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D I R E C T I V E O F T H E S E C R E T A R Y O F S T A T E

NUMBER: 2026-02

DATE: January 16, 2026

SUBJECT: Voter Confirmation Cards

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 directive on how to send address confirmation notices to inactive voters in compliance with both federal and state law.

The information provided here is an official directive of the Secretary of State. This Directive 2026-02 supersedes Directive 2017-1 (Notice to Electors Whose Registrations Appear Invalid).

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

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).

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

- 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-change notifications 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

⁴ 52 U.S.C. § 20507(d)(1).

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

valid forwarding address) or the county clerk receives evidence from official sources that 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 cancelled* 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.

DIRECTIVE

1. All VCCs issued on or after August 25, 2026, shall contain at least the uniform language on the following pages.
2. Each county shall notify the Secretary of State of the date that it completes the transition to the new VCC stock. Notifications must be sent to County.Support@SOS.oregon.gov.

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

Dear Voter:

Your voter registration has been inactivated because we have received information that your residence and/or mailing address have changed. Until you provide current registration information, you will not receive a ballot.

IF YOU REMAIN AN OREGON RESIDENT: Please confirm your current address either by completing and returning this card or by visiting www.OregonVotes.gov.

IF YOU ARE NO LONGER AN OREGON RESIDENT: Please confirm your out-of-state move and immediately cancel your Oregon voter registration by completing and returning this card. Contact your local elections official to register to vote in your new state.

PLEASE RETURN THIS POSTAGE-PAID CARD OR OTHERWISE UPDATE YOUR REGISTRATION PROMPTLY. If your registration is not updated by the 21st calendar day immediately preceding an election, you may be required to complete a new registration card in order to vote in an election. **If you do not update your registration and you do not vote before two general elections have been held, your registration will be cancelled.**

Please contact (county) Elections at (email) or (phone number) if you have any questions.

**By completing, signing, and returning this card, I am stating:
(Please select ONE of the following)**

I am an eligible Oregon voter. Activate my registration with the address below.
 I am no longer an eligible Oregon voter or choose not to vote in Oregon. I request to cancel my Oregon voter registration.

My residence address is:

Street Address

City _____ State _____ Zip Code _____

My mailing address (if different from residence address) is:

Street Address

City _____ State _____ Zip Code _____

This card cannot be processed without your signature.

Signature

Date

If you sign this card and know it to be false, you can be fined up to \$125,000 and/or imprisoned for up to 5 years.

APPEAL

This Directive 2026-02 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

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