

SENATE COMMITTEE ON RULES AND ELECTIONS

February 2, 1998 Hearing Room B

4:30 p.m. Tapes 7 - 8

MEMBERS PRESENT: Sen. Charles Starr, Chair

Sen. Randy Miller, Vice-Chair

Sen. Lee Beyer

Sen. Kate Brown

Sen. Neil Bryant

MEMBER EXCUSED:

STAFF PRESENT: Brian E. Smith, Administrator

Rachel E. Halupowski, Administrative Support

MEASURE/ISSUES HEARD: SB 370 Public Hearing and Work Session

SB 371 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 |
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| TAPE 7, A | | |
| 000 | Chair Starr | Opens meeting at 4:34 p.m. and opens public hearing on SB 370. |
| <u>SB 370 PUBLIC HEARING</u> | | |
| 003 | Brian E. Smith | Committee Administrator. Explains SB 370 requires a person to furnish his/her date of birth when registering to vote. Directs that a person's election registration shall be considered inactive if the individual has not voted for two years. Prohibits copying a person's signature submitted for voter registration purposes, |

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| | | except copying done by an elections official for administration purposes. |
| 010 | Chair Starr | Notes Colleen Sealock is ill and will have Scott Tighe speak on her behalf. |
| 017 | Scott Tighe | Operations Manager, Elections Division (EXHIBIT A). Supports SB 370. Explains the SB 370 would add three provisions to the current registration law. Believes SB 370 would help county elections officials to discern if the voter's registration is a duplicate, identify same name/address cases such as parent-child, brother-brother, and sister-sister differences in registration, as well as verify name changes. States that after two years, a non-voting registered voter will be moved to inactive status. States the inactive list will help the county elections officials to maintain more accurate, current voter registration records. |
| 043 | Al Davidson | Marion County Clerk, Chair, Legislative Committee for the Oregon Association of County Clerks. States that date of birth (DOB) used to be required on voter registration cards, but changed that rule because cards were coming in on deadline day without the proper DOB. States that if the elections officials could not contact them, those people were not allowed to vote. Because of past issues, legislature made DOB discretionary not mandatory for voter registration. |
| 054 | Davidson | States by not having DOB for all voters, the elections officials have found duplicate voter registrations on file. States that SB 370 proposes, for cards missing the DOB, that the election officials would need to contact those people to update the DOB. States the deadline will still be met without disenfranchising the voters. Believes SB 370 will allow the elections officials to move voters from active to inactive status. States notices will be sent out before the voter is placed in inactive status. States people, who have been moved to inactive status due to error, can contact the elections officials who will move them back to active status. States public records laws should not give a copy of the voter's signature to anyone. Believes the signature on the voter registration card should not be available for copying. Plans to have signatures stay in the elections office and signatures will be available in the office for inspection as a public record. |
| 106 | Sen. Beyer | Asks why voters are not taken off the roll altogether if they do not respond to the notice of inactive status. |
| 109 | Vicki Ervin | Director of Elections, Multnomah County. States the National Voter Registration Acts prevents the elections office from canceling voters for inactivity. |
| 116 | Sen. Beyer | Asks if, under Measure 50, the inactive voters count towards the double majority requirement. |
| 118 | Ervin | States, the way SB 370 is structured, voters would be contacted well in advance of the election. States inactive voters are not included in the eligibility pool for calculation purposes for Measure 50. |
| 123 | Sen. Beyer | Asks how the elections office would differentiate inactive voters who do not respond from voters who happen to not be at the same address. |
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| 126 | Ervin | States, the way the statutes are set up, once a person is moved to the inactive list they stay in that status through two general election cycles before being cancelled. |
| 132 | Vice-Chair Miller | Asks if the transfer from inactive to active status can be made by a phone call to the elections office. |
| 136 | Davidson | States the elections office will request those seeking to become active again to submit, in writing, proof of their address, unless the mistake was made by their office, in which case a phone call would suffice. |
| 142 | Vice-Chair Miller | Asks about voters who only vote in presidential elections. States that, by virtue of SB 370, the voter would become inactive. |
| 148 | Davidson | States that is the reason why they send out the inactive notice. Notes that most voters will respond. |
| 136 | Chair Starr | Closes public hearing on SB 370 and opens public hearing on SB 371. |
| <u>SB 371 PUBLIC HEARING</u> | | |
| 170 | Phil Keisling | Secretary of State. Presents (EXHIBIT B) . Supports SB 371. Explains SB 371 requires candidates, political committees, and chief petitioners to file electronic contribution and expenditure reports (C&Es) to the Secretary of State if contributions received and expenditures made are \$10,000 or more. States most C&Es are still hand-written, hand-processed and, as a public record, need to be accessible. States the current system is not as efficient as necessary. States most campaigns are using computer programs to process their reports, but are then filing the reports by hand. Believes SB 371 will lay the foundation for making campaign finance information available over the Internet in the near future. Comments that 33 states already have or are exploring electronic formatting. |
| 223 | Sen. Brown | Concerned about the Secretary of the State's office, and if they are ready to accept electronic filings by the date the bill requires. |
| 233 | Keisling | States the issue came up when the bill was drafted. Believes SB 371 gives them flexibility, especially should any Y2K problems occur that were not anticipated. Comments that the committee might look at changing the language for unforeseen circumstances. |
| 246 | Vice-Chair Miller | Asks why the other 17 states have not explored electronic filing. Asks how many states actually have electronic filing. |
| 255 | Keisling | Comments that 15 states have volunteer electronic filing, 11 actively require it, and seven other states were looking into it, including Oregon. Imagines the other 17 states are at least discussing the issue. |
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| 266 | Vice-Chair Miller | Asks what the threshold is for electronic filing in the 11 states who are required to file electronically. |
| 271 | Keisling | Explains that it varies. Gives examples of California, Florida, Hawaii, and Illinois. Comments that no other state reaches the \$10,000 threshold. States he is willing to discuss with the committee the \$10,000 threshold. Concerned that, by making the issue voluntary, there may be strategies conceived to give one side an advantage over the other. |
| 300 | Vice-Chair Miller | Asks if, in Oregon, 60% of the campaigns that reached the threshold voluntarily reported or if only 60% reached the threshold level. |
| 309 | Keisling | States that if SB 371 had been in effect for the general election in 1998 60% of the candidates/political committees would have been mandated to electronically file. |
| 318 | Vice-Chair Miller | Asks if, in California, they only require electronic filing for the \$500,000 or more spent on statewide campaigns, but none for the lesser, legislative types of campaigns. |
| 323 | Keisling | States that California does requires electronic filing for expenditures of \$500,000 or more on statewide campaigns. |
| 331 | Sen. Beyer | Asks about the mechanics and if the Secretary of State's office will provide the media for the data. |
| 336 | Keisling | States a candidate can do reports on any software program, convert it to an ASCII Tab Delimited File, and then transmit it to the Secretary of State's office. Comments that the office can then check to be sure the file is complete and send verification that the file has been received. Comments this format will eliminate the need to create new software programs. |
| 362 | Sen. Beyer | Asks if people will be lost trying to figure out how to use the new system. |
| 366 | Keisling | Comments he does not have the computer savvy, but believes SB 371 would eliminate the current translation problems of keeping files electronically and then transposing that information, by hand, into the current format. |
| 391 | Sen. Beyer | Concerned about just using any software. States it may be easier to download a form. |
| TAPE 8, A | | |
| 000 | Keisling | States he may have oversimplified. Defers to Ann Terry. |
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| 002 | Ann Terry | Director, Information Systems Division, Secretary of State. Comments that most software allows for a pick list to save documents in specific formats. States their office will choose a format that is commonly available in all office software. States SB 371 gives her office the ability to provide a format that should be simple and straightforward. Comments software companies offer commercial campaign packages. Believes there is no technological issue. |
| 037 | Laurence Tuttle | Interested citizen, Portland, Oregon. (EXHIBIT C) . Opposes SB 371 as it is currently written. Comments that, currently, the Secretary of State annotates, marks up, and adjusts C&Es for their audit process. Explains that he had a problem with this audit process when he appealed a decision of the Secretary of State to levy a fine against a committee where he was treasurer. States there were no original documents when he reached the Judicial Review Process. States that, if Oregon proceeds with electronic filing, the Secretary of the State's office should be prohibited from annotating documents in any way. |
| 050 | Sen. Bryant | Asks him the outcome of his case and which committee was involved. |
| 059 | Tuttle | States the case is still pending before the Court of Appeals. States he was the treasurer of the Environmental Equity Committee. |
| 062 | Sen. Bryant | Asks if the fine was imposed against the committee or Tuttle personally. |
| 065 | Tuttle | Restates he was the treasurer. States electronic files can go to anyone and the information can be easily manipulated. Asks what protections can be built in to avoid manipulations. Encourages the committee to increase the threshold to \$30,000, before requiring electronic filing. Recommends that the committee reject SB 371 in its current form and provide for an absolute prohibition against altering original files. |
| 094 | Sen. Beyer | Asks if his concerns are only about the protection of data. |
| 099 | Tuttle | States that the integrity of the files and how they are maintained are his concerns. Notes that altering electronic documents leaves no footprints. |
| 106 | Laurie Wimmer | Government Relations Consultant, Oregon Education Association. States there are logistic and governmental concerns about SB 371. States there needs to be a way to provide access to the necessary candidates/committees. Concerned about affordability and access in relation to timelines, hardware, software, and cash. Believes if there was a slower approach, a higher threshold, or an early test, this may help alleviate some of her concerns. States in SB 371 there is no interpretation of electronic filing. States there need to be clarifying amendments to specify the logistics of electronic filing. Concerned with computer crashes, last minute data loss, unauthorized hacker access, and quick turn around time for public access. |
| 155 | Chair Starr | Closes public hearing on SB 371 and opens work session on SB 370. |
| <u>SB 370 WORK SESSION</u> | | |

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| 163 | Sen. Bryant | Asks to move SB 370 to the floor with due pass recommendation. |
| 169 | Vice-Chair Miller | Asks if there can be some discussion. Asks if it is fair practice to push voters into inactive status just because they have not voted in two years. Asks if the committee would like to give any thought to the two year time frame. |
| 181 | Sen. Bryant | States the two year practice may be short, but is necessitated by the 50% requirement on voter turn out. |
| 187 | Sen. Beyer | States inactive status does move one off the roll. |
| 192 | Vice-Chair Miller | Asks about voters who only vote in presidential elections and do not consider themselves inactive. |
| 197 | Chair Starr | States there is the notice of removal from the active list. |
| 202 | Vice-Chair Miller | Asks Ervin what percentage of the voters would fall into the inactive status when reviewing voting patterns. |
| 208 | Ervin | Guesses the percentage would not be as high as 15%, but believes it would be closer to 5% or 6%. |
| 218 | Sen. Beyer | States the small percentage may be true for smaller rural areas, but not necessarily in the university towns or where there are large youth populations where the trend seems to be transient. |
| 230230 | Sen. Bryant | MOTION: Moves SB 370 to the floor with a DO PASS recommendation. |
| | | VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. |
| | Chair Starr | The motion CARRIES. SEN. BRYANT will lead discussion on the floor. |
| 235 | Sen. Brown | Asks how the chair plans to proceed on SB 371. |
| 240 | Chair Starr | Thinks it is too early to make a mandate. States that if electronic filing went to statewide elections, as a trial, that may be one way to go. Comments that he |

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| | | would like to meet with the committee for input. |
| 250 | Chair Starr | Closes work session on SB 370. Closes the meeting at 5:20 p.m. |

Submitted By, Reviewed By,

Rachel E. Halupowski, Brian E. Smith,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 370, written testimony, Scott Tighe, 2 pp

B ñ SB 371, written testimony and charts, Phil Keisling, 6 pp

C ñ SB 371, written testimony, Laurence Tuttle, 3 pp