

HOUSE COMMITTEE ON RULES AND PUBLIC AFFAIRS

January 21, 2003 Hearing Room E
1:00 PM Tapes 1 - 2

MEMBERS PRESENT: Rep. Dan Doyle, Chair
Rep. Linda Flores, Vice-Chair
Rep. Laurie Monnes Anderson, Vice Chair
Rep. Vic Backlund
Rep. Phil Barnhart
Rep. Betsy L. Close
Rep. Joanne Verger

STAFF PRESENT: Cara Filsinger, Administrator
Annetta Mullins, Committee Assistant

MEASURE/ISSUES HEARD: Organizational Meeting
Adoption of Committee Rules
Introduction of Members and Staff
Informational Meeting
Overview of Federal Help America Vote Act 2002
Public Hearing
HB 2145

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> |
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| <u>Tape 1, A</u> | | |
| 004 | Chair Doyle | Calls meeting to order at 1:01 p.m., opens meeting for organizational purposes, and asks for consideration of the proposed committee rules. |
| <u>ORGANIZATIONAL MEETING</u> | | |
| 015 | Rep. Verger | MOTION: Moves to ADOPT the proposed Committee Rules (EXHIBIT A). VOTE: 6-0-1 EXCUSED: 1 - Rep. Monnes Anderson |
| | Chair Doyle | Hearing no objection, declares the motion CARRIED. |
| | Chair Doyle | Comments on work of committee during this session. |
| | Chair Doyle | Introduces members and staff. |
| <u>INTRODUCTION OF COMMITTEE MEASURES</u> | | |
| | Chair Doyle | Explains that introduction does not mean support for the bill |
| | Rep. Flores | MOTION: Moves LCs: 694, 695 and 696 BE INTRODUCED as committee bills. VOTE: 7-0-0 |
| | Chair Doyle | Hearing no objection, declares the motion CARRIED. |
| | Chair Doyle | Opens an informational hearing on the Help America Vote Act 2002. |

INFORMATIONAL MEETING

Secretary of State, Elections Division – overview of federal Help America Vote Act 2002.

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| | John Lindback | Secretary of State, Elections Division. Introduces Lynn Rosick, Department of Justice. Comments that merging the federal legislation into their business process is complicated. Reviews federal Help America Vote Act (EXHIBIT B) . |
| 147 | Lindback | Continues explanation of federal act on voter education and outreach (EXHIBIT B) . |
| 159 | Lindback | Reviews major provisions of the federal act (EXHIBIT B, page 2) . |
| 172 | Chair Doyle | Asks if there is a requirement that the money be spent by the counties on changing their punch card systems. |
| | Lindback | Responds it is an incentive to replace the punch cards. |
| 189 | Rep. Close | Asks if there is a waiver. |
| | Lynn Rosick | Department of Justice. Explains the deadline could be extended to 2006. The intent is to have the system converted by the next presidential election. |
| | Rep. Close | Asks that the witnesses address the unfunded mandates. |
| | Rosick | Responds that the bill does not waive any of the requirements; Congress is expecting that the work will be done. |
| | Rep. Monnes Anderson | Asks if the counties can spend the money only for the punch card systems. |
| | Lindback | Responds affirmatively. |
| | Rep. Monnes Anderson | Asks if the money will go to the Elections Division. |
| 230 | Lindback | Comments that in order for Oregon to get the money, the Elections Division has to develop a plan. The money goes to the Elections Division first, then to the counties. Oregon is subject to federal audit. |
| 245 | Lindback | Continues presentation on Title II – IX (EXHIBIT B, page 2) . |
| 271 | Lindback | Reviews in detail Title I: Elections Administration and Systems Improvement (EXHIBIT B, pages 2 and 3) . |
| 300 | Lindback | Reviews Title II: National Elections Assistance Commission (EXHIBIT B, PAGE 3) . |
| | Lindback | Reviews Title II: National Elections Assistance Commission grant programs (EXHIBIT B, page 4) . |
| 350 | ChairDoyle | Asks if there is funding for voter places. |
| | Lindback | Notes that it is not an issue for Oregon. Comments on systems available for people with disabilities in their own homes, if the person desires. |
| 379 | Rep. Verger | Comments that the concept of every disabled person voting in their home is an overwhelming concept. |
| | Lindback | Responds that some people are already receiving assistance. Explains that the new technology would maintain secrecy of the ballot. |
| | Rep. Verger | Asks if they have an estimate of how many people would request this service. |
| | Lindback | Explains their work in providing the services. |
| 424 | Lindback | Presents details on Title III: Election Technology and Administration Requirements (EXHIBIT B, page 4) . |
| TAPE 2, A | | |
| 014 | Rep. Barnhart | Comments that Lane County has included a method for correcting a |

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| | | ballot. |
| | Lindback | States that in most cases a replacement ballot would be needed. |
| 030 | Rep. Close | Asks if there could be other uses of the money for voter education. |
| | Lindback | Responds that the education could include how to register and registering through the mail, as two examples. States that he will provide a copy of the draft plan. |
| | Rep. Close | Asks if the money could be used for initiative petition signature verification. |
| 042 | Lindback | Responds no. |
| | Lindback | Continues presentation on Title III (EXHIBIT B, page 4) . |
| 075 | Rep. Flores | Asks if the centralized voter registration and verification will be statewide. |
| | Lindback | Explains it must be a state-wide system accessible by all counties. States he will explain the details later. |
| | Rep. Flores | Asks if the system would connect the county election offices with the Election Division office. |
| | Lindback | Responds it will connect all counties to the state. |
| 094 | Rep. Flores | Asks if the verification system will go outside the state. |
| | Lindback | Explains that Congress felt it would be a technological difficulty. |
| | Rep. Barnhart | Asks Lindback to explain the voter registration requirements when someone is registering through the mail. |
| | Lindback | Explains that in order to vote in a federal election a person must show some identification with name and address. Most people provide their driver license; they would be allowed to show a utility bill. |
| 111 | Lindback | Reviews explanation of Centralized Voter Registration (EXHIBIT B, page 5) . |
| 139 | Lindback | Reviews Title IV: Enforcement (EXHIBIT B, page 5) . |
| 155 | Rep. Verger | Comments that the focus is to get more people to vote, and asks if there will be a concern on all the identification needed. |
| | Lindback | Responds that that was a concern of Oregon Congressmen. |
| 182 | Lindback | Reviews provisions of Title V and VI (EXHIBIT B, page 6) . |
| 192 | Lindback | Reviews Title VII: Military and Overseas Citizens (EXHIBIT B, page 6) . |
| 209 | Barnhart | Asks if a receipt is required when providing ballots overseas. |
| | Lindback | Respond negatively. |
| 210 | Lindback | Reviews Title IX: Miscellaneous Provisions and Required Components of State Plan (EXHIBIT B, pages 7 and 8) . |
| 244 | Rep. Backlund | Asks if this is not an indication that federalism has returned. |
| | Lindback | Comments that most of this federal act is a result of the Florida election issues and how people were treated; it was intended to bring more uniformity. |
| | Chair Doyle | Comments there is no requirement that the states accept the money. |
| | Lynn Rosick | Oregon Department of Justice. Comments that she does not know of any state that will not accept the money. Comments that these are tied into the federal elections but does not believe that states will do this only for federal elections. |
| 288 | Chair Doyle | Asks how Oregon can protect itself for the cost of the changes and the mandates to the local election offices if the federal money is not |

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| | | received. |
| | Rosick | Responds she believes the provision in the constitution on mandates to the local governments exempts federal requirements. Adds that they do not expect the counties to pay for this without federal money. |
| | Chair Doyle | Comments on the necessity of changing state laws to meet the federal requirements. |
| | Rep. Barnhart | Asks what the system will look like after the transition. |
| | Lindback | Comments on what he thinks a new system will look like in a few years. |
| 354 | Rep. Barnhart | Asks there will still be county election offices. |
| | Lindback | Responds affirmatively. Explains functions the county will perform. |
| | Chair Doyle | Closes informational hearing and opens a public hearing on HB 2145. |

PUBLIC HEARING – HB 2145

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| 373 | Lindback | Presents explanation of HB 2145 (EXHIBIT C) and presents proposed HB 2145-1 amendments (EXHIBIT D). |
| 418 | Rep. Verger | Asks why they have proposed the amendments. |
| | Rosick | Comments on the requirement for an administrative hearing process and the exemptions to the provisions of ORS 183 in Sections 8 and 9 of the bill. |

TAPE 1, B

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| 014 | Rep. Close | Asks if the interest, Section 2 of HB 2145, does not normally go into the General Fund. |
| | Rosick | Responds that the language is required by federal law. |
| 030 | Rep. Flores | In reference to lines 10 and 11, asks what the anticipation of the legislatively approved fund would be. |
| | Lindback | Explains that part of the bill requires a five percent match. |
| | Chair Doyle | Asks how the Secretary of State will have the ability to appropriate funds. |
| | Lindback | Responds it is being discussed. Legislative approval may be needed to expend moneys out of the fund. Adds that they cannot accept any of the money until the fund is created. |
| | Chair Doyle | Comments he believes the issue needs to be clarified with Ways and Means before the fund is established. |
| 066 | Kappy Eaton | League of Women Voters. Presents prepared statement for the League of Women Voters of Oregon (EXHIBIT E). Comments on attempts by Congress to include funding in the ominous funding bill, and in favor of revisions to the voting systems in Oregon. |
| | Rep. Verger | Thanks the Lane County League of Women Voters for their efforts during the campaign season. |
| 119 | Rep. Close | Asks if it would not be wise to wait a while before implementing this. |
| | Eaton | Explains timing of legislation and states they want the fund to be established so the money can be accepted. |
| 143 | Rep. Barnhart | Compliments Eaton on her work. |
| | Chair Doyle | Asks what the timeline is. |
| | Lindback | Explains efforts for funding in congress. Believes a reasonable timeframe would be to get this to the Governor's desk by March 1. |
| | Chair Doyle | Comments that he believes the committee needs to establish with Ways and Means the expenditure question. Suggests the committee could have a resolution to this by next week. |

EXHIBIT SUMMARY

- A – Organizational Meeting, Committee Rules, staff, 2 pp**
- B – Informational Meeting, presentation slides, John Lindback, 8 pp**
- C – HB 2145, summary of HB 2145, John Lindback, 2 pp**
- D – HB 2145, HB 2145-1 amendments, John Lindback, 2 pp**
- E – HB 2145, prepared statement, Kappy Eaton, 1 p**