

SENATE COMMITTEE ON RULES

March 18, 2003
3:00 pm

Hearing Room 343
Tapes 24 - 25

MEMBERS PRESENT: Sen. Bev Clarno, Co-chair, Presiding
Sen. Kate Brown, Co-chair
Sen. Jason Atkinson, Vice-chair
Sen. Ginny Burdick, Vice-chair
Sen. Roger Beyer
Sen. Tony Corcoran

STAFF PRESENT: Jim Stembridge, Committee Administrator
Pam Cox, Committee Assistant

MEASURE/ISSUES HEARD: SB 768 – Public Hearing
SB 584 – Public Hearing and Work Session
SB 552 – Public Hearing
SJR 19 – Public Hearing
SJR 11 – Work Session
SB 513 – Public Hearing
SB 531 – Public Hearing
SJR 38 – Public Hearing and Work Session
SB 768 – Public Hearing
SJR 13 – Work Session
SJR 14 – Work Session
SJR 30 – Work Session
SB 702 – Public Hearing
Introductions 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 24, A		
005	Co-chair Clarno	Calls committee meeting to order at 3:12 p.m. Opens a public hearing on SB 768.
<u>SB 768 – PUBLIC HEARING</u>		
008	Sen. Bruce Starr	District 15. Testifies in support of SB 768, which prohibits opening of secrecy envelopes in election conducted by mail until 8:30 a.m. on date of election. Informs the committee that the passage of this bill will insure additional safeguards for the integrity of the democratic process.
093	Sen. Burdick	Asks if there is any evidence that there have been problems where the ballots have been tampered with.
099	Sen. B. Starr	States he has none, but is responding to a constituent concern.
100	Sen. Corcoran	Asks if he has faith in the electronic voting process.
117	Sen. B. Starr	Notes there is a seven-day lapse and it opens opportunity for the secrecy to be damaged.
122	Sen. Beyer	Ask why 8:30 a.m. not 8:00 a.m. for opening the ballots.
123	Sen. B. Starr	States no specific reason.

124 Co-chair Clarno Closes public hearing on SB 768. Opens a public hearing on SB 584.

SB 584 – PUBLIC HEARING

129 Jim Stembridge Committee Administrator. Summarizes SB 584, which modifies date for statewide celebrations during Asian American Heritage Month.

130 Carol Suzuki Testifies in support of SB 584. States there are no statutory date requirements for any other ethnic celebration and urges passage of this bill.

141 Sen. Corcoran Asks why the date limitation was added to the bill.

142 Suzuki Answers not sure.

172 Sen. Beyer Notes this bill was in the House Rules Committee before and was modified to change the celebration from a month to a specific week.

175 Co-chair Clarno Closes the public hearing on SB 584 and opens a work session on HB 584.

SB 584 – WORK SESSION

176 Sen. Brown **MOTION: Moves SB 584 to the floor with a DO PASS recommendation.**

177 **VOTE: 5-1**

AYE: 5 - Atkinson, Brown, Clarno, Burdick, Corcoran

NAY: 1 - Beyer

Co-chair Clarno The motion Carries.

SEN. BROWN will lead discussion on the floor.

193 Co-chair Clarno Closes work session on SB 584. Opens public hearing on SB 552 and SJR 19.

SB 552 and SJR 19 – PUBLIC HEARING

230 Jim Stembridge Committee Administrator. Summarizes SB 552, which specifies procedures for runoff election if vacancy in nomination of candidates for certain state offices exists after 30th day before date of general election. Summarizes SJR 19, which proposes amendment to Oregon Constitution to allow candidates for public office to be elected at runoff election where vacancy in nomination occurs prior to regularly scheduled election.

237 Sen. Rick Metsger District 26. Testifies in support of SJR 19. Comments about special election being held if a nominee on the general election ballot becomes deceased before the election is held.

351 Senate President Sen. Peter Courtney District 11. Testifies in support of SJR 19. Explains to the committee about becoming very ill a week before the election and states this is the reason the bill is needed.

TAPE 25, A

010 Sen. Metsger Offers information regarding the amendments.

014	Sen. Beyer	Comments on the amendment to change the wording from <u>shall</u> to <u>may be</u> .
033	Sen. Burdick	Notes the wording sets the stage for the companion bill.
040	Sen. Beyer	Responds the Constitutional amendment leaves it to the legislature, so anyone may make the decision to postpone an election.
043	Sen. Burdick	States the legislature would have to change statute on a case-by-case basis.
044	Sen. Metsger	States the Constitution already provides for this procedure.
046	Sen. Beyer	Asks what happens if the legislature is controlled by one party.
055	Sen. Pres. Courtney	Notes the election language is set constitutionally and there should be flexibility.
073	Sen. Beyer	Clarifies if the candidate dies the issue should be changed in the Constitution.
085	Sen. Pres. Courtney	Explains not wanting to put every detail in the Constitution.
093	Sen. Beyer	Comments it is stated in the amendment whenever a vacancy occurs.
100	Sen. Metsger	Clarifies that wording will be changed.
106	Sen. Pres. Courtney	Asks if the word vacancy would stand by itself.
111	Sen. Beyer	Comments this issue should not be left up to the legislature.
120	Sen. Pres. Courtney	States the need to give the legislature as much discretion as possible.
134	Sen. Metsger	Comments on definition of vacancy in the amendment.
140	Sen. Brown	Notes current law provides for when a vacancy occurs after the election.
151	Sen. Corcoran	Notes a need for clarification of incompetence.
152	Sen. Burdick	Asks whether there should be another election if a nominee should die before an election and the election returns show the opponent winning.
167	Sen. Metsger	States the votes are not counted for that election.
174	Ted Reutlinger	Legislative Counsel. Explains when an amendment changes the wording in a bill it must be changed in the Constitution.
190	Sen. Beyer	Asks about the wording <u>any</u> in front of vacancy in SJR 19.
198	Sen. Metsger	Comments there are changes in process but they have not returned from Legislative Counsel.
200	Reutlinger	Notes the amendments are used to adjust the bill to be parallel with the Constitution.
201	Co-chair Clarno	Closes public hearing on SB 552 and SJR 19. Opens a work session on SJR 11.

SJR 11 – WORK SESSION

202	Sen. Brown	MOTION: Moves SJR 11 be sent to the floor with a BE ADOPTED recommendation.
203		VOTE: 5-1
		AYE: 5 - Atkinson, Burdick, Beyer, Brown, Clarno
		NAY: 1 – Corcoran
	Co-chair Clarno	The motion Carries.
		SEN. DEVLIN will lead discussion on the floor.
206	Co-chair Clarno	Closes work session on SJR 11. Opens a public hearing on SB 513 and SB 531.

SB 513 and SB 531 – PUBLIC HEARING

318	Jason Williams	Executive Director, Taxpayers Association of Oregon. Testifies in support of SB 513, which prohibits county clerk from printing
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information on ballot return identification envelopes that allows any person to determine political party affiliation of person to whom ballot was delivered. Submits written testimony **(EXHIBITS A, B)**.

- 365 Sen. Burdick Asks about the voter's political party being printed on the outside of the ballot envelope.
- 384 Sen. Corcoran Asks for response to the statement made regarding illegal proceedings in Multnomah County.

TAPE 24, B

- 001 Williams States there were people voting after the cutoff date.
- 003 Sen. Corcoran Indicates a desire for the evidence.
- 013 Annette Newingham Elections Official, Lane County. Testifies in support of SB 513 and proposed amendments. Explains clerks would like private codes on the outside of the ballot envelopes for party affiliation.
- 039 Charles Stern Oregon Association of County Clerks. Testifies in support of SB 513 and proposes an amendment to make changes to the ballot envelope **(EXHIBITS C, D)**.
- 060 Sen. Brown Comments on federal dollars being used to address this issue.
- 061 Stern Answers the monies will be used to replace all existing systems.
- 073 James Morales Benton County Clerk. States he had received information from Charles Stern's office and wanted to respond to this information but he had done an investigation and found it was not proven.
- 090 Stern Comments on the concern of the clerks in each county and explains the retrieval of ballots.
- 170 Mark Bigger Senator Gary George's office. Testifies in support of SB 531, which directs county clerk in election conducted by mail to collect ballots from official ballot drop sites not less than once every 24 hours after time official ballot drop site opens. Explains reasons and further states they are looking at proposed amendments. Submits written testimony **(EXHIBIT E)**.
- 200 Sen. Corcoran Comments on the nature of the bill.
- 202 Stern States overflowing ballot boxes are the responsibility of the clerk.
- 218 Co-chair Clarno Closes public hearing on SB 513 and SB 531. Opens a public hearing on SJR 38.

SJR 38 – PUBLIC HEARING

- 225 Jim Stembridge Committee Administrator. Presents overview of SJR 38, which directs Oregon Transportation Commission to name specified bridge after Rex T. Barber.
- 241 Co-chair Clarno District 27. Testifies in support of SJR 38. Offers written testimony on the life of Rex T. Barber **(EXHIBIT F)**. States the bill would dedicate the new Highway 97 Bridge in his honor.
- 272 John Mangis Director, Veterans' Affairs. Testifies in support of SJR 38. Comments on other groups that support the naming of this bridge in memory of Col. Barber.
- 331 Jim Willis Legislative Commission Chair. Offers written testimony in support of naming this bridge in the name of Rex T. Barber's memory and states he was a role model for how people should conduct their lives.
- 374 Mac MacDonald Disabled Veteran. Testifies in support of SJR 38.
- 418 Co-chair Clarno Closes public hearing on SJR 38 and opens a work session on SJR 38.

SJR 38 – WORK SESSION

- 430 Sen. Atkinson **MOTION: Moves to ADOPT SJR 38-1 amendments dated 03/18/03 (EXHIBIT G).**

431		VOTE: 5-0
	Co-chair Clarno	EXCUSED: 1 - Sen. Brown
432	Sen. Atkinson	Hearing no objection, declares the motion CARRIED.
		MOTION: Moves SJR 38 be sent to the floor with a BE
		ADOPTED AS AMENDED recommendation.
		VOTE: 5-0
	Co-chair Clarno	EXCUSED: 1 - Sen. Brown
435		Hearing no objection, declares the motion CARRIED.
		SEN. CLARNO and SEN. HARPER will lead discussion on
		the floor.
TAPE 25, B		
048	Co-chair Clarno	Closes work session on SJR 38 and reopens a public hearing on SB 768.
<u>SB 768 – PUBLIC HEARING</u>		
049	Jason Williams	Taxpayers Association of Oregon. Testifies in support of SB 768 and recommends the ballots be opened on the day of election. Submits written testimony of Ruth Bendl and Mike Balanesi, as well as petitions signed by supporters (EXHIBITS H, I, J).
080	Annette K. Newingham	Chief Deputy County Clerk, Lane County. Testifies in opposition to SB 768 and explains the need for extra staff and problems of waiting for election day to open ballots (EXHIBIT K).
098	John Kauffman	Director, Elections, Multnomah County. Testifies as a neutral party and explains the process on election day and the security of this process (EXHIBIT L).
126	Sen. Burdick	Asks why the ballots were not counted until election day.
136	Kauffman	Explains current law does not allow for ballots to be opened until election day, and the change in language of SB 768 will allow opening of the envelopes outside the ballot before election day.
166	Co-chair Clarno	Closes public hearing on SB 768 and reopens public hearing on SB 552.
<u>SB 552 – PUBLIC HEARING</u>		
140	John Lindback	Elections Division, Secretary of the State. Describes -1 amendments dated 3-17-03 (EXHIBIT M), and the wording change to SB 552.
160	Co-chair Clarno	Closes public hearing on SB 552 and opens work session on SJR 13, SJR 14 and SJR 30.
<u>SJR 13, SJR 14 and SJR 30 – WORK SESSION</u>		
161	Sen. Brown	MOTION: Moves SJR 13 to the Senate Revenue Committee without RECOMMENDATION to passage.
162	Sen. Brown	MOTION: Moves SJR 14 to the Senate Committee on Transportation and Economic Development without RECOMMENDATION to passage.
163	Sen. Brown	MOTION: Moves SJR 30 to the Senate Revenue Committee without RECOMMENDATION to passage.
220	Co-chair Clarno	After committee discussion, the motion is withdrawn.
261	Co-chair Clarno	Closes work session on SJR 13, SJR 14, and SJR 30 and opens a public hearing on SB 702.
<u>SB 702 – PUBLIC HEARING</u>		
265	Jim Stembridge	Committee Administrator. Summarizes SB 702, which directs Secretary of State to provide computer software for use in filing political contribution and expenditure reports with Secretary of State.
285	Jeff Dean	Legislative Assistant, Sen. Gary George's office. Testifies in

support of SB 702. Submits written testimony (**EXHIBITS N, O**). Explains the use of computer software needed to move the election process into the twenty-first century.

313 Co-chair Close

Closes public hearing on SB 702 and opens a work session for the purpose of adopting committee measures.

INTRODUCTION OF COMMITTEE MEASURES – WORK SESSION

315 Sen. Brown

MOTION: Moves LC 3508 and LC 3509 BE INTRODUCED as committee bills (EXHIBIT P).

316

VOTE: 4-0

EXCUSED: 2 - Atkinson, Corcoran

Co-chair Clarno

Hearing no objection, declares the motion CARRIED.

320

Co-chair Clarno

Closes work session on LC 3508 and LC 3509. Adjourns committee meeting at 4:55 p.m.

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EXHIBIT SUMMARY

- A – SB 513, written testimony, Jason Williams, 1 p**
- B – SB 513, written testimony, Jason Williams, 1 p**
- C – SB 513, proposed amendments, Charles Stern, 1 p**
- D – SB 513, photograph, Charles Stern, 1 p**
- E – SB 531, written testimony, Mark Bigger, 1 p**
- F – SJR 38, written testimony, Sen. Bev Clarno, 1 p**
- G – SJR 38, -1 amendments (3-18-03), staff, 1 p**
- H – SB 768, written testimony of Ruth Bendl, John Mangis, 1 p**
- I – SB 768, written testimony of Mike Balanesi, John Mangis 1 p**
- J – SB 768, signed petitions, John Mangis, 7 pp**
- K – SB 768, written testimony, Annette K. Newingham, 1 p**
- L – SB 768, written testimony, John Kauffman, 1 p**
- M – SB 552, -1 amendments (3-17-03), staff, 2 pp**
- N – SB 702, written testimony of Don Fell, Jeff Dean, 2 pp**
- O – SB 702, amendment request, Jeff Dean, 1 p**
- P – LC 3805 and LC 3809, memorandum, staff, 1 p**