SENATE COMMITTEE ON RULES AND ELECTIONS

April 13, 1999 Hearing Room B

4:30 p.m. Tapes 37 - 38

MEMBERS PRESENT: Sen. Charles Starr, Chair

Sen. Lee Beyer

Sen. Kate Brown

MEMBER EXCUSED: Sen. Randy Miller, Vice-Chair

Sen. Neil Bryant

STAFF PRESENT: Brian E. Smith, Administrator

Rachel E. Halupowski, Administrative Support

MEASURE/ISSUES HEARD: SB 1178 Public Hearing and Work Session

Drafting and Measure Introduction Requests

SJM 9 Public Hearing and Work Session

SJR 36 Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speakerís exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 37, A		
000	Chair Starr	Opens meeting at 4:40 p.m. and opens public hearing on SB 1178.
SB 1178 PUBLIC HEARING		
010	Vicki Ervin	Director, Multnomah County Elections. Presents **(EXHIBIT A)**. States she is here on behalf of the Oregon Association of County Clerks. Shows a video on

		the procedures for vote-by-mail elections.
115	Ervin	States SB 1178 is a compilation of changes that are being proposed by the Oregon Association of County Clerks in a response to Ballot Measure 60. States that the statute needed to be simplified to reflect the new legislation. States SB 1178 will divide Chapter 254 into three sections including conduct of elections at polling places and by mail. States SB1178 creates a definition of "absent elector," and deletes the requirement for the limited fail-safe ballots. States SB 1178 increases the maximum size of precincts, from 2,000 to 5,000, and will change the process for registration updates after the 21st day before the election. States that SB 1178 puts into statute mailed election provisions that are now defined by administrative rule by the Secretary of State. States that she will go through SB 1178 point by point, if the committee is interested.
131	Chair Starr	States he would like to forgo any further explanation. States SB 1178 has been through an involved process already. Closes the hearing and opens work session on SB 1178.

SB 1178 WORK SESSION

150	Sen. Beyer	**MOTION: Moves SB 1178 to the floor with a DO PASS recommendation.**
		VOTE: 3-0 **AYE: In a roll call vote, all members present vote Aye.** **EXCUSED: 2 - Bryant, Miller**
	Chair Starr	**The motion CARRIES.** **SEN. STARR will lead discussion on the floor.**
157	Chair Starr	Closes work session on SB 1178 and opens work session on drafting and measure introduction requests.

DRAFTING AND MEASURE INTRODUCTION REQUESTS

172	Brian E. Smith	Committee Administrator. Explains the request from the Agriculture and Natural Resources Committee is for a joint resolution directing the Oregon Congressional delegation to request the US Environmental Protection Agency give relief to combat the eastern filbert blight. States the Rules and Elections request is for a technical update to consumer finance statutes. States Sen. Limís first request is to appoint a commission to look at alternatives to dredging the Columbia River. States Sen. Limís second request would limit the Department of Revenueís spending on litigating property tax disputes. States Sen. Limís third

		request would exempt expectant mothers from jury duty.
179	**Sen. Beyer**	**MOTION: Moves three drafting and introduction requests from Sen. Lim and drafting and introduction requests from the Senate Rules and Elections Committee and Senate Agriculture and Natural Resources Committee BE APPROVED.**
		VOTE: 3-0 **AYE: In a roll call vote, all members present vote Aye.** **EXCUSED: 2 - Bryant, Miller**
	Chair Starr	**The motion CARRIES.**
215	Chair Starr	Closes the work session and opens public hearing on SJM 9.

SJM 9 PUBLIC HEARING

218	Sen. Marilyn Shannon	Senate District 15. Reads lines six through eight of the bill, where the language "provides for the proposal of amendments to the Constitution of the United States by 2/3rd concurrence of the members of both houses of Congress." States the problem originated in 1977 when the Oregon Legislature sent a memorial to Congress requesting a Constitutional Convention to deal with a balanced budget amendment. States that Oregonís request will continue to remain a request until 38 other states request the same. Opposes a Constitutional Convention and asks to repeal Oregonís call for one.
250	Irv Fletcher	Oregon American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). Presents **(EXHIBIT B)**. States the AFL-CIO opposed SJM 2 in 1977 and attempted to repeal it in 1989. States a Constitutional Convention would not be limited to one topic and everything would be up for repeal. Believes that Congress has the authority to balance the budget, if they have the will to do so.
268	Sen. Brown	Asks who came up with the idea to introduce SJM 9.
270	Fletcher	States he has an extended history working with Sen. Shannon.
273	Shannon	States she was told that in some states unions and conservatives are working together to repeal SJM 2. States she sought out Fletcher to introduce SJM 9.
290	Sen. Beyer	States the Constitution provides for the call of a Constitutional Convention. Asks if the language provides for rescinding a call.

294	Shannon	States that question has not been decided by the courts. States that if there are not 38 requests Oregon can fight it.
300	Chair Starr	States he introduced this bill twice in the last six years. States he could not get a hearing on it either time. Closes the public hearing and opens work session on SJM 9.

SJM 9 WORK SESSION

324	**Sen. Brown**	**MOTION: Moves SJM 9 be sent to the floor with a BE ADOPTED recommendation.**
		VOTE: 3-0 **AYE: In a roll call vote, all members present vote Aye.** **EXCUSED: 2 - Bryant, Miller**
	Chair Starr	**The motion CARRIES.** **SEN. SHANNON will lead discussion on the floor.**
344	Chair Starr	Closes work session and opens public hearing on SJR 36.

SJR 36 PUBLIC HEARING

357	Jim Seagraves	Oregon City. States SJR 36 is a Constitutional Amendment in a form he has advocated for many years. Believes in majority rule to strengthen the government. States a two-party system has not been proven to work better than a multi-party system. States that a two-party system works well and discourages "spoiler" candidates from entering a race. States that "spoiler" candidates are those who know they cannot win, yet their candidacy will tip votes away from other candidates.

TAPE 38, A

001	Seagraves	States that if SJR 36 is passed it will discourage diversity and force the Libertarian Party and Green Party to be more serious. States he is pleased that amendments were drafted allowing for the candidate who comes in second in a three or four way race, where the lead candidate does not have a majority, to request a run-off election. States the draft includes United States senators, representatives, and the Governor all in one bill for the voters to consider.
015	Sen. Brown	Asks if the person receiving the second number of votes requests the run-off,

		would the taxpayers would pay for the election.
019	Seagraves	States they would. States there may be a way to change this so that the requestor of the run-off election pays for half of the election or some part of it. States that in our democracy there is no way to require the candidate to pay for the election.
025	Sen. Brown	States that during the 1990 gubernatorial race there were three candidates and none received the majority. States that under this amendment Dave Frohnmayer could have requested another statewide election. Asks if Seagraves really wants that option.
032	Seagraves	States yes. States that the candidate who wins with the majority has a stronger mandate.
040	Colleen Sealock	Director, Oregon Elections Division. States that from 1980 through 1998 there were 19 times in which SJR 36 could come into play. States that during 1998 there was no one who did not receive the majority of the vote. States she neither supports nor opposes SJR 36. States her office is concerned with the timeframe they have to work in. States her office does not receive abstracts from the county clerk until 20 days after the election and they certify those results within the next ten days. States her office would not have the ability to call the election until about 30 days after the election. States there is a five to six week window, and it would be difficult to have a run-off election concluded. Explains that in a statewide race the cost would be in excess of $1 million. States it is easy to focus on a majority being cast and it gives the apparent winner a mandate of the bulk of the people that participated in that election. States the general election turnout is between 70 to 80 percent, but the run-off election cannot guarantee the same turnout. States that SJR 36 does not address the issue of write-in candidates for a run-off election.
090	Sealock	Relates a story where in 1992 Georgia had a similar bill that they were attempting to repeal. States that in the general election there were 2.3 million votes cast and the apparent winner garnered 1.1 million votes. States the winner did not receive a 50 percent majority so they held a run-off election. States the turnout of voters was 1.2 million, but the winner came in second in the run-off. States the new winner was elected with 635,000 votes while the original winner only received 619,000 votes.
104	Sen. Beyer	Asks if the only place this does not occur is in non-partisan elections.
106	Sealock	States that is correct. States she is unsure if the legislature will have the future ability to add to those non-partisan races.
111	Sen. Beyer	States the schools Superintendent elections have the top two candidates run-off in the general election. Asks if that system is what Seagraves would like to see happen, where there is a thinning down of candidates and the top two run during the highest turnout time, for the general election.
118	Sealock	Agrees.

| 129 | Chair Starr | Closes the public hearing and adjourns the meeting at 5:15 p.m. |

Submitted By, Reviewed By,

Rachel E. Halupowski, Brian E. Smith,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 1178, written testimony, Vicki Ervin, 10 pp

B ñ SJM 9, written testimony, Irv Fletcher, 1 p