

SENATE COMMITTEE ON RULES

January 25, 2005
8:30 A.M.

Hearing Room 343
Tapes 4 - 5
(Corrected 3-2-05)

MEMBERS PRESENT: **Sen. Kate Brown, Chair**
 Sen. Ted Ferrioli, Vice-Chair
 Sen. Charlie Ringo
 Sen. Frank Shields

MEMBER EXCUSED: **Sen. Jason Atkinson**

STAFF PRESENT: **Tiffany Harris, Committee Administrator**
 Patricia Nielsen, Committee Assistant

MEASURE/ISSUES HEARD & WITNESSES:

SB 197 – Public Hearing and Work Session
 Sen. Vicki Walker
SB 161 – Public Hearing
 Paddy McGuire, Secretary of State’s Office
 Kappy Eaton, League of Women Voters of Oregon
SB 162 – Public Hearing and Work Session
 Paddy McGuire, Secretary of State’s Office
 Andi Miller, Common Cause
 Kappy Eaton, League of Women Voters of Oregon
 Annette Newingham, Deputy Lane County Clerk
 Linda Smith, Klamath County Clerk

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 4, A		
005	Chair Brown	Calls the meeting to order at 8:33 a.m. Opens public hearing on SB 197.
<u>SB 197 – PUBLIC HEARING</u>		
010	Tiffany Harris	Committee Administrator. Presents overview of SB 197, which prescribes a deadline for individual nominated or elected by write-in votes to file a form accepting the nomination or office.
015	Sen. Vicki Walker	District 7. Testifies in support of SB 197. Explains this is a reincarnation of SB 318 (2003).
035	Chair Brown	Hearing no questions, closes public hearing on SB 197. Opens work session on SB 197.
<u>SB 197 – WORK SESSION</u>		
040	Sen. Ferrioli	MOTION: Moves SB 197 to the floor with a DO PASS recommendation.
		VOTE: 4-0-1
045	Chair Brown	EXCUSED: 1 - Sen. Atkinson Hearing no objection, declares the motion CARRIED. SEN. WALKER will lead discussion on the floor.
<u>SB 161 – PUBLIC HEARING</u>		

055	Tiffany Harris	Committee Administrator. Presents overview of SB 161, which allows the Secretary of State, after consultation with affected county clerks, to postpone date of election in the event of civil disorder, state of emergency, natural disaster or other catastrophic event.
060	Paddy McGuire	Deputy Secretary of State. Testifies in support of SB 161. Explains that 9-11-2001 was election day in New York City.
070	Chair Brown	Asks about restrictions on the Secretary's authority.
075	McGuire	Explains the Secretary of State can only act in cases of exceptional circumstances.
085	Sen. Shields	Comments there were other attempts on the World Trade Center but the building did not collapse. Asks about the parameters defining exceptional circumstances. Asks how many in New York had already voted on 9-11 and what happened to those votes.
105	McGuire	Discusses drafting process and how the limitations were decided upon. Explains some flexibility is built into the language. Discusses possible scenarios.
140	Sen. Ferrioli	Asks what other circumstances allow the Secretary of State to issue this type of proclamation.
150	McGuire	Responds the only one is if the Governor is unable to do so.
155	Sen. Ferrioli	Suggests following the same chain of command.
160	McGuire	Does not object to adjusting the language to add more restrictions.
165	Sen. Ferrioli	Objects to language of Section 2(d) "any other catastrophic event." Agrees extraordinary circumstances would warrant action. Asks for input from other elections officials.
180	Chair Brown	Asks when and how the Governor declares an emergency, and how long it takes.
190	Sen. Ferrioli	Explains the Conflagration Act advises how an emergency can be declared. Discusses chain of command.
195	Sen. Shields	Wants to keep the bill but suggests refining language after studying the effect of 9-11 events on New York elections.
210	Chair Brown	Asks if the Secretary of State reviewed other states' statutes.
215	McGuire	Distinguishes Oregon election process with vote by mail. Offers to review other state statutes.
225	Chair Brown	Discusses Washington state process. Comments half a dozen other states have this type of legislation.
235	Sen. Ferrioli	Asks under what circumstances a local election might be affected.
240	McGuire	Responds the bill does not specifically address a local situation. Explains the purpose is to make sure the voting process is unimpeded.
260	Sen. Ferrioli	Asks about partisan interpretation of disasters. Comments on carving out a local area if the rest of the state is unaffected.
280	Sen. Ringo	Approves of the intent but suggests the bill language is too subjective.
295	Kappy Eaton	League of Women Voters of Oregon. Testifies in support of SB 161. Submits written testimony (EXHIBIT A). Agrees clarification is needed about specific circumstances under the mail-in voting process. Comments the 14-day time frame may be too short.

350	Sen. Ferrioli	Discusses possible catastrophic circumstances such as a mail strike. Suggests definitions are needed.
365	Eaton	Agrees but urges moving the concept forward.
370	Sen. Ringo	Comments the election process must be objective.
380	Sen. Ferrioli	Hopes the Secretary of State has reviewed the constitution.
390	Chair Brown	Closes public hearing on SB 161. Opens public hearing on SB 162.

SB 162 – PUBLIC HEARING

405	Tiffany Harris	Committee Administrator. Presents overview of SB 162, which requires all elections held in the state to be conducted by mail.
410	Paddy McGuire	Deputy Secretary of State. Testifies in support of SB 162. Submits written testimony (EXHIBIT B). Discusses how Oregon does not conduct any polling place elections. Explains the statute should reflect the reality.

TAPE 5, A

020	Sen. Ferrioli	Asks if this includes the electoral college votes.
025	McGuire	Explains the federal constitution requires the electors to meet in the state capitol but the electoral college does not vote at a polling place.
030	Sen. Ferrioli	Asks about city council votes.
035	McGuire	Explains most local actions would not be covered.
040	Sen. Ferrioli	Discusses possible types of elections. Suggests the language is too broad.
050	Andi Miller	Executive Director, Common Cause Oregon. Testifies in support of SB 162. Submits written testimony (EXHIBIT C).
070	Kappy Eaton	League of Women Voters of Oregon. Testifies in support of SB 162. Submits written testimony (EXHIBIT D).
075	Annette Newingham	Election Official, Lane County; Association of County Clerks. Testifies in support of SB 162. Explains the remaining statutory references to polling places are confusing and this would provide clarity.
080	Chair Brown	Asks what elections are affected and whether she has concerns.
085	Newingham	Explains the statutes the county clerks follow apply only to the elections her office conducts.
090	Sen. Ferrioli	Asks about the meaning of the “all elections” language.
095	Newingham	Clarifies it is covered by statute.
100	Sen. Shields	Asks whether “all elections” means all under the Secretary of State’s jurisdiction.
105	Newingham	Affirms the statute defines which elections the Secretary of State is responsible to conduct.
110	Sen. Shields	Comments that if statute is clear and the measure language is clear there is no further action needed.
120	Chair Brown	Asks Newingham to also comment on SB 161 to provide input from the county clerks.
130	Newingham	Explains there is always something unexpected during an election. Describes Klamath County election during an earthquake. Discusses process of contacting the Secretary of State for direction to assure the election goes forward.
140	Chair Brown	Closes public hearing on SB 162. Opens work session on SB 162.

SB 162 – WORK SESSION

145	Sen. Ringo	MOTION: Moves SB 162 to the floor with a DO PASS recommendation.
150	Sen. Ferrioli	Suggests the committee should not yet act. Advises he will not

		support the measure.
160		VOTE: 3-1-1 AYE: 3 - Ringo, Shields, Brown NAY: 1 - Ferrioli EXCUSED: 1 – Atkinson
170	Chair Brown	The motion CARRIES. SEN. RINGO will lead discussion on the floor.
175	Chair Brown	Closes work session on SB 162. Reopens public hearing on SB 161.
<u>SB 161 – PUBLIC HEARING</u>		
180	Linda Smith	Klamath County Clerk. Discusses earthquake in 1993 which closed the courthouse. Explains the election was a polling place election so there were not many ballots already in the courthouse. Advises she would appreciate having direction in the statute how to handle a future event.
200	Chair Brown	Closes public hearing on SB 161. Opens work session for introduction of committee measures.
<u>INTRODUCTION OF COMMITTEE MEASURES – WORK SESSION</u>		
205	Tiffany Harris	Committee Administrator. Presents overview of LC drafts: <ul style="list-style-type: none"> • LC 101 relating to adoptions (EXHIBIT E) • LC 217 relating to taxation (EXHIBIT F) • LC 218 relating to health insurance coverage for hearing aids (EXHIBIT G) • LC 1082 relating to the Oregon Government Standards and Practices Commission (EXHIBIT H) • LC 1326 relating to state building code (EXHIBIT I) • LC 1393 relating to stalking protective orders (EXHIBIT J) • LC 1926 relating to restraining orders issued under Family Abuse Prevention Act (EXHIBIT K) • LC 1973 relating to urban renewal (EXHIBIT L) • LC 2016 relating to public employer recognition of labor organization (EXHIBIT M) • LC 1435 relating to the recreational use of waterways (EXHIBIT N)
240	Sen. Shields	MOTION: Moves LC's: 101, 217, 218, 1082, 1326, 1393, 1926, 1973, 2016, AND 1435 BE INTRODUCED as committee bills.
250	Sen. Ferrioli	Asks about LC 2016. Comments it appears the bill would allow representation by a labor organization if a majority of employees sign a card but does not seem to include an election.
270	Chair Brown	Recesses the committee at 9:20 a.m.
271	Chair Brown	Reconvenes the committee at 9:26 a.m.
275	Sen. Ferrioli	Suggests the changes in LC 2016 appear to change the electoral process from permissive to mandatory, and apply only to public employees. Points out it appears to suspend the requirement for a union election.
295	Chair Brown	Calls for the question. VOTE: 3-1-1 AYE: 3 - Ringo, Shields, Brown

300 Chair Brown **NAY: 1 - Ferrioli**
EXCUSED: 1 - Atkinson
The motion CARRIES.
NOTE: LC 101 printed as SB 417; LC 217 printed as SB 418; LC 218 printed as SB 419; LC 1082 printed as SB 420; LC 1326 printed as SB 421; LC 1393 printed as SB 422; LC 1435 printed as SB 423; LC 1926 printed as SB 424; LC 1973 printed as SB 425; and LC 2016 printed as SB 426.

305 Chair Brown Closes work session. Advises there will be no meeting Thursday, January 27. Adjourns the committee at 9:29 a.m.

EXHIBIT SUMMARY

- A. SB 161, written testimony, Kappy Eaton, 1 p**
- B. SB 162, written testimony, Paddy McGuire, 2 pp**
- C. SB 162, written testimony, Andi Miller, 1 p**
- D. SB 162, written testimony, Kappy Eaton, 1 p**
- E. Introductions, LC 101, staff, 2 pp**
- F. Introductions, LC 217, staff, 2 pp**
- G. Introductions, LC 218, staff, 2 pp**
- H. Introductions, LC 1082, staff, 2 pp**
- I. Introductions, LC 1326, staff, 6 pp**
- J. Introductions, LC 1393, staff, 7 pp**
- K. Introductions, LC 1926, staff, 26 pp**
- L. Introductions, LC 1973, staff, 10 pp**
- M. Introductions, LC 2016, staff, 2 pp**
- N. Introductions, LC 1435, staff, 6 pp**