

**HOUSE COMMITTEE ON ELECTION AND RULES**

**April 05, 2005 Hearing Room E**

**1:00 P.M. Tapes 32 - 33**

**Corrected 09/20/05**

**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:**

**HAVA – Technology to Assist Disability Community –**

**Informational Meeting**

**HB 3044 – Public Hearing and Work Session**

**HB 2260 – Public Hearing and Work Session**

**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 32, A</b>		
003	Chair Kitts	Calls the meeting to order at 1:02 p.m. and opens the informational hearing on HAVA – Technology to Assist Disability Community.

**HAVA – TECHNOLOGY TO ASSIST DISABILITY COMMUNITY- INFORMATIONAL MEETING**

006	Jim Dixon	Vice President for Governmental Affairs of the American Association of People with Disabilities (AAPD). Submits a prepared statement and comments on his involvement in getting the Help American Vote Act (HAVA) passed ( <b>EXHIBIT A</b> ). Comments on experiences of voting with help from his wife and poll workers, not knowing whether his vote was being marked as he wanted to vote. Encourages the legislature provide funds to free up the federal funds.
103	Dixon	Comments in favor of voting by phone and asks that the system first be implemented in Oregon. Asks that those overseas be given an opportunity to vote and suggest the vote by phone would assure that everyone can vote.
133	Chair Kitts	Asks how there could be verification of the person on the phone.
	Dixon	Responds that several vendors have products that address both points. Explains that a ballot with a bar code on it is printed and that is read so he can verify his vote. Some say it is more secure than many other systems. All manufacturers have options for security. One must pre-register for the program and the system can be adjusted so it will only receive a call from a pre-registered phone number. There is a combination of a long number, like a credit card number, and a pin number that is provided to the voter. Those must be entered before the voter has an opportunity to vote. One system has a voice activated phone. The system recognizes the voice. The person calls in and registers through one number and then calls back and the computer will have some other question that would be known only to the voter. Computer sciences say if you own a super computer, it would be impossible to come up with the combination of numbers that would allow someone to spoof the system.
197	Chair Kitts	Asks if the technologies can be purchased with HAVA funds.

- 205 John Lindback Responds affirmatively. Comments on display of technologies at the fair yesterday to assist voters with disabilities. Mr. Dixon's appearance here today is part of the HAVA process to educate voters with disabilities on what technologies are available so they can help the Elections Division make a decision about works for Oregon. The State Elections Plan has set aside some HAVA funds to pay for whatever solution they can come up with to meet the federal requirements. HAVA says that by January 1, 2006 every state must provide a way for the disabled community to vote privately and independently. This is the first piece of legislation that offers everything, including the money.
- 235 Chair Kitts Asks why we would limit vote by phone technology only to people with disabilities.
- Dixon Responds they would totally support the technology being available to all citizens. From the point of view of prudent election administration and to maintain Oregon's pristine record of implementing something right the first time, it is a good idea to implement the process gradually. States that people with disabilities are very willing to be the trial.
- 266 Rep. Greenlick Comments on hearings being held by the committee to require proof of identification for those registering to vote. Asks if that would be a burden on the disabled community.
- Dixon States it would be a problem for not only the disabled community, but to many others. Comments on grandmother not keeping records. States there would be people who would not vote because of that and he believes it is a particular problem in Oregon because of vote by mail. Comments on people mailing their driver license instead of sending a copy.
- 332 Chair Kitts Thanks Dixon for his comments and asks if the committee can use him as a resource.
- Dixon Responds affirmatively. Adds that there have been hundreds of fairs around the county and Oregon did it best. It was the best attended by people with disabilities.
- 350 Chair Kitts Closes the public hearing on HAVA – Technology to Assist Disability Community and opens a public hearing on HB 3044.

- 370 Cletus Moore Committee Administrator. Reads summary of HB 3044.
- David Beem An advocate for the disability community in Oregon. States that a lot of disabled people in Oregon cannot read or write and cannot vote because they have been institutionalized most of their lives. States he would like to see that changed in Oregon as soon as possible. States that no governor has ever looked statewide at the inability of the disabled people to vote. States he had a plan in 2001 to put in a drop-in center for special needs populations who cannot read or write or get out and vote. States that the State of Oregon does not want to give that to the people because they say they cannot fund the program themselves. Thinks the legislature needs to look at a policy to put it back to where President Regan had it. States we need to look at California, Louisiana, Boston, Mississippi and New York to see what they are doing for disabled people.
- 418 D. C. Winters Salem resident. States this bill will help by making the law clear about the disabled having access. Advocates for pictures or audio visual display of candidates to allow the disabled to vote. States there has been a failure to educate special needs people and that it has left them dysfunctional in society with no way to express their opinion.

**TAPE 33, A**

- 004 Chair Kitts Asks if Winters supports allowing the disabled community to move to the head of the line to vote.
- Winters States he would support HB 3044 because the only way a special needs person can currently vote is if they bring someone who understands reading and writing to help them identify who they want to vote for. States the secrecy of the ballot is most important, and this bill would help. States there have been reports of people being mistreated if they do not vote the way someone wants them to. States that all the issues need to be dealt with.
- 020 Rep. March Comments that reading of the names would help certain people.
- Beem Comments there are supposed to be ADA standards statewide for all services. We need to look at it now.
- Winters States that part of the problem with access for people with disabilities has to do with the attitudes of the people helping them get access to vote.

	Rep. Dalto	Asks if the elections offices are not in compliance with the ADA.
	Beem	States the city councils did not do that; only the county did that.
043	Rep. Farr	Comments that the bill allows the disabled to move to the front of the line to cast their ballots.
	Chair Kitts	States that HB 3044 allows people with disabilities to go to the front of the line.
	Beem	States that is what he wants done.
055	Rep. Dalto	Asks if there might be questions of why someone would be moving to the head of the line.
	Beem	States he had an idea that there would be an identification that the person would take to the election.
	Chair Kitts	Asks if this bill would be in compliance with SB 162.
	Lindback	Director of Elections, Secretary of State's office. Responds there would not be a conflict. Explains they consider anyplace that issues ballots to be a polling place.
095	Chair Kitts	Questions if there is a need to do this. Asks how someone proves their disability if they are questioned while in the election line.
	John Kauffman	Director of Elections, Multnomah County. States they do not know how many people in the communities who are disabled do not participate in the voting system, either because they have difficulty registering or voting. It is easy to recognize someone in a wheelchair or one who has a seeing eye dog. States he is more concerned about questions other voters in line may have why a person was taken to the head of the line. It seems voter would have to identify in someway but does not know how many people would need assistance.
133	Dixon	States he can provide some date on people on disabilities who had to leave the polling place on election day 2004. There were two incidents. One instance involved a person who uses a respirator, and a gentleman in Ohio had been in line for a couple of hours and the

line was moving very slowly and he had to leave because his oxygen tank was going to run out of oxygen. In Florida, there was an incident of an elderly woman who had a combination of arthritis and Parkinson's and had a visible tremor and had to leave the line. States the voters in line encouraged her to go ahead because they could see her trembling. When she got to the head of the line, the county election official put her at the back of the line. She went home.

Dixon States the question about identification was a very thoughtful one and they would not want to add to the burden of election officials on election day. Believes it could be handled with a combination of signage and an occasional announcement that if there is anyone in line with a disability they can move to the head of the line. That is a similar procedure used in some airports while waiting for tickets or people being escorted through security. States there are occasional grumblings but there are very few.

191 Chair Kitts Ask Dixon if he would recommend that the committee pass this bill.

Dixon Responds affirmatively.

194 Rep. Greenlick Comments he believes this may be a very important issue symbolically. As a practical matter, as we think about the assistance devices, it would make sense to have a separate line for those wanting to use the devices. States he support the bill, not because he thinks it will change the world but because it will be an important symbolic step and perhaps an important practical step to make voting easier for the disabled.

215 Rep. March Comments he thinks it is important we make a statement and to give the Secretary of State a lot of latitude in setting up rules for working with the county clerks on how this is implemented such as parking tags that were mentioned by Rep. Dalto. States he would not want to see any election workers out in the middle of the street directing cars with blue tags into a separate line because it would be a danger to them. States the devices will help those visually impaired and we need to make sure there is flexibility and the bill may be tweaked to do that.

242 Chair Kitts States he concurs with Rep. March's comments. States he just wants to make sure we are able to implement this in the most gracious fashion. The Secretary of State would have to work with the county clerks. Asks if there is some specification for implantation by the Secretary of State and county clerks and whether the bill could be amended on the Senate side.

269	Moore	Advises that the Secretary of State's office could offer amendments to this bill or it could be amended on the Senate side.
	Lindback	Comments that reality is when the disabled show up in line, they are getting assistance. States that the Secretary of State's office does support the bill.
267	Lindback	Offers to bring back more information.
	Rep. Dalto	Asks if there were people in Multnomah County who might have wanted to exercise their franchise but were not able to or were excluded or left the polling place.
	Kauffman	Responds that he does not know how many people wanted to vote and didn't. Explains they sent out teams of deputies, not of the same party, to offer assistance to voters and they helped people in their office and they plan to a lot better with that by the 2006 election with some remodeling of the office and the purchase of devices to assist voters with disabilities. States he believe they have allowed people to come to the front of the line and have provided assistance if the people needed it.
300	Dixon	Comments that he made the comments on the two states because it could happen. Adds that he does not think we would have all people with disabilities asking for the accommodation of moving forward in the line.
311	Lindback	Comments there may need to be an array of systems to cover the full array of disabilities. The end goal will be the same; they want as many of these people to be able to vote at home as possible and not have to stand in line some place.
	Chair Kitts	Closes the public hearing and opens a work session on HB 3044.

**HB 3044 – WORK SESSION**

365	Rep. Thatcher	<b>MOTION: Moves HB 3044 to the floor with a DO PASS recommendation.</b>
	Rep. Greenlick	Comments he just wants to reiterate a statement in Dixon's testimony that said in the 2000 election, 48.5 percent of the people with disabilities voted. Adds that in the 2004 election, over 70 percent of the people who could vote, voted. States he believes we need to try to

do anything we can to try reach no difference in the percentage of disabled people voting in proportion to the able people.

394 Chair Kitts Comments that if the bill allows one person who was not able to vote, to vote, it is worth the committee's time to vote on it.

404 **VOTE: 7-0-0**

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

**Chair Kitts The motion CARRIES.**

**REP. GREENLICK will lead discussion on the floor.**

416 Chair Kitts Closes the work session on HB 3044 and opens a public hearing on HB 2260.

#### **HB 2260 – PUBLIC HEARING**

Cletus Moore Committee Administrator. Reads summary of HB 2260. States there is no substantial change in the statute; it simple consolidates references to one subparagraph rather than four subparagraphs.

435 Chair Kitts Noting no one is signed up to testify and there are no comments by members, closes the public hearing and opens a work session on HB 2260.

#### **HB 2260 – WORK SESSION**

440 Rep. Thatcher **MOTION: Moves HB 2260 to the floor with a DO PASS recommendation.**

449 **VOTE: 7-0-0**

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

**Chair Kitts The motion CARRIES.**

455 Rep. Holvey **MOTION: Moves HB 2260 be placed on the CONSENT CALENDAR.**



**VOTE: 7-0-0**

**Chair Kitts**

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

Chair Kitts

Closes the work session on HB 2260 and adjourns the meeting at 2:00 p.m.

**EXHIBIT SUMMARY**

**A. HAVA Technology for Disabled Community, prepared statement, Jim Dixon, 2 pp**