

Information on Help America Vote Act (HAVA) and other Election Laws

HELP AMERICA VOTE ACT (HAVA) is a federal law passed in October 2002. This Act addresses improvements to voting systems and voter access and includes provisions on voter registration and voter education.

- Effective January 1, 2006, this Act requires an individual registering for the first time in Oregon to provide **one** of the following:
- An Oregon DMV Driver's License or Identification number; or
- If the individual does not have an Oregon DMV Driver's License or Identification number they must provide the last four digits of their Social Security number
- If an individual has neither an Oregon DMV Driver's License or Identification number or a Social Security number and is registering for the first time in Oregon by United States Postal Service they must include a copy of a valid form of identification.

*Acceptable identification is: a copy of a current, valid photo identification or a copy of a paycheck stub, utility bill, bank statement or other government document showing the person's name and address; or proof of eligibility under the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA) or the Voting Accessibility for the Elderly and Handicapped Act (VAEH). If an Oregon DMV Driver's License or Identification number or the last four digits of their Social Security number or other acceptable identification is needed and it is not provided at the time of registration, the voter will be requested to supply it before the next federal election in order for their votes for federal offices to count.

What does this mean to your voter registration drive effort?

As someone who is involved in a voter registration effort, you need to be aware of the laws that are applicable to your efforts. Each registrant must provide an Oregon DMV Driver's License or Identification number or the last four digits of their Social Security number. If the registrants do not have either of these and attest to that fact and they mail their registration card through the United States Postal Service, the registrant may be required to provide acceptable identification. In this case, let them know they need to review the voter registration card for identification requirements that may apply to them. The identification requirement in this situation is the registering person's responsibility.

Some other election laws to be aware of and follow:

- ORS 247.012(2)(a) states that if a registration card is delivered to any person, that person shall forward it to a county clerk or the Secretary of State no later than the fifth day after receiving the card. Note: These are calendar days - not business days. It may be advisable that the person instead only provide a voter registration card to a person who requests it, leaving the responsibility of delivery it with the person who is registering.
- ORS 247.016. An otherwise qualified person who is at least 16 years of age may register to vote. Additionally, they will not receive a ballot until an election occurs on or after their 18th birthday.
- ORS 247.125 states that no person shall alter any information supplied on a registration card except an elections officer in the performance of official duties or the person who fills out the registration card for the purpose of registering to vote. It is a potential violation for a person, other than the person registering to vote, to fill in parts of the voter registration card the registering person leaves blank, such as party affiliation. Violation of this statute is a Class C Felony.
- ORS 260.665. This election law, discussed above in the section titled "General Election Laws," prohibits the use of "undue influence" for certain purposes. The specific definition of "undue influence" includes giving something of value away to induce someone to register to vote or to vote, vote in a certain way, etc. Therefore, a person who is encouraging others to register to vote must not provide anything of value to a person who may want to register to vote.