

HOUSE COMMITTEE ON RULES AND PUBLIC AFFAIRS

March 11, 2003 Hearing Room E
1:00 PM Tapes 21 - 22

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: HB 2144 – Public Hearing
HB 2142 – Public Hearing
HB 2141 – Public Hearing

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 21, A		
004	Chair Doyle	Calls meeting to order at 1:08 p.m. and opens a public hearing on HB 2144.
<u>HB 2144 – PUBLIC HEARING</u>		
009	Bill Bradbury	Secretary of State. Explains why he has introduced HB 2144. Presents conceptual amendments to HB 2144 (EXHIBIT A).
069	Bradbury	Continues explanation of the conceptual amendments (EXHIBIT A).
110	Rep. Verger	Comments on ballot measure requiring everyone in prison to have a job, and asks if there was knowledge that supervisors would be required for each group.
	Bradbury	Comments that supervision of a work crew would be described as a logical cost of the measure.
	Elizabeth Harchenko	Director, Department of Revenue. Explains that Rep. Verger's question is what the bill is intended to fix. Explains restrictions on the committee in drafting impact statements.
148	Chair Doyle	Asks how the committee would deal with a situation to maintain neutrality.
	Bradbury	Explains there may be a range of costs, depending on implementation, and the committee is limited to commenting on the direct costs; the committee cannot make assumptions.
	Harchenko	Explains that the amendments state that the statement must be impartial, simple and understandable. Comments on ballot measure on genetically engineered foods in the 2002 General Election.
265	Harchenko	Comments on Treasurer Edward's support of HB 2144.
270	Chair Doyle	Closes the public hearing on HB 2144 and opens a public hearing on HB 2142.

HB 2142 – PUBLIC HEARING

288	John Lindback	Director, Elections Division, Secretary of State's office.
324	Lynn Rosik	Presents section-by-section analysis of HB 2141 (EXHIBIT B). Department of Justice. Comments on ruling by the Oregon Supreme Court rulings that the Secretary of State has the obligation to determine if a proposed initiative measure complies with the procedural constitutional requirement of initiatives. Explains that the legislature has not adopted language on the duties of the Secretary of State. Comments on administrative rule adopted in 1986 and functions by the Secretary of State. HB 2142 codifies the time to challenge the decision of the Secretary of State, pre-election. States there are administrative rules and court cases but they feel it would be good have it in statute.
373	Chair Doyle	Asks what kind of timeframe they are looking at when there are appeals.
	Rosik	States they are not seeking to change the timeframe. Explains the process of reviewing titles.
396	Rep. Barnhart	Asks when the 60-day period starts.
	Rosik	Explains procedures of serving notice of decision.
Tape 22, A		
013	Rep. Flores	Asks about the filing and appeal timeframes.
	Rosik	Explains that an appeal can start on the 60 th day.
019	Lindback	Continues review of HB 2142 (EXHIBIT B, page 1).
067	Lindback	Continues review of HB 2142 (EXHIBIT B, page 2).
086	Lindback	Presents review of (EXHIBIT B, pages 2 and 3).
102	Lindback	Explains Sections 12 through 17 (EXHIBIT B, pages 3 and 4).
122	Chair Doyle	Asks if they had discussions about judges being classified as other elected officials are classified.
	Lindback	Responds they did not have discussions. They recognize the different treatments but were not willing to suggest changes.
	Rep. Monnes	Asks what happens if a candidate does not want to be considered independent.
130	Anderson	
	Lindback	States that if the person is not nominated by a political party, they are considered to be independent. Adds that the Elections Division has an administrative rule.
145	Rep. Close	Comments she has concerns about putting independent by a person name; it creates a party.
	Lindback	Comments that the meaning of the word independent is that they are not affiliated with a political party.
	Rep. Close	Comments that there is a big difference between non-partisan and independent.
162	Rep. Backlund	Comments he agrees with Rep. Close.
	Rosik	Comments on wording "not affiliated".
178	Rep. Backlund	Asks if Rosik believes independent is a better word than not affiliated.
	Lindback	Responds they have no attachment to the word independent and have no objection to non-affiliated.
200	Lindback	Explains Sections 19 and 20 (EXHIBIT B, page 4).
220	Chair Doyle	Asks why the language to be deleted in Section 20 was put in the statute.
	Lindback	Comments that it is old and no one knows why it is there.
228	Lindback	Explains Sections 21 through 30 (EXHIBIT B, pages 4 and 5).
306	Rep. Barnhart	Asks if the provision on presidential elections is required by

		federal law.
	Lindback	Responds he does not know of any federal law.
	Rep. Barnhart	Asks if the votes for president by out-of-state people are sent to the state where the people reside.
	Lindback	Explains they would check to make sure the people did not vote in another location, and they would be counted in Oregon's total.
321	Barnhart	Comments on trading votes in different states.
	Rep. Flores	Asks if they have statistics on how often Oregon allows presidential-only votes in Oregon.
	Lindback	Responds that he will check with the county clerks to see if they have information.
340	Chair Doyle	Suggests it would be good to eliminate the language if it is not needed.
	Lindback	Explains Section 31 (EXHIBIT B, page 6).
355	Rep. Flores	Comments that as a legislator she was required to report on January 1 but was not sworn until January 13, and asks why that is.
	Rosik	Explains that the language in ORS 260.076 was pulled out of the old statute that banned contributions during legislative sessions. Advises that banning contributions during the legislative session was declared unconstitutional under Article I, Section 8 of the Constitution. States that the desire was to transfer the ban on contributions into a reporting requirement.
398	Rep. Flores	Comments that the Assembly did not convene on January 1.
	Rosik	Reads language and states it is January 1 of the odd year when the time starts.
406	Rep. Close	Also expresses concern with the time from January 1 until the start of session.
	Chair Doyle	Suggests the discussion will continue when the committee considers a bill on contribution and expenditure reports.
441	Lindback	Explains Section 32 (EXHIBIT B, page 6).
<u>TAPE 21, B</u>		
002	Rosik	Explains Sections 33 (EXHIBIT B, page 6).
026	Rep. Close	Asks if there is any proof of selling or purchasing of ballots.
	Rosik	Responds there have been complaints where people have half-heartedly said their ballots are for sale but they have never prosecuted a case. Explains that in Section 33 (8) they are consolidating statutes that included the various offenses.
042	Rep. Monnes	Asks if the secrecy envelop is the envelope inside the mailing envelope.
	Anderson	
	Rosik	Responds it is the one that the elector signs.
047	Rep. Monnes	Comments on ballots being tossed onto the counter at the post office.
	Anderson	
	Rosik	Responds that she has never heard of ballots being discarded. Notes that if someone changes their mind and decided they want to vote, they may obtain a replacement ballot.
058	Rep. Close	Notes that absentee ballots language is being deleted. Asks if there are technically no absentee ballots.
	Rosik	Explains that an absentee ballot goes out of state or out of the country; the new language covers everything.
043	Lindback	Explains Sections 34 through 37 (EXHIBIT B, page 7).
109	Chair Doyle	Asks why we would have non-partisan positions.

	Lindback	Responds that he believes the designation of non-partisan positions have an impact on the ballot. Adds that this is a free-speech issue.
	Rep. Close	Questions whether the repeal would say people are giving truthful information.
139	Rosik	Comments that this would allow a non-partisan candidate to say they have been with a certain party.
164	Rep. Close	Suggests an amendment to the non-partisan part instead of repeal of the statute.
	Chair Doyle	Notes that on page 3 of HB 2142, (7) shows the non-partisan offices.
174	Rep. Monnes Anderson Lindback	Asks if a non-partisan office candidate could include their major party in the Voters' Pamphlet. Responds that the Voters' Pamphlet would not label the office as non-partisan. States that the candidate can say they are a Republican or Democrat if they want in the summary; currently they cannot.
184	Rep. Barnhart	States he shares Rep. Close's concerns. States that he thinks the first sentence of ORS 249.015 seems to be appropriate even with the concerns about speech. Suggests the second sentence would need to be reworked to apply only to false statements.
	Lindback	Clarifies Rep. Barnhart's suggestion.
	Rep. Barnhart	Expresses his concern to get rid of the unenforceability and still prohibit false statements.
207	Rosik	Reviews Section 37 (EXHIBIT B, page 7).
252	Annette Newingham	Association of County Clerks. States they are generally in support of HB 2142. Comments on deletion in Section 20 and presidential limited ballots.
288	Rep. Verger	Asks if many people know they can still vote in Oregon when they are in another state.
	Newingham	Comments on interests in presidential elections.
304	Rep. Verger	Asks if people might think they have to be a resident for a full year.
	Newingham	Responds that she has not had this situation. Comments on helping people and asking questions. Believes people are also interested in voting on the local issues and they want to vote where they are actually living.
322	Rep. Verger	Comments on residents in Central Oregon who are only there for part of the year, maybe a few months or for the summer.
330	Rep. Close	Asks how many county clerks worked on this bill and if all the county clerks have signed off on the bill. .
	Newingham	Explains that their association has reviewed portions of the bill and does not have objections to the bill. Comments on involvement by their association.
390	Rep. Close	Comments she feels it is inappropriate for the bill to say it is at the request of the county clerks when they only voted on part of it.
	Chair Doyle	Closes the public hearing on HB 2142, comments on testimony at the next meeting, and opens a public hearing on HB 2141.

TAPE 22, B

HB 2141 – PUBLIC HEARING

043	Annette Newingham	Association of County Clerks. Testifies in support of HB 2141. Comments their association has reviewed only a portion of HB
-----	-------------------	---

053	Chair Doyle	2141. Explains Section 5 and Section 18. Closes the public hearing on HB 2141 and announces that testimony will be continued on Thursday, along with HB 2929.
052	Chair Doyle	Adjourns meeting at 2:37 p.m.

EXHIBIT SUMMARY

A – HB 2144, conceptual amendments, Bill Bradbury, 1 p

B – HB 2142, section-by-section analysis, John Lindback, 8 pp