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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 165  
SECRETARY OF STATE  
ELECTIONS DIVISION

**FILED**  
04/13/2021 9:13 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Proposes a revised administrative rule related to electronic voter registration.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/04/2021 4:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

CONTACT: Bob Roberts  
503-986-1518  
elections.sos@oregon.gov

255 Capitol Street NE  
Suite 501  
Salem, OR 97310

Filed By:  
Bob Roberts  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 06/03/2021

TIME: 3:30 PM - 4:30 PM

OFFICER: Bob Roberts

ADDRESS: Secretary of State Elections  
Division

255 Capitol Street NE

Suite 501

Salem, OR 97310

SPECIAL INSTRUCTIONS:

This hearing will be conducted virtually via Teams. The link to the meeting may be found on the Elections Division's website. Please contact the Elections Division at (503) 986-1518 or elections.sos@oregon.gov if accommodations are needed.

NEED FOR THE RULE(S):

This rule proposes amendments to clarify the process for accepting and processing electronic voter registration cards. These amendments are necessary to create a process through which the division may accept electronic voter registration information submitted during eligible transactions with the Oregon Department of Transportation, Driver and Motor Vehicle Services Division (DMV).

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None.

FISCAL AND ECONOMIC IMPACT:

The proposed rule may cause minimal fiscal or economic impact to state agencies, local government, or the public.

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COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) There may be a minimal fiscal impact for the Elections Division and the Oregon Department of Transportation, Driver and Motor Vehicle Services Division (DMV) to implement and answer questions regarding compliance with this rule, or for other unanticipated reasons. There may be a minimal fiscal impact to county elections offices and members of the public who must take action to comply with this rule.

(2)(a)-(c) It is not expected that this rule will impact small businesses.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

They were not, as this rule does not directly affect small businesses.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The fiscal impact of the proposed amendments is expected to be minimal at most.

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AMEND: 165-005-0160

RULE SUMMARY: The proposed amendments clarify the process for accepting and processing electronic voter registration cards and implement the provisions of HB 2015 (2019).

CHANGES TO RULE:

165-005-0160

Electronic Voter Registration System ¶

~~(1) The Secretary of State provides an online rule adopts the electronic voter registration system for use by an individual who has a valid:~~¶

~~(a) Oregon driver license, as defined in ORS 801.245; a qualified individual can use to complete and submit a registration card electronically.~~¶

~~(b) Oregon driver permit, as defined in ORS 801.250; or~~¶

~~(c) State identification card, issued under ORS 807.400; and an~~¶

~~(d) Access to the electronic voter registration system is provided online at [www.oregonvotes.gov](http://www.oregonvotes.gov) and during eligible electronic signature image on file transactions with the Oregon Department of Transportation, Driver and Motor Vehicle Services Division (DMV).~~¶

~~(2) The electronic voter registration system shall allow an individual to complete and submit a registration card electronically. For purposes of this rule a "qualified individual" is defined as:~~¶

~~(a) a US Citizen that is a resident of Oregon and at least 16 years old;~~¶

~~(b) who has a valid Oregon driver license, driver permit or state identification card; and~~¶

~~(c) an electronic signature image on file with DMV.~~¶

~~(4) For purposes of this rule an "eligible transaction" is defined as an application for or renewal of an Oregon driver license, driver permit, state identification card or a change of address.~~¶

- (5) The electronic voter registration system can be used by electors to:
- (a) Register for the first time in the state; and
  - (b) Update address, contact information or party information on an existing registration.
- (36) ~~The registrant's electronic signature image will be provided to the appropriate election official by the Oregon Department of Transportation, Driver and Motor Vehicle Services Division and matched with the electronically delivered registration card.~~
- (4) ~~The electronic voter registration system~~ electronic voter registration system available online at [www.oregonvotes.gov](http://www.oregonvotes.gov) should not be used for name changes. ~~A~~ Following a name change, a paper registration card as provided in ORS 247.012 may be required to obtain the ~~a~~ new signature image.
- (57) ~~The electronic voter registration system shall create an electronic time and date record at the time of submission~~ the registration card is completed which shall be deemed the time submitted for voter registration purposes if the registration is accepted by the county elections official.
- (a) ~~All times and dates referenced shall be considered in the Pacific Time Zone.~~
  - (b8) ~~Registration updates submitted electronically after 8PM Pacific Time on Election Day shall be treated as if they were received on the following day.~~
- (6) ~~C~~ An image of the registrant's electronic signature captured by DMV will be delivered to the county elections officials shall receive the electronically delivered registration card matched with the electronic signature image provided by the Oregon Department of Transportation, Driver and Motor Vehicle Services Division with the electronic time and date reco with the registrant's electronically submitted registration card.
- (a2) The county elections official will review the submission and either accept the registration, reject the application, or contact the registrant for additional information.
  - (b) ~~Once the county elections official has made a determination they will notify the registrant of their voter registration status.~~
- (7) ~~If the signature obtained from the Oregon Department of Transportation, Driver and Motor Vehicle Services Division is illegible or otherwise unusable for elections use~~ 10) If the signature obtained from the DMV is insufficient, the county elections official shall contact the registrant to obtain a usable sufficient signature. An elector is not eligible to vote a ballot until complete registration information, including a usable sufficient signature or ~~a~~ signature stamp attestation is accepted by the county elections official.

Statutory/Other Authority: ORS 246.150, ORS 247.019

Statutes/Other Implemented: ORS 247.019