

May 12, 2021



Oregon Progressive Party Independent Party of Oregon

Position on Bills at 2021 Session of Oregon Legislature:

HB 3273: Support but not the -A5 amendment

Dear Committee:

The Oregon Progressive Party and Independent Party of Oregon previously testified in support of this bill. But we cannot support the proposed -A5 amendment.

The -A5 amendment, which is not posted on OLIS, would amend ORS 192.355 as follows:

(3) Upon compliance with ORS 192.363, public body employee or volunteer residential addresses, residential telephone numbers, personal cellular telephone numbers, personal electronic mail addresses, driver license numbers, employer-issued identification card numbers, emergency contact information, Social Security numbers, dates of birth and other telephone numbers contained in [personnel] records maintained by the public body that is the employer or the recipient of volunteer services.

This proposed amendment to the disclosure requirements of the Public Records Act would expand the exemption for names, addresses, etc., of public body employees from those in the public body's personnel records to, apparently, all records held by the public body.

This extremely broad expansion of the exception might be interpreted in a way that would jeopardize access to the State Voter File maintained by the Secretary of State. The State Voter File, available for many decades to political parties and others, includes names, addresses, and some phone numbers of all registered voters, including state employees. The -A5 amendment might be interpreted as requiring the Secretary of State not to release any State Voter File that contains that information about state employees.

We think that would be an incorrect interpretation. The -A5 exception would apply to information "contained in records maintained by the public body that is the employer or the recipient of volunteer services." Probably over 99% of the public body employees listed in the State Voter File are not employees of the Secretary of State. The term "public body that is the employer" is not a reference to the State of Oregon as a whole or its governmental subdivisions as a whole. It is a reference only to the public body that employs the person whose information is to be withheld.

We do not see what good the -A5 would accomplish and thus oppose its adoption, due to the risk of misinterpretation described above.

Oregon Progressive Party

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