

**HOUSE COMMITTEE ON ELECTIONS AND RULES**

**March 12, 2005 Hearing Room FLORENCE**

**11:00 A.M. Tapes 18 - 19**

**MEMBERS PRESENT:           Rep. Derrick Kitts, Chair**

**Rep. Kim Thatcher, Vice-Chair**

**Rep. Paul Holvey**

**Rep. Billy Dalto**

**Rep. Debi Farr**

**Rep. Mitch Greenlick**

**Rep. Steve March**

**MEMBER EXCUSED:           Rep. Debi Farr**

**VISITING MEMBER:           Rep. Arnie Roblan**

**STAFF PRESENT:             Cletus Moore, Committee Administrator**

**Annetta Mullins, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**SB 162 – Public Hearing**

**HB 2583 – Public Hearing**

**HB 2551 – Public Hearing**

**These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 18, A</b>		
004	Chair Kitts	Calls meeting to order at 11:09 a.m. and asks members to introduce themselves.
010	Rep. Roblan	A visiting member and State Representative for House District 9. Introduces himself.
	Rep. Dalto	Introduces himself.
015	Rep. Thatcher	Introduces herself.
	Rep. Holvey	Introduces himself.
	Rep. Greenlick	Introduces himself.
023	Rep. March	Introduces himself.
028	Chair Kitts	Introduces himself, thanks the audience for attending the meeting and thanks members for their Saturday morning on the road.
032	Chair Kitts	Congratulates Rep. Greenlick on his 70th birthday.
036	Chair Kitts	Opens a public hearing on SB 162.

### **SB 162 PUBLIC HEARING**

043	Cletus Moore	Committee Administrator. Reads summary of SB 162.
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- 045 Paula Krane League of Women Voters of Oregon and resident of Corvallis. Comments that the League has already submitted a prepared statement and testified in support of SB 162 and she supports that testimony. Encourages support of SB 162. States that vote by mail is a success that all Oregonians can be proud of.
- 067 Gary Kelly Resident of Florence. Thanks the committee for coming to Florence. Speaks in favor of SB 162. Thinks Oregon sets a fine example for the rest of the nation by having vote by mail which makes it very easy for everyone to exercise their right to a democratic process.

The following material is submitted for the record without public testimony:

Ruth Bendl & Mike North Plains. Submit email statement in opposition to SB 162  
Balanesi **(EXHIBIT H).**

Chair Kitts Closes the public hearing on SB 162 and opens a public hearing on HB 2583.

### **HB 2583 – PUBLIC HEARING**

- 089 Susan Prine League of Women Voters of Lincoln County and resident of Depoe Bay. Testifies in opposition to HB 2583. States that the League has submitted testimony and testified in opposition to HB 2583. States that it should be the policy of the state to encourage voting, not to construct road blocks to the registration process. States she doesn't know how many people actually have a copy of their birth certificate at home or whether they can immediately find it if they do. States that the cost of obtaining a birth certificate could be prohibitive for some people. The bill is a means of restricting our rights and responsibilities. Thanks the committee for coming to Florence.
- 117 Rep. Dalto Asks if voting is a responsibility.
- Prine Responds affirmatively.
- Rep. Dalto Asks if only a name and address are enough to prove who you are to register to vote.
- Prine Responds that documentation to prove who you are and where you live is just more than a piece of paper. It is a driver license or some proof of residency. States she thinks that is enough. Comments that

you swear on the registration form that you are a citizen and as a responsible person you should take the responsibility to tell the truth.

- Rep. Dalto                      Comments he was not asking about citizenship, only whether the name and address should be sufficient to register to vote.
- Prine                              Responds that there are serious penalties for those who try to get around the law.
- 165                      Chair Kitts                      Reads from the voter registration form what currently is required to registered: "Identification is requested only if you are a new registrant in this county and are mailing this form by the United States Postal Service. Identification is not required for updates within the same county or new registrations delivered in person or by means other than mail. Sufficient identification is a copy of one of the following showing your current name and address. Either a valid photo identification such as driver license, a paycheck stub, a utility bill, a bank statement, or a government document."
- 180                      Rep. Greenlick                      Comments it seems there are three tests because there are three qualifications. One qualification is that you are a citizen of the United States, another is you are 18 years of age or older, and the third is that the person is a resident in the state of Oregon. States it seems the third document is only intended to prove residence, not citizenship or age. Citizenship is proven by swearing and attesting that the birth date is the one you give and you swear and attest that you are a citizen.
- 191                      Greg Leads                      Resident of Agate Beach and a disabled American veteran. States that the right to vote is a citizenship issue. We have people dying in military service to earn their right to vote, their citizenship. To allow someone to vote by their own word if they are a citizen is not working. There is a forged document business that will provide any document you want from a green card to a driver license. Asks why we give it away to those who come up here for jobs. If they cannot prove their citizenship, they are not much of a citizen.
- 232                      Rep. Greenlick                      Comments he hopes that we don't take from the testimony that the only way to prove one is a citizen is by dieing in Iraq.
- Leads                              Responds that serving in the armed forces is not the only way to be a citizen but he would like to see us guard our citizenship. If we make it too easy, it is not valued.

258	Rep. Greenlick	Comments that it is very important that people make the kinds of statements Leads is making. States that the comment by Leads that there is an industry of forged document doesn't speak to the issue.
	Leads	Responds that from what he understands, it is being done on a regular basis throughout the nation.
	Rep. Greenlick	States that this bill will not change that.
	Leads	States at least the honest would make the effort to provide their certification and the copy of their birth certificate; it is only at the first time registration that they need to provide the information.
256	Rep. Greenlick	Asks why not believe sworn statements that they are citizens if they are honest.
	Leads	States he is paranoid. Believes we need more hoops for people to jump through.
286	Stuart Henderson	Resident of Florence. Submits a prepared statement in opposition to HB 2583 ( <b>EXHIBIT A</b> ). Thanks the committee for coming to Florence and thanks members for serving and asks that the committee read his statement on campaign finance reform because he believes it must be addressed.
327	Chair Kitts	Advises that this committee has a subcommittee assigned to deal specifically with campaign finance reform because it was taking the focus of the committee off elections.
341	Betty Uchytel	Resident of Florence. Submits a prepared statement and testifies in opposition to HB 2583 ( <b>EXHIBIT B</b> ).
400	Chair Kitts	States the committee is doing a statewide tour on these bills in an attempt to avoid what happened in Florida and Washington state. This committee is trying to be preemptive in making that our current system does not have holes before they are found. Asks why Uchytel thinks it is discriminatory for someone to simply say and prove they are a citizen of this country and of the county or state where they are wanting to vote.
425	Uchytel	Responds that is reasonable, but people have a lot of life circumstances that do not fit into that very reasonable sounding statement. Often people who are elderly simply don't have those

kinds of things available and they would not register and vote. States she is not sure the 94 year old woman in the assisted living facility could have had somebody dig out her birth certificate. States she thinks the very old would be disenfranchised by this and they are a group that generally want to vote and believes a similar argument applies to the young.

## TAPE 19, A

- 019 Chair Kitts Comments he asked for elaboration on Uchytel's comment because he does not want anybody to think the committee is doing anything discriminating.
- 030 Rep. Dalto Asks what would have made Uchytel suspicion that someone might not be a citizen when she was registering people to vote.
- 032 Uchytel Responds they ask the people to read and affirm that the statements on the voter registration form are true. She has never had any reason to believe that anybody was not telling the truth. States she would have suspected if they had said they didn't know how to answer a question, or try to explain their situation but she has never had that happen.
- 042 Rep. Dalto Asks if Uchytel asks if the people are citizens.
- Uchytel Responds that the question is on the voter registration form and they ask the people to read the form and check the proper answer, which is yes or no. States she does not ask the question herself.
- 048 Chair Kitts Comments that HB 2583 does not require that people have proof of citizenship with them at all times; it is simply requiring proof of citizenship when the person registers to vote the first time.
- 058 Jenny Velinty Resident of Florence. Submits and presents a prepared statement in opposition to HB 2583 (**EXHIBIT C**).
- 090 Rand Dawson Resident of West Lane County. States he is an infantry veteran and is in opposition to HB 2583. States he just returned to Oregon and enjoyed the opportunity to vote by mail. States the voter registration process is not perfect but likens it to the judicial system where we have the burden of proof and presumption of innocence. We have a system that lets some people slip through from time to time but the overall benefits to society are so profound we are proud to accept that

as one of our hallmarks of society. Suggests we need to give the current system a presumption of innocence in the absence of any hard evidence that we have major problems. States that we are attempting to bring people back into the democratic process. They are turned off by the partisanship that is reflected in the legislative process and they are people who have turned their cynicism into non action. Anything that detracts from the ability to get more people to participate in the system, even if the system is slightly imperfect, it is not the direction we want to go. It lacks a certain degree of vision.

- 141 Rep. Holvey States he fully supports the bi-partisan statements from Dawson. Thinks Dawson offers a good argument on presumed innocence until proven guilty. States he would be offended if someone denied him the right to vote in Lane County where he was born because he could not prove he was a citizen. Agrees we should affirm under penalty of law that we are a citizen. States he appreciates the testimony of Dawson.
- 149 Rep. March Applauds Dawson for getting people into the political process. It is not important whether they are Democrats, Republicans, Libertarians, independents or Green Party. Appreciates Dawson's efforts.
- Dawson Comments the hallmark of their success is when they get a voter who has never voted before or someone who is coming from another state to agree to participate in the Oregon process. States he would see this level of citizenship requirement as a roadblock.
- 177 Rep. Greenlick Comments he knows how partisan it appears but inside the legislature the efforts are bi-partisan. Comments further on bipartisanship. States that the committees are holding hearings on Saturdays to show that the members do work together and the process can work.
- 184 Dawson Comments that unfortunately the perception from the public is the reality and the legislature has the responsibility to assist them in changing that perception.
- 211 Rep. Dalto Comments that he thinks the vision is missing for Oregon right now. States he is not clear how the best way to get there is, but he would like to hear Dawson's thoughts about the kind of vision he would like to see from the legislature.
- 229 Dawson Responds they go to Salem when they can and they communicate with their legislators when they can on matters that are relevant. The most important vision is to reduce the role of money in the current legislative electoral process to go in the direction of public financing.

If we want a big broad vision, we have to reduce evil. States he left Oregon 25 years ago and just returned. The level of partisanship perceived or otherwise, is significantly different from that period of time. The role money plays in the legislative process is significantly different. The question is whether we want that to continue, or to worsen.

- 279 Gary Kelly Florence resident. Testifies in opposition to HB 2551. Speaks about registering voters and believes those who register people to vote, take this seriously. This is not a good bill. They were allowed to register voters at high school for one day for two 45 minute periods. Thinks we should all be working toward the goal of increasing democracy and voter registration.
- 317 Rep. Thatcher Comments that many students in high school don't have a driver license and many may not be carrying a pay stub, bank statement or utility bill, but it can be followed up later with the Elections office. Asks if it would be unreasonable to state that sending the documentation later would be acceptable.
- 327 Kelly Responds they registered some of the people very close to the election, within one or two days of the deadline. They would be telling them if they don't have the documentation, they could go to Eugene and register to vote. States he thinks they would have lost all of them. Believes when we ask people to say that the information they have put down is correct, that is good enough. States there will be some who get through the cracks but if we require a driver license, pay stub, or whatever, people who are not citizen can produce those.
- 342 Rep. Roblan Comments that some parents who are well organized and have all the information and those who seem to never be able to find it. States they put a lot of the 18-year old kids whose parents have not kept any of those records for them at risk. States the schools encourage the kids to get the information so they can get a passport if they want. To ask a student to find information their parents have not been able to find is awfully difficult. Asks if Kelly found the same things when he is registering students.
- Kelly Responds affirmatively. States that a student will register after he finds out that his friend registered but they had no intention when they went to school that morning of registering to vote. States this is the age group that doesn't vote and the more we can get involved, the better it is.
- 368 Chair Kitts Advises audience of the committee's schedule of meetings out in the communities.



358 Don Norton Florence resident. Comments on registering recipients in the Oregon Food Share program. States that the food recipients would not go home to get the documentation in order to register to vote. States the 35 people he registered in one day never had a chance to register anyplace else. States he is a cynic and believes the committee, especially Rep. Dalto, has made up his mind. Anytime some says we cannot take their word as verification they are a citizen, there is something wrong. States he really believes we should try to get more people involved instead of fewer people.

420 Chair Kitts Comments that he does not believe anybody on the committee has made up their mind on this bill which is why the committee is going statewide to get feedback.

434 Rep. Dalto Comments he is outraged by Norton's comments. States he has asked the same questions at other meetings and to suggest that anybody on this panel has made up their mind is pretty unfair. States he has not made up his mind and that Norton would be surprised what he thinks about the bill.

#### **TAPE 18, B**

004 Gerry Copeland Florence resident. States he is usually pretty liberal and he is aware of what has happened in Washington state and in Florida and aware of what probably happened in Ohio but it has not been proven. Feels we are at a political crossroads in our political system, which we have to tighten up a bit to make sure that the people who can vote do vote and those who are not citizens, do not vote. It seems to be a sizable problem if you look at Washington and Florida and other instances, including Texas. States he is concerned about the validity of our electorate in American and the committee is on the right path and should reach a conclusion that will be beneficial to our voting process.

019 Rep. Greenlick Asks what happened in Washington.

Copeland Comments on challenges by the candidates for Washington governor. States that indicates to him there are a lot of things that need to be improved if they cannot count votes correctly.

029 Rep. Greenlick Comments he has concern about recounts, too, and that is one of the things he has asked that we check the process for. States he thought Copeland was suggesting there were a large number of people who voted who should not have voted.

	Copeland	Responds Republican votes were challenged by the Democrats and then the Republicans challenged the Democratic vote. States he does not believe there should be thousands of people in question. Thinks people who count the votes should count the votes and have a system where the votes are cast adequately and correctly. Believes it is a serious problem when you have hundreds of thousands.
053	Chair Kitts	Comments it turns out there were over 1,000 votes of convicted felons that were counted in Washington, several thousand dead people voted, and there were more votes cast than there were people registered in certain counties. Notes that the election is still in court. States he does not want Oregon to become a circus like that.
065	Richard Koehler	Dunes, Oregon. Testifies in opposition to HB 2583. Comments on registering people to vote. States that voting in Oregon is the best in the nation because it affords people the time to vote and there is a legitimate vote tabulation because there is paper. States that voting is as good as the weakest link and the weakest link is counting, not the voters. States that the requirement for documentation would possible lower registrations and participation. States he has not seen evidence that improprieties exist. States there was a problem prior to the election nationwide where various factions were making it difficult for people to vote; this is something we should look at. Suggests the committee should look at vote counting because counting is done by the same company that involves itself in Ohio and Florida. States that if the computers were eliminated and people were hired, we would find a democratic process that is infallible.
128	Rep. Dalto	Comments that the committee heard testimony from the Lane County clerk that the voting machines were the most accurate way and the only difficulty in counting votes were when humans came up and counted them.
134	Kathleen Vans Ballegooijen	Florence resident. Asks if “requires evidence of citizenship for persons registering to vote for the first time” means that everyone who is currently registered would stay registered.
	Chair Kitts	Responds affirmatively.
	Vans Ballegooijen	Wonders about requiring, with prior notice, that high school kids who are going to turn 18, have an introduction to the responsibilities of citizens. Believes there should be a requirement to provide a record that the person is a citizen. The kids will have to at some point get a copy of their birth certificates. Believes this would be a good idea for new voters.

- 182 Joseph A. Raffetto Florence Resident. Comments on twin sons being born in Italy while in the service and his wife being an citizen of Italy. States that even though the hospital issued a birth certificate in English on a U. S. Army form, they were required to get a certificate of citizenship in order to prove that the boys are citizens of the United States of America. States that his grandmother was unable to witness for his wife when she became a naturalized citizen of the United States because she did not have a certificate of citizenship. Ask that the committee keep in mind they may cause a considerable amount of expense to people to prove their citizenship. States he also believes the committee needs to look at the instances of fraud.
- 224 Susie Nevato Dunes City resident. Comments that responsible people have a birth certificate. States she does not like mail in vote. Questions how many ballots are lost and not recorded. Would like to see people use their civic pride by going to the polling place.
- Rep. Dalto Asks how Nevato heard of the meeting last night.
- Nevato Responds that a friend gave her a card. States she thinks only one card came to a whole set of councilors at the City of Florence and none went to Dunes City.

The following material is submitted for the record without public testimony:

- Ruth Bendl & Mike Balanesi North Plains. Submit email statement in support of HB 2583 **(EXHIBIT I)**.
- 242 Chair Kitts Closes the public hearing on HB 2583 and opens a public hearing on HB 2551.

### **HB 2551 – PUBLIC HEARING**

- 272 Cletus Moore Committee Administrator. Reads summary of HB 2551.
- 291 Jane Gigler League of Women Voters of Coos County and resident of North Bend. Endorses testimony previously submitted by the League in opposition to HB 2551. States that during the last year the Coos County League of Women Voters had a workshop headed by County Clerk Terri Turi who explained the process in processing ballots before they are tabulated. Believes if they must wait until 8:30 on the morning of election day they would not get the results until days later. Believes HB 2551 is completely unnecessary. People who

work at the ballot sites take the responsibility seriously. People like the drop box sites because many people refuse to use the post office. The people like going to the library and dropping their ballot in the box. States the system is not broken and does not need to be fixed.

299 Terri Turi Coos County Clerk and resident of North Bend. Submits a prepared statement and cost impacts to Coos County and testifies in opposition to HB 2551 (**EXHIBIT D**), and submits a prepared statement in opposition to HB 2551 from Coos County Commissioners John Griffith and Nikki Whitty (**EXHIBIT E**).

### **TAPE 19, B**

008 Rep. Greenlick Asks what an “election officials” is, and what would be the difference between a sworn election drop site deputy and a county election official.

Turi Responds it is pay. Explains that when they have the drop sites open, the staff at those locations are sworn in; they are sworn deputies and monitor the drop sites. The bill would require that a county employee would have to man that box during the entire time the location is open.

020 Rep. Greenlick Comments he often wonders if these people are county election officials.

Turi States they have paid staff sit with the boxes during the hours the facilities are open until 8:00 p.m. on election day. As she understands the bill, they would have to increase staff when the drop boxes are there.

032 Chair Kitts Asks if once deputized by the county clerk the person would be an election official.

Turi Responds that is how she understands it.

041 Rep. Greenlick Comments he assumes from reading Turi’s testimony that she is talking about a wood box with a padlock on it. Asks if that is the standard throughout the other counties.

	Turi	Responds that she cannot speak for other counties but in Coos County they have heavy duty plastic black boxes and they are padlocked. The keys stay at the courthouse. Comments that Multnomah County's boxes are more like large tubs. They are also heavy duty plastic and are also locked.
048	Carol Fischer	Coos County election board member and resident of Bandon. States that there are three members on a table and each represents a party as they are opening the ballots. They cannot match which ballot with which envelope because they work at a very fast pace. It is very secure. There are no purses, no backpacks, no food, no talking, and husbands and wives don't sit at the same table. There is no way to get the vote count out that night if they start at 8:30.
	Bob Fischer	Coos County election board member and resident of Bandon. States he is speaking in opposition to HB 2551. Reads Section 4 and states that he found it offensive and then said it is there because someone does not understand what the board members do. It takes three people to open an envelope. The only opportunity to match any vote on a ballot with a name coming in is at the moment that the envelopes are opened. Explains manual process of opening the envelope. States they just cannot be matched up and it is not a genuine concern and that part of HB 2551 is unnecessary. States he feels the bill is dangerous to our voting system. Oregon has a model for other states. Because of the 8:30 starting time on election day, they would not be able to get the results out in a major election until about a week later. Believes the expenses will be horrendous.
123	Betty Uchytel	Florence resident. Expresses her appreciation for the committee holding the meeting in Florence. Submits and reads a prepared statement in opposition to HB 2551 ( <b>EXHIBIT F</b> ).
152	Jeanne Velinty	Florence resident. Submits and reads a prepared statement in opposition to HB 2551 ( <b>EXHIBIT G</b> ).
211	Rand Dawson	Resident of Western Lane County. Testifies in opposition to HB 2551. States his feelings are those of the prior speakers. As to vision, it would be wonderful to see a system where the legislators' intelligence could be used to deal with how we frame and solve issues of this state and not the campaign election issues which inevitably turn to the money, and it would be interesting to know what portion of legislators' time is spent on those matters as opposed to the matters like those the committee is addressing today.
240	Gary Kelly	Florence resident. States he has nothing to add to what has been said. States he thinks it is very important to get the ballots counted on a

timely basis and believes HB 2551 would prevent that. States their drop box is like a mail box and it is right in front of the police station and to have someone standing out there 24-hours a day for seven days makes no sense and would be very costly.

The following material is submitted for the record without public testimony:

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|-----|----------------------------|--|
|     | Ruth Bendl & Mike Balanesi | North Plains. Submit email statement in support of HB 2551 <b>(EXHIBIT J)</b> .  |
| 255 | Chair Kitts                | Closes the public hearing on HB 2551 and thanks committee members for spending their time on the road. Comments on extensive amount of road trips. Thanks Rep. Roblan for hosting the committee. |
| 283 | Rep. March                 | Comments that a couple people have raised the issue of campaign finance reform and asks when the Subcommittee on Campaign Finance Reform will be meeting..                                       |
|     | Chair Kitts                | Advises that the Subcommittee is not currently scheduled to meet and that the meetings will be posted.   |
| 294 | Rep. Roblan                | Thanks Chair Kitts for holding the meeting in Florence and invites members to visit the local businesses and those in Dunes City.  |
| 308 | Chair Kitts                | Acknowledges and thanks staff for their efforts in setting up the meeting.   |
|     | Rep. Greenlick             | Comments he has no constituents here but has a lot of friends and thanks the community for their hospitality.  |
| 319 | Chair Kitts                | Adjourns the meeting at 12:51 p.m.   |

#### **EXHIBIT SUMMARY**

- A. **HB 2583, prepared statement, Stuart Henderson, 2 pp**
- B. **HB 2583, prepared statement, Betty Uchytel, 2 pp**
- C. **HB 2583, prepared statement, Jenny Velinty, 1 p**

- D. HB 2551, prepared statement and cost estimates, Terri Turi, 6 pp**
- E. HB 2551, prepared statement of John Griffith and Nickki Whitty, Terri Turi, 1 p**
- F. HB 2551, prepared statement, Betty Uchytel, 1 p**
- G. HB 2551, prepared statement, Jenny Velinty, 1 p**
- H. SB 162, email statement, Ruth Bendl and Mike Balanesi, 1 p**
  - I. HB 2583, email statement, Ruth Bendl and Mike Balanesi, 2 pp**
  - J. HB 2551, email statement, Ruth Bendl and Mike Balanesi, 2 pp**