

SENATE COMMITTEE ON RULES AND ELECTIONS

February 9, 1999 Hearing Room B

4:30 p.m. Tapes 11 - 12

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 372 Public Hearing

SJR 3 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 11, A		
000	Chair Starr	Opens meeting at 4:35 p.m. and opens public hearing on SB 372.
<u>SB 372 PUBLIC HEARING</u>		
005	Brian E. Smith	Committee Administrator. Explains SB 372 requires a major political party to pay the costs of electing precinct committee persons of that party at biennial primary elections, if the party does not allow independent voters to participate in the party's biennial primary elections. States SB 372 directs the Secretary of the State to adopt rules for determining the cost of electing their precinct committee persons.

011	Phil Keisling	Secretary of State. Presents (EXHIBIT A). States he introduced this bill last session but it was not heard. Supports SB 372 because it encourages the political parties to hold open primary elections or pay the cost to elect precinct committee people. States that precinct committee elections today are financed and paid for by county taxpayers. States that 20% of the registered voters do not have a party affiliation. Explains that a study of Portland, Multnomah County, Washington County, and Clackamas County voters, 18-27 years old, revealed that those voters are in the largest category of registration as independents, outnumbering republicans and democrats. States that if republicans and democrats continue to ignore the 420,000 Oregonians registered as independents, it is not inconceivable to see the abolishment of party registration in Oregon's future. States SB 372 is a legitimate and important step to take.
075	Keisling	States the democrats need to decide to keep their primary open. States the republicans decided to close their primary in 1998. Explains that SB 372 states that if elections are closed to the registered independents, the party must pay the bill. Believes SB 372 will be healthy for the state and by bringing the voters in as independents, we will improve the party system.
108	Jack Roberts	Commissioner, Bureau of Labor and Industries. States he has encouraged his party to open up the primary elections for independent voters, but opposes SB 372 because he believes it should be the party's prerogative. Explains, before the statute was changed in 1987, Oregon's primary elections were closed to voters who were not registered as a member of a party. States that in 1986 the United States Supreme Court ruled that the parties have a constitutional right, under the 1 st and 14 th Amendments, to include independents in primary elections. States that Oregon changed the law to open the primary to independent voters. Explains that he supported the republican party's decision to open their primary election, but saw few independent voters participating. Believes that opening the election was an unnecessary expense to candidates who wanted to communicate with all eligible voters. States that if opening primary elections is the constitutional choice of the parties, Oregon should not grant or withhold benefits based on how the parties exercise their constitutional choice.
158	Roberts	States, that under current Oregon law, a party that agrees to open its primary elections to independent voters does not need to allow them to vote on the precinct committee people.
167	Sen. Brown	Asks how many independents voted in the last primary election.
175	Keisling	States 16,484 independents chose to take the democratic invitation to vote in the primary.
180	Sen. Brown	Asks if he knows how many independents registered in Minnesota, where it is allowed to register the day of the election.
184	Keisling	States there was a flood of registered voters, but he does not have those numbers.
186	Sen. Brown	Asks if he can separate out additional costs for the precinct committee person, ballot, and mailing. Asks if there is any way to separate costs.

191	Keisling	States that Multnomah County estimated the printing and processing cost was \$26,000 per precinct. Notes that there is nothing that requires the Oregon taxpayers to pay for precinct committee elections.
211	Sherri Grossman	Citizen, Hillsboro. Presents (EXHIBIT B) . States SB 372 would supposedly provide an economic incentive for the major parties to voluntarily open their primaries to independents. Believes SB 372 was sponsored as a way to get around the federal law that prohibit states from mandating that parties open their primaries to non-party members. States SB 372 "is blatant economic extortion." Believes the republican party closed last year's primary because the purpose of a primary election is for a political party to pick candidates they believe would best represent their party in the general election. States there is no place in the process for voters who do not belong to a party. Believes voter registration is low due to lack of respect for politicians and the political process.
251	Sen. Brown	States her policy issue is whether or not the parties should pay for the costs of services incurred in electing precinct people, or if the taxpayers should pay the costs. Asks if the party should be responsible to pay those costs.
260	Grossman	States she cannot answer that because she does not have all the information.
262	Vice-Chair Miller	States that he agrees with the statement that SB 372 is bad public policy.
279	P.J. Mulcahy	Independent voter. Presents (EXHIBIT C) . States that a candidate's character matters to him, and he votes for the candidates, regardless of political affiliation, based on character. Hopes to maintain the opportunity to vote for either party. States he does spend money for both democrats and republicans. States he is a non-affiliated voter. States that in 1992 there were 365,675 independent voters. States his Internet site is hit by 57,000 people a day. Suggests that the committee look into his site and read what independent voters are thinking.
347	Mary Bodkin	Democratic National Committeewoman for the State of Oregon. Opposes SB 372. Believes the democratic precinct committee person is where "the grass roots meets the dirt." States the need to look at how parties function and whether or not the parties should function at all. States she is a strong believer in the political process. States \$26,000 is a minimal amount of money for Multnomah County to spend to make sure voters have access to the party structure in an organized democratic process. States precinct committee people perform several different functions: developing a party platform, party policies, selecting replacement candidates for vacancies created in the state legislature, city, and county commissions.
000	Bodkin	States she is neutral on the issue of open or closed primary elections. States she wants to protect the structure of the precinct committees.
018	Sen. Brown	Asks why the Mulcahys of the world should pay for democrats and republicans to elect their precinct people.
020	Bodkin	States it is because democracy is not free.

022	Vice-Chair Miller	States if SB 372 should pass, it would be a significant advantage to the democratic party in Oregon because it appears the republicans would need to pay for the event.
031	Bodkin	Believes in good party politics on both sides of the spectrum and encourages the republican party to rethink open primary elections.
040	Chair Starr	Closes public hearing on SB 372 and opens public hearing on SJR 3.
<u>SJR 3 PUBLIC HEARING</u>		
042	Smith	Explains SJR 3 proposes an amendment to the Oregon Constitution that requires state initiative petitions be filed not less than five months before the election at which the subject of the initiative petition shall be voted upon. States SJR 3 will extend the time period during which the Secretary of the State must verify signatures on state initiatives and referendum petitions.
054	Colleen Sealock	Director, Elections Division, Secretary of State. Explains that according to the Constitution, the initiative process involving petitioners handing in petitions must be completed in four months and complete signature verification must be completed by the division in 15 calendar days. States this time line is difficult and tight given the number of initiatives the division receives. States in 1996 the signature verification process was just barely met. States SJR 3 would go to the voters of the primary election in 2000. States SJR 3 would give the state and county elections officials enough time to do the signature verification process. Believes the only way to meet the deadline would be to change the due date. States SJR 3 would require petitions to be turned into the division by June rather than July for the additional time needed.
093	Chair Starr	States he does not understand how she got to the June date.
094	Sealock	Explains she got the date by subtracting five months from the date of the general election. States in the year 2000, the general election will be on November 7 th .
100	Bill Sizemore	Oregon Taxpayers United. States his organization has put 15 measures on the ballot. States SJR 3 is valid, because signature verification in 15 days is an enormous feat. Believes over the next few years there will be changes in how initiative petitions will be circulated. States by centralizing the statewide votersi registration, where the signatures are verified, there will not be a need to circulate initiative petitions to the counties. Gives a scenario of handing in 89,000 signatures by June for a statistical validity check. States under the current rules, if the need for more signatures arise, one can get the signatures but, if submitted after the first deadline, the signatures will not necessarily be given a validity check. States there is a crunch in the end because the signature gatherers will not know how many more are needed due to invalidity.
167	Sizemore	States in the last session he put three measures on the ballot and two of the measures were at 75% validity. States his petitions had never been as low as 75% validity, they are usually in the 85 th percentile. States SJR 3 shortens the window

		<p>of time for the petitioners to collect signatures. States that very few petitions are handed in before the last month deadline. Explains that after filing a petition, the attorney general has five days to read, analyze and draft the ballot title. States the public then has ten days to comment on the ballot title. States the attorney general then has five days to certify a ballot title and the public has another 10 days to appeal that certification. Explains that any appeals of the ballot title will go to the State Supreme Court who will decide the case expeditiously. States some ballot titles have taken up to seven months for a decision.</p>
233	Sen. Bryant	<p>Asks if the State Supreme Court decided cases within a due date, would Sizemore be in favor of SJR 3.</p>
239	Sizemore	<p>States he would answer a qualified yes even though there are other uncertainties in the process that need to be cleared up. States with Measure 61 (property crimes), the Supreme Court invalidated the statistical sampling method. States a margin of error of $\pm 5\%$ has been built into the counting system. States there is uncertainty if the Secretary of State will need to count and validate every petition.</p>
263	Sen. Brown	<p>Asks how many ballot titles or initiatives he filed in the 1998 election cycle.</p>
267	Sizemore	<p>States he cannot recall, but it was in the area of 20 to 25.</p>
270	Sen. Brown	<p>Asks how many of the titles/initiatives went to the Supreme Court.</p>
272	Sizemore	<p>States he cannot recall. States "Öa very good share of them go to the Supreme Court." Believes the court may reject or resist putting a 30 or 60 day limit on ballot title decisions. Explains that some appeals in ballot titles are to stall circulation of measures. States if there was a deadline, the court could not be used as a tool to stall measure circulation.</p>
287	Sen. Brown	<p>Asks if he files multiple ballot measures on the same issues in search of a ballot title he feels comfortable with.</p>
295	Sizemore	<p>States the ballot title is important. States how you ask a question can determine the outcome. States, if a ballot title for a measure is not easily understood, he will go back and rewrite the measure and resubmit the measure.</p>
320	Tricia Smith	<p>Oregon School Employees Association. Believes the Secretary of State needs more time to validate petitions. States her issue with SJR 3 is the timing of the election. States there is no reason for a special election in the 2000 biennial primary. States she has no difficulty with SJR 3 if it was to be voted on in the general election in 2000.</p>
355	Sen. Beyer	<p>States it is not unusual to have initiatives during primary elections. Asks if she is concerned with low voter turn out.</p>
363	Smith	<p>States she is afraid of a free-for-all on initiatives in the primary. States the</p>

		primary elections should focus on electing candidates to represent the parties in the general elections. States ballot measures and issue measures should be put on the ballot at the same time, saving the primary elections for the candidates.
375	Don Loving	Public Affairs Director, Oregon's American Federation of State, County and Municipal Employees (AFSCME). Supports some of the concepts in SJR 3. States they are concerned about restrictions on signature gatherers. Asks the committee "to tread water" on this issue for a while because other initiative packages are in the works coming from AFSCME. States that "tinkering" with the timelines can be done from July 15 th onward. Believes the time should not be taken away from the petitioners. Concerned about the integrity of the overall system.
441	Chair Starr	Closes public hearing on SJR 3 and adjourns meeting at 5:32 p.m.

Submitted By, Reviewed By,

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

EXHIBIT SUMMARY

A ñ SB 372, written testimony, Phil Keisling, 1 p

B ñ SB 372, written testimony, Sherri Grossman, 1 p

C ñ SB 372, written testimony and chart, P.J. Mulcahy, 4 pp