

## **HOUSE COMMITTEE ON ELECTION AND RULES**

**March 22, 2005 Hearing Room E**

**1:00 P.M. Tapes 24 - 25**

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

**Rep. Paul Holvey, Vice-Chair**

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

**Rep. Billy Dalto**

**Rep. Debi Farr**

**Rep. Mitch Greenlick**

**Rep. Steve March**

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

**Annetta Mullins, Committee Assistant**

### **MEASURES/ISSUES HEARD:**

**HB 2504 – Public Hearing**

**HB 3043 – 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>
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## **TAPE 24, A**

003            Chair Kitts            Calls the meeting to order at 1:02 p.m. and opens a public hearing on HB 2504.

### **HB 2504 – PUBLIC HEARING**

016            Rep. John Lim            HD 50. Testifies in support of HB 2504. States that changing the primary date came up when he was running for the Senate previously. Suggests that if Oregon's primary date is changed to the same time as the Washington state primary, we might be able to save a lot of time. HB 2504 changes the date of the primary election from the third Tuesday in May to the third Tuesday in September in even numbered years. States he has talked to the Secretary of State in Washington state and they believe September is too close to November, and he believes September may be too late so he is considering changing his proposal to August. HB 2504 directs the Secretary of State to print a single September Voters' Pamphlet; other states do a single Voters Pamphlet.

                 Rep. Lim            Suggests if the primary is moved to September or August, Oregon may be able to only print one Voters' Pamphlet and that would save a lot of tax dollars. States he believes HB 2504 will increase voter turnout because people tend to forget between the primary and general election. There would also be a continuation of campaigning. HB 2504 would put Oregon in line with other states. Only 18 states hold the primary election in May, sixteen states hold primary elections in September, and nine states hold primary elections in August.

082            Rep. March            Asks if Oregon would still have the presidential primary in May, the state primary in August or September, and the November election, which would be three elections is presidential election years.

                 Rep. Lim            Responds that is correct. States he considered moving the presidential election and our state primary election to the same time. In Washington state they also have the presidential primary election on a different date. Washington does not have a set date; the date is set by the leadership in government and the legislature set the presidential primary date. HB 2504 is strictly talking about the state primary date.

                 Chair Kitts            Asks why not change the primary date for all elections in even number years to September.

	Rep. Lim	States he would like to coincide Oregon's primary date with Washington state.
113	Chair Kitts	Asks when the California's primary is.
	Rep. Lim	Responds he believes it is in March. Adds that California is big enough and can go whenever they want but Oregon does not have that much power and we would have better a chance to attract major candidates with the same date as Washington state.
123	Rep. Greenlick	Comments his first campaign was 21 months. It seems a non incumbent has a disadvantage trying to win a campaign between a September primary and a first week in November general election.
143	Rep. Lim	Responds that Rep. Greenlick's point is well taken and it depends on how you look at it. It might be an advantage for the first-time runner.
155	Rep. Farr	Asks if any state has elected to have the primary so late.
166	Bill Rogers	Deputy Chief of Staff to Rep. Lim. Explains that some states are trying to set their primary dates back from September to June, to August and May. A bill in Minnesota did not pass and other states are trying but so far are running into a lot of opposition to leave their elections on the dates they currently have; most are in September.
	Rep. Farr	Asks how many states have an August primary.
	Rep. Lim	Responds that 16 states have primaries in September and nine have primaries in August.
188	Rep. Holvey	Comments that he shares the frustration with the long campaign season but has concerns about crunching the primary and general elections. People in Washington seem to think they have a problem in getting voter pamphlets out. Asks if there will be two Voters' Pamphlets that close to each other, and how people will have time get their statements into the pamphlets for ballot measures.
	Rep. Lim	Responds that Washington State is planning to move their primary from September to August. States he believes August would be better because September is too close to the general election.
220	Chair Kitts	

Closes the public hearing temporarily on HB 2504 and opens a public hearing on HB 3043.

### **HB 3043 – PUBLIC HEARING**

- 239 Rep. Brian Boquist HD 23. Testifies in support of HB 3043. Explains that this is the result of a college project of Susie Ludlow, his intern. The research shows that if a chief petitioner dies, even though they have 25,000 or more signatures, the initiative dies with the chief petitioner. Ludlow's correction of that is HB 3043. It would allow three chief petitions on a petition and should one of them die, the other two could carry forward. Advises that an amendment is pending and asked that the committee not act on the bill until the amendment is received.
- Chair Kitts Asks if Rep. Boquist has seen the HB 3043-1 amendments **(EXHIBIT A)**.
- Rep. Boquist Responds that he has not seen the amendments **(EXHIBIT A)**.
- 291 Chair Kitts States that the committee will not act on HB 3043 today to give Rep. Boquist a chance to review the amendments.
- Rep. March Comments that the initiative petition process is one that he is very interested in and he has a bill that would require people who circulate initiatives to give a card of some sort describing the initiative to the person who signs the petition. Asks if Chair Kitts would be interested in combining the two bills.
- Rep. Boquist Responds he would have no objection to combining the bills and would be happy to work with Rep. March if the Chair would allow time.
- 310 Chair Kitts Closes the public hearing on HB 3043 and reopens the public hearing on HB 2504.

### **HB 2504 – PUBLIC HEARING**

John Lindback      Director of Elections, Secretary of State's office. Submits paper on Obstacles to a September Primary and testifies in opposition to HB 2504 (**EXHIBIT B**). States the obstacles outlined in the paper would need to be removed before moving the date of the election. Comments that the bill creates chaos because the primary and general elections would be too close together. Washington has a late primary and the sponsor covered that in his testimony. Having the primary and general election too close together causes problems, including mailing ballots. Reviews obstacles (**EXHIBIT B**).

**TAPE 25, A**

005	Rep. Farr	Asks how those nine states with primaries in August meet the timelines for military ballots and overseas ballots.
	Lindback	Responds that other states do a lot of gambling, particularly in cases where there are close races. They send out ballots with what they know and may have to send out new ballots with changes. It creates costs and confusion for the voters.
017	Chair Kitts	Asks if Lindback is referring to Alaska, and asks if that was a frequent occurrence.
	Lindback	Responds it was Alaska and close primaries were very frequent.
023	Rep. March	Asks Lindback to explain the timeline for certifying elections—with a September 19 primary, whether certification with a recount would occur by September 28 ( <b>EXHIBIT B, page 2</b> ).
032	Lindback	Responds that recounts are held after certification in Oregon.
	Rep. March	Comments that if certification on September 28 triggered an automatic recount in a primary election, everyone would go as fast as possible to do the recount. Asks if it is a hand recount.
	Lindback	Responds it is a hand recount; state law requires any recount to be done by hand.
	Rep. March	Ask what would be a rough estimate of time for a recount in a large county.
038	Lindback	

Responds he believes the county clerks can answer that. Adds that a recount does not have to take a lot of time if things are done in a very methodical manner. States he would guess it would take at least a week, particularly in a statewide race.

- 057      Annette Newingham      Association of County Clerks. Submits and presents a prepared statement in opposition to HB 2504 (**EXHIBIT C**). States that the report attached to her testimony (**EXHIBIT C, pages 3 and 4**) is a King County report summarizing the key issues why they want to change their primary election in Washington state. Adds that county voter pamphlets probably would not be produced for the general election because they would not know which candidates they would have.
- 109      Chair Kitts      Comments it is difficult to compare Oregon to other states. Thinks that any changing or altering the existing dates would require a thoughtful process based on requirements that are currently involved. Arguments have been raised on both sides. The cost of the election for the members is different from the costs for those implementing it.
- 126      Rep. March      Comments that most counties currently hold their local elections in May and he does not know if this would change the local elections. Asks if there is a possibility that in Multnomah County, because they have a home rule charter, the presidential primary and local elections in some years may be in May and then a September primary and then the general election.
- 139      John Hoffman      Multnomah County Clerk. Responds that he believes Multnomah County's Charter ties to statute and this bill would propose to change the date of the primary. Multnomah County and the City of Portland would have their primaries in conjunction with the September primary if this legislation were approved. Believes HB 2504 would simply have a presidential preference primary in May; that would be the only thing on that ballot.
- 147      Rep. Holvey      Asks what the costs would be to the counties.
- Newingham      Responds the presidential primary would be an additional election. It cost about \$1 million statewide to conduct a primary election--whether it is a cost to the state or counties would have to be sorted out. Even if you get past the conflicts of dates, the activities would have to be condensed and perhaps they would have to buy more buildings or outsource the Voters' Pamphlet. States that one can always put money toward something, whether the quality is compromised would be another factor. It is difficult to determine the cost until everything is sorted out.

174	Chair Kitts	Comments he has received a document that states the savings by removing presidential primaries out of the scope of the county clerks; in some states it saves up to \$7 million.
187	Darryl Howard	Salem resident. States he has run 26 campaigns in Washington state and is very familiar with their timeline. They file in July. States he has been involved in two contentious primaries in Washington. There is not time after the primary is over for the parties to heal. It does compress the time so the candidates still have some name identification out there but in contentious primaries it can be a good thing and a bad thing. There is no ability for candidates, having spent all their money in the primary 42 days before the general election, to raise the money needed to be able to get their message out. Moving the primary is a bad idea he is opposed to.
237	Chair Kitts	Comments there are pros and cons and he thinks the public needs to come first.
244	Rep. March	Comments that he is not convinced, although there would be time and money savings to the candidates, that it is worth the cost to the public and to the electors who need to make rational decisions.
268	Chair Kitts	Closes the public hearing on HB 2504 and adjourns the meeting at 1:50 p.m.

## **EXHIBIT SUMMARY**

- A. HB 3043, -1 amendments, staff, 1 p
- B. HB 2504, paper on Obstacles to a September Primary, John Lindback, 8 pp
- C. HB 2504, prepared statement, Annette Newingham, 4 pp