

**TESTIMONY OF DANIEL MEEK ON HB 2198:
LACK OF CLARITY COULD DISENFRANCHISE VOTERS**

before the House Committee on Rules

March 20, 2013

Daniel Meek
10949 S.W. 4th Avenue
Portland, OR 97219
503-293-9021
dan@meek.net

I and the Oregon Progressive Party would support HB 2198, if it were clarified so that its result would be positive and not potentially disenfranchising to many Oregon voters. It should also be improved by requiring the Oregon Department of Revenue and the community colleges to forward changes of address to the Secretary of State.

I. HB 2198 SHOULD BE CLARIFIED TO AVOID THE DISENFRANCHISEMENT OF VOTERS.

While it appears desirable to have designated voter registration agencies submit changes of address to the Secretary of State "for purposes described in ORS 247.992," the ultimate result of such submittals is unclear.

The Secretary of State under HB 2198 is to submit such change of address information "to the county clerk of each affected county." What current statutes direct a clerk to do after receiving voter change of address information now is, if the voter's new address is in a different county as the old address, to place the voter into the "inactive category" and send the voter a notice that she needs to update her registration. Until the voter responds and updates her registration, she is considered "inactive," and she cannot vote in any election or sign any initiative, referendum, recall, candidate nomination, or other official petition to government.

An OREGONIAN article on October 10, 2012, mentioned that 460,000 Oregon registered voters are on the "inactive registered voters" list. That seems very high to me and would be more than 20% of all registered voters. Nevertheless, the number of "inactive" registered voters is very substantial. HB 2198 could cause that number to increase significantly by providing to the clerks information on many additional voters that their addresses have changed since they last registered to vote.

ORS 247.292 is reproduced below. In context, it provides for automatic updates of a voter's registration to her new address only for moves within a county, not for moves between counties. If the move is to another county, then the clerk from the first

county mails the voter the "inactive" notice and removes the voter from the active voter roll, thus making her signature on any petition invalid and requiring her to update the registration before voting in the future.

If the clerk receives information (from the Secretary of State or elsewhere) that the voter has moved to a different county, then ORS 247.296 comes into play.

247.296 Verification of addresses of electors; update of registration; notice; cancellation prohibited during certain periods.

- (1) The county clerk shall use records of the United States Postal Service relating to ballots issued by mail to verify the accuracy of addresses of electors contained in the registration file of the county clerk.
- (2) Based on information obtained under subsection (1) of this section, the county clerk shall automatically update the registration of an elector under ORS 247.292 or mail a notice described in ORS 247.563.

Note that the clerk is not directed to merely update the voter's registration but instead is directed to "mail a notice described in ORS 247.563," apparently applicable to moves out of the clerk's county.

247.563 Notice to elector whose registration appears invalid; contents; effect of notice; exceptions.

- (1) Except as provided in subsection (4) of this section and ORS 247.555, whenever it appears to the county clerk that an elector needs to update the elector's registration or that the elector has changed residence address to another county, the county clerk shall mail a notice to the elector.
- (2) The notice shall be sent by forwardable mail and shall include a postage prepaid, preaddressed return card on which the elector may state the elector's current residence and mailing address. The notice shall advise the elector that:
 - (a) The elector should return the card promptly;
 - (b) If the card is not returned by the 21st calendar day immediately preceding an election, the elector may be required to complete a new registration card in order to vote in an election; and
 - (c) The elector's registration will be canceled if the elector neither votes nor updates the registration before two general elections

have been held.

- (3) When the county clerk mails a notice under this section, the registration of the elector shall be considered inactive until the elector updates the registration, the registration is canceled or the clerk determines that the registration should be considered active.
- (4) This section does not apply when the county clerk receives written evidence from the elector or another county clerk indicating a change of residence or mailing address or from the United States Postal Service indicating a change of residence address and the registration of the elector is automatically updated by the county clerk under any provision of this chapter. [1993 c.713 §25; 1999 c.410 §19; 2001 c.965 §45; 2007 c.881 §7]

Note that, "When the county clerk mails a notice under this section, the registration of the elector shall be considered inactive until the elector updates the registration . . ."

HB 2198 would cause each county clerk to receive more information that voters have moved to other counties. That would trigger the above statutes and move those voters into the "inactive" category, which removes their right to sign petitions or vote without first taking individual action to update their registrations or to re-register entirely.

Thus, HB 2198 should be clarified to require the clerk receiving the change of address information from the Secretary of State or elsewhere to update the voter's registration, whether or not the move is from one county to the next. Each clerk has access to the statewide voter registration database and could do such updates. At an absolute minimum, ORS 247.563(4) should be amended to clarify that clerks receiving change of address information from the Secretary of State must do automatic updates. ORS 247.563(4) does not mention the Secretary of State as a source of change of address information for automatic updates and does not require that automatic updates be performed.

I believe that the major purpose of HB 2198 is to facilitate voter registration and voting by making address changes to voter registration records more automatic. As written, HB 2198 may have the opposite effect. It requires clarification, as indicated above.

II. VOTER ENFRANCHISEMENT WOULD BE INCREASED BY REQUIRING OTHER AGENCIES OF GOVERNMENT TO FORWARD CHANGE OF ADDRESS INFORMATION TO THE SECRETARY OF STATE.

A. OREGON DEPARTMENT OF REVENUE.

As written, HB 2198 omits the largest potential source of change of address information for Oregon voters -- the Oregon Department of Revenue.

As written, HB 2198 does not provide for the Oregon Department of Revenue to send change of address information to the Secretary of State. It applies only to "voter registration agencies." Those include the Oregon Department of Transportation (which includes DMV) but not Oregon Department of Revenue.

While Oregon DMV would also have some change of address information, it is likely to be far out of date, compared with that of the Oregon Department of Revenue. Oregon driver's licenses now last for 8 years, so drivers are not absolutely compelled to provide to DMV current address information for that long.

But Oregon Department of Revenue requires filings every year. It is more likely to receive change of address information from Oregon voters on a timely basis. HB 2198 should require it to forward that information to the Secretary of State. The Secretary of State could provide to ODOR its voter registration list, and ODOR could match it against its database, flag the changes, and report the changes back to the Secretary of State.

B. COMMUNITY COLLEGES.

As written, HB 2198 omits another large potential source of change of address information for Oregon voters -- the community colleges.

The Secretary of State's web site lists as these as Oregon's "Designated Voter Registration Agencies." It includes the "Oregon University System" but not the community colleges. The Oregon University System includes 7 universities with about 100,000 students but does not include the 17 community colleges in Oregon that serve a student body of about 150,000 full-time student equivalents. As many students there are not full-time, there are probably over 200,000 students attending Oregon community colleges.

HB 2198 should be amended to require the community colleges to forward change of address information to the Secretary of State, or the Secretary of State should designate the community colleges as official voter registration agencies. Or the Secretary of State should update the webpage, if the community colleges are already so designated.