

SENATE COMMITTEE ON RULES

April 22, 2003
3:00 PM

Hearing Room 343
Tapes 40 - 41

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 Introduction of Committee Measures – Work Session
SJR 19 – Work Session
SB 552 – Work Session
Informational Meeting
Help America Vote Act (HAVA)

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 40, A		
004	Co-chair Clarno	Calls committee meeting to order at 3:12 p.m. Opens a work session for the purpose of introduction of committee measures.
<u>INTRODUCTION OF COMMITTEE MEASURES – WORK SESSION</u>		
005	Jim Stembridge	Committee Administrator. Summarizes LC 3570.
006	Sen. Burdick	MOTION: Moves LC 3570 BE INTRODUCED as a committee bill.
007		VOTE: 4-0 EXCUSED: 2 - Sen. Atkinson, Sen. Brown Hearing no objection, declares the motion CARRIED.
	Co-chair Clarno	
010	Co-chair Clarno	Closes work session for measure introduction and opens a work session on SJR 19.
<u>SJR 19 – WORK SESSION</u>		
035	Jim Stembridge	Committee Administrator. 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. Summarizes SB 552, which specifies procedures for runoff election if vacancy in nomination of candidates for certain state offices exists after 30 th day before date of general election.
042	Sen. Rick Metsger	District 26. Testifies in support of SJR 19 and SB 552. Discusses intent to conform election laws with the vote-by-mail process, which allows for replacement of a candidate in case of a death or mental incapacity.
083	Co-chair Clarno	Opens additional work session on SB 552.
<u>SB 552 & SJR 19 – WORK SESSION</u>		
092	Sen. Beyer	Asks if there is a timeline on ballots being mailed out.

097	Sen. Metsger	Answers the timeline is referred to in the body of SB 552.
101	Sen. Clarno	Asks where does the bill refer to mental capacity.
104	Ted Reutlinger	Legislative Counsel's Office. Notes the bill does not define mental incapacity, but the Secretary of State's Office makes that determination.
126	Sen. Beyer	Asks if twenty days before an election a candidate is in an automobile wreck and is in a coma, what is the recourse.
140	Reutlinger	Notes the nominee must die or resign for a vacancy to be declared.
158	Sen. Beyer	Asks if a candidate for United States Senate withdrew, knowing he could not win, what would happen then.
168	Reutlinger	States there was not a physical or mental disability involved.
178	Sen. Beyer	Ask if someone withdrew and claims they are mentally incapable would they be challenged.
201	Sen. Burdick	States the incident in New Jersey occurred thirty days before an election and there was enough time to add someone else to the ballot.
213	Sen. Metsger	States in current law in a vote-by-mail process if a death occurred that party would not be able to name someone else in their place.
253	Sen. Brown	Notes Sen. Courtney's situation where just before the election he was on his death bed.
267	Sen. Clarno	Asks how the Secretary of State determines a person is mentally or physically incapacitated.
287	Reutlinger	States currently the election laws provide the procedures for someone to withdraw and be replaced by the party.
311	Sen. Clarno	Notes what if someone is physically or mentally incapacitated and are unable to sign a withdraw form.
321	Reutlinger	Responds a form must be signed.
337	Sen. Clarno	Asks for further clarification.
343	Reutlinger	Explains a person would have to withdraw and possibly have a power of attorney sign.
367	Sen. Brown	Indicates yes a power of attorney could sign.
368	Sen. Brown	MOTION: Moves to ADOPT SB 552-1 amendments dated 03/17/03.
		VOTE: 6-0
369	Co-chair Clarno	Hearing no objection, declares the motion CARRIED.
370	Sen. Brown	MOTION: Moves SB 552A to the floor with a DO PASS AS AMENDED recommendation.

375 Co-chair Clarno **VOTE: 5-1**
AYE: 5 - Sen. Atkinson, Sen. Burdick, Sen. Corcoran, Sen. Brown, Sen. Clarno
NAY: 1 - Sen. Beyer
The motion Carries.
SEN. METSGER will lead discussion on the floor.

413 Sen. Beyer Notes the wording is unreadable and blurry and he cannot support without clearing this up.

414 Sen. Brown **MOTION: Moves to ADOPT SJR 19-1 amendments dated 03/27/03.**
VOTE: 5-1
AYE: 5 - Atkinson, Burdick, Corcoran, Brown, Clarno
NAY: 1 – Beyer
The motion CARRIES.
MOTION: Moves SJR 19 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.

415 Co-chair Clarno **VOTE: 4-2**
AYE: 4 - Burdick, Corcoran, Brown, Clarno
NAY: 2 - Atkinson, Beyer
The motion CARRIES.
MOTION: Moves SJR 19 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.

417 Sen. Brown

420 Co-chair Clarno **SEN. METSGER will lead discussion on the floor.**

420 Co-chair Clarno Closes work session on SB 552 and SJR 19. Opens informational meeting on Help America Vote Act.

INFORMATIONAL MEETING

TAPE 41, A

020 Jim Stembridge Committee Administrator. Summarizes the Help America Vote Act (HAVA)

084 John Lindback Elections Division, Secretary of State. Discusses the Help America Vote Act (**EXHIBIT A**). Explains the development of a state election plan.

135 Sen. Brown Asks if there are provisions in the Act for the vote-by-mail process or would it be inclusive that Oregon votes differently.

138 Lindback Answers there were amendments to the ACT directed to the vote-by-mail process.

140 Sen. Brown Asks if the bill is addressing those counties using punch cards.

148 Lindback Answers yes they will be updated with a replacement and continues to inform the committee on the centralized computerized voting system. Notes the legislature has appropriated funds for this system. The system requires:

- A voting system to assist voters who make errors
- Each state to implement a centralized voter registration
- Punch card system replacement incentives
- An administrative complaint procedure
- Touch-screen voting machines for the disabled.

240 Sen. Brown Notes the difficulty is the ballot is not printed in other languages.

242 Lindback States because of the population thresholds Oregon is not required to provide ballots in other languages.

250 Sen. Rick Metsger District 26. Responds the federal assistance money will come after there is an election fund and an administrative complaint

		procedure in place; then Oregon would qualify for the money that is available by April 29 th . HB 2145 sets up a special election fund so the bill needs to be adopted as soon as possible.
325	Charles Stern	Yamhill County Clerk. Testifies that this is a matter of federal involvement which has always been the state's responsibility, and this is the first to bill to bring money with it.
376	Sen. Beyer	Asks if someone delivered a ballot to the Secretary of State's Office what would happen with it.
378	Lindback	Answers the ballot would be passed to the county.
380	Stern	Notes if it is timely to any county clerk's office it would be a valid vote.
393	Kappy Eaton	Government Coordinator, League of Women Voters; steering committee of HAVA. Explains they are in the process of developing a plan, and notes the urgency to pass HB 2145 for improving Oregon's election system. Submits written testimony (EXHIBIT B) .
404	Sen. Brown	Notes the bill is in the House Rules Committee and will go to the House Floor next and notes we need a rules suspension.
TAPE 40, B		
008	Stembridge	Clarifies that April 28 th is the deadline.
020	Sen. Clarno	Closes the Informational Meeting and adjourns committee meeting at 4:35 p.m.

EXHIBIT SUMMARY

A – Informational, Oregon Elections Plan, John Lindback, 48 pp

B – Informational, Help American Vote Act (HAVA), written testimony, Kappy Eaton, 1 p