



Oregon

Updated on May 6, 2021

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Oregon that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Unlike many states, Oregon conducts its elections by mail, and many of the requirements of H.R.1/S.1—including those relating to automatic voter registration, voting by mail, and enfranchisement of people who have previously been incarcerated—already exist in some form in the state. Other requirements, such as those relating to same-day voter registration and an independent redistricting commission, would more substantially change Oregon’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Oregon:

Expanding & Protecting Voter Registration Opportunities

- Requires Oregon to implement Automatic Voter Registration when eligible citizens provide information to designated state or federal government agencies, including, but not limited to, the Department of Motor Vehicles or the Social Security Administration, so long as the resident does not opt out.¹ Oregon was the first state in the country to adopt an automatic voter registration program and already does so using data reported by the Department of Transportation.²
- Permits voters to register to vote at a polling place and to vote on the same day both for Election Day and early voting. Oregon currently requires registration, or a postmarked mailed registration, 21 days before a given election.³
- Mandates that voters aged 16 or older be allowed to register to vote. Oregon already provides this.⁴
- Requires universities to serve as voter registration agencies and to appoint “Campus Vote Coordinators” responsible for disseminating voter registration information. Oregon classifies public universities as voter registration agencies but exempts them from certain obligations imposed by the National Voter Registration Act on other voter registration agencies.⁵
- Prohibits the removal of a voter from the rolls based on the failure of the voter to respond to a notice, unless that notice is returned as undeliverable. Oregon currently

allows the cancellation of a voter’s registration if the voter both fails to timely return a Notice of Invalid Registration and fails to vote or update their registration before two

¹ H.R.1, Title I, Subtitle A, Part 2.

² ORS 247.017; Brennan Center for Justice, *Expert Brief: Automatic Voter Registration in Oregon* (Nov. 13, 2015), <https://www.brennancenter.org/our-work/research-reports/automatic-voter-registration-oregon>.

³ H.R.1, Title I, Subtitle A, Part 3; *cf.* ORS § 247.025.

⁴ H.R.1, Title I, Subtitle A, Part 10; *cf.* ORS 247.016.

⁵ H.R.1, Title I, Subtitle N, Part 1, § 1901; *cf.* ORS 247.208, OAR 165-005-0055.

general elections have been held from the time of the notice.⁶

Mandating Secure, Accessible Early Voting & Absentee Voting

- Requires states to make early voting available for 15 days before Election Day “in the same manner as voting is allowed on” Election Day itself and imposes certain minimum requirements on the hours during which early voting is open during this time period. In addition to available drop boxes, Oregon currently allows limited in-person voting opportunities on Election Day, including for voters who require a replacement ballot or assistance in marking their ballot. Any such opportunities, along with new same-day registration opportunities required by H.R.1, would have to be expanded in accordance with the early voting requirements of H.R.1.⁷
- Requires secure drop boxes to be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on the number of registered voters in the county. The formula in H.R.1 would likely expand the number of drop boxes available in each Oregon county and the time period during which they are available. Currently in Oregon, drop boxes are only required to be open starting the Friday before Election Day and need not be open 24 hours a day. While counties generally open drop boxes earlier, vote-by-mail ballots are not mailed to in-state voters until 20 days before Election Day.⁸
- Requires drop boxes to be distributed on a non-discriminatory basis and sufficiently available in rural and Tribal communities. Oregon currently requires county officials to submit a drop box plan to the Secretary of State 30 days before Election Day. There must be at least one drop box “within four miles of the main campus of each public university or community college,” but there is no comparable requirement for rural and Tribal communities.⁹
- Requires states to count mail-in ballots received up to ten days after Election Day, if postmarked on or before Election Day. Oregon currently only counts ballots received by a county clerk or at an official drop box by Election Day at 8 p.m.¹⁰

Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.¹¹
- Mandates any changes to polling place locations from the previous election be announced seven days before Election Day. Oregon currently requires public notice of all drop box locations, regardless of any changes from previous elections, but notice need only be provided before Election Day.¹²

⁶ H.R.1, Title II, Subtitle F; *cf.* ORS 247.555.

⁷ H.R.1, Title I, Subtitle H; *cf.* VBM Manual at 14–15.

⁸ H.R.1, Title I, Subtitle N, Part 1, § 1907; *cf.* Oregon Vote By Mail Procedures Manual (Mar. 2020) (“VBM Manual”), promulgated at OAR 165-007-0030 and available at https://sos.oregon.gov/elections/Documents/vbm_manual.pdf, at 10, 12, 31–32; ORS 254.470(1), (2). By statute, drop boxes need only be open Election Day until 8 p.m., but under delegated authority the secretary of state mandates that drop boxes be open starting the Friday before Election Day. *See id.*

⁹ H.R.1, Title I, Subtitle N, Part 1, § 1907; *cf.* VBM Manual at 12.

¹⁰ H.R.1, Title I, Subtitle I; *cf.* ORS 254.470, 253.070.

¹¹ H.R.1, Title I, Subtitle N, Part 1, § 1909.

¹² H.R.1, Title I, Subtitle N, Part 1, § 1902; *cf.* VBM Manual at 12-13.



- Allows voters to submit sworn affidavits in lieu of government-issued identification when voting. Oregon does not have a voter ID requirement.¹³
- Prohibits challenges to voters' eligibility based on race, ethnicity, or age by non-election officials. Requires all challenges to be submitted formally in writing, "supported by personal knowledge," and "subject to an oath or attestation under penalty of perjury." Oregon currently allows any qualified elector in the county to challenge a voter's eligibility on oath or affirmation if the challenging elector "knows or suspects" the voter not to be qualified. A challenge is due before the voter's ballot is opened, which may occur as early as seven days before Election Day.¹⁴
- Requires states to take steps to ensure that voters need not wait more than 30 minutes to vote.¹⁵ Oregon currently has no such requirement but does require local officials to "ensure authorized personnel are available at drop boxes to determine that everyone in line at 8 pm is allowed to deposit their ballot." Under Oregon law, such voters are "considered to have begun the act of voting."¹⁶
- Requires that provisional ballots from eligible voters in the wrong precinct or polling place still be counted for those races in common with the correct precinct.¹⁷ Oregon currently provides for county officials to transfer ballots delivered to the wrong county within 48 hours of receipt and not later than 3 business days after Election Day.¹⁸

Restoring Civil Rights

- Requires Oregon to restore voting rights to people with felony convictions upon release from prison and requires the state to offer voter registration materials upon eligibility.¹⁹ Oregon allows those who have been discharged or paroled from imprisonment to register to vote, update a registration to vote, or vote.²⁰ Oregon is currently debating legislation to allow people in prison to vote.²¹

Strengthening Election Security & Trust in Elections

- Requires states to begin processing mail-in ballots at least 14 days prior to an election. Oregon currently permits processing and scanning of ballots no sooner than 7 days before the election.²²
- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.²³

¹³ H.R.1, Title I, Subtitle N, Part 1.

¹⁴ H.R.1, Title I, Subtitle C; *cf.* ORS §§ 253.700, 254.415, 254.426; VBM Manual at 55.

¹⁵ H.R.1, Title I, Subtitle N, Part 1, § 1906.

¹⁶ VBM Manual at 14; ORS 254.470(10).

¹⁷ H.R.1, Title I, Subtitle G.

¹⁸ VBM Manual at 33.

¹⁹ H.R. 1, Title I, Subtitle E.

²⁰ H.R.1, Title I, Subtitle E; *cf.* ORS 137.281.

²¹ Dirk VanderHart, *Oregon Lawmakers Consider Allowing Prisoners to Vote*, Oregon Public Broadcasting (Feb. 5, 2021), <https://www.opb.org/article/2021/02/11/oregon-lawmakers-consider-allowing-prisoners-to-vote/>.

²² H.R.1, Title I, Subtitle I; *cf.* VBM Manual at 36.

²³ H.R.1, Title I, Subtitle H, § 1611.



- Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120-day period before an election.²⁴
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.²⁵
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast. Oregon currently only uses voter-verified paper ballots.²⁶
- Permits monitoring of drop boxes through remote or electronic surveillance.²⁷ Oregon law does not specifically address how drop boxes are secured. Individual counties are responsible for submitting security plans that must address drop box security to the Secretary of State.²⁸

Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Currently, Oregon's legislature is responsible for redistricting. A ballot initiative aimed at establishing an independent commission failed to make it on the November 2020 ballot.²⁹ H.R.1/S.1. would do the following:
 - Requires Oregon set up an independent commission to draw federal congressional districts, which must take public input and operate in an open, transparent process.³⁰
 - Requires consideration of “communities of interest” when drawing congressional districts.³¹
 - Creates enforceable standards for evaluating and preventing partisan gerrymandering of congressional districts. Prohibits the use of party-based voting history in drawing districts (but not in evaluating them for partisanship).³²
 - Counts incarcerated Oregonians as residents of their home community for purposes of representation, ending prison gerrymanders.³³

²⁴ H.R.1, Title I, Subtitle I, § 1621.

²⁵ H.R.1, Title I, Subtitle I, § 1623.

²⁶ H.R.1, Title I, Subtitle F; <https://www.nbcnews.com/politics/elections/you-can-t-hack-paper-how-oregon-fights-election-meddling-n930481>.

²⁷ H.R.1, Title I, Subtitle N, Part 1, § 1907.

²⁸ See ORS 254.470; VBM Manual at 8.

²⁹ *People Not Politicians Oregon v. Clarno*, 826 F. App'x 581 (9th Cir. 2020); see generally Jeff Mapes, Oregon Redistricting Measure Blocked from November Ballot by Appeals Court Decision, Oregon Public Broadcasting (Sept. 2, 2020), <https://www.opb.org/article/2020/09/02/oregon-redistricting-measure-2020-court-ruling/>.

³⁰ H.R.1, Title II, Subtitle E.

³¹ H.R. 1, Title III, Subtitle E.

³² *Id.*

³³ *Id.*