - b. Date of last qualifying inactivation transaction was on or before July 20, 2017;
 - c. VCC correspondence was sent for the qualifying inactivation on or before July 20, 2017;
 - d. No subsequent VCC correspondence was sent after July 20, 2017; and
 - e. The voter did not respond to the VCC or otherwise update their registration and did not vote in the two general federal elections following their inactivation.
3. For Targeted Inactive Voter Records that have been verified by the county, process cancellations consistent with the Instructions provided to all counties by the Secretary of State; and
4. Report the total number of cancelled records to the Secretary of State at County.Support@SOS.oregon.gov.

Part B: Data Standardization

Effective immediately, targeted inactive status codes will have required uniform usage.

As of today's date, each county shall:

1. Apply targeted inactive status codes consistent with the Instructions provided to all counties by the Secretary of State;
2. For all targeted inactive status codes identified in the Instructions, confirm in OCVR system configuration that a VCC will be sent;
3. For VCCs issued on or after August 25, 2026, ensure that they contain at least the uniform language required by Directive 2026-02; and
4. Process all returned VCCs uniformly and consistent with the Instructions provided to all counties by the Secretary of State.

APPEAL

This Directive 2026-01 may be appealed to the Marion County Circuit Court within 60 days of its issuance under ORS 246.910.

Tobias Read

Oregon Secretary of State



By:

Dena Dawson

Elections Director