

## HOUSE COMMITTEE ON RULES AND PUBLIC AFFAIRS

April 24, 2003 Hearing Room E  
1:00 PM Tapes 48 - 49

**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 3304 – Public Hearing and Work Session**  
                                 **HB 2378 – Work Session**  
                                 **HB 2825 – Pubic Hearing and Work Session**

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>Tape 48, A</b>		
004	Chair Doyle	Calls meeting to order at 1:09 p.m. and announces that the committee will not consider HB 2813 today.
	Chair Doyle	Opens a public hearing on HB 3304.
<b><u>HB 3304 – PUBLIC HEARING</u></b>		
022	Rep. Linda Flores	Testifies in support of HB 3304. Explains bill, introduces Eugene Schoenheit, and the HB 3304-1 amendments ( <b>EXHIBIT A</b> ).
092	Eugene Schoenheit Rep. Verger	Testifies in support of HB 3304 ( <b>EXHIBIT B</b> ). Comments that states have been voting deceased people for a long time and they would be sad to hear about such an efficient process.
101	Jesse Lott	Clackamas County resident. Testifies in support of HB 3304. Contends that one ballot cast by a deceased person in each precinct would be a lot of ballots.
	Chair Knopp	Closes the public hearing and opens a work session on HB 3304.
<b><u>HB 3304 – WORK SESSION</u></b>		
<b>130</b>	<b>Rep. Flores</b>	<b>MOTION: Moves to ADOPT HB 3304-1 amendments dated 4/24/03.</b>
115	Rep. Monnes Anderson	Comments she does not have enough information to vote. Comments on working in Clackamas County Health Department, asked if some one can provide more information, and she wants to know the fiscal impact.
149	Cara Filsinger	Administrator. Advises the committee that Legislative Fiscal has said there is no impact on the bill. Suggests Newingham can provide information.
	Annette Newingham	Oregon Association of County Clerks and Lane County Clerk. Explains the impact is minimal for the county clerks. The

counties already process the certificates. If some ballots go out, it is unlikely the signature would match. Believes there would be an impact on health and vital records departments.

**VOTE: 7-0-0**

168 Chair Doyle **Hearing no objection, declares the motion CARRIED.**

171 Rep. Flores **MOTION: Moves HB 3304 to the floor with a DO PASS AS AMENDED recommendation.**

163 Rep. Monnes  
Anderson States she will vote no until she gets more information on the cost to vital statistics departments.

Rep. Barnhart Comments that he believes if people do not come to talk about a bill, they are happy with it and will vote aye.

188 **VOTE: 6-1-0**

**AYE: 6 - Backlund, Barnhart, Close, Flores, Verger, Doyle**

**NAY: 1 - Monnes Anderson**

Chair Doyle **The motion CARRIES.**

**REP. FLORES will lead discussion on the floor.**

192 Chair Doyle Closes the work session on HB 3304 and opens a work session on HB 2378.

**HB 2378 – WORK SESSION**

197 Cara Filsinger Reviews the history and provisions of HB 2378.

205 Rep. Close **MOTION: Moves HB 2378 to the floor with a DO PASS recommendation.**

**VOTE: 6-0-1 (SEE VOTE IN COMMITTEE MINUTES DATED APRIL 29, 2003).**

**AYE: In a roll call vote, all members present vote Aye.**

**EXCUSED: 1 - Rep. Flores**

213 Chair Doyle **The motion CARRIES.**

**REP. SHETTERLY will lead discussion on the floor.**

215 Chair Doyle Closes the work session on HB 2378 and opens a public hearing on HB 2825.

**HB 2825 – PUBLIC HEARING**

224 Bruce Anderson Legislative Director to House Speaker Karen Minnis. Testifies in support of HB 2825. Explains the provisions of HB 2825 are to control the spiraling costs of elections in vote by mail elections and to provide clarification as to when polls close.

232 Anderson Comments on increased campaign costs during the extended voting period in vote by mail.

275 Anderson Comments on the need to clarify when the polls close. HB 2825 provides a definite poll closing time of 8:00 p.m. on election day.

330 Anderson States that the voters' pamphlets would continue to be sent as they are now. Advises there is a drafting error, rather than 10 days for mailing the ballots, it would be better to have it be 11 days to allow the ballots to be mailed during the week.

345 Rep. Verger Asks if she would be turned away if she were waiting in line to vote at 8:00 p.m.

Anderson Responds that we need to tighten down the law; we have to at some point say the polls close at this time.

368 Chair Doyle Asks for examples of what has happened and how HB 2825 fixes the concerns.

	Anderson	Responds that he believes the issue contemplated is where is the end of the line—inside the polling place, outside the door, down the street--at what point do we close down and stop accepting ballots. At some point we need to provide clarity in the law as to the time.
387	Chair Doyle	Comments he has heard of situations where people are completing their ballots after 8:00 while in line. Asks if those ballots have been accepted.
405	Anderson	Responds that is what he believes needs to be cleaned up. There needs to be some finality to the process, which we don't have now.
420	Kappy Eaton	League of Women Voters of Oregon. Testifies in opposition to HB 2825 ( <b>EXHIBIT C</b> ).
<b>TAPE 49, A</b>		
020	Annette Newingham	Association of County Clerks and Lane County Clerk. Submits and summarizes a prepared statement in opposition to HB 2825 ( <b>EXHIBIT D</b> ).
069	Charles Stern	Yamhill County Clerk. Testifies in opposition to HB 2825. Asks that the mailing date be moved back to the 11 <sup>th</sup> day. Questions, even with the 11 <sup>th</sup> day, when the ballot would reach the voter. If voters have been there by 8:00 p.m. they have been allowed to vote because they are in the process of voting. The policy question is whether someone should be stopped in the process of filling out their ballot. Allowing time for the return of undeliverable ballots is also an issue.
	Rep. Backlund	Comments there is so much flexibility he is wondering if there is consistently statewide.
	Stern	Responds that to his knowledge it is consistently applied. People have called complaining about the exact 8:00 time.
143	Rep. Backlund	Asks if the problem is the system or the individuals. Suggests the individuals should choose to vote before the 8:00 p.m. deadline. Comments on deadlines and procrastination and states that he doesn't think that this bill revokes anyone's right to vote.
	Eaton	Responds that you cannot change behaviors. Believes if the current law is repealed, their right to vote has been repealed.
183	Rep. Backlund	Comments that if voters know they need to change, they will change their behavior.
200	Rep. Barnhart	Comments on scenarios at polling situations. States if there is a problem, enforcement should be taken. Another concern is that the people be allowed to study the ballot and cast their vote. States he does not support the bill.
253	Chair Doyle	Asks if the clerks would be drafting rules on what it means to say that a ballot that has been delivered to or received by the clerk.
	Newingham	Responds her understanding in reading the bill is if someone had not cast their ballot and was standing in line even though they arrived an hour or one-half hour early, the clerks would not be able to count those ballots.
	Chair Doyle	Asks if they would need some kind of interpretation in change of the law saying ballots that had not been delivered to or received by the county clerk.
	Stern	Responds that a plain reading of the bill would say if the ballot is not in the box, or been delivered by the post office, the ballot will

		not be counted.
287	Rep., Verger Rep. Close Stern	Comments that people like voting on election day. Asks how they handled the deadline in the voting polls. Responds that the situation depended on the situation of the building. Gives example of small school where everyone could not be inside and an election official would stand in line.
328	Rep. Close Stern	Asks if the election person in line is the cutoff. Responds affirmatively. The election board person is there to make sure no one else joins the line.
	Rep. Close Stern	Asks if that can be done with the mail ballot as well. Responds that is exactly what they do now at the drop sites and within the courthouse.
343	Rep. Flores	Asks if they had complaints about manipulation of the line at 8:00 p.m.
	Newingham	Comments on differences in opinion at the last Presidential election.
380	Rep. Barnhart Stern	Asks how late polls were open. Believes there were polls where ballots were being issued and cast as late as 8:30 p.m.
	Rep. Barnhart Stern	Asks how it is handled now. Explains that in Yamhill County the only people were those waiting in the clerk's office and who were in the process of marking their ballots.
430	Mark Nelson	Public Affairs Council. Testifies in support of HB 2825. States they have seen first hand the differences between the polling booth and vote by mail. It is all about when you vote. Vote by mail has had a dramatic impact on the cost on campaigns. Nothing has raised the cost of campaigns more than vote by mail.
<b>TAPE 48, B</b>		
	Nelson	Continues testifying on cost of campaigns and strategies to deliver messages to the voters.
080	Nelson	Comments on rate of turnouts at elections throughout the last voting period. States his interest in the bill is to reduce the cost of campaigns.
093	Rep. Monnes Anderson Nelson	Comments on level of turnout by voters in Oregon and states she would not want to limit the number of voters. Responds he does not believe this bill will reduce voter turnout.
121	Rep. Flores	Asks what the comparison of turnout is in vote by mail and polling, whether it depends on what is on the ballot, and how does that compare to other states.
	Nelson	Comments on election turnouts and states that he believes turnout is better for school elections.
143	Rep. Barnhart Nelson	Asks if the bill would apply to all elections. Responds affirmatively.
150	Troy Nichols	Chief of Staff to House Majority Leader Tim Knopp and Executive Director of Majority 2002, the House Republican Caucus PAC. Testifies in support of HB 2825. States he is a strong believer in shortening the window between mailing of the ballots and election day. The focus needs to be on the cost of campaigns; the current vote by mail system exacerbates this. Believes reducing the window from 18 to 11 days would go a long way in controlling the escalating campaign costs.

196	Chair Doyle	Recesses the public hearing on HB 2825 and recesses the meeting at 2:21 p.m.
	Chair Doyle	Reconvenes the meeting at 2:28 p.m. and reopens the public hearing on HB 2825.
202	Anderson	Submits the HB 2825-1 amendments relating to marked ballots <b>(EXHIBIT E)</b> . States it should deal with the concern by Rep. Verger of someone standing in line before 8:00 p.m. with a marked ballot.
	Rep. Monnes Anderson Anderson	Notes that the amendment says at the county clerk's office. Asks for clarification if this would apply to drop box sites. Responds if a person had a marked ballot and was merely dropping it off, and had made it to the county clerk's office by the deadline, the person would not be turned away.
245	Rep. Barnhart	Asks previous witnesses to comment on the amendment and how it is similar or different from the current law.
250	Newingham	States that the two references are on voting compartments. The amendment does not address those who drive up to cast their ballots. States she is concerned about "marked ballot" because they do not look at the ballots; there is a privacy issue. States she would want to see if there are conflicts.
	Rep. Flores	Comments that if someone is presenting an envelope, the presumption would be that they are tendering it to deliver their vote, whether or not it is marked.
	Newingham	States she would assume the ballot would be voted. Adds that someone could be standing in line because they made a mistake on their ballot and needed a replacement ballot in order to cast it correctly. That would not apply in this case and the person would not have an opportunity to vote.
299	Rep. Verger	Comments she thinks if someone has a sealed ballot and hands it to the clerk, it is the clerk's presumption that the ballot is as it should be and it is not the clerk's responsibility to be sure that it is filled out correctly or that the person signed the envelope. This just says the clerk will accept the ballot.
	Newingham	States that if the ballot is sealed, she would agree with Rep. Verger. States others may be waiting inline to take care of other business dealing with voting ballots and need help to complete the process.
	Chair Doyle	Notes these incidents are happening at 8:00 p.m., and asked if the clerks would allow time for the person to complete their ballot after 8:00 p.m.
	Stern	Explains they have people who walk in and do not have their ballot in the envelope and ask for a fresh ballot. The question is whether or not the clerks could give the person the replacement ballot under the amendment. Gives example of the clerk's office calling a person to have them sign their ballot and the person gets in line prior to 8:00 p.m.
	Eaton	Comments she is trying to figure out the language on page 4 in line 38. States she is not sure the proposed language is any clearer than the current law—that is, if you are at the polling place at 8:00 p.m. you are allowed to vote.
	Rep. Barnhart	Comments on daughter being called in to prove signature. States under the current rule, she could arrive at 7:59 and complete her business by 8:15 and her ballot would count.
	Newingham	Responds that things are different under the circumstance stated

388	Rep. Backlund Stern	by Rep. Barnhart. States they would challenge the ballot and send a letter out even it was on election day and allow the person 10 days to resolve the issue and prove who they were. Asks if someone can get inside the door and receive assistance even after 8:00 by getting in a special line. Responds that the question is how to process the activity under the HB 2825-1 amendment. It will vary from county to county on their staffing, space and other factors. In their office they have three people servicing the customers for whatever reason. States that he reads into the question whether there should be a distinct line for corrections versus any other type of election activity. Believes it would depend on space and other factors.
<b>TAPE 49, B</b>		
025	Newingham Rep. Backlund	Comments on the large number of people at the counter at 8:00 p.m. in the last presidential election. Comments he would assume the person with the soiled ballot would be there before 8:00 and would go in and vote.
035	Chair Doyle	Closes the public hearing and opens a work session on HB 2825.
<b><u>HB 2825 – WORK SESSION</u></b>		
037	Rep. Flores	<b>MOTION: Moves to ADOPT HB 2825-1 amendments dated 4/9/03.</b>
046	Rep. Backlund Chair Doyle Rep. Backlund Rep. Close	Asks if it might be important to insert “sealed” before “ballot” in line 7 of the HB 2825-1 amendments. Comments that it would provide clarification. Comments it would help the county clerk know the ballot was truly completed because it would be sealed and clearly marked. States that it would be a mandate on the clerk to determine if the envelope was sealed or not.
053	Chair Doyle Chair Doyle	Comments that he takes this as making sure that we are distinguishing between those who are in line to deposit a ballot they have completed and those who are standing in line and are basically marking their ballot after 8:00 p.m. <b>VOTE: 7-0-0</b> <b>Hearing no objection, declares the motion CARRIED.</b>
059	Rep. Flores	<b>MOTION: Moves to ADOPT HB 2825-2 amendments dated 4/24/03.</b>
063	Chair Doyle	<b>VOTE: 7-0-0</b> <b>Hearing no objection, declares the motion CARRIED.</b>
064	Rep. Flores	<b>MOTION: Moves HB 2825 to the floor with a DO PASS AS AMENDED recommendation.</b>
068	Rep. Barnhart	Comments on the way the current law works. Quotes language on pages 4, lines 38 and 39 of HB 2825 and page 3, lines 19 through 21. States the current language is very clear. Everyone knows what their responsibilities are and what their rights are. If the person is there ready to vote or drop their ballot in the box before 8:00 p.m., the person gets to vote. States that the amendment says the clerk is going to accept the ballot at the sites referenced. States that a couple of the subsections don’t make sense when the amendment is added. It does make it very clear that someone who is actually in the compartment or at the voting booth marking a ballot at 8:00 p.m. will not be allowed to vote

126	Rep. Barnhart	because the ballot is not ready to deposit at 8:00 p.m. It is a significant change from the current law. States he would feel more comfortable if the original language on page 3, lines 19-21 and the original language on page 4, lines 38 and 39, were still in the bill rather than being taken out because they are very clear.
160	Chair Doyle	Adds that he is also concerned about shortening the length of time by changing when the ballots would be mailed. <b>VOTE: 4-3-0</b> <b>AYE: 4 - Backlund, Close, Flores, Doyle</b> <b>NAY: 3 - Barnhart, Monnes Anderson, Verger</b> <b>The motion CARRIES.</b> <b>REP. BACKLUND will lead discussion on the floor.</b>
168	Chair Doyle	Closes the work session on HB 2825 and adjourns meeting at 2:53 p.m.

**EXHIBIT SUMMARY**

- A – HB 3304, HB 3304-1 amendments, Rep. Flores, 1 p**
- B – HB 3304, prepared statement, Eugene Schoenheit, 1 p**
- C – HB 2825, prepared statement, Kappy Eaton, 1 p**
- D – HB 2825, prepared statement, Annette Newingham, 2 pp**
- E – HB 2825, HB 2825-1 amendment, Bruce Anderson, 1 p**
- F – HB 2825, HB 2825-2 amendment, Bruce Anderson, 1 p**