

SENATE COMMITTEE ON RULES

March 24, 2005
8:30 A.M.

Hearing Room 343
Tapes 33 - 34

Corrected 10/27/05

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 164 – Public Hearing
SJR 8 – Public Hearing
SB 466 – Public Hearing
SB 587 – Public Hearing
Approval of drafting requests – Work Session
Introduction of Committee Measures – 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.

| TAPE/# | Speaker | Comments |
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| TAPE 33, A | | |
| 005 | Chair Brown | Calls the meeting to order at 8:40 a.m. Opens as subcommittee. Opens public hearing on SB 164. |
| <u>SB 164 – PUBLIC HEARING</u> | | |
| 010 | Tiffany Harris | Committee Administrator. Presents overview of SB 164. |
| 015 | John Lindback | Director of Elections, Secretary of State's office. Testifies in support of SB 164. Submits printed examples of signature petitions (EXHIBIT A). Discusses problems encountered by county election officials due to mistakes on petitions when someone other than the signer fills in or changes voter information. Suggests amendment to allow a disabled person to have assistance. |
| 110 | Chair Brown | Opens as full committee. Closes public hearing on SB 164. Opens public hearing on SJR 8 and SB 466. |
| <u>SJR 8 and SB 466 – PUBLIC HEARING</u> | | |
| 115 | Tiffany Harris | Committee Administrator. Presents overview of SJR 8 and SB 466. |
| 120 | Sen. Kurt Schrader | District 20. Testifies in support of SJR 8 and SB 466. Discusses fraud in the initiative signature gathering process. |
| 150 | Sen. Ferrioli | Comments that the issue is not paying for signatures but paying per signature. Asks who is affected. |
| 155 | Sen. Schrader | Responds those who gather signature for voter registration cards |

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| 165 | Sen. Ferrioli | and candidates who want to be nominated by petition. Observes there are many who conduct voter registration drives. Asks which groups do piece work. |
| 170 | Sen. Schrader | Answers no specific group is targeted. |
| 175 | Sen. Ferrioli | Suggests there are those out there who can pay by the hour. Suggests per-signature basis is used by grass roots organizations without many resources and this makes it too hard for them to participate. |
| 200 | Chair Brown | Clarifies the measure only tries to remove incentive for fraud in voter registration. |
| 205 | Sen. Ferrioli | Comments SB 466 does not seem to cover changes to voter registration designations. |
| 207 | Chair Brown | Recollects some voters had their registrations changed without their permission or knowledge. |
| 210 | Sen. Schrader | Confirms those activities are the target. |
| 220 | Chair Brown | Refers to specific examples. |
| 225 | Sen. Schrader | Reiterates the measures carry the intent of Measure 26 into the area of voter registration and nominating petitions. |
| 235 | Sen. Atkinson | Asks about timeline for signature gathering in the initiative process. |
| 245 | Sen. Schrader | Explains this is limited to voter registration drives and nominating petitions, not the initiative process. |
| 250 | Chair Brown | Closes public hearing on SJR 8 and SB 466. Opens public hearing 164. |

SB 164 – PUBLIC HEARING

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| 260 | Sen. Ferrioli | Refers to examples (EXHIBIT A) of overwriting on petitions and asks whether there are concerns that the overwritten information is fraudulent. |
| 270 | Lindback | Responds that it is under investigation and not yet resolved. |
| 275 | Sen. Ferrioli | Comments that the numbers and letters are not inconsistent with other information on the petition. |
| 290 | Lindback | Discusses issue of whether signatures on petitions are adequately witnessed. Points out another requirement of SB 164 that signature gatherers register with the Secretary of State and participate in training. Explains there is currently no penalty for fraud. |
| 350 | Sen. Ringo | Asks about provision preventing altering the signature sheet. |
| 360 | Lindback | Responds that the only information required by statute is the signature, though other info helps identify the signer. |
| 375 | Sen. Ringo | Asks about petitioner adding information if petition is incomplete. |
| 385 | Lindback | Responds that adding information would not be prohibited because only altering the information is prohibited. |
| 400 | Chair Brown | Asks about Section 4 and the impact on access to the process. |
| 410 | Lindback | Describes the contentious nature of the initiative process. Describes Secretary of State's procedures to sort petitions and look for the signature of the circulator. Comments on verifying signatures. Adds the intent is also to institutionalize training for the process. |

TAPE 34, A

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| 020 | Chair Brown | Clarifies the measures do not apply to volunteer signature gatherers. |
| 025 | Lindback | Confirms. |
| 030 | Sen. Ferrioli | Refers to registration and training requirement. |

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| 035 | Lindback | Explains there is closer scrutiny of petitions if the circulator is not registered and trained. Discusses possible penalties. |
| 040 | Sen. Ferrioli | Observes some petitions are circulated by volunteers recruited by the chief petitioner. |
| 060 | Lindback | Responds the chief petitioner is required to declare at the start whether signature gatherers will be paid. Discusses recent examples, including gathering signatures by mail and explains this does not apply to those. Comments volunteer efforts have far fewer problems with fraud. |
| 075 | Sen. Ferrioli | Asks about rule making authority for the training. Refers to example of requirement for training to pump gasoline and how little compliance there is. Suggests this makes participation in direct democracy more difficult. |
| 100 | Chair Brown | Asks for other suggestions for how to make sure paid signature gatherers comply with the law. |
| 105 | Sen. Ferrioli | Discusses issue of free speech and political speech. Suggests there is no difference between paying gatherers by the hour and paying them by the piece. |
| 120 | Chair Brown | Closes public hearing on SB 164. Reopens public hearing on SB 466 and SJR 8. |

SJR 8 and SB 466 – PUBLIC HEARING

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| 125 | Bill Bradbury | Secretary of State. Testifies in support of SJR 8 and SB 466. Comments on public opinion regarding paying signature gatherers on petitions. Describes complaints and inquiries by voters received by his office. Explains how these measures take away the incentive for fraud by prohibiting petitioners from being paid by the signature. |
| 170 | Sen. Ferrioli | Asks about complaints regarding the nominating petitions for Ralph Nader in the last election cycle. |
| 180 | Bradbury | Describes inaccuracies found in the petition from the group of signature gatherers and circulators being paid by the signature. |
| 195 | Lindback | Adds that the Ralph Nader petitions and the term limit petitions were the most fraudulent he has seen, and some prosecutions are pending. Discusses specific examples of fraud in petitions and vote registration. |
| 275 | Sen. Ferrioli | Asks if fraud was more prevalent in one political party or another. |
| 280 | Lindback | Explains he found no specific party connection. |
| 290 | Sen. Ferrioli | Suggests over-regulation is not the answer. |
| 300 | Sen. Shields | Points out action is still needed to attempt to correct the problem. |
| 310 | Sen. Ferrioli | Refers to memo from Danielle Knight from the Disabilities Commission asking for an amendment to SB 164 (EXHIBIT B). |
| 315 | Chair Brown | Agrees an amendment is appropriate. Closes public hearing on SB 466 and SJR 8. Reopens public hearing on SB 164. |

SB 164 – PUBLIC HEARING

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| 330 | Kappy Eaton | League of Women Voters of Oregon. Testifies in support of SB 164. Discusses her activities in the petition signature-gathering process and problems with circulators who change information. |
| 360 | Andi Miller | Common Cause Oregon. Testifies in support of SB 164. Disagrees with the idea of preventing per-signature payment, but agrees the rules for the voter registration and candidate nominating processes should be consistent with the initiative process rules. Supports training requirement for paid gatherers to increase numbers of valid signatures. |

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| 405 | Jason Williams | Taxpayers Association of Oregon. Testifies in opposition to SB 164, SB 587 and SB 466. |
| 410 | Chair Brown | Opens public hearing on SB 466 and SB 587. |
| <u>SB 466 and SB 587 – PUBLIC HEARING</u> | | |
| 415 | Williams | Continues and recommends shifting the focus to specific violators, as information is usually added to increase clarity and accuracy. |
| 420 | Chair Brown | Asks about preventing problems with gathering by offering training. |
| 425 | Williams | Acknowledges that training helps. Discusses legitimate examples where information must be added. |
| TAPE 33, B | | |
| 015 | Chair Brown | Comments it is troubling that anyone would try to guess a name from a signature. |
| 020 | Williams | Agrees, but argues information such as addresses and dates might need to be changed or corrected. |
| 025 | Chair Brown | Asks if he would favor limiting the prohibition to certain information. |
| 030 | Williams | Discusses specific examples. States that over-regulating stops groups from working with each other. Asks for more communication between Secretary of State and specific groups if specific problems are seen. Asserts petition gatherers are also concerned about fraud. |
| 050 | Chair Brown | Refers to comment that there is something new in each election cycle. Asks whether SB 164 comes too late. |
| 060 | Sen. Ferrioli | Discusses the analogy. Suggests if the last election cycle is used as a template to increase regulation, the next election cycle will show a new set of problems. |
| 070 | Miller | Explains this responds to a specific problem which has actually caused concerns and caused loss of initiative due to invalidation of too many signatures. |
| 085 | Sen. Ferrioli | Asks about trend toward voter suppression strategies. |
| 090 | Miller | Confirms and discusses examples. |
| 095 | Chair Brown | Asks if SB 164 or SB 466 attempt voter suppression. |
| 100 | Miller | Responds her organization is divided on how well the initiative process is working. |
| 105 | Williams | Suggests overregulation leads to voter suppression. Suggests there is not as much fraud as disqualification due to technicalities. |
| 115 | Chair Brown | Refers to record numbers of signatures gathered in last election cycle. |
| 120 | Williams | Confirms it was a very controversial group of initiatives. |
| | Chair Brown | Suggests work group on SB 164. Inquires if Miller and Williams are open to participate. |
| 123 | Miller | Agrees to participate. |
| 125 | Williams | Agrees to participate. |
| 130 | Tiffany Harris | Committee Administrator. Presents overview of SB 587. |
| 145 | Andi Miller | Common Cause Oregon. Testifies as neutral on SB 587. Proposes amendment clarifying information for voters when two or more initiatives are tied together. |
| 175 | Chair Brown | Refers to example of two initiatives when one changes a statute and one changes the constitution and what happens if one passes and the other does not. |
| 180 | Miller | Responds and discusses example. Advises clarification. |

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| 185 | Chair Brown | Closes public hearing on SB 164, SB 466, and SB 587. Opens work session for approval of drafting requests and introduction of committee measures. |
| <u>APPROVAL OF DRAFTING REQUESTS AND INTRODUCTION OF COMMITTEE MEASURES – WORK SESSION</u> | | |
| 195 | Chair Brown | Discusses measure drafting request from Sen. Ferrioli (EXHIBIT C). |
| 200 | Chair Brown | MOTION: Moves drafting request BE APPROVED FOR DRAFTING by Legislative Counsel. |
| 205 | | VOTE: 3-0-2 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 – Ringo, Shields The motion CARRIES. |
| 210 | Chair Brown Chair Brown | MOTION: Moves LC's: LC 1121 (EXHIBIT D), LC 1121-1 (EXHIBIT E), LC 1121-2 (EXHIBIT F), LC 1121-3 (EXHIBIT G), LC 1121-4 (EXHIBIT H), LC 1122 (EXHIBIT I) AND LC 3506 (EXHIBIT J) BE INTRODUCED as committee bills. |
| 215 | | VOTE: 3-0-2 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 – Ringo, Shields The motion CARRIES. NOTE: LC 1121 printed as SB 1019 LC 1121-1 printed as SB 1020 LC 1121-2 printed as SB 1021 LC 1121-3 printed as SB 1022 LC 1121-4 printed as SB 1023 LC 1122 printed as SB 1024 LC 3506 printed as SB 1025 |
| 220 | Chair Brown | Closes work session on drafting and introduction. Adjourns the committee at 9:52 a.m. |

EXHIBIT SUMMARY

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- A. SB 164, sample petitions, John Lindback, 19 pp**
- B. SB 164, written testimony, Danielle Knight, 1 p**
- C. Drafting and introduction requests, approval of, memorandum, staff, 2 pp**
- D. Introductions, LC 1121, staff, 6 pp**
- E. Introductions, LC 1121-1, staff, 3 pp**
- F. Introductions, LC 1121-2, staff, 3 pp**
- G. Introductions, LC 1121-3, staff, 6 pp**
- H. Introductions, LC 1121-4, staff, 4 pp**
- I. Introductions, LC 1122, staff, 3 pp**
- J. Introductions, LC 3506, staff, 7 pp**