

SENATE COMMITTEE ON RULES AND ELECTIONS

April 8, 1999 Hearing Room B

4:30 p.m. Tapes 35 - 36

MEMBERS PRESENT: Sen. Charles Starr, Chair

Sen. Randy Miller, Vice-Chair

Sen. Kate Brown

MEMBER EXCUSED: Sen. Lee Beyer

Sen. Neil Bryant

STAFF PRESENT: Brian E. Smith, Administrator

Rachel E. Halupowski, Administrative Support

MEASURE/ISSUES HEARD: Drafting and Measure Introduction Requests

SB 806 Public Hearing and Work Session

SB 1050 Public Hearing

SJR 15 Public Hearing and Work Session

SB 439 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 35, A		
000	Chair Starr	Opens meeting at 4:30 p.m. and opens work session on drafting and measure introduction requests.

DRAFTING AND MEASURE INTRODUCTION REQUESTS

002	Vice-Chair Miller	MOTION: Moves LC's: 4109 dated 3/25/99 and 4116 dated 3/31/99 BE INTRODUCED as committee bills and drafting and introduction requests from Sen. Ferrioli and the Senate Rules & Elections Committee BE APPROVED.
		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Beyer, Bryant
	Chair Starr	The motion CARRIES.
010	Sen. Brown	Asks why these requests have not been made priority bills since the hearing date deadline is April 23 for all senate bills.
014	Brian E. Smith	Committee Administrator. States the Senate Rules & Elections Committee request is related to SJR 39 and the request would provide for the ballot measure language of the Ballot Measure 30 re-referral. States that LC 4109 and LC 4116 were first approved as drafting requests, but the sponsors did not drop the LCs within the allotted time.
027	Sen. Brown	Assumes LC 4109 and LC 4116 belong to legislators, or they are both committee bills.
030	Smith	States LC 4109 is Sen. Starr's bill and LC 4116 may be a committee bill.
042	Sen. Brown	Concerned because there are only three weeks to get all bills through the senate. Concerned that the public will not have the full opportunity to be heard.
055	Chair Starr	Closes the work session and opens public hearing on SB 806 and SB 1050.

SB 806 AND SB 1050 PUBLIC HEARING

070	Ted Reutlinger	Deputy, Legislative Counsel. States SB 806 and SB 1050 respond to the same United States Supreme Court decision. States in that court case the U.S. Supreme Court invalidated a host of Colorado State laws that regulated their initiative petition process. States SB 806 and SB 1050 respond to that case by repealing the requirement that petition circulators be registered voters, and the circulators are no longer required to indicate whether they are being paid to circulate petitions. Explains, in Colorado, that the Supreme Court struck down the requirement that circulators be registered voters. States the court also struck down the requirement that circulators wear badges listing their names and indicate whether they are being paid or not for circulating petitions. States that
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		the filed contribution and expenditure reports no longer require the names and addresses of the paid circulators. States SB 806 requires the petitioners to report the total amount spent to pay people to gather signatures, which is the bare minimum to bring Oregon in compliance with the Supreme Court ruling. States SB 1050 requires recording how much is paid to independent circulators, but it would not require that their names/addresses be disclosed on the contribution and expenditure sheets.
120	Reutlinger	States that SB 1050 requires circulators to be at least 18 years old, to be residents of Oregon, and to file an affidavit with their name, address, and a statement saying they have read/understood the election laws, and all signatures were signed in the circulator's presence. States SB 1050 would add a badge requirement to Oregon law which would state whether the circulator is volunteering or being paid. States the badge requirement was struck down by the Supreme Court, but the court did not address the issue of wearing a badge that simply says "I am a volunteer," or "I am being paid." States SB 806 and SB 1050 will apply to petitions in progress, but the issues to address today are whether to require badges and the affidavit requirements.
150	Vice-Chair Miller	Asks if the age and residency requirement of the circulator were issues addressed by the Supreme Court.
154	Reutlinger	Believes the court stated the age requirement could be imposed, but the court never addressed the residency issue.
157	Sen. Brown	Asks Vice-Chair Miller if Oregon requires petitioners to be at least 18 years old.
158	Vice-Chair Miller	States that he does not care if the petitioner is 18 years old. States that his association is with SB 806, which does not address this issue.
164	Chair Starr	States that SB 806 is the bare minimum required of Oregon to comply with Supreme Court rulings. Asks if the additional issues are necessary.
168	Reutlinger	States that SB 806 will bring Oregon into compliance.
173	Chair Starr	Asks to clarify the main issues added to SB 1050.
177	Reutlinger	Clarifies that SB 1050 would require the petitioner to list, specifically, the payment to certain circulators, but would not require the individuals' name and address. States that if the committee wants to change current law to require a lump sum type of reporting, he recommends SB 806.
196	Chair Starr	Closes public hearing and opens work session on SB 806.
<u>SB 806 WORK SESSION</u>		
199	Chair Starr	States there is written testimony from the Secretary of State.

200		Staff presents (EXHIBIT A) .
208	Vice-Chair Miller	Asks if Chair Starr would like to take the time to discern the differences of the two bills or move forward.
209	Chair Starr	Prefers to move forward.
210	Vice-Chair Miller	Comments that, according to the Secretary of State's testimony, they are in agreement on SB 806.
217	Vice-Chair Miller	MOTION: Moves SB 806 to the floor with a DO PASS recommendation.
		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Beyer, Bryant
	Chair Starr	The motion CARRIES. SEN. MILLER will lead discussion on the floor.
225	Chair Starr	Closes work session and opens public hearing on SJR 15.
<u>SJR 15 PUBLIC HEARING</u>		
240	Vice-Chair Miller	Explains SJR 15 would provide that there be annual sessions of the assembly. States there are features of SJR 15 that may need adjusting. States that the annual sessions would be 120 days in odd-numbered years and 60 days in even-numbered years. States the initial session would begin in February of the odd numbered years and the subsequent session would begin on the first Monday in April of the even-numbered years. States that the date may be altered and he will propose an amendment to change the April date to February as well. States SJR 15 would actually be more limiting than the biennial session in terms of the total time spent in the capitol. States the average session, over the past decade, runs about 190 days or more. States that SJR 15 does provide the opportunity to extend the session in five day increments should both houses agree to the extension by a 2/3 vote.
290	Vice-Chair Miller	States that, occasionally, there have been mistakes or printing errors in a bill and Oregonians have been left to endure those mistakes for two years, while waiting for the next session to focus on those issues. States that if adjustments are necessary there would be no need for Oregonians to live under a law that everyone agrees was poorly drafted. States the certainty in the time frame is

		necessary. States there is no way of knowing, currently, when the legislative session ends. States he is flexible with the start date of the session.
240	Vice-Chair Miller	States that by starting in February there would be more time for orientation for a more organized start. States there may be hardships for legislators who may extend themselves beyond their means, but he is amenable to either deleting that language or he will aid in developing a compromise.
375	Sen. Peter Courtney	Senate District 17. Presents (EXHIBIT B) . States, in the past, he opposed annual legislative sessions. States that in 1990 he debated heavily with Sen. Miller and has since changed his opinion to support annual sessions. States that he has served 8 terms in the Oregon Legislature: including the two longest general sessions, the longest special session in Oregon's history, and served in 10 special sessions. States that, since 1971, all sessions have been over 150 days.
TAPE 36, A		
002	Sen. Courtney	States since 1860 there have been 30 special sessions. States since 1981 there have been 10 special sessions. States in 1949 there were fewer than 1,000 bills introduced and, in 1997, 3,303 bills were introduced. States he does not think Oregon should meet every two years when taking into consideration the number of residents in Oregon. Explains that it is difficult to project the state budget two years in the future. States that Oregon is one of seven states whose session meets every two years.
052	Sen. Courtney	States Oregon is under term limits, and by having the legislature meet once every year, more time could be dedicated to deal with initiatives, and legislators will be able to develop more expertise and experience. States it is now the time to ask Oregonians again if the legislature should meet every year.
078	Sen. Brown	Concerned with annual sessions for single parents who would be forced to move to Salem, uprooting their children from school. Asks both senators to respond in respect to hardships for single parent families.
091	Vice-Chair Miller	States the displacement of the legislators and their families would be for a specified time.
105	Sen. Courtney	States he could not be an involved parent if he did not live in Salem. States that some people will choose not to serve because of these types of issues.
123	Sen. Brown	States concern that if there are annual sessions it will limit the types of legislators in office.
130	Sen. Courtney	Believes there will be diversity, regardless of different family situations.
140	Sen. Brown	Asks why he changed his mind about annual sessions.

143	Sen. Courtney	States the number of initiatives introduced and the term limits prompted him to change his position on annual sessions.
153	Chair Starr	Asks if anyone else would like to testify on SJR 15.
156	Vice-Chair Miller	Asks Sen. Courtney if the starting date for the second session should be changed to February instead of April. States the session should not run through the primary election.
168	Sen. Courtney	States February would be a good start up time.
174	Vice-Chair Miller	Asks about the per diem and if Sen. Courtney likes the language as it is or if it needs to be changed because legislators will not be happy to use the five day extension without being compensated.
180	Sen. Courtney	States there should be a cut off for per diem, unless the legislature specifically votes by 2/3 to extend the session. States that by extending the session the per diem is extended.
192	Vice-Chair Miller	Asks if there should be a restriction on the budget of the second session.
201	Sen. Courtney	Believes it should be left broad so that through rules the House and the Senate instructions would relate to the number of bills.
208	Vice-Chair Miller	States SJR 15 has limited the second session to 60 days and asks if that should be reduced to 45 days. States that 60 days may force undue hardship on members.
226	Chair Starr	Closes public hearing and opens a work session on SJR 15.
<u>SJR 15 WORK SESSION</u>		
255	Chair Starr	Believes some amendments need to be drafted and this issue should be re-addressed at a later time. Appreciates Sen. Brown's issues for single parents and diversity among legislators. Closes the work session and opens public hearing on SB 439.
<u>SB 439 PUBLIC HEARING</u>		
260	Vice-Chair Miller	Explains SB 439 would change the date of Oregon's primary election from the third Tuesday in May to the third Tuesday in September. States this would condense the campaign period. States SB 439 may have the potential to reduce the time and expense for a campaign.
304	Colleen Sealock	Director, Elections Division, State of Oregon. States that if SB 439 is passed out

		<p>her office would like to work with Sen. Miller to adjust time lines. States there are problems with September primaries because the filing deadline for the votersí pamphlet falls before the division knows what measures will be voted on. States there are reasonable solutions for the technical difficulties and in the State of Washington they send the pamphlets to the printer with their best guess of who the winners will be, but should there be a change, the page is pulled and the winner is inserted.</p>
354	Sealock	<p>States there is an issue with mailing out military ballots, which are currently mailed out 45 days ahead of the election. States SB 439 would amend that to 40 days, however, the September primary is usually 49 days before the general election so the division would have only 9 nine days to determine the winner and print the ballots. States with only 40 days to work with, the only way the division would be able to meet the deadline would be to print the ballots blank, but the US Department of Justice may not find that acceptable. States the second Tuesday in September still provides snags and the issue with the second Tuesday in September often falls after Labor Day. Encourages working with the committee before moving this bill.</p>
399	Vice-Chair Miller	<p>Asks if there are states other than Washington that have this close connection.</p>
405	Sealock	<p>States there are some. States Washington would like to move to June. States that Washington allows postmarked ballots, but in Oregon that is not accepted.</p>
TAPE 35, B		
002	Sealock	<p>Explains she would like to talk to other states with September elections and find out how to use the ballots for measures and candidates. States it may be possible to have two votersí pamphlets, one for the candidates and one for the measures. States the issue is in printing the candidate ballot before the primary, explaining who the winners of the major party nominations were.</p>
017	Sen. Brown	<p>Asks what happens when a primary election is within a certain percentage and requires a recount.</p>
018	Sealock	<p>States SB 439 attempts to address that issue by allowing only six days to apply for a recount. States that in Oregon, during a recount, hand tallies are done. States the division could do random selective recount processes by precinct that may prove to be faster than the way it is currently done.</p>
036	Sen. Brown	<p>Asks in which districts the primary election is the determinant and in which districts the general election is the determinant.</p>
041	Sealock	<p>States there is some tendency for those election determinants to shift at times. States her office can provide more statistical information at a later date.</p>
048	Sen. Brown	<p>States that information could be helpful to compiling a votersí pamphlet.</p>

051	Sealock	States minor parties may prefer a June filing deadline. States those parties organize after the primaries. States that if there was a general election this year, the elections office would receive initiatives by July 8. States the work would be manageable, and there would be cost savings if there would only be one pamphlet to print. Explains there is some give and take by holding a September primary. States she is not able to produce a fiscal impact at this time.
073	Chair Starr	States that when this issue was previously discussed, Oregon did not have the vote-by-mail system.
075	Sealock	States that is correct. States it is easier now because there do not need to be as many poll workers in the short turnaround time, and the absentee ballots will cut down the number of votes left to count on election day.
086	Chair Starr	Closes the public hearing and adjourns the meeting at 5:36 p.m.

Submitted By, Reviewed By,

Rachel E. Halupowski, Brian E. Smith,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 806, SB 1050, written testimony, staff, 2 pp

B ñ SJR 15, written testimony, Sen. Courtney, 3 pp