

HOUSE COMMITTEE ON RULES, ELECTIONS, AND PUBLIC AFFAIRS

March 11, 1999 Hearing Room D

3:30 P.M. Tapes 16 - 17

MEMBERS PRESENT: Rep. Mark Simmons, Chair

Rep. Richard Devlin, Vice-Chair

Rep. Bruce Starr, Vice-Chair

Rep. Jason Atkinson

Rep. Chris Beck

Rep. Roger Beyer

Rep. Randall Edwards

Rep. Dan Gardner

Rep. Kevin Mannix

Rep. Kitty Piercy

Rep. Jim Welsh

Rep. Max Williams

MEMBER EXCUSED:

STAFF PRESENT: Cletus B. Moore, Jr., Administrator

Kevin E. Wells, Administrative Support

MEASURE/ISSUES HEARD: Public Hearing HB 2001

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 |
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| TAPE 16, A | | |

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| 003 | Chair Simmons | Calls meeting to order at 3:30 p.m. |
| <u>PUBLIC HEARING HB 2001</u> | | |
| 004 | Cletus Moore | Explains HB 2001 and its provisions. |
| 011 | Speaker Lynn Snodgrass | District 10. Testifies in support of HB 2001. States importance of the "Voter Protection Act." Reviews the history of the legislation. Discusses the centralized voter registration database. Comments on other provisions within HB 2001. Notes her concerns about vote by mail elections, specifically coercion and pressure while voting. |
| 068 | Speaker Snodgrass | Discusses potential sales of official ballots. Urges support for provisions that prohibit such sales and purchases. Explains that it would be a class C felony under HB 2001. |
| 091 | Rep. Randall Edwards | District 15. Testifies in support of HB 2001. States the importance of the election and democratic process. Discusses problems of vote by mail, which HB 2001 addresses. Explains that county clerks will be allowed to prepare ballots to be counted on the day of the election. States the importance of retaining polling stations where citizens can vote in private and without coercion. |
| 148 | Rep. Edwards | States the voting period is too long. Points out that HB 2001 shortens the voting period. |
| 161 | Rep. Gardner | Asks why precinct-persons are prohibited from serving in adjacent precincts. |
| 165 | Speaker Snodgrass | Explains that the provision addresses past concerns about abuses and preserves the integrity of the democratic process. |
| 185 | Rep. Gardner | Asks why absentee ballots will be posted airmail. |
| 194 | Rep. Mannix | States that it is an archaic provision. Adds that all international mail is now sent airmail. |
| 200 | Vice-Chair Devlin | Asks about the error rate in ballot verification. |
| 219 | Speaker Snodgrass | Comments on the verification process. Notes potential problems. |
| 244 | Rep. Atkinson | Asks for elaboration on modifications to the date for mailing ballots. |
| 258 | Rep. Edwards | Comments on the logistical problems of running vote by mail elections. Emphasizes that three weeks to vote is too long. |
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| 286 | Speaker Snodgrass | Explains that HB 2001 also ensures consistency, among the counties, in the voting time frame. |
| 300 | Rep. Beyer | Asks what the standard practice is for mailing absentee ballots. |
| 308 | Speaker Snodgrass | Responds that she does not know. |
| 311 | Rep. Beyer | Asks how they arrived at the 20-day voting period. |
| 327 | Speaker Snodgrass | Notes that thousands of ballots are mailed in each county; it is challenging for local post offices. States that some flexibility is needed. States that 20 days is a best guess that can be changed. |
| 359 | Rep. Mannix | Asks why people were ever allowed to serve as precinct persons in adjacent precincts. |
| 367 | Speaker Snodgrass | Replies that she does not know. |
| 376 | Vice-Chair Devlin | Describes instances where it has been useful to have people serve as precinct persons in adjacent precincts. |
| 395 | Vice-Chair Starr | States that it provides as many opportunities as possible for as many people as possible to be involved in the democratic process. |
| 405 | Rep. Gardner | Adds that in urban areas different sides of the street may be in different precincts, so it makes sense for people to be allowed to serve in adjacent precincts. |
| 410 | Rep. Williams | Opposes central committees being allowed to remove precinct persons who have been appointed to their position. |
| TAPE 17, A | | |
| 005 | Speaker Snodgrass | States that there are many areas for discussion. Reiterates the "Voter Protection Act," in whatever form it finally takes, is important for ensuring the integrity of the election process. |
| 014 | Rep. Piercy | Asks what current law is regarding selling or misuse of ballots. |
| 020 | Speaker Snodgrass | States that there is no current prohibition against selling ballots. |
| 025 | Vice-Chair Devlin | Asks about the geographic distribution of required voting booths. |
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| 040 | Rep. Edwards | Agrees this section of HB 2001 needs work. States the need to balance the needs of urban and rural areas. |
| 054 | Speaker Snodgrass | Adds that there are additional complexities when providing multiple site voting. Stresses the language of the bill in only a starting point. |
| 070 | Rep. Piercy | Asks if it would be good to allow the county clerks, as they are the most knowledgeable in each county, to decide the distribution of polling sites. |
| 078 | Speaker Snodgrass | Agrees that county clerks need to be consulted. Adds that they cannot be relied on solely nor should they be. |
| 085 | Rep. Beck | Asks about the timing of receiving ballots. Asks if there has been discussion about having the ballots postmarked on the election day. |
| 094 | Speaker Snodgrass | States that election day mailing would cause labor and, potentially, constitutional problems. |
| 110 | Chair Simmons | Notes that polls are open until 8:00 p.m. election day. |
| 112 | Rep. Atkinson | Asks if there is a deadline for counting the ballots. |
| 125 | Chair Simmons | States HB 2001 allow preparing, before elections day, ballots to be counted on election day to speed up the county process. |
| 130 | Speaker Snodgrass | Explains that by close of business on the Friday following the election day all votes are to be counted. |
| 134 | Rep. Gardner | Asks when the database will be operational. |
| 139 | Rep. Edwards | Defers to Election Division to suggest a viable implementation date. |
| 142 | Speaker Snodgrass | Explains that there are many variables involved that still need to be considered. States that the committee is to determine the time. |
| 160 | Colleen Sealock | Elections Director, Elections Division. Supports HB 2001. Introduces the ñ1 and ñ2 amendments (EXHIBIT A). Explains what the consultant is doing and when more information will be available. Suggests the centralized voter registration system could be ready January 2002. |
| 200 | Al Davidson | Marion County Clerk; Legislative Chair, Oregon Association of Oregon County Clerks. Supports HB 2001. Urges support of the amendments, which address technical concerns. |
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| 214 | Rep. Piercy | Asks how much discretion county clerks should have in determining distribution of polling sites. Asks about the law regarding voter fraud. |
| 222 | Sealock | States that selling or purchasing ballots is not against any law in Oregon. |
| 232 | Davidson | Advocates that county clerks be given great discretion in placing polling stations. States that local officials will find the best balance for each county. Notes that most County Clerks are elected officials. |
| 245 | Rep. Piercy | Asks County Clerks to formulate language to deciding geographic distribution of polling sites. |
| 253 | Rep. Beyer | Asks what the ñ2 amendments change. |
| 260 | Sealock | Explains the ñ2 amendments. Notes that the time frame for absentee ballots is established in conjunction with the federal government. States that it establishes uniformity between all counties. |
| 295 | Sealock | Discusses the window of time for mailing ballots. Notes some areas of the state do not have daily mail delivery. Comments on the number of ballots mailed out for each election and the logistics involved. |
| 328 | Rep. Beyer | Restates concern with the length of time voters has ballots. Suggest that ballots be mailed register mail and then returned within a certain number of days. |
| 343 | Rep. Edwards | Asks if there is a way to shorten the time that ballots are available. |
| 352 | Sealock | Explains that the Elections Division has looked at alternatives, but has not found viable solutions. Notes that Rep. Beyerís proposal is interesting, but would have a major fiscal impact. |
| 280 | Rep. Edwards | Asks if ballots are mailed as "bulk-mail." |
| 385 | Davidson | Responds affirmatively. Explains the procedure. |
| 398 | Vice-Chair Devlin | Asks if sealed ballot drop-off sites are regulated by statute. |
| TAPE 16, B | | |
| 002 | Sealock | States that there are statutes relating to ballot drop-off sites. Adds that additional administrative rules have been developed. Notes that the sites are locked and secure. |
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| 007 | Davidson | Adds that statute does give County Clerks considerable discretion. |
| 018 | Chair Simmons | Discusses the timing of mailing and counting ballots. |
| 026 | Rep. Edwards | Asks about maintenance of voter registration records. |
| 032 | Sealock | Refers to SB 370. Explains that if voters do not vote for two years they would remain registered, but would not be mailed ballots. Notes that their files can be reactivated with a phone call. Explains that they cannot be removed, so this is only a tool to maintain clean records. |
| 049 | Rep. Edwards | Asks how long the suspension can last. |
| 051 | Sealock | Explains that if an inactive voter does not vote for two election cycles their registration can be revoked. Comments that forwarding ballots is prohibited under current regulations. |
| 069 | Chair Simmons | Asks if it is an oversight in the post office when ballots are forwarded. |
| 070 | Sealock | Agrees that it would be an oversight. States that usually ballots are repackaged by relatives and then mailed to the elector. |
| 083 | Chair Simmons | Asks if it would be possible to set up a system where there would be latitude for rural districts with infrequent mail delivery, yet shorten the time electors are able to vote. |
| 090 | Sealock | Offers to provide past studies and work to the committee. Discusses the issue and how such language could be crafted. |
| 105 | Chair Simmons | Asks how accurate voter signature verification is currently. |
| 112 | Davidson | Explains the verification process for Marion County. Notes that signatures are verified visually, not digitally. |
| 127 | Chair Simmons | Asks what happens when a discrepancy is discovered on the day of the election. |
| 131 | Davidson | Explains what happens in such a case. Stresses that every effort is made to verify signatures. |
| 135 | Vice-Chair Devlin | Asks what happens in a case where the election is close; could a ballot be validated at a later date |
| 138 | Davidson | States that it would not be possible under current law. |

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| 140 | Chair Simmons | Asks what percentage of ballots is questionable. |
| 142 | Davidson | Estimates 30 to 70 ballots were questionable out of 30,000. Adds that most of the questions were resolved and the ballots were validated. |
| 153 | Sealock | States that signing someone else's ballot is a class C felony. Stresses that every county is very diligent in verifying signatures and do not easily disqualify a ballot. Explains that vote by mail by mail ballots are more secure than polling place ballots. Discusses the verification process, noting that each signature is verified by three people. |
| 189 | Davidson | Emphasizes every signature is checked and verified. |
| 197 | Rep. Beyer | Asks if every county tries to resolve questionable ballots. |
| 199 | Sealock | Explains that every county tries within the limits placed on them. |
| 205 | Kappy Eaton | Government Chair, League of Women Voters. Supports HB 2001. Expresses concern about an adequate number of drop-off sites. Discusses the time required to count ballots. States it is important to allow preparation of ballots to be counted on the day of the election. |
| 260 | Eaton | Discusses how long ballots are mailed out before the election. |
| 271 | Rep. Edwards | Asks how many counties have multiple site voting stations. |
| 280 | Eaton | States that most counties provide somewhere to vote beside the county courthouse. Discusses security and staffing issues. |
| 297 | Rep. Edwards | Asks if the league has a position on maintaining polling places. |
| 304 | Eaton | Explains that it depends on the definition of "polling place." States that the league wants places available though they do not necessarily want voting booths. Explains that counties should determine what to do. |
| 324 | Rep. Edwards | States that the issue of time is the negative side of vote by mail: campaigns go on too long and there is too much voting time. |
| 340 | Eaton | States that voters do not like last minute campaigning. |
| 370 | Chair Simmons | Closes Public Hearing HB 2001. States SB 349 will be posted again. Discusses HJR 12. Adjourns the meeting at 5:00 p.m. |

Submitted By, Reviewed By,

Kevin E. Wells, Cletus B. Moore, Jr.,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2001, -1 & -2 amendments, Colleen Sealock, 2 pp.

B ñ HB 2001, written testimony, Kappy Eaton, 1 p.