

HOUSE COMMITTEE ON RULES, REDISTRICTING, AND PUBLIC AFFAIRS

April 11, 2001
1:30 PM

Hearing Room D
Tapes 70 - 72

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

MEMBER EXCUSED: Rep. Dan Gardner

STAFF PRESENT: Cara Filsinger, Committee Administrator
Jennifer Goodman, Committee Assistant

MEASURE/ISSUES HEARD: REDISTRICTING – PUBLIC HEARING
LC 4140 – WORK SESSION
HB 3869 – PUBLIC HEARING
HJR 19 – PUBLIC HEARING
HB 3323 – WORK SESSION
HB 2575 – WORK SESSION
HB 3881 – 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.

TAPE/#	Speaker	Comments
TAPE 70, A		
004	Chair Wilson	Opens the meeting at 1:37 p.m. Opens a public hearing on redistricting.
REDISTRICTING – PUBLIC HEARING		
010	Cara Filsinger	Committee Administrator. Submits (EXHIBITS A, B, C, D, & E).
016	Chair Wilson	Closes the public hearing on redistricting and opens a work session on LC 4140.
LC 4140 – WORK SESSION		
018	Cara Filsinger	Explains that the draft is to be introduced.
021	Rep. Wilson	MOTION: Moves LC 4140 be ADOPTED as a committee bill.
022		VOTE: 6-0 EXCUSED: 3 - Devlin, Gardner, C. Walker Hearing no objection, declares the motion CARRIED.
024	Chair Wilson	Closes the work session on LC 4140 and opens a public hearing on HB 3869.
HB 3869 – PUBLIC HEARING		
040	Ruth Bendl	Submits and testifies in support of HB 3869 from (EXHIBIT G). Explains that ballots are exposed up to five days prior to election day. Believes that these ballots need to stay secret.

075	Mike Balanesi	Submits and testifies in support of HB 3896 from (EXHIBIT H) . Refers to the editorial in (EXHIBIT H) . Expresses concern about exposing ballots five days prior to election day.
099	Bendl	States that open ballots are not watched properly.
114	Charles Stern	Yamhill County Clerk. Explains that there is a trade-off in not opening the ballots early. Discusses the ballot counting procedure.
144	Chair Wilson	Asks what last election day would have looked like if they had adopted this bill.
149	Stern	Responds that it would be the same except there would be a smaller percentage of total votes announced. Explains that it would require a lot more staff and space in order to report a higher percentage on election day.
161	Chair Wilson	Suggests that if more people are hired on election day to open the ballots there would be less hired earlier.
167	Stern	Explains that space is an issue on election day.
181	Rep. Doyle	Asks what would happen if there was a secrecy leak.
186	Stern	Responds that this is an ongoing concern. Adds that firing of the employee would result.
197	Rep. Doyle	Asks if it is a valid concern that opening ballots 5 days early would result in more leaks.
202	Stern	Responds that in most elections the volunteers are too busy to track trends.
219	Rep. March	Asks if he reviews with the workers the rules of conduct.
223	Stern	Responds in the affirmative. Explains that they are given instructions and sworn in.
230	Rep. Garrard	Asks if everyone who touches these ballots are employees.
232	Stern	Explains that not all election board workers are employees.
241	Rep. Garrard	Asks about volunteers.
244	Stern	Explains that he employs no volunteers.
254	Rep. Garrard	Asks if someone could volunteer to work with the intention of collecting information.
259	Stern	Explains that some counties do have volunteers. Adds they subscribe to an oath and are chosen to work.
268	Rep. Starr	Asks how long of a delay in results would occur if this bill were implemented.
278	Stern	Responds that it took 5100 person hours in the general election. Adds that there are going to be fewer ballots counted by the same time without this bill.
290	Scott Tighe	Election Divisions. Testifies in opposition to HB 3869. Believes the bill does not improve the process and will cost money. Adds that if a person releases information prematurely they would be prosecuted by ORS 260.705. Explains that in the 5 days the ballots are secured at the end of the work day.
304	Chair Wilson	Asks if Mr. Tighe does not consider secure ballots to be an improvement to the system.
334	Tighe	Believes that the cost is not worth the improvement in security.
355	Rep. Devlin	States that you cannot know the vote by removing the secrecy ballot from the envelope.
363	Tighe	Responds in the affirmative.
369	Rep. Devlin	States that it would be difficult to look at ballots without being noticed.
381	Tighe	Agrees that it would be difficult.
391	John Kauffman	Clackamas County Clerk. Describes the ballot counting

		process. Explains that return envelopes are turned down States that counted ballots are stored in a locked ballot counting room.
003	Rep. Starr	Asks if Mr. Kauffman has a total of personnel hours.
005	Kauffman	Responds that he does not have this information.
008	Rep. Starr	Asks how many people are now used to count ballots. Asks how many people will be needed if this bill passes.
015	Kauffman	Responds that they employ 40 people and would not have room for any more.
030	Rep. Starr	Compares the amount of people hours needed for polling elections and vote by mail.
037	Kauffman	Believes that Multnomah County has more space.
046	Rep. Starr	Believes that if it is necessary they should find more space.
055	Rep. Garrard	Asks how many votes have been cast by the time they start to count the ballots.
060	Tighe	Explains that 60% were returned by Monday, the day before the election.
074	Rep. Garrard	Expresses concern with how much damage could be done if someone watched for voting trends. States that it does sound possible to do this. Adds that if 60% are returned by the Monday it may not be such a concern.
086	Tighe	Responds that the district would have to be very small. Adds that it would be very hard to count these votes to project a trend.
100	Rep. Walker	Asks if any complaints have been filed with the Secretary of State.
102	Kauffman	Replies that in fourteen years he is not aware of any complaints.
107	Tighe	States that in eight years he is not aware of any cases regarding early ballot tallying or of releasing of information.
111	Chair Wilson	Asks how they would know if this was going on.
114	Kauffman	Invites the panel to watch the process in the next election.
119	Chair Wilson	Closes the public hearing on HB 3869 and opens a public hearing on HJR 19.

HJR 19 – PUBLIC HEARING

123	Representative Bill Morrisette	House District 42. Explains that he served on an interim committee whose expertise was wasted because they were not allowed back as a result of term limits. States that he has a problem with out of state people putting money into the system to pass certain issues. Believes that the limit should be 12 years with a mix of where they can serve in the legislature. Explains that he has an issue with the bill on lines 3 and 4 regarding serving half terms. Believes this should be put into a separate resolution.
174	Chair Wilson	Asks him to explain the inclusion of vacancies in this bill.
185	Ted Reutlinger	Legislative Counsel. Recommends taking out the issue of vacancies from this bill. Believes these are two separate amendments according to <i>Armatta</i> . Adds that one is related to term limits and one is related to filling a vacancy. Explains that as the bill is drafted, the vacancy issue would apply to statewide officers also. States that he would like to see the bill rewritten.
211	Chair Wilson	Asks who this bill would apply to.
214	Reutlinger	Responds that it affects members of the legislature. Adds that it eliminates the 6 and 8 year limit in the legislature and changes it to a 12 year limit in the legislature as a whole. Adds that it does not change the rules for statewide officials. Explains that the bill does on to change the vacancy issue for both the

		legislature and statewide officials.
228	Rep. Starr	Asks if as drafted, the bill would affect sitting members.
232	Reutlinger	Explains that it would apply to any service after December 3, 1992.
248	Rep. Devlin	Asks if a senator who was elected in 1990 and served in 1993 and 1994 session would not count in the term limits.
253	Reutlinger	Responds in the affirmative.
255	Rep. Starr	Asks if they moved the date to December 3, 2001 if this would not include the sitting members under this bill.
264	Reutinger	Responds that this would solve the <i>Armatta</i> problem by being only a single amendment.
283	Lee Hazelwood	Testifies in opposition to this bill. States that he does not believe in term limits. Expresses concern that 18 year old members would be out of office at the age of 30. Believes term limits is a disservice to Oregonians. Adds that voters should have the right to choose the candidates.
336	Chair Wilson	Closes the public hearing on HJR 19 and opens a work session on HJR 19.
<u>HJR 19 – WORK SESSION</u>		
339	Rep. Starr	Expresses that he is struggling with this issue. States that they agreed to term limits when they were elected and should stick to it. Believes that sitting members will look bad if they change the term limits to affect themselves.
376	Rep. Walker	States that what they are doing is removing the artificial wall between the 6 year limit in the House and the 8 year limit in the Senate. States that the time between the House and Senate races do not correlate. Adds that this will make it impossible for a Representative to run for Senator the following session.
414	Rep. March	Believes that the voters have the right to change the terms of the contract by their vote.
434	Rep. Doyle	States that he supports term limits. Adds that he does not support the 6 and 8 year limits as it is. Believes that this is the perfect timing for dealing with this bill.
<u>TAPE 70, B</u>		
015	Rep. Doyle	Discusses <i>Armatta</i> regarding term limits.
025	Rep. Garrard	States that they are deciding whether to let the public choose what they want to do.
033	Rep. Starr	Agrees with what has been said. Expresses concern that his motives would be questioned in changing term limits while he is serving.
054	Chair Wilson	States that the Senate can deal with the <i>Armatta</i> problem.
067	Rep. Wilson	MOTION: Moves HJR 19 be sent to the floor with a BE ADOPTED recommendation.
069	Rep. Devlin	States that he will be voting aye in committee but not necessarily on the floor. VOTE: 7-1 AYE: 7 - Devlin, Doyle, Garrard, March, Verger, Walker C, Wilson NAY: 1 - Starr EXCUSED: 1 - Gardner The motion CARRIES. REP. MARCH will lead discussion on the floor.
082	Chair Wilson	Closes the work session on HJR 19 and opens a work session on HB 3323.

work session on HB 2575 and opens a public hearing on HB 3881.

HB 3881 – PUBLIC HEARING

266	Ruth Bendl	Submits and testifies in support of HB 3881 from (EXHIBIT L) . Discusses her experiences with electioneering. Explains that she is concerned with campaigning using tax payers money. Asks that fines be stiff in order to enforce electioneering law.
326	Mike Balanesi	Submits and testifies in support of HB 3881 from (EXHIBIT M) . Refers to a recent case regarding Hillsboro School District that was found to have broken election law.
355	Rep. Garrard	Asks Mr. Balanesi to explain what he is talking about.
356	Balanesi	Explains the Hillsboro case. Explains that he wants to protect the taxpayer and include them in the process of disseminating neutral information regarding a bond levy or a ballot measure with a fiscal impact.

TAPE 71, B

068	Rep. Garrard	Explains that there are already laws in place for public employees. Adds that he does not see how this bill changes the law.
072	Balanesi	Responds that elected officials are exempt from electioneering laws. Continues that this bill effects public employees.
084	Rep. Garrard	Replies that they are already public employees. Believes that there are already existing laws to deal with this issue.
087	Balanesi	Responds that the only reason these people were caught was because citizens filed a complaint. States that the law is already on the books. Adds that they would like to see the fines are raised to deter from breaking the law.
105	Chair Wilson	Asks if he is asking to increase fines to what is already illegal.
110	Balanesi	Responds in the affirmative.
111	Rep. Verger	Asks if this is very widespread.
113	Balanesi	Responds that it is widespread enough so that he is aware of a complaint right now with the Secretary of State's Office. Believes there have been 10 complaints filed in the last few election years.
121	Rep. Verger	States that students and employees are citizens on their off hours and can voice their own opinions. Asks if they were doing things during school hours.
131	Balanesi	Explains that this does not take away free speech rights from public employees. Adds that it limits their use of public materials and time.
168	Madelyn Wessel	City of Portland. Submits and testifies in opposition of HB 3881 from (EXHIBIT N) .
198	Chair Wilson	Asks her to summarize her testimony.
200	Wessel	Summarizes (EXHIBIT N) . Discusses Measure 93 regarding fiscal analysis.
223	John Marshall	Oregon School Board Association. Submits (EXHIBIT O) and testifies in opposition of HB 3881. Explains that the Elections Division gives talks on election law and how they are to comply with them. Believes that incumbents should inform their constituency. States that the current law works. States that biase in this information is already illegal. Reviews the Hillsboro case. Adds that this proposal is extreme.
374	Chair Wilson	Asks who pays for the informational ads for a school district.
378	Marshall	Responds that it is paid by the school district. Adds that they

		follow guidelines set by the Secretary of State regarding disseminating informational material.
388	Charles Stern	Yamhill County Clerk. Submits and testifies in opposition to HB 3881 from (EXHIBIT P) . Expresses concern that Section 1 would expand to include dues to associations that engage in lobbying efforts. Adds that Section 3 is problematic because small districts do not always have identified opposition.
421	Rep. Starr	Asks if they would be opposed to paring the bill down to just increasing fines for penalties.
TAPE 72, A		
002	Marshall	Responds that he believes that the Secretary of State can already levy fees. Believes that public officials and employees are concerned with being accused of improper behavior and this alone is a deterrent.
016	Rep. Starr	States that the damage would already be done by the time the employee is publically accused.
022	Marshall	Responds that he is comfortable with the law as it is regarding deterrents.
023	Rep. Garrard	Asks if the public employee in the Hillsboro case knew he was breaking the law.
026	Marshall	Believes it was unintentional.
035	Rep. Garrard	States that he supports raising the fines but believes the rest of the bill is unnecessary. Asks if he feels the penalties are now adequate.
042	Marshall	Believes that they have broad flexibility to levy fines.
050	Rep. March	Asks if the school board could have fired the superintendant, and if not could the public recall the school board.
056	Marshall	Explains that the public can recall the school board.
060	Chair Wilson	Asks that Mr. Tighe respond to Representative Garrard's question.
067	Rep. Garrad	Asks the range of penalties.
072	Scott Tighe	Elections Division. Responds that a violation of this nature would result in a civil penalty with a maximum fine of \$200. Describes the progression of penalties. Explains that the bill would increase their responsibility. Adds that at this time they are available to review written material. States his opposition because the Secretary of State does not have the resources to implement Section 3 of the bill. Asks to be able to submit a fiscal analysis if the body moves forward with this bill. Asks to also be able to offer an amendment that allows the governing body to identify the opponents.
128	Cara Filsinger	Committee Administrator. Submits (EXHIBIT Q) into the record.
133	Tim Nesbitt	Oregon AFL-CIO. Testifies in opposition to the bill. Believes this bill is unnecessary and unfair to public employees. Adds that it may be unconstitutional because it singles out a specific group of people. States that the voters have in the past rejected similar measures.
168	Hasina Squires	Special Districts Association of Oregon. Testifies in opposition to HB 3811. Believes that the term 'measure' is over encompassing. Believes that taxpayers are involved in the development of neutral information through elected officials and the public comment period.
195	Kathryn Dysart	Director of Communications, Salem-Keizer Public Schools.

		Submits and testifies in opposition to HB 3881 from (EXHIBIT R) . Explains that they take election laws seriously and have the Secretary of State's Office review all their written material. Adds that they are conscious of their credibility. Explains that they include a broad base of constituents in the selection of bond measures. States that the fines are taken out of the employees personal checking account.
235	David Barenberg	League of Oregon Cities. Testifies in opposition to HB 3881. Believes that this bill is too broad. Explains that the league educates public officials of the election law.
268	Chair Wilson	Closes the public hearing on HB 3881 and adjourns the meeting at 4:02 p.m.

Submitted By,

Reviewed By,

Jennifer Goodman,
Committee Assistant

Cara Filsinger,
Committee Administrator

EXHIBIT SUMMARY

- A – Redistricting, written testimony, Staff, 1 p.**
- B – Redistricting, written testimony, Staff, 1 p.**
- C – Redistricting, written testimony, Staff, 1 p.**
- D – Redistricting, written testimony, Staff, 4 pp.**
- E – Redistricting, written testimony, Staff, 2 pp.**
- F – LC 4140, Draft, Staff, 6 pp.**
- G – HB 3869, written testimony, Ruth Bendl, 3 pp.**
- H – HB 3869, written testimony, Mike Balanesi, 2 pp.**
- I – HB 3323, -1 amendments, Staff, 1 p.**
- J – HB 2575, -1 amendments, Staff, 1p.**
- K – HB 2575, -5 amendments, Staff, 5 pp.**
- L – HB 3881, written testimony, Ruth Bendl, 1 p.**
- M – HB 3881, written testimony, Mike Balanesi, 18 pp.**
- N – HB 3881, written testimony, Madelyn Wessel, 3 pp.**
- O – HB 3881, written testimony, John Marshall, 4 pp.**
- P – HB 3881, written testimony, Charles Stern, 12 pp.**
- Q – HB 3881, written testimony, Staff, 1p.**
- R – HB 3881, written testimony, Kathryn Dysart, 2 pp.**