

HOUSE COMMITTEE ON RULES, REDISTRICTING, AND PUBLIC AFFAIRS

March 19, 2001
1:30 PM

Hearing Room D
Tape 44 - 45

MEMBERS PRESENT: Rep. Carl Wilson, Chair
Rep. Richard Devlin, Vice-Chair
Rep. Dan Doyle, Vice-Chair
Rep. Dan Gardner
Rep. Bill Garrard
Rep. Steve March
Rep. Bruce Starr
Rep. Joanne Verger
Rep. Cheryl Walker

STAFF PRESENT: Cara Filsinger, Committee Administrator
Michael Reiley, Committee Assistant

MEASURE/ISSUES HEARD: HB 2587 – Public Hearing
HB 2650 – Public Hearing
HB 2129 – Work Session
HB 3156 – 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 35, A		
004	Chair Wilson	Calls meeting to order at 1:37 p.m. Opens public hearing on HB 2587.
<u>HB 2587 – PUBLIC HEARING</u>		
011	Rep. Jim Hill	House District 5. Testifies in support of HB 2587. Argues that there are better voting options than punch card ballots.
058	Rep. Verger	Asks if Representative Hill has taken into consideration the counties that have had to pay for the change from punch card ballots to optical scan ballots themselves.
061	Rep. Hill	Answers no.
062	Rep. Verger	Asks if HB 2587 would require the state to fund the change.
064	Rep. Hill	Answers that he is unsure. Argues that it is a county issue and they should fund the change.
072	Rep. Verger	Asks what dollar figure is the trigger for Measure 30.
074	Rep. Hill	Answers that he does not know.
076	Rep. C. Walker	Asks if the issue of sharing equipment between counties has been addressed.
084	Rep. Hill	Answers that he is unsure. Explains that counting ballots effectively is a capacity issue.
098	Rep. Devlin	States that the trigger for Measure 30 is 1/100 of 1%. Points out that the legislature may supercede it with a supermajority vote.
106	Rep. Gardner	Clarifies statute. Notes that it is a 3/5 vote.
110	Rep. Devlin	Expresses concern about clarity of punch card ballots. Wonders if the punch card ballots have ever encountered Americans with Disabilities Act (ADA) problems.

131	Chair Wilson	Closes the public hearing on HB 2587. Opens public hearing on HB 2650.
<u>HB 2650 – PUBLIC HEARING</u>		
136	Rep. Hill	Testifies in support of HB 2650. Explains the provisions of HB 2650.
154	Chair Wilson	Recesses public hearing on HB 2650. Re-opens public hearing on HB 2587.
<u>HB 2587 – PUBLIC HEARING</u>		
162	Sen. Rick Metsger	Senate District 14. Testifies in support of HB 2587. Submits and summarizes (EXHIBIT A) . Notes that while punch card ballots have served their purpose well, they have become antiquated with new and better voting technology, especially regarding vote-by-mail.
208	Sen. Kate Brown	Senate District 7. Testifies in support of HB 2587. States that she believes federal funding will be available on a first-come, first-served basis, so it is important to act on HB 2587 quickly. Suggests that counties should pay a share of making the change.
225	Rep. Garrard	Asks why some counties have not changed from punch card ballots.
230	Rep. Dan Gardner	House District 13. Answers that there were financial considerations. Submits and summarizes prepared testimony (EXHIBIT B) .
278	Ed Dennis	Legislative and Redistricting Coordinator, Secretary of State's office. Submits and summarizes prepared testimony (EXHIBIT C) .
344	Chair Wilson	Asks for an opinion on the issue of mandates regarding Measure 30.
349	Dennis	Answers that it may or may not be a mandate, but it is a legal issue.
364	Rep. March	Asks if the Secretary of State's office supports amending HB 2587 with an effective date of 2004 while working out a solution in the interim.
374	Dennis	Answers yes. Points out that the clerks need flexibility to have a solution by their goal of the 2004 presidential election.
407	Jeanne Mackie	Clackamas County. Submits and reads prepared testimony (EXHIBIT D) . Gives personal account of voting difficulties. Expresses importance of having an accurate voting system.
465	Annette K. Newingham	Oregon Association of County Clerks (OACC), Lane County. Submits and reads prepared testimony (EXHIBIT E) .
TAPE 45, A		
058	Tom Hughes	Mayor of Hillsboro. Testifies in support of HB 2587. Expresses concern that as voters become frustrated with the voting process, it is local issues and races that would not be voted on. Raises issues of equal voter protection and credibility.
100	Rep. Doyle	Asks Ms. Newingham if the example of the punch card ballot in (EXHIBIT C) is indicative of the ballot used in her county.
103	Newingham	Answers yes.
104	Rep. Doyle	Asks if the ballot format can be adapted.
111	Newingham	Answers that there are alternatives, but none are perfect.
127	Chair Wilson	Asks about costs incurred by space considerations for counting ballots.
132	Newingham	Answers that many counties are reaching the limit of how far they can expand in terms of space for counting ballots. Explains that it is a concern of counties.

147	Rep. Verger	Asks how 2/3 of the counties paid for the changes.
156	Newingham	Answers that most of them have paid for it themselves. Points out that most of them have been smaller counties. Explains the speed associated with counting punch card ballots and optical scan ballots.
186	Rep. Verger	Asks how OACC would feel about funding the change for some counties while others paid for it on their own.
192	Newingham	Answers that it is a difficult situation, but they would be supportive.
202	Rep. Verger	Asks if an effective date of 2004 is too rigid of a time frame.
204	Newingham	Answers that "it is at least reasonable," where 2002 is not reasonable. Explains that Oregon does central counting instead of precinct counting and the money is with the precinct counting.
224	Bill Bradbury	Oregon Secretary of State. Submits and reads prepared testimony (EXHIBIT F). Explains his efforts to obtain federal funding for changing the voting system.
285	Rep. C. Walker	Asks if there have been discussions about counties cooperating to implement a system.
291	Bradbury	Answers that he is not aware of discussions, but it would be an appropriate question to ask OACC.
300	Rep. Verger	Points out that it is not the small counties with the lower incomes that need to make the change, but the larger counties with the higher incomes.
308	Bradbury	Notes that they will have to wait for the federal government to "weigh in".
312	Rep. Verger	Expresses concern that much of the attention from the federal government may be aimed at smaller counties, when in Oregon it is the larger counties that need to make the change.
317	Rep. March	Asks if paying for the change would be a state mandate or federal issue.
328	Bradbury	Answers that if the state mandates that the counties make the change, the state should pay for it. Notes that for the first time, the opportunity exists to get real assistance from the federal government as well as state contributions.
363	Mildred Dey	Forest Grove, Oregon. Testifies in support of HB 2587. Gives personal account of voting difficulties.
396	Edwin Dey	Forest Grove, Oregon. Testifies in support of HB 2587. Argues that optical scan ballots are more accurate. Expresses desire to take advantage of federal funding to change the system.
TAPE 44, B		
004	Mary Kathryn Nahl	Testifies in support of HB 2587. Submits and summarizes prepared testimony (EXHIBIT G).
074	John Kauffman	Clackamas County Clerk. Testifies in support of HB 2587. Submits and summarizes prepared testimony (EXHIBIT H). Explains cost considerations with different voting systems.
196	Rep. Devlin	Asks if the article that Mr. Kauffman referenced was referring to scanned ballots or actual paper ballots.
201	Kauffman	Answers that the article was referring to optical scan ballots.
206	Paul Snider	Association of Oregon Counties. Notes that they do not take a position on HB 2587, but they have a standing policy to resist mandates that are not funded. States that they would support federal funding assistance and a delayed effective date.
233	Steve Druckenmiller	Linn County Clerk. Testifies against HB 2587. Submits and

372	Chair Wilson	summarizes prepared testimony (EXHIBIT D). Discusses the 2000 Florida election problems. Addresses ADA concerns. States that the counties should pay for changing voting systems. Notes that punch card ballots are more accurate on recounts than optical scan ballots. Closes public hearing on HB 2587. Re-opens public hearing on HB 2650. States that there is no one to testify. Closes public hearing on HB 2650. Opens work session on HB 2129.
<u>HB 2129 – WORK SESSION</u>		
388	Chair Wilson	Discusses fiscal analysis of HB 2129 and states that Representative Westlund has requested that HB 2129 be sent to the Ways and Means committee.
408	Rep. Devlin	MOTION: Moves to ADOPT HB 2129-1 amendments dated 2/20/01. VOTE: 8-0 EXCUSED: 1 – Starr Hearing no objection, declares the motion CARRIED.
412	Chair Wilson	MOTION: Moves HB 2129 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
414	Rep. Devlin	
420	Rep. March	States support for HB 2129. Expresses desire for Division of State Lands to look for more long term, effective ways of getting to the unclaimed property provision.
430		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 – Starr The motion CARRIES.
440	Chair Wilson	Closes work session on HB 2129.
442	Chair Wilson	
TAPE 45, B		
019	Vice-Chair Devlin	Opens public hearing on HB 3156.
<u>HB 3156 – PUBLIC HEARING</u>		
021	Cara Filsinger	Committee Administrator. Reads summary of HB 3156.
026	Rep. Carl Wilson	House District 49. Explains provisions of HB 3156.
062	Rep. Doyle	Expresses support for HB 3156. Asks if Rep. Wilson has considered teleconferencing as a method of conducting a hearing.
072	Chair Wilson	Answers that he considers that a stopgap, “fall back” position. States the importance of government going to the community. Notes that he does not feel government is intentionally working against citizens, but argues that HB 3156 is a way to make government more responsive.
088	Rep. C. Walker	Asks for a more complete definition of geographical area. Suggests that it may be appropriate to address it in HB 3156.
098	Chair Wilson	Restates support for HB 3156 as it is written. Recognizes concerns and states that he is open to changes to make it more accessible.
119	Rep. C. Walker	States concern that areas such as southern and eastern Oregon may not be adequately served if meetings are held only in the larger cities in those areas such as Bend or Roseburg.
125	Chair Wilson	Acknowledges Rep. C. Walker’s concerns and will consider them.
127	Rep. Verger	Questions small public meeting notices placed in the legal section of the newspaper where they are not as accessible as they

140	Chair Wilson	could be. Notes that he will take Rep. Verger's suggestion under advisement.
143	Rep. Garrard	Makes suggestions about better defining geographical area.
157	Rep. March	Asks how many agencies could be affected by making limited geographical decisions.
164	Chair Wilson	States that he is unsure, but he would like to get their input.
178	Vice-Chair Devlin	Closes public hearing on HB 3156. Adjourns meeting at 3:09 p.m.

Submitted By,

Reviewed By,

Michael Reiley,
Committee Assistant

Cara Filsinger,
Committee Administrator

EXHIBIT SUMMARY

- A – HB 2587, 2000 General-Presidential Vote Graph, Sen. Rick Metsger, 1 p**
- B – HB 2587, written testimony, Rep. Dan Gardner, 1 p**
- C – HB 2587, written testimony, Ed Dennis, 10 pp**
- D – HB 2587, written testimony, Jeanne Mackie, 2 pp**
- E – HB 2587, written testimony, Annette Newingham, 1 p**
- F – HB 2587, written testimony, Bill Bradbury, 9 pp**
- G – HB 2587, written testimony, Mary Kathryn Nahl, 1 p**
- H – HB 2587, voting ballot irregularity examples, John Kauffman, 12 pp**
- I – HB 2587, written information, Steve Druckenmiller, 2 pp**
- J – HB 2129, -1 amendments, staff, 2 pp**