

SENATE COMMITTEE ON RULES

March 10, 2005
8:30 A.M.

Hearing Room 343
Tapes 26 - 27

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

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

MEASURE/ISSUES HEARD:
SB 858 – Public Hearing
SB 564 – Public Hearing
SB 992 – Public Hearing
Consideration of drafting request – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 26, A		
005	Chair Brown	Calls the meeting to order at 8:35 a.m. Opens a public hearing on SB 858.
<u>SB 858 – PUBLIC HEARING</u>		
010	Tiffany Harris	Committee Administrator. Presents overview of SB 858.
015	Sen. Joanne Verger	District 5. Testifies in support of SB 858. Discusses need to remind voters that Voters' Pamphlet content is not verified for accuracy by the Secretary of State. Discusses -2 amendments (EXHIBIT A) .
050	Sen. Betsy Johnson	District 16. Testifies in support of SB 858. Distinguishes between language which is verified for accuracy and that which is not.
065	Sen. Dave Nelson	District 29. Testifies in support of SB 858.
070	Sen. Atkinson	Expresses concern that the language of the disclaimer is too political.
080	Sen. Verger	Responds the language including the Secretary of State's office was added later.
085	Teddy Keizer	Staff to Sen. Verger. Responds Legislative Counsel wanted to clearly state who was verifying.
090	Sen. Atkinson	Asks about language describing who furnishes included material.
095	Keizer	Explains this was added to provide transparency. Discusses how the voters use and read the Voters' Pamphlet and how some miss the disclaimer included in the introduction.
110	Sen. Atkinson	Asks about verification of some text but not all.
120	Fred Neal	Voters' Pamphlet Supervisor, Elections Division, Secretary of State's Office. Clarifies this applies only to candidate statements, not measure arguments. Discusses adding a

		disclaimer similar to those already contained at the end of measure statements.
135	Sen. Atkinson	Asks about fiscal impact.
140	Neal	Explains it would add one-half inch of space to each page for candidates. Discusses requirements for the use of space, and how the Secretary of State accommodates printing for the statement plus the disclaimers. Points out it is a production issue not a fiscal issue.
165	Sen. Ferrioli	Approves adding the disclaimer but disagrees with adding the Secretary of State.
180	Neal	Responds that Legislative Counsel expressed concern that the candidate certifies the required information, but not the accuracy of the additional information.
190	Sen. Verger	Explains an asterisk referring to verification of certain information would solve it.
195	Sen. Ferrioli	Asks whether Secretary of State verifies date of birth of candidates.
200	Neal	Responds the Secretary of State verifies qualifications of candidates but relies on voter records.
215	Chair Brown	Points out there must be some actor in the sentence to determine who has or has not verified information.
220	Sen. Shields	Asks about language “not verified by any state or county office.”
235	Sen. Verger	Explains she wanted only “not verified for accuracy.” Points out candidates can say anything in their statements and voters depend on the information when marking ballots.
250	Sen. Shields	Asks if there is acceptable alternative language.
255	Sen. Verger	Suggests the simpler the better.
260	Neal	Agrees with language stating the State of Oregon has not verified. Suggests using the same disclaimer for measure arguments as for candidate statements. Discusses alternatives.
280	Sen. Ferrioli	Concurs with principle but wonders about using the Secretary of State. Discusses candidate who misstated his date of birth.
315	Chair Brown	Points out the statement would be inaccurate because candidates must review their statements for accuracy but the state does not review.
335	Sen. Verger	Explains she has not worked with the Secretary of State on the concept, but refers to concern over voters in her district who are being misled.
350	Chair Brown	Asks who her voters think produces the pamphlet.
355	Sen. Verger	Responds the State of Oregon.
360	Chair Brown	Closes public hearing on SB 898. Opens public hearing on SB 564.

SB 564 – PUBLIC HEARING

370	Sen. Dave Nelson	Testifies in support of SB 564. Submits written testimony of Nellie Bogue-Hibbert (EXHIBIT B).
375	Annette Newingham	Association of County Clerks; Lane County Chief Deputy County Clerk. Testifies in support of SB 858. Submits written testimony (EXHIBIT C). Discusses election of precinct committeepersons. Discusses costs of the elections and savings if no election need be conducted in cases where there is no contest. Discusses -1 amendments restoring gender requirements for precinct committeeperson elections (EXHIBIT D).

010	Sen. Shields	Asks about exact cost savings.
020	Newingham	Discusses and refers to her testimony (EXHIBIT C). Describes different ballot styles required and associated costs for production.
040	Sen. Shields	Suggests the savings would actually exceed the estimated \$182,000.
050	Newingham	Agrees it is a conservative estimate.
055	Sen. Ferrioli	Agrees but asks how to connect the elector and the certificate of election without having any votes cast.
065	Newingham	Refers to the measure language clarifying that issue. Points out each political party also has rules which the parties should review.
080	Sen. Ferrioli	Asks if it would be the party's responsibility to declare the winner.
085	Newingham	Confirms. Discusses election certification process.
095	Sen. Atkinson	Asks if parties have been contacted about this.
100	Newingham	Confirms both parties have been involved in creating the exception.
110	Sen. Atkinson	Asks whether parties have endorsed the bill.
115	Newingham	Explains there is no specific endorsement but no opposition has been stated.
120	Sen. Atkinson	Asks for input from parties. Discusses preservation of the write-in process.
130	Newingham	Explains in reality write-ins are often frivolous and certainly costly. Suggests this is a better way to accomplish the same thing.
140	Sen. Atkinson	Asks about party process with respect to write-ins.
160	Newingham	Points out this is limited to precinct committeepersons.
170	Chair Brown	Asks whether taxpayers should pay for elections of party officials.
175	Newingham	Responds counties have paid for these positions so this is an attempt to relieve counties of some of the cost.
185	Sen. Ferrioli	Asks about issuing a certificate of election.
190	Chair Brown	Explains they are not issued for committeepersons.
195	Steve Druckenmiller	Lane County Clerk. Testifies in support of SB 564. Discusses expenditures on elections from the General Fund and by other governmental entities. Describes how write-ins are handled and how they can slow the process. Refers to written list of write-ins from his county and how many are frivolous. Explains there have been only five contested races in his 18 years of office.
265	Chair Brown	Closes public hearing on SB 564. Opens work session for consideration of request for drafting and introduction.

APPROVAL OF DRAFTING REQUEST – WORK SESSION

275	Chair Brown	Reviews one request for drafting (EXHIBIT E).
310	Chair Brown	MOTION: Moves one drafting request be approved for drafting by Legislative Counsel and BE INTRODUCED as a committee bill.
315		VOTE: 5-0-0
	Chair Brown	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
320	Chair Brown	Closes work session. Opens public hearing on SB 992.

SB 992 – PUBLIC HEARING

330	Tiffany Harris	Committee Administrator. Presents overview of SB 992.
-----	----------------	---

345	Sen. Vicki Walker	District 7. Testifies in support of SB 992. Provides written materials (EXHIBIT F). Discusses history of Senate confirmation of executive appointments.
TAPE 26, B		
005	Sen. Walker	Continues and discusses Governor's authority to remove appointee and appoint a successor. Suggests Governor does not use that power often enough. Describes proposed elimination of Senate confirmation for nineteen boards and commissions. Explains proposed executive appointments administrator position to investigate backgrounds and review appointments for the Senate.
040	Sen. Walker	Continues and refers to information provided to the Governor on the executive appointments interest form (EXHIBIT F). Advises the legislature does not receive this portion. Describes Michigan application and questionnaire (EXHIBITS G, H).
100	Sen. Walker	Continues and describes suggested removal of nineteen boards and commissions from the confirmation process (EXHIBIT I).
120	Marjorie Taylor	Committee Services. Discusses list of appointments currently subject to Senate confirmation (EXHIBIT I).
140	Sen. Shields	Asks why some were eliminated.
145	Sen. Walker	Discusses differing levels of fiduciary duty and appointing authority. Suggests it is a starting point and it is all subject to discussion.
165	Sen. Ringo	Comments the position to be created contemplates research and making recommendations to the Senate. Clarifies the Governor would still nominate the appointees.
175	Sen. Walker	Confirms but points out the Senate needs more information.
180	Taylor	Refers to the executive appointment application (EXHIBIT F). Explains in Michigan the Governor and the Senate Majority both have questionnaires (EXHIBITS G, H).
205	Sen. Walker	Points out there is nothing stopping the Senate from demanding more information without the bill and this appoints an executive appointments administrator to assist. Explains it need not be a full-time position. Suggests if the fiscal impact is too high, the Senate could still ask more of candidates and provide information on the web.
235	Sen. Ferrioli	Comments on the unstated purpose of confirmation, to provide information about appointees. Asks if the issue of providing more information can be separated from the discussion of which boards need no confirmation.
275	Chair Brown	Asks what happens if the Senate President and minority leader cannot agree on appointments.
280	Sen. Walker	Suggests it would probably be along party lines. Agrees it is worth discussing. Suggests this position could track information about geographic spreading of appointments but now there is no way to gather that information.
315	Chair Brown	Summarizes and concludes. Closes public hearing on SB 992. Adjourns the committee at 9:55 a.m.

EXHIBIT SUMMARY

- B. SB 564, written testimony of Nelly Bogue-Hibbert, Sen. David Nelson, 1 p**
- C. SB 564, written testimony, Annette Newingham, 4 pp**
- D. SB 564, -1 amendments (3-10-05), staff, 1 p**
- E. Approval of drafting and introduction request, staff, 7 pp**
- F. SB 992, Oregon executive appointment application materials, Sen. Vicki Walker, 3 pp**
- G. SB 992, Michigan executive appointment application materials, Marjorie Taylor, 4 pp**
- H. SB 992, Michigan executive appointment Senate questionnaire, Marjorie Taylor, 15 pp**
- I. SB 992, list of boards and commissions, Marjorie Taylor, 3 pp**