

HOUSE COMMITTEE ON ELECTION AND RULES

March 31, 2005 Hearing Room E

1:00 P.M. Tapes 29 - 30

MEMBERS PRESENT: Rep. Derrick Kitts, Chair

Rep. Paul Holvey, Vice-Chair

Rep. Kim Thatcher, Vice-Chair

Rep. Billy Dalto

Rep. Debi Farr

Rep. Steve March

MEMBER EXCUSED: Rep. Mitch Greenlick

STAFF PRESENT: Cletus Moore, Committee Administrator

Annetta Mullins, Committee Assistant

MEASURES/ISSUES HEARD:

HB 3302 – Public Hearing

HCR 13 – Public Hearing and Work Session

HB 3043 – Public Hearing and Work Session

HB 3372 – Public Hearing

HB 3342 – 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 29, A

003 Chair Kitts Calls the meeting to order at 1:30 p.m. noting the delay in starting time because the House Floor session was longer than expected. Welcomes the audience. Opens a public hearing on HB 3302.

HB 3302 – PUBLIC HEARING

Cletus Moore Committee Administrator. Reads summary of HB 3302.

020 Rep. Farr Introduces Bill Northrup and explains that she introduced the bill for Northrup.

Bill Northrup Lane County resident. Testifies in support of HB 3302. Submits example of arguments submitted for the Voters' Pamphlet not describing measures (**EXHIBIT A**). States that the Secretary of State's office has said they cannot do anything about the statements because they would be violating the peoples' First Amendment rights because interpretation is highly subjective. States he is proposing to get rid of the titles, and then the Secretary of State (SOS) would not be putting his stamp on it. Believes the proposed change would have the people look at who is writing the statements and make a decision on the merits. States that SOS does not disagree with the measure but suggests there be one amendment. States that ORS 251.260 has similar language and HB 3302 needs to be changed to match the statute.

062 Rep. March Comments that a person could still put in the statement saying they are in support and they could be in opposition.

Northrup Agrees and states that the people can just read the statement for what it is and he doesn't believe the SOS should be required to use a banner they cannot do anything about.

081 Rep. Farr Asks if the intent is to encourage the voter to read all the arguments in the Voters' Pamphlet.

Northrup	Responds that a person would probably read more of the statements in the Voters' Pamphlet. If this passes, he will start looking at the bottom of the statement to see who wrote it.
Rep. Farr	Asks if Northrup thinks the change will encourage voters to be more informed.
Northrup	Comments on making it easier for SOS to make sure the statement is under the right measure number.
Chair Kitts	Comments that the committee looks forward to receiving amendments to HB 3302.
Chair Kitts	Closes the public hearing on HB 3302 and opens a public hearing on HCR 13.

HCR 13 – PUBLIC HEARING

114	Cletus Moore	Committee Administrator. Reads summary of HCR 13.
	Rep. Donna Nelson	HD 24. Testifies in support of HCR 13. Comments on privilege of living in the Valley with small cities. States that the City of Dayton was incorporated in 1880. Asks Jo Windish to testify.
136	Georgine Jo Windish	Dayton resident and former mayor for 12 years. Testifies in favor of HCR 13. Comments on amenities in Dayton. States that in about 1846 Dayton was mentioned as an entity but not an official entity. They have planned many activities this year to honor Dayton. They have completed a 10-year project to put in a water system and water sources. Speaks about doing without some of the little things but being able to do the big things that manner in the city. States that over 26 percent of their population is Hispanic and many senior citizens live there. States the City of Dayton would consider it an honor to be recognized by the State of Oregon. States they are working to locate all living former mayors and would like for them to be invited to the State Capitol to show that they are part of the growth of Dayton.
	Windish	Explains they have planned activities for the entire year and the finale is on Oct. 15. Comments on the programs on Oct. 9 and 15.
202	Rep. Nelson	Offers to bring the old time fiddlers to the Capitol.

Chair Kitts Closes the public hearing and opens a work session on HCR 13.

HCR 13 – WORK SESSION

239 Rep. March **MOTION: Moves HCR 13 be sent to the floor with a BE ADOPTED recommendation.**

245 **VOTE: 6-0-1**

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Rep. Greenlick

Chair Kitts **The motion CARRIES.**

REP. NELSON will lead discussion on the floor.

240 Chair Kitts Closes the work session on HCR 13 and opens a public hearing on HB 3043.

HB 3043 – PUBLIC HEARING

245 Rep. Brian Boquist Testifies in support of HB 3043. Reminds the committee that he testified previously on this bill. States that HB 3043 allows the chief petitioner to be replaced if he or she dies. Asks that due consideration be given to HB 3043 so that if one petitioner dies, someone else can carry on with the measure.

Chair Kitts Asks if he approves of the HB 3043-1 amendments (**EXHIBIT B**).

Boquist Responds affirmatively.

289 Chair Kitts Opens a public hearing simultaneously on HB 3372.

HB 3372 – PUBLIC HEARING

Rep. Brian Boquist Testifies in support of HB 3372. States he is a co-sponsor of HB 3372. States he agreed to sign onto the bill because while he was deployed to Iraq, they went through the November election and routinely he had to make the decision as deputy commander what to do with mail that arrived, specifically ballots, generally speaking after

the election, which was due to the failure of the military mail system. States he realizes the Association of County Clerks has concerns and those concerns will be raised directly with the sponsor, Rep. Whisnant, but he is willing to accept any changes the committee would make to assure that members serving overseas in the military have an opportunity to participate in the balloting and election process.

286 Chair Kitts Closes the public hearing on HB 3372 and opens a work session on HB 3043.

HB 3043 – WORK SESSION

321 Rep. Holvey **MOTION: Moves to ADOPT HB 3043-1 amendments dated 03/22/05.**

326 **VOTE: 6-0-1**

EXCUSED: 1 - Rep. Greenlick

Chair Kitts **Hearing no objection, declares the motion CARRIED.**

328 Rep. Holvey **MOTION: Moves HB 3043 to the floor with a DO PASS AS AMENDED recommendation.**

332 **VOTE: 6-0-1**

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Rep. Greenlick

Chair Kitts **The motion CARRIES.**

REP. BOQUIST will lead discussion on the floor.

344 Chair Kitts Advises that the public hearing is still open on HB 3372. Asks that the committee stand at ease momentarily.

Chair Kitts Reconvenes the meeting and continues the public hearing on HB 3372.

HB 3372 – PUBLIC HEARING

340 Annette Newingham Lane County Elections and representing the Association of County Clerks. Submits and summarizes a prepared statement in opposition to HB 3372 (**EXHIBIT C**).

TAPE 30, A

008 Chair Kitts Asks that Newingham email the questions she raises to Rep. Whisnant so he can address them.

019 Rep. March Comments he would appreciate Newingham working with the sponsor to give the county clerks more flexibility.

024 Steve Druckenmiller Comments there are two issues in HB 3372 and believes they could make any changes the legislature would want. The bigger issue is the integrity of elections and that involves the ballots coming back and post marks. States he disagrees with anyone who would try to make Oregon a post mark state in the case of ballots.

035 Rep. Thatcher Asks why they would not propose to email everyone's ballot.

Newingham Comments on checks that need to be done when ballots are received and believes it would be workable under a limited circumstance.

048 Jesse Cornett Legislative Liaison, Secretary of State's office. Introduces Brenda Bays, Elections Division. Comments their office believes HB 3372 makes it more complicated for the military voters. Moving the date closer to filing the filing date may cause military ballots to go out without names forcing the voters to write in candidates for races. They do not think there is enough time to print ballots. Oregon is not a post-mark state and this is asking for trouble we see in other states. States he believes in technology to provide accessibility by the military and they are willing to work to come up solutions.

085 Chair Kitts Comments that if the legislature would require changing the 45 days to 50 days, it could be possible and asks if Cornett agrees.

Cornett Responds that sending the ballots five days earlier would be difficult and Brenda Bays can speak to the feasibility.

Brenda Bays

Operations Manager, Secretary of State, Elections Division. States there could be issues of not knowing which measure for a local election would be on the ballot. If they printed the ballot, they would possibly leave some measures off the ballot.

- 101 Chair Kitts Comments that currently in Oregon people vote after the deadline anyway; if one is in line after 8:00 p.m., they are still given the opportunity to vote even if the line is 14 miles long and it takes until midnight to gather their ballots. Asks if it is accurate to say those people voted the next day.
- 108 Cornett Responds that is the only exception—if the person is actually in line, the length of the line is clearly outside their control. They were there to fill out their ballots. States they can get through a 14 mile line in four hours.
- 119 Chair Kitts Asks if the Secretary of State would support cutting off voting at if the ballot is not in the possession of the county clerk’s office at 8:00 p.m..
- 122 Cornett Responds that they have been opposed to that in the past and will have to check with their office.
- 131 Rep. Thatcher Asks if it would be possible to move the filing date five days as well as increasing the 45 days to 50 days.
- Cornett Responds it is something that would have to occur if this bill passes.
- 126 Rep. March Comments that military ballots are rarely postmarked, and asks if they would not know if the ballot was sent on time since there was no post mark.
- Cornett Responds he believes they can come back with better information. Because Oregon is not a post mark state, they focus a lot of attention on that issue.
- 137 Rep. Holvey Asks if they have data suggesting there is a problem getting ballots that are mailed out of state, and whether that is more of a problem for military ballots as opposed to others who are out of state.
- Cornett Responds that their office does not have information. Believes 45 days is a typically reasonable length of time to get a ballot out even if it is to a soldier and for them to get it returned.

149	Rep. Thatcher	Asks if we are a post mark state for voter registration.
	Cornett	Responds they do accept post marks on voter registration cards.
168	Rep. Thatcher	Comments she is hearing that the requirement could be changed if the deadlines that occur before the mailing of the ballots.
	Cornett	Moving the date back fives days would cause a chain effect and suggests the committee check with Newingham. States the larger concern by SOS is the post mark issue and receiving the ballots a week or two weeks after the election.
161	Rep. Gene Whisnant	Presents a prepared statement and testifies in support of HB 3372. (EXHIBIT D) . Adds that there is a procedure for counting ballots after the election date. Believes this bill takes the steps to assure the military has the right to vote and their votes are counted. States there are situations that do occur, such as being out in combat or being in a submarine and we should be sure our military members have the opportunity to vote and that their votes be counted.
223	Rep. March	Asks if Rep. Whisnant would be receptive to sending the ballot by some means other than mail to speed up the process.
	Rep. Whisnant	Responds that the SOS did contact him and he has talked to his county clerk about the fact that SOS is looking at emails. States he wrote to the SOS before last election and proposed that they use email for members in the military as the State of Missouri did in the last election.
	Rep. Thatcher	Questions if there could be some verification built in to check the commanding officer's signature.
	Rep. Whisnant	Responds he believes it could be worked out.
	Rep. Thatcher	Asks whether Rep. Whisnant would recommend they send an affidavit with the ballot.
	Rep. Whisnant	Responds he believes the commander's signature could be verified.
	Rep. Farr	

Comments that since all one needs to register to vote is a piece of mail that is sent to the person's address, they could provide an envelope with their name and address on it.

Rep. Whisnant Responds that Rep. Farr has a good idea and they could look into that.

285 Chair Kitts Comments there were concerns expressed previously, that Annette Newingham will address her questions to Rep. Whisnant, and the committee will not act on the bill at this time.

Chair Kitts Closes the public hearing on HB 3372 and reopens the public hearing on HB 3372.

Ruth Bendl Washington County resident. Testifies that she would like to reaffirm that anyone who has a mismatched signature is given an additional 10 days to return the ballot with a new voter registration and have the ballot counted. If that allowance is made for people where there is a question about a mismatched signature, that kind of 10 day extension not being allowed to the military would be outrageous.

Chair Kitts Thanks Bendl for the suggestion, closes the public hearing on HB 3372 and opens a public hearing on HB 3342.

HB 3342 – PUBLIC HEARING

339 Rep. Jeff Kropf HD 17. States he sponsored HB 3342 for the Oregon Taxpayers Association and Wayne Brady. Believes that nothing is more important than the integrity of the right to vote. In Oregon, we don't know if people who register to vote are who they say they are and he believes we should change that. States that HB 3342 dovetails well with other legislation on ID theft and the security of driver licenses. HB 3342 says a person who registers to vote will have to produce identification and we ought to be using the driver license. We would have a far more secure driver license system in Oregon. We could provide for using the driver license that verifies that the picture is who they say they are.

404 Wayne Brady Salem resident. Explains that he requested HB 3342 on behalf of the Taxpayers Association of Oregon and Rep. Kropf agreed to sponsor the bill. The idea is to make sure the people who are registered to vote are who we think they are. Submits the HB 3342-1 proposed amendments (**EXHIBIT E**). States they will request new amendments to reflect the changes indicated on the -1 amendments. States they invite suggestions from the committee on ways to enhance

the bill. Suggests the committee can look at HB 2947 to see what the requirements are for obtaining a driver license.

TAPE 29, B

- 005 Don McIntyre President, Taxpayers Association of Oregon. Testifies in support of HB 3342. States that any right-thinking citizen would want the voting system to be pure. Currently, they see a number of pitfalls in the system that leave the system vulnerable somewhat to issues of potential fraud. States there is a paragraph in this bill that is exactly the same as the bill that was heard in North Plains except for one word. HB 3343 says "...must supply evidence of identification..." and HB 2583 says, "...evidence of citizenship". States he believes "citizenship" should be included in the Constitution. Advocates for change to add the constitutional citizenship requirement to the statutes. States that establishing citizenship would help get rid of improper conduct.
- 063 Chair Kitts Asks if amendments are being drafted.
- Rep. Kropf States the HB 3343-1 amendments have been submitted (**EXHIBIT E**) and the change suggested by McIntyre is amenable with him and Mr. Brady and they would be happy to have the amendment drafted, or suggests the committee could make a conceptual word change.
- Chair Kitts States that conceptual amendments are frowned upon, and asks that if amendments are drafted, they be submitted to the committee.
- 080 Ruth Bendl Washington County resident. Submits a prepared statement (**EXHIBIT F**). States that the language on citizenship is already in the statute but no one wants to enforce the statute. States she is further concerned that we adopt something of this nature now because of the Centralized Voter Registration System. Thinks everyone should be required to re-register and provide the data the new system requires. States she would like to use HB 3342, the proof of citizenship requirement, to be a prerequisite for re-registration of all current voters for both the funding and implementation of the Centralized Voter Registration bill.
- Sharon Cornish Hillsboro resident. Testifies in support of the statement presented by Bendl in support of HB 3342 and the amendments proposed by Bendl. Comments on article in *El Hispanic News*, April 24, 2005, "U.S. undocumented population heads toward 11 million mark" (**EXHIBIT G**). States when she was growing up people, people from Mexico wanted to be citizens or they were farm workers

with documentation. States she is asking for these people to become legitimate citizens.

Bendl Adds that when she was watching the checking of the signatures during the November election, she noted how many blank spaces there were and was told those were people who registered by mail but had failed to provide HAVA required proof of identification. The people disregarded the letter sent them, but were provided a ballot that was cast on election day. States there were 4,400 of those in Washington County and we have no idea who those people are, why they voted, or who prompted them to vote. Thinks it is time we required the identification and that we purge those who do not belong in the system or who vote more than once because they can take advantage of the looseness of the system.

Chair Kitts Advises Bendl that she should talk to Rep. Kropf about amendments to HB 3342.

220 Rep. Thatcher Comments she agrees immigration laws need to be look at. State the Centralized Voter Registration system would pick up duplicate voters but would miss false registrations if we do not re-register people.

Chair Kitts Asks the committee to stand at ease for three minutes.

Chair Kitts Reconvenes the meeting and resumes the public hearing on HB 3343.

243 Annette Newingham Association of County Clerks. Submits prepared statement raising questions about HB 3342 (**EXHIBIT G**). Adds that she is one of three counties that will be a pilot county for the new voter registration system. States she is highly impressed with the system; it will take care of duplicate registrations and help with some of the identity concerns that some of the audience may have.

285 Rep. Holvey Asks what percentage of voter fraud has been identified by county clerks.

Newingham States they have had hardly any fraud. They did catch one person signing eight different names and the person was found and convicted.

Chair Kitts Asks how many more instances.

Newingham

Responds she only recalls one instance where they had a complaint that people who were not U. S. citizens were registering to vote and the people provided proof they were U. S. citizens.

329 Steve Druckenmiller Linn County Clerk. States can recall a couple of cases of election fraud and none of them had to do with citizenship or non-resident; it had to do with multiple voting. States the fraud that could be committed in vote by mail with multiple registrations and multiple ballots could also be done at poll elections.

Newingham Adds that if there were multiple ballots cast by a person, only one ballot would be counted and they would refer the person to the state.

393 Chair Kitts Advises the audience that the committee is running out of time and asks those who wish to submit prepared statements,

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

Morgan Cowling Legislative Director of the Oregon Student Association. Submits a prepared statement in opposition to HB 3342 (**EXHIBIT I**).

Chair Kitts Closes the public hearing on HB 3342 and announces that HB 2260 will be moved to the next meeting.

Chair Kitts Opens a work session on introduction of Committee Measures.

INTRODUCTION OF COMMITTEE MEASURES

422 Rep. Thatcher **MOTION: Moves LC 3494 (EXHIBIT J) AND 3495 (EXHIBIT K) BE INTRODUCED as committee bills.**

Rep. March Comments he thinks HB 3495 is too broadly drafted and suggests it be sent back to Legislative Counsel because the way he reads it, it would apply to wheelchairs, pocket bikes and anything else, maybe even bicycles.

440 Chair Kitts States he will withdraw LC 3495 from the introduction process.

442 Rep. Kitts **MOTION: Moves to AMEND Rep. Thatcher's motion to delete LC 3495 and that only LC 3494 be introduced as a committee bill.**

443

VOTE: 4-0-3

EXCUSED: 3 - Reps. Dalto, Farr, Greenlick

Chair Kitts

Hearing no objection, declares the motion CARRIED.

446

Chair Kitts

Chair closes the work session on introduction of committee measures and adjourns meeting at 3:02 p.m.

EXHIBIT SUMMARY

- A. HB 3302, examples of statements for Voters' Pamphlet, Bill Northrup, 2 pp
- B. HB 3043, -1 amendments, staff, 1 p
- C. HB 3372, prepared statement, Annette Newingham, 2 pp
- D. HB 3372, prepared statement, Rep. Gene Whisnant, 1 p
- E. HB 3342, -1 amendments, Wayne Brady, 1 p
- F. HB 3342, prepared statement, Ruth Bendl and Sharon Cornish, 1 p
- G. HB 3342, news article, Sharon Cornish, 3 pp
- H. HB 3342, prepared statement, Annette Newingham, 1 p
 - I. HB 3342, prepared statement, Morgan Cowling, 1 p
- J. Introductions, LC 3494, staff, 3 pp
- K. Introductions, LC 3495, staff 4 pp