

HOUSE COMMITTEE ON ELECTION AND RULES

March 15, 2005 Hearing Room E

1:00 P.M. Tapes 20 - 21

MEMBERS PRESENT: Rep. Derrick Kitts, Chair

Rep. Paul Holvey, Vice-Chair

Rep. Kim Thatcher, Vice-Chair

Rep. Billy Dalto

Rep. Mitch Greenlick

Rep. Steve March

MEMBER EXCUSED: Rep. Debi Farr

STAFF PRESENT: Cletus Moore, Committee Administrator

Annetta Mullins, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2614 – Public Hearing

HJR 7 – 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.

TAPE/#	Speaker	Comments
---------------	----------------	-----------------

TAPE 20, A

003 Chair Kitts Calls the meeting to order at 1:00 p.m. and opens a public hearing on HB 2614.

HB 2614 – PUBLIC HEARING

Cletus Moore Committee Administrator. Reads summary of HB 2614.

027 Rep. Mary Nolan Submits and summarizes a prepared statement in support of HB 2614. **(EXHIBIT A)**. States she and Chair Kitts have introduced the bill because they think it helps Oregon join a few other states who have codified the principle that each person is entitled to one vote—one person-one vote. This bill assures that same principle applies to nominating processes in which electors or voters choose the people who will be candidates for partisan offices.

043 Chair Kitts Turns the gavel over to Rep. Holvey, Vice Chair, and joins Rep. Nolan at the witness table.

065 Rep. Kitts Joins Rep. Nolan in supporting HB 2614. States that it prevents someone from meddling in the process.

Rep. Nolan States that HB 2614 assures that each voter's participation in nominating carries equal weight. Particularly, it assures those who make the effort to do participate in elections do not see the impact of their participation watered down. States there are members of her party who will not like this bill because they have played games with the system, and there are members of the co-sponsor's party because they have played games with the system. It is good news for protecting the integrity of the voting system for Oregon voters.

073 Rep. Kitts Comments it is a rare occasion in this process when two people can come together and say this is a good bill for Oregon. It truly does protect the integrity of the process by not allowing people to meddle in the process. It is an honor to be on the bill and it is a good bill.

078 Rep. Greenlick Comments he lauds the sponsors' attempt to make sure that one person, one vote really gets to vote and will be voting in favor of it when it moves out of committee. Asks if an open primary system would do the job more effectively where every voter would have a chance to vote for any of the candidates and letting the two winners of

the primary move on to the general election, whatever their party affiliation.

Rep. Kitts States it would not. The way the bill is written it allows parties to nominate their strongest candidate and in an open primary you open yourself to the possibility that you have a concerted effort to nominate the weakest on either side to move them forward to the general election and he does not believe that is a healthy process. States they are trying to eliminate that potential.

Rep. Greenlick Asks if the independents can vote.

Rep. Kitts Responds they can vote as long as they have not voted prior.

110 Rep. Nolan Explains there at least two opportunities that independent, non-affiliated, voters have to participate in the nominating process. HB 2614 specifically stays out of the state dictating to parties who they may or must include among their eligible participants. Not only does she believe that is good policy, it is required by federal case history on elections. The bill does not tell the specific parties who they can and cannot include among their electors. Any party is free to open their primaries, their nominating conventions, their petition gathering, to non-affiliated voters. Absent that avenue of participation, non-affiliated voters can participate in nominating candidates through nominating petitions. There is nothing here that restricts their capacity to participate that way either.

128 Rep. March Comments that if a registered Democrat participates in the Democratic primary and then the Libertarian party opens their nominating party to anyone who shows up at the door, this would prohibit the Democrat from going to the Libertarian one and nominating someone there. Asks if that correct.

Rep. Nolan Responds that this bill would not prohibit Rep. March from participating in the discussion at their convention, but his attendance would not be counted for the minimum number of participants that are required for that nominating convention to be authorized to place a name on the ballot.

Rep. March Asks if he could cast a vote that could be counted.

Rep. Nolan Responds he could not and that is the purpose of HB 2616. A person gets one opportunity to nominate and one vote in the general. The

one vote in the general is already in law; this extends it to the nominating process as well.

- Rep. Kitts States if he voted in the Republican primary he could not then go vote for Nader.
- 142 Rep. Dalto Asks if this has been a problem.
- Rep. Kitts Responds it is an example of something that has happened.
- Rep. Dalto Asks if the bill is in response to the nominating convention fiasco.
- Rep. Kitts Responds it is not in response to it but we have seen it happen.
- Rep. Nolan Comments that quite a while ago there was a third party candidate that some people believe was a spoiler in the 1990 gubernatorial race in which Barbara Roberts won election with less than a majority of the votes because there was a third party candidate. The bill came about because there had been suggestions that members of both major parties have attempted to exert undue influence after having participated in their own party process. Believers there should be fair fights and have debates about the ideas of the candidates and the opportunity to collaborate. The bill is intended to assure policies are consistent with the expectation.
- 183 Rep. March Asks what happens if someone misses the deadline for reregistering but did not vote in the primary –would they be prohibited from participating in the party they just changed party to.
- Rep. Nolan Responds that if you reregister before the nominating process of the other nominating party occurs, and did previously participate, you would be able to participate in one nominating process. States she has discussed this bill with the Elections Division and they don't see an administrative problem with this.
- 212 Rep. March Asks if the committee can get clarification on the question whether participation is just being registered or whether participation is actually voting in the primary.
- Rep. Nolan Responds that is a different question than the one she answered. For someone who does not wish to change party affiliation, the person receives a ballot. Whether the person chooses to return the ballot or not is the person's choice. Under this bill that is participation in the

nominating process. States she distinguishes that from what she thought Rep. March was talking about. Gives example: if, on May 1, she decides to register as a Libertarian and does not return the Democratic ballot, she believes she would be allowed to participate in the new party's nominating process.

243 Vice-Chair Holvey Closes the public hearing on HB 2614 and passes the gavel back to Chair Kitts.

Chair Kitts Explains that the committee will be holding hearings on this bill throughout the state. Reopens the public hearing on HB 2614.

HB 2614 – PUBLIC HEARING

267 Kappy Eaton League of Women Voters. Submits a prepared statement and testifies in support of HB 2614 (**EXHIBIT B**).

325 Chair Kitts Closes the public hearing on HB 2614 and opens a public hearing on HJR 7.

HJR 7 – PUBLIC HEARING

Cletus Moore Committee Administrator. Reads summary of HJR 7. Notes that a fiscal impact statement has been issued (**EXHIBIT C**).

373 Rep. John Lim HD 50. Testifies in support of HJR 7. Explains that it creates a new position in Oregon. Forty-seven states have lieutenant governors; Arizona, Wyoming and Oregon do not have lieutenant governors.

Explains that he introduced a bill in the last two sessions in the Senate; it passed the Senate and died in the House. States that Oregon exports about \$11 billion, most to Asian countries. Our economy is dependent on international trade. Believes this is the time to create the position of lieutenant governor. The lieutenant governor would be in charge of the international trade division. The reason it did not pass was that the House did not want to spend more tax dollars for the position. There will be no tax dollars involved in this resolution. The lieutenant governor would not be involved in the legislature and the position would be independent but if the committee wants to make the position partisan that would be fine with him. The number of

independents is growing and believes it is a wise decision to create the lieutenant governor position as an independent position.

TAPE 21, A

- 014 Rep. Lim Comments on Governor Kulongoski canceling a planned trip to Asia in order to be home for the funeral of an Oregon soldier killed in Iraq. States that the lieutenant governor could have gone in his place. Comments on the governor being very busy and the importance of dignitaries from other countries being able to visit the governor.
- 027 When visitors come they can visit the lieutenant governor. The lieutenant governors are meeting once a year and we do not have representation. They discuss trade issues and we are left out. Believes it is not too late to join them and believes Oregonians are not ready for a lieutenant governor but with information and education people will eventually understand.
- 043 Chair Kitts Asks if Rep. Lim believes the limitation on the term of office in Section 1(2) would run into a constitutionality issue with relation to term limits.
- Rep. Lim Responds he believes it is already in the Constitution for the governor.
- Chair Kitts Asks how Rep. Lim would propose we prove whether the person is a citizen under the language in Section 2 beginning on line 17.
- Rep. Lim. Comments he has a certificate of citizenship and believes the person should have to prove he or she is a citizen. States that the person must also be over 30 years old and has to have lived in Oregon three years prior to running for the position.
- Chair Kitts Asks if a government document would prove citizenship for the office of governor, or whether it should be something like a birth certificate or naturalization papers or passport.
- Rep. Lim Responds we do not need to write that in this bill because the Secretary of State will be able to verify the birth certificate or even checking the person's birth place. States he does not believe it is very complicated to find a person who is an American citizen. States he can prove he is an American citizen.

	Chair Kitts	Asks if the compensation would be the same as for the governor.
085	Rep. Lim	Responds the lieutenant governor would be in charge of international trade. A position already exists in the International Trade Division. The salary would be the same as that of the person now in that position. The position is now vacant. States that when he introduced HJR 7 the person resigned to make room for the lieutenant governor. If the position is filled, then the person would have to resign or be fired. Adds that the election would be at the same time other elections happen.
113	Rep. March	Comments that the chair's question on proving citizenship was not because of Rep. Lim's nationality. It is because the committee has been dealing with some legislation relating to citizenship and voting.
	Rep. March	Comments he sees a strong parallel but what is missing is casting the deciding vote in the Senate or presiding over the Senate. Asks why he left that out of this bill.
	Rep. Lim	Responds he believes in separation of power. Believes if the lieutenant governor is in administration, they should not be involved in the legislative process. If the person is independent and is running as the governor's liaison and is working on the international trade issues, there is plenty for him to do beside preside over the Senate. If the committee believes the lieutenant governor should preside over the Senate, that is fine. It was only his idea that the lieutenant governor be independent and not involved in the legislative process.
133	Rep. Greenlick	Comments that if the lieutenant governor is nonpartisan and should succeed the governor, there would be no continuity of the party. Asks if Rep. Lim is preparing amendments to have the governor and lieutenant governor running on the same ticket.
	Rep. Lim	Responds he is open to that and does not have strong feelings one way or the other. If the committee strongly feels it should be a partisan ticket, it would be fine. Comments on rational for proposing that the lieutenant governor position be nonpartisan. States if he has a choice, he would like to have the position be independent but if this committee wants it to be partisan, he has no objection at all.
167	Rep. Dalto	Comments on importance of relationships in fostering and advancing trade. Asks Rep. Lim to comment whether the lieutenant governor position is a function that people would be receptive to.

	Rep. Lim	Responds that when dignitaries come to our state, they want to see the governor. The governor is the president of our state. The governor's schedule is very hectic and he is not always available. Thinks the governor's schedule is getting busier and busier and in cases when the governor is not available the lieutenant governor would be available. Comments on significance of lieutenant governor position in other states. Comments on trade with other countries. Believes international trade is a good place for the lieutenant governor to work.
270	Chair Kitts	States that HJR 7 will be a part of our agenda for the statewide tour.
274	Rep. Greenlick	Asks Rep. Lim if he will propose an initiative if this resolution is not approved.
278	Rep. Lim	Responds that he will keep coming back here until this passes.
287	Chair Kitts	Closes the public hearing on HJR 7 and adjourns the meeting at 1:49 p.m.

EXHIBIT SUMMARY

- A. **HB 2614, prepared statement, Rep. Mary Nolan, 1 p**
- B. **HB 2614, prepared statement, Kappy Eaton, 1 p**
- C. **HJR 7, Legislative Fiscal Statement, staff< 1 p**