

Testimony in opposition to HB 3521

House Committee on Rules May 8, 2013, 3:00 P.M. HR 50

Members:

Rep. Chris Garrett, Chair
Rep. Wally Hicks, Vice-Chair
Rep. Val Hoyle, Vice-Chair
Rep. Phil Barnhart
Rep. Vicki Berger
Rep. Michael Dembrow
Rep. Paul Holvey
Rep. Bob Jenson
Rep. Bill Kennemer

HB 3521

I urge a NO vote on this bill. The reasons are as follows:

Voting is the most sacred right and privilege we have as Americans, and Oregonians. Voter registration should be the responsibility of the citizen, NOT the responsibility of state agencies. I have no issue with voter registration cards handed out at the Department of Motor Vehicles upon proof of Oregon Residency deemed sufficient to obtain a drivers license or ID card. This puts the actual responsibility of registration on the prospective voter, and keeps the burden off the state and the taxpayer. Vote by mail as currently enacted does preserve the freedom of choice and personal responsibility of Oregonians.

This bill requires the Secretary of State to register each qualified person who is not already registered to vote. Some people do not wish to be registered, and this should ALWAYS be a choice left up to each prospective voter. Some individuals wish to NOT register or vote due to religious reasons. Why is the Secretary of State attempting to take away this choice from the individual? This right to vote is NOT a requirement of citizenship or residency, and is one more attempt to take away our responsibilities as citizens, and erode our freedom.

Section 2 (1) Allows the secretary of state to determine the originating agencies.

What is the burden of identification verification on the originating agency?

What is the liability of the originating agency?

How are the originating agencies determined?

What makes an agency qualified to collect this data? 247.208 states Agencies designated may include state, county, city or district offices and federal and nongovernmental offices with the agreement of the federal or nongovernmental offices.

How can NON-governmental offices be allowed to collect this data?

How is the public notified of these agencies sharing their information?

Will the public have the option of NOT having their data shared on the originating end?

Section 2(2) The electronic/computer security requirement for linking these agencies is huge and expensive – and needs to be NSA level security. With the liability exposure from the Oregon Identity Theft Prevention Act (OITPA), **the liability risk is UNPRECEDENTED in anything the state has previously done.**

I understand that the goal of the Secretary of State is to be able to collect information from numerous state agencies. The law now provides for the Department of Motor Vehicles to provide voter registration updates to the Secretary of State's office. No other agency should be permitted to do so, especially with an OPT OUT feature. I would offer the opinion to the committee that several of the agencies named by the Secretary of State in her session opening addresses, such as DHS, and OHA, may violate HIPPA laws in providing this information to other agencies.

Section 2.(4) of this bill states “For purposes of this chapter, data submitted with a digital copy of a person's signature under this section constitutes a completed registration card upon receipt by the Secretary of State”.

Issues with this bill are as follows:

Has the individual given permission for their signature and other personal data to be shared?

Will the Secretary of State have a copy of this permission on file in their data base?

How is identity of this person verified?

Is the citizenship box (of the assumed registration card) assumed checked in all cases?

This bill does not state what happens

- if an inactive voter is re-registered\
- if an ineligible voter is registered.
- if a voter is not eligible, but registered by the auto-opt-in method, are they automatically guilty of registration fraud?
- if a person is registered more than once (for example, with a last name of Smith, or Johnson)

I know of one individual who, during the moving process, had not yet gotten all the paperwork in place to prove residency and/or citizenship. This person made 3 trips to the DMV. Each time they were offered a voter registration form, although denied a drivers license. Would this person be “auto-registered”?

Section 2(5) is worded incorrectly. Section 2(5)(a) – this process is proposed to be an opt out process. Email Spam laws require an opt-in or a double opt-in for inclusion on an email mailing list. Don't our privileges as voters deserve at least this much respect and attention?

Section 2(6) – 14 days is NOT sufficient time for the prospective person to respond. Vacations alone can take someone out of the area for that amount of time. At least 30 days is required – but since I feel this should be an Opt IN process, this section would not apply.

Section 2(7) This process is far too important to be defined by rules. Legislators and the public must be involved and informed of the basic process and details that affect privacy and public choice.

Section 3(1)(e) Does the person being registered have KNOWLEDGE OF this transfer of private data and subsequent voter registration at the time the data is given to the ORIGINATING agency?

Section 4(d) What is the additional cost to each county to register these voters who did not explicitly request to be registered? What will the additional cost be to maintain those roles – my guess is most will be inactive voters, so voter role maintenance will be high. If a voter goes inactive after being registered by this process, are they then eligible for auto-registration AGAIN?

There is NO emergency clause necessary in this bill as stated. I understand that agencies will have to

link databases, and have time for implementation. But it is far more important that this process be carefully thought through than quickly implemented. Additionally, the fiscal impact is not yet understood, and I'm not convinced each county has the infrastructure or money to implement the infrastructure necessary to support the (largely disinterested) voter registration base.

Respectfully submitted,

Sandy Raddue
14740 SW Tierra del Mar Dr.
Beaverton, OR 97007
971-570-5484