5/31/05
c: Kelly Carter
CE

HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

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May 27, 2005

Jeff Merrick
Multnomah County Democratic Central Committee
P.O. Box 6596
Portland, OR 97228-6596

Re: *Petition for Public Records Disclosure Order:*
Oregon Department of Transportation, Driver and Motor Vehicle Services Division (DMV) Records

Dear Mr. Merrick:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. We received your petition on May 20, 2005. It asks the Attorney General to direct DMV to release various records concerning DMV voter registration activities. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exemptions and limitations. ORS 192.420. Any person denied the right to inspect or receive a copy of a public record by a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.450(1). The Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. ORS 192.450(1).

Your petition states that you made your request for records on or about April 28, 2005, and that you have not yet received a response from DMV. We spoke with Linda MacArthur, DMV Motor Voter Program Technician, about your petition. Ms. MacArthur told us that she sent a response to your request on May 24th, along with copies of responsive records, except for voter registration statistics on each field office. Her letter states that DMV will charge for that information because it requires the generation of a "specialized report." A public body may charge a fee to reimburse it for its actual costs in making records available, and may require pre-payment of an estimated fee. ORS 192.440(3); ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2004) 13-14.

Because DMV has provided you with the records responsive to your request, except field office statistics which it has agreed to provide upon payment, we deny your petition as moot.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

PDS/gvk:AGS15558
c: Linda MacArthur, DMV