

SENATE COMMITTEE ON RULES AND REDISTRICTING

April 03, 2001 Hearing Room C
3:00 PM Tapes 47 - 49

MEMBERS PRESENT: **Sen. Steve Harper - Chair**
 Sen. Peter Courtney – Vice Chair
 Sen. Jason Atkinson
 Sen. Lee Beyer
 Sen. Kate Brown
 Sen. Randy Miller
 Sen. John Minnis

STAFF PRESENT: **Craig Allen, Committee Administrator**
 Jennifer Goodman, Committee Assistant

MEASURE/ISSUES HEARD: **SCR 9 – PUBLIC HEARING AND WORK SESSION**
 SB 457 – PUBLIC HEARING AND WORK SESSION
 SB 216 – 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 47, A		
004	Chair Harper	Begins the meeting at 3:08 p.m. Opens a public hearing on SCR 9.
<u>SCR 9 – PUBLIC HEARING</u>		
010	Amy Klare	Resident of Multnomah County. Submits and testifies from (EXHIBIT A) .
060	Representative Al King	House District 44. Submits (EXHIBIT B) and describes Representative Jolin's tenure on the legislature. Asks the committee to honor a former Legislature.
085	Chair Harper	Closes the public hearing on SCR 9 and opens a work session on SCR 9.
<u>SCR 9– WORK SESSION</u>		
094	Sen. Courtney	MOTION: Moves SCR 9 be sent to the floor with a BE ADOPTED recommendation.
096	Chair Harper	VOTE: 7-0 Hearing no objection, declares the motion CARRIED. SEN. CORCORAN will lead discussion on the floor.
107	Chair Harper	Closes the work session on SCR 9 and opens a public hearing on SB 457.
<u>SB 457 – PUBLIC HEARING</u>		
111	Senator Rick Metsger	Senate District 14. Explains the –1 amendments (EXHIBIT C) . Explains that Spanish is used all over the state of Oregon. Adds that using Spanish is critical for transacting business and communicating without error. Explains that we should include all citizens in the voting process. Adds that multi-lingual ballots are widely used throughout the country. Explains that if 5% of the voting population is proficient in a single language, the ballot must reflect this language. Reviews the Hispanic

		population within the state of Oregon. Explains that the bill allows the Secretary of State to review offering other languages as ballot options. Believes that this sends the message of desiring an inclusive society.
207	Bill Bradbury	Secretary of State. Testifies in support of this bill. Believes that every citizen should have access to the voting process. Adds that it will cut down on lawsuits. Submits (EXHIBIT D) and explains that many people do not participate because translating the ballot is too difficult. Reviews the large percentage of Hispanics in Oregon. Adds that voting is a fundamental right in our country. Supports an interim committee for reviewing this issue. Refers to and discusses the bilingual requirements in law. <ul style="list-style-type: none"> • If more than 5% of the voting population is limited in English and knows only one language. • If more than 10,000 people of voting age are members of a single language minority. • If the illiteracy rate is higher than the national average. States that the Director of the Census makes the decisions regarding the above rules. Adds that if Oregon does not act soon, others will force us to. Explains that last year a Spanish pamphlet was distributed to the Hispanic population.
377	Chair Harper	Asks why we do not do this now instead of in two years.
380	Bradbury	Replies that the census information was just released.
385	Chair Harper	Believes that we need to do this now.
395	Bradbury	Responds that it is time to begin reviewing this process.
400	Chair Harper	States that we are going to fix this now.
371	Sen. Brown	Asks if it is because of the cost of the ballot and pamphlet that this is not going forward at this time.
408	Bradbury	Explains that we need to find out where the Spanish ballots are necessary. Adds that then there will be a substantial cost.
419	Sen. Minnis	Asks where the costs are.
421	Bradbury	Responds that printing would raise the cost.
428	Sen. Minnis	Suggests that the translation would be the most costly. Explains that they could then reduce the printing volume by the same amount.
433	Bradbury	Explains that they get a reduced price now for printing ballots because of the huge volume. Adds that special requests will cost much more depending on the number of versions.
446	Sen. Minnis	Believes the largest cost is the translation. Adds that the total will be reduced when you incorporate the special Spanish version. Asks why they do not put the information on the internet.
465	Bradbury	Responds that it is important to not go to internet information only. Adds that not all citizens have access to the internet.
484	Sen. Minnis	Asks him to define discrimination. Asks about the mandate that requires all the pamphlets to be printed.
TAPE 48, A		
016	Bradbury	Responds that he can present a copy of the law. Adds that Oregon has chosen to have a voter's pamphlet.
021	Sen. Miller	Suggests that they charge pamphlet advertisers more.
029	Bradbury	States that it is up to the legislature to set the fees for advertising.

037	Sen. Brown	States that the committee wants to move now. Asks if it is just a fiscal question at this point.
042	Fred Neal	Elections Division. States that this is an issue of studying where to send translated ballots. Adds that they are investigating how to distribute these ballots. Suggests that they adopt the central voter registration system.
071	Sen. Brown	Asks if there is a commitment from the legislature to implement the centralized voter registration by 2004.
084	Neal	States that there is a lot of interest in this and the cost is being reviewed.
095	Sen. Brown	States that the Governor's budget was already set by the time the last election took place.
110	Juan Argumedo	Testifies in support of SB 457 with the -1 amendments and submits (EXHIBIT E) .
144	Eduardo Anguelo	Translator for Mr. Argumedo.
150	Sen. Minnis	Asks where he gets his information now to vote.
155	Argumedo	Responds that the information is only in English. Adds that his organization puts in a lot of time translating the ballot into Spanish.
167	Anguelo for Argumedo	Explains that there is no information in Spanish.
170	Sen. Minnis	Responds that he understands that. Asks if there is translation assistance occurring within the family. Asks how they are getting by at this point.
181	Anguelo for Argumedo	Responds that his organization requests information in English.
189	Steve Lanning	AFL-CIO. Testifies in support of this bill. Adds that the ballot is very difficult to figure out if one is not fluent in English. Believes that there should be uniform information on the ballots.
218	Sen. Brown	Asks how he identifies and disseminates information to non-English speaking citizens.
220	Lanning	Responds that the local unions do this. Adds that they hire translators.
232	Michael Dale	Private citizen. Testifies in support of the -1 amendments. Reviews the naturalization process. Explains that many foreigners are impressed with and want to participate in the election process. Explains that non-English speaking citizens are intimidated by the large and difficult ballots and pamphlets. Believes that voting should not be so difficult.
302	Sen. Brown	Asks how he accesses information for the citizens he works with.
309	Dale	Explains that there is an element in the Hispanic community that use the internet, perhaps 1/3. Adds that the rest need information through programs in their own language.
325	Senator Susan Castillo	Senate District 20. Testifies in support of this bill. Believes that more people need to be engaged in the voting process. Discusses how she assisted Hispanics in the voting process. Explains that Hispanics feel the barriers of the language. Asks that the committee study this with the Secretary of State.
370	Frank Garcia, Jr.	Oregon Latino Voter Registration Education Project. Testifies in support of the -1 amendments to SB 457 and submits (EXHIBIT F) . Describes his organization. Explains that the

best way he has educated Latinos in the voting process was through a pamphlet “Votando En Oregon.” Adds that the Voting Rights Act does suggest that this bill be passed. States that currently there are nine lawsuits filed nationally, five of them being upheld. Adds that Oregon is at risk for lawsuits by not conforming to the Voting Rights Act.

TAPE 47, B

003	Sen. Brown	Asks if the state is not liable if we are conducting studies.
012	Garcia	Believes there is time allowed to move forward.
017	Fred Neal	Elections Division. States that the Federal law is not the hammer forcing this issue. Believes that Oregon is being proactive on this issue.
029	Senator Harper	Closes the public hearing on SB 457 and opens a work session on SB 457.
039	Sen. Courtney	MOTION: Moves to ADOPT SB 457-1 amendments dated 03/21/01.
040	Sen. Minnis	Asks if there is a report to the legislature.
041	Chair Harper	Responds that it is on line 20.
044		VOTE: 7-0
	Chair Harper	Hearing no objection, declares the motion CARRIED.
045	Sen. Courtney	MOTION: Moves SB 457 to the floor with a DO PASS AS AMENDED recommendation.
048	Sen. Miller	Asks what the fiscal is on this bill.
049	Chair Harper	Responds that it is \$54,500.
050	Sen. Miller	Asks about Ways and Means.
051	Chair Harper	States that permission is given to go through the Senate and then on to Ways and Means.
054	Sen. Miller	Asks if a Co-Chair can waive our rule at any time.
059	Chair Harper	Responds in the affirmative.
061	Sen. Minnis	States that Ways and Means keeps track of the substantive bills.
070		VOTE: 7-0
	Chair Harper	Hearing no objection, declares the motion CARRIED. SEN. METSGER AND SEN. CASTILLO will lead discussion on the floor.
076	Chair Harper	Closes the work session on SB 457 and opens a public hearing on SB 216.
SB 216 – PUBLIC HEARING		
078	Sen. Miller	Asks about witnesses supplying 20 copies of their testimony.
083	Chair Harper	Responds that he is welcome to ask.
080	Senator Peter Courtney	Senate District 17. Submits (EXHIBIT G) and testifies in support of the bill. Introduces Eric Mason, a reporter with KPAM Radio.
130	Eric Mason	Reporter KPAM. Submits (EXHIBIT H) . Discusses his background. Refers to “Signatures for Sale” that looks at the signature collecting process.
180	Mason	Plays an audiotape of “Signatures for Sale” a report he did that discusses payment for signatures in the signature gathering process.
260	Mason	Reviews the content of the audiotapes.
273	Sen. Minnis	Asks why this is not being considered as a felony.
275	Sen. Courtney	Explains that he received signals that if it were considered a felony it would not pass.
289	Sen. Minnis	Asks how this crime would be proven.

303	Sen. Courtney	Responds that if they have a bogus signature, the person would come in and record that it is not their signature. Hopes that this is basically a deterrent.
302	Ted Reutlinger	Legislative Counsel. Explains current law: <ul style="list-style-type: none"> • circulator is not to make false statements. • circulator is not to accept knowingly false signatures. • Circulator is not to circulate a petition with false signatures on it. • signer cannot knowingly sign more than once or if not qualified to vote. Adds that this bill adds to the previous laws to close the loophole and make it illegal for the circulator to accept the signature when they know the person is not qualified. Asks if the four other laws are now class C felonies.
367	Chair Harper	Asks if the four other laws are now class C felonies.
368	Reutlinger	Responds in the affirmative.
368	Chair Harper	Asks if we should be consistent in punishment.
370	Reutlinger	Responds that in the original SB 216 it was automatically made a class C felony.
373	Chair Harper	Believes the punishment should be consistent.
375	Sen. Courtney	Responds that he asked for less than a felony in order to pass.
387	Sen. Brown	Asks how adding this provision addresses the middle party issue.
392	Reutlinger	Responds that this bill does not directly deal with that issue. Adds that under Oregon statute it is unlawful to sell a signature sheet. Believes this is a deterrent.
406	Sen. Brown	Believes this has been educational for the committee.
408	Sen. Courtney	Believes there should be standards for all involved, including the legislature. Adds that this includes the chief petitioner.
432	Sen. Miller	Asks the difference between the current subsection 2 and the proposed subsection 3.
448	Reutlinger	Responds that there is a difference between a false signature and one who is not qualified to sign.
TAPE 48, B		
002	Sen. Miller	Asks if this is a court's interpretation.
003	Reutlinger	Responds that it was based on his understanding of the election laws.
005	Sen. Miller	Asks if a court has ever addressed this.
007	Reutlinger	Responds in the negative.
009	Sen. Miller	Suggests rewriting the bill. Asks what the problem is that they are seeking to remedy.
019	Sen. Courtney	Suggests that the integrity of our system is being breached. Adds that not every signature is checked.
031	Chair Harper	States that SB 955 will not be heard today.
037	Sen. Miller	Asks if Senator Courtney does not believe the current statute covers this concern.
039	Sen. Courtney	Responds that from a standards standpoint that this bill is necessary.
059	Sen. Miller	States that the people ultimately vote on an initiative. Asks why this is such a concern.
070	Sen. Courtney	Responds that the election process should be as credible and honest as possible.
080	Chair Harper	Suggests that the audiotape submitted does not relate directly to

		this piece of legislation.
082	Sen. Courtney	Agrees.
084	Chair Harper	States that the original bill reads the same except for the inclusion of the chief petitioner.
085	Sen. Courtney	Responds that this is a substantial departure.
087	Scott Tighe	Elections Division. States that subsection 3 of this bill will help keep the number of valid signatures from declining. Adds that the number of invalid signatures has dropped to 70%. States that chief petitioners are paying for invalid signatures.
111	Chair Harper	Asks about bundling.
113	Tighe	States that it is currently illegal to buy and sell signature sheets. Adds that it is only a civil violation.
118	Mason	States that unsigned signature sheets can be sold for anything, including drugs.
131	Sen. Minnis	States that he likes the concept of the bill. Believes that these people are defrauding voters by selling and including invalid signatures on petitions. Believes that this is not impossible to prosecute. Discusses the unregulated signature gathering industry.
165	Sen. Beyer	Asks if the signature line includes the standard of false swearing attached to it.
167	Tighe	Responds in the affirmative. States that the scenario in the audiotape would have been prosecutable because the signatures were collected without the signatures certification on the bottom.
176	Chair Harper	Asks why they do not arrest the man on the audiotape.
177	Tighe	Responds that he may want to borrow the tape.
178	Chair Harper	Believes these things are not being prosecuted.
182	Tighe	Responds that they do report violations to the Attorney General's Office.
187	Sen. Miller	Suggests that the chief petitioner would be responsible.
198	Reutlinger	States that the petitioner could be prosecuted only in civil court. States that Section 3 says the chief petitioner is responsible for civil violations incurred by their petitioners.
218	Sen. Miller	Asks if they are then fined.
220	Reutlinger	Responds that the chief petitioner could be responsible for the circulators in the amount of \$250 unless they violate a higher statute.
231	Sen. Miller	Asks if the chief petitioner is liable if a circulator unknowingly accepts an invalid signature.
243	Sen. Courtney	Responds that this bill refers only to those with bad intentions.
248	Sen. Miller	States that the original bill does include those who do it by error.
249	Sen. Courtney	Responds that the intention of the legislation is not to prosecute people that make a mistake.
260	Chair Harper	States that SB 505 will not be heard today.
265	Reutlinger	States that Section 1 in the original bill is a Class C felony.
269	Sen. Miller	Explains that one would be subject to civil penalty and a fine in the situation he described. Asks what the effect of passing the original bill would be.
278	Chair Harper	States that he asked Senator Courtney to take this section out of the bill.
281	Sen. Courtney	States that he wants the bill to be correct. Believes that this bill could be made much more heavy-handed. Adds that this was not what he understood the committee to want.
306	Bill Sizemore	Oregon Taxpayers United. Believes that the committee has not

		been given an accurate story of petitioning. Agrees a penalty should be given to knowingly false information on a petition. Concerned about false signatures because he would be wasting his money. Believes that he has been given thousands of false signatures and has asked for assistance in stopping this. States that the Secretary of State's Office has shown no interest in prosecuting these circulators.
379	Sen. Brown	Asks if he buys signatures from people who do not do the signature gathering themselves.
390	Sizemore	States that buying signatures is illegal right now. Explains that chief petitioners hire people to collect signatures. Adds that the circulator will sometimes hire out others to do the collecting. Explains that he personally cannot keep track of who is doing the signature gathering.
423	Sen. Brown	Asks if the answer to her question is no.
424	Sizemore	Responds that it is no.
425	Sen. Brown	States that he does not buy from people who do not collect the signatures.
426	Sizemore	Responds that he does not buy signature sheets from anybody. Explains that he pays people to collect signatures.
431	Sen. Brown	Asks if it is possible that the people he hires to pay others for signatures.
433	Sizemore	Responds in the negative. Explains that they do not buy signatures but they do pay for signature collecting.
440	Sen. Minnis	Asks how he supervises his workers.
441	Sizemore	Describes the petition collecting process. States that every petition sheet has instructions to the circulator and signer. Refers to the Highley case. Suggests that it is impossible for him to check every single signature.
482	Sen. Minnis	Asks how he supervises his employees.
483	Sizemore	States that they are not his employees.
483	Sen. Minnis	Asks if he is required by law to supervise these people.
484	Sizemore	Responds that he is not. Adds that he only has to turn in signatures to the Secretary of State.
491	Sen. Minnis	States that they cannot restrict people from paying for gathering signatures. Continues that they can regulate.
496	Sizemore	Explains that the State of Washington passed a law saying that one can pay for petitioners by the hour not per signature. Adds that the Federal court said they cannot do this. Believes there is a feeling out there that says if money is involved there is corruption.
513	Sen. Minnis	Asks about how Mr. Sizemore runs his company.
TAPE 49, A		
039	Sizemore	States that the Supreme Court says paid petitioning is legal. Adds that there is no reason to believe there is more fraud with paid petitioners than with volunteers.
057	Sen. Minnis	Believes the state can decide how to run your business.
060	Sen. Courtney	States that this bill does not target paid signature gatherers. Asks why the petition process should not be held to a high standard.
078	Sizemore	Explains that he does his best to gather only legal signatures.
103	Sen. Courtney	Asks why the ballot process should not be held to high standards.
108	Sizemore	Explains that they are already paying for fraudulent signatures.

118	Sen. Courtney	Asks if it depends on the person who gathered the signatures.
118	Sizemore	Responds it is money they have spent for what they thought were valid signatures.
119	Sen. Courtney	Asks if the chief petitioner shouldn't take more responsibility in the petition process.
131	Sen. Brown	Suggests that if the chief petitioner were held accountable it would force them to take more control their agents.
141	Sizemore	Responds that that is true. Adds that as far as legislatures would be responsible for their door to door volunteers.
150	Sen. Brown	States that she is held responsible for her voter pamphlet.
151	Sizemore	Responds that she writes the pamphlet. Adds that it is different to be responsible for her volunteers. States that he would not be more careful with his agents, he would quit the business.
157	Sen. Miller	Asks what would happen if a signature were collected from a person who just recently became ineligible.
167	Sen. Brown	States that this is not a violation of law.
168	Sen. Miller	Suggests a problem with not knowingly accepting invalid signatures.
173	Sen. Brown	States that this is not a violation of law.
176	Sen. Miller	Suggests fining the signer for the invalid signature.
187	Sen. Miller	Asks if Mr. Sizemore supports the bill with the -1 amendments.
188	Sizemore	Responds that he does if it is the one that leaves out the chief petitioner.
193	Scott Tighe	Clarifies that the Secretary of State did not until 2 years ago investigate invalid signatures at the request of a chief petitioner. Explains that it had first to be filed with the Secretary of State's office. Adds that this has now changed. Explains that Mr. Sizemore's petitions are treated no differently than any other chief petitioner's.
235	Sen. Brown	States that there is a distinction between knowingly and unknowingly accepting invalid signatures.
245	Chair Harper	Closes the public hearing on SB 216 and adjourns the meeting at 5:12 p.m.

Submitted By,

Reviewed By,

Jennifer Goodman,
Committee Assistant

Craig Allen,
Committee Administrator

EXHIBIT SUMMARY

- A – SCR 9, written testimony, Amy Klare, 2 pp.**
- B – SCR 9, written testimony, Rep. King, 1 p.**
- C – SB 457, -1 amendments, Staff, 2 pp.**
- D – SB 457, written testimony, Bill Bradbury, 7 pp.**
- E – SB 457, written testimony, Juan Argumedo, 1 p.**
- F – SB 457, written testimony, Frank Garcia, 1 p.**
- G – SB 216, written testimony, Senator Courtney, 2 pp.**
- H – SB 216, written testimony, Eric Mason, 5 pp.**

