

FISCAL IMPACT OF PROPOSED LEGISLATION

79th Oregon Legislative Assembly – 2017 Regular Session
Legislative Fiscal Office

Measure: HB 2869

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Kim To
Reviewed by: Steve Bender
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Measure Description:

Authorizes Secretary of State to designate agencies that have data identifying native language of electors in this state.

Government Unit(s) Affected:

Secretary of State, counties

Analysis:

The Legislative Fiscal Office (LFO) believes that the fiscal impact of the bill is indeterminate. The agencies that would possess reportable information, and their authority under law to transmit this information to the Secretary of State, is not known. Therefore, the scope of work to achieve the directives of this bill remains indeterminate, and the fiscal impact cannot be fully quantified.

House Bill 2869 authorizes the Secretary of State (SOS) to designate agencies that have data identifying the native language of Oregon electors. The bill requires these designated agencies to provide SOS with the native language of electors in Oregon. The Secretary of State is permitted to include this information in the elector registration files in a way that is accessible to the public. In addition, the bill specifies that the list of active electors that may be requested from county clerks by political parties or their affiliates must include native language information. The bill is silent on whether electors can opt-out of native language disclosure.

If it's possible for SOS to collect native language information on electors, SOS would then incur the costs of (1) capturing this data; (2) normalizing the data; (3) cross matching and transferring this data to its Oregon Centralized Voter Registration system, including modifying the Oregon Centralized Voter Registration system to store the native language of voters in a way that is accessible to the public. However, these costs cannot be calculated because:

1. All the agencies to be designated by the Secretary of State cannot be identified at this time.
2. The few agencies that were contacted cannot guarantee the legality, completeness, or uniformity of the data. As an example, the Department of Education collects the language of origin for students, teachers, and administrators, but this data does not contain information on preferred language or the proficiency of each of these individual's language of origin. Alternatively, the Department of Human Services (DHS) and the Oregon Health Authority (OHA) collect the preferred language for participants in many of its programs, but do not collect native language information. Furthermore, it is uncertain whether these agencies would be violating the Family Educational Rights and Privacy Act (FERPA), the Health Insurance Portability and Accountability Act (HIPPA), or other privacy laws by providing this data to the Secretary of State.