

May 8, 2013

Dear Representative Garrett and Members of the House Committee on Rules,

Most of us consider it a privilege to vote because we know much of the world does not share in this experience, and we understand too that Americans have sacrificed dearly to give us the opportunity to vote. But voting is more than a privilege. Voting is a fundamental right of a Free People and that principle is recognized by the State, with the State being, in the final analysis, all of us.

Unlike privileges that are easily open to regulation, limitation, and even denial, a fundamental right is not subject to limitation by a law or a policy unless justified by a compelling reason. The classic example we all learned in school regarding this concept is that freedom of speech does not extend to falsely shouting "Fire!" in a movie theater. Public safety qualifies as a compelling and justifiable reason for imposing a limitation on speech.

Such is the case with the fundamental right of voting; an individual possesses the fundamental right to vote, and this fundamental right is limited only by the compelling interest of legal competency. Competency to vote - more commonly referred to as being qualified to vote - encompasses the attainment of the defined status requirements of citizenship, age, and residency as well as the absence of an adjudication of incompetency by a court, and also the absence of a temporary forfeiture as the result of incarceration in a state facility. Our voter registration system is the direct result of this compelling interest of legal competency.

ORS 247.012 outlines the process of registering to vote by a "qualified person". Clearly, the act of registering to vote does not make a person qualified to vote... the person is already qualified. Registration is simply an administrative process that exists for two primary reasons: (1) provide election officials with the necessary information to compile a list of individuals qualified to vote and the delivery of correct ballots to those individuals; and (2) prevent fraud. Registering to vote cannot be used to prove the "worthiness" of an individual to vote --- any more than poll taxes or literacy tests.

My understanding of House Bill 3521 (previously numbered House Bill 2198) is that it consists of two stages. Stage one effectively pushes the "reset" button on the voter registration list as it exists today. If HB 3521 becomes law, our registration list would, in just a matter of days, include all citizens that we know are qualified to vote based on information we would have in our possession through a shared information technology with the DMV. There would be nothing more required of these individuals for them to be registered. In point of fact, there would be no justification for requiring anything more of these Oregonians, unless the goal was to keep a significant number of unregistered citizens unregistered.

Stage two of HB 3521 would consist of the maintenance of a larger voter registration base and an increase in the number of eligible voters for each election. To be sure, this would result in some additional election costs. But, there would also be cost offsets as a result of the increased use of electronic records and hopefully a significant reduction in the surge of voter registration cards from large registration drives just prior to major elections.

Regardless of some likely increased election costs, I cannot in good conscience advocate for intentionally permitting perhaps as many as 25% of Oregon's otherwise qualified citizens to needlessly be excluded from our voter registration roll. I cannot, and I will not, attempt to justify the sacrifice of a fundamental right of 25% of our citizens in order to finance the exercise of that same fundamental right by the other 75% of our citizens. To argue we should maintain "institutionalized failure" in our election system for any reason when we have the opportunity and the ability to rise above such failure is not an argument within me to make.

Instead, I urge you to support HB 3521 and to trust that we can continue to move forward together in strengthening Oregon's election system and our culture of political participation.

AUTOMATIC REGISTRATION

Oregon should expand a fundamental right: voting

In the 1970s, with voter participation in Oregon steeply declining, my predecessor, Linn County Clerk Del Riley, latched onto a solution: Instead of making voters go to a polling place and stand in line to obtain their ballots, why not deliver the ballots by mail to the voters in their homes?

Riley was ahead of his time, and he spent much of his career advocating for a vote-by-mail system after conducting Oregon's first vote-by-mail election in 1981. His vision and devotion to increasing voter participation were based upon a simple desire to put a ballot in the hands of every eligible voter. Since 1998, when Oregon's voters themselves approved vote-by-mail for all elections, we have come a long way toward achieving Riley's goal. We do put a ballot in the hands of every registered Oregon voter for every election, and those voters

return their ballots at a rate that is the envy of most states.

But there is more to be done. Currently, 25 percent of Oregon's otherwise eligible voters are not registered, leaving hundreds of thousands of our citizens without ballots on Election Day. Secretary of State Kate Brown has introduced House Bill 2198 to resolve this issue

IN MY OPINION

with an effective, secure and cost-efficient process. HB2198 provides that when voting-age residents of Oregon apply for driver's licenses or state-issued ID cards, they will at the same time be registered to vote after producing proof of citizenship and a digital signature to the Division of Motor Vehicles. In addition, current holders of licenses and ID cards who meet the eligibility requirements will be automatically registered, enabling us to put a ballot in the hands of these Oregonians too.

In the past, attaining a process for near universal voter registration faced technological and security challenges. The secretary of state's proposal meets both of these challenges. The digital signature component of the bill is crucial for ensuring the continued integrity of Oregon's elections. Election officials compare the signature on every ballot envelope to the signature kept on file from registration cards, as well as those signatures from our online voter registration system. Under HB2198, county election officials would use the same technology to review DMV digital signatures that we currently utilize for the online voter registration system. And the fact that citizenship, prior to registration, must be documented at the DMV — unlike at a county elections office — should mollify concerns some may have about the use of DMV records for voter registration.

It is evident to me, based upon 30 years of

experience as an Oregon elections official, that the use of these records would further enhance our already secure election process.

Under HB2198, those who do not want to be registered can choose to opt out. I'm confident, however, that the vast majority of these newly registered Oregonians will appreciate receiving a ballot just as the rest of us do. But renauncatic paperwork, made obsolete in light of the day's technology, should not stand in the way of exercising a right, especially the fundamental right to vote.

The inclusion of these Oregonians will make this system of self-government that we, as one people, have risked all upon, stronger and more powerful. Let us broaden freedom's base and let us trust the voters.

Steve Druckemiller
is the clerk of Linn County.

The Oregonian
April 15, 2013