

HOUSE COMMITTEE ON RULES AND ELECTIONS

March 17, 1997 Hearing Room E

4:00 P.M. Tapes 21 - 22

MEMBERS PRESENT:

Rep. Lynn Snodgrass, Chair

Rep. Peter Courtney, Vice-Chair

Rep. Lee Beyer

Rep. Bill Markham

Rep. Ken Messerle

Rep. Bob Montgomery

Rep. Kitty Piercy

STAFF PRESENT:

Rosemary Wood, Administrator

Valerie Luhr, Administrative Support

Kellie Shoemaker, Committee Clerk

MEASURE/ISSUES HEARD:

HB 2761 Public Hearing

HB 2972 Public Hearing

HB 2204 Public Hearing

HB 2760 Public Hearing

HB 2001 Public Hearing

HJR 9 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 21, A		
005	Chair	Opens the meeting at 4:08 p.m. Opens the public hearing on HB 2761.
<u>HB 2761 - PUBLIC HEARING</u>		
028	Betsy Close	Representing Benton County Republican Central Committee, submits and presents testimony [EXHIBIT A] in support of HB 2761.
058	Rep. Markham	Asks if it is a partisan issue.
060	Close	Says she will let him make the determination.
061	Rep. Markham	Asks for an answer.
062	Close	It appears to be.
065	Rosemary Wood	Committee Administrator, reviews provisions of the measure.
071	Rep. Montgomery	Asks for a definition of "election official."
074	Chair Snodgrass	Says the Secretary of State's Office can responds.
076	Rep. Lane Shetterly	State Representative, House District 34, comments on his sponsorship of HB 2761 and HB 2760.
093	Vice-Chair Courtney	Is the interpretation of the law a partisan interpretation.
095	Rep. Shetterly	Says he has no basis to agree or disagree.
100	Vice-Chair Courtney	Asks if it is possible the word "knowingly" could be interpreted the way the Secretary of State's Office interpreted it.
101	Rep. Shetterly	Says he is sure the Secretary of State will respond; but says that anything is possible in response to further questioning from Vice-Chair Courtney.
105	Chair Snodgrass	Apologizes to Rep. Shetterly for the change in the agenda.
112	Scott Tighe	<p>Elections Division, Secretary of State's Office, expresses their concern for HB 2761.</p> <p>* Elections Division and Secretary of State's Office cooperative efforts in conducting elections.</p> <p>* Bill has potential to place them in adversarial relationship with county clerks</p> <p>* Admonishment of elections officials where rules violated or</p>

		mistakes made * Miscommunication between Finance Department and Benton County Elections * Investigation of complaint from Benton County Republican Party * "Elections officials" include Secretary of State's Office, 36 counties, and 223 cities.
150	Rep. Montgomery	Asks what is an "election official" in a city.
152	Tighe	City recorder, part-time or full-time position.
154	Rep. Montgomery	That would eliminate city manager and city council.
157	Tighe	In some cities officials wear multiple hats, but generally speaking they are separate.
164	Rep. Markham	Asks what the penalty is for the violation.
166	Tighe	Civil violations are at \$250 per violation.
172	Rep. Markham	Comments on a fifty dollar fine he received. Believes the law should be enforced across the board.
180	Chair Snodgrass	Asks if there is a test those in charge of elections need to pass in order to implement the rules.
183	Tighe	The state has no official test.
190	Fred Neal	Elections Division * Statutory training requirements * Ongoing training process * Apprehension about not knowing about potential errors * Fear of retribution
217	Rep. Piercy	Is there a system in place to hold the election official accountable if they have done the same thing multiple times.
224	Tighe	A log is kept in their office.
232	Piercy	What would you do if it occurred a second time.
234	Tighe	* Evaluation of the facts and assessing a civil penalty. * Equal application of the law
243	Neal	If the same mistake by same election official after it was pointed out, we would pursue it if it were substantial.
248	Rep. Piercy	What if it is a different error each time.

253	Neal	Most county clerks are elected, and they have a responsibility to the voters. Might do site visit for recorders and do an audit of the office.
264	Rep. Beyer	Asks if there is a process by which people are made aware of the interpretations of the laws, instructions, or rules
271	Neal	Yes, in regard to conduct of elections. Immediate interpretation is required. Instructions are clear.
297	Rep. Beyer	Are the instructions always in writing?
297	Neal	Says no. Interpretations are internally consistent, but not are adopted in the form of a statewide directive or through an official rule adoption process. They are simply the mechanics of the elections process.
310	Chair Snodgrass	Closes the public hearing on HB 2761. Opens the public hearing on HB 2972.
<u>HB 2972 - PUBLIC HEARING</u>		
324	Rep. Jackie Taylor	State Representative, House District 1, comments in support of HB 2972. Make the initiative process better without undermining it.
350	Rosemary Wood	Committee Administrator, reviews the provisions of the measure.
368	Phillip Ramsdell	State Political Director and lobbyist, Oregon Citizens Alliance, submits and presents testimony [EXHIBIT B] in opposition to HB 2972.
400	Ramsdell	Continues testimony.
<u>TAPE 22, A</u>		
001	John Beatty	Oregon Initiative Committee, Portland, Oregon. Submits and presents testimony [EXHIBIT C] on HB 2972.
047	Rep. Montgomery	Asks what is the Oregon Initiative Committee.
048	Beatty	Citizens concerned with improving the initiative process.
057	Rep. Jo Ann Bowman	State Representative, District 19, submits and presents testimony [EXHIBIT D] in support of HB 2972.
084	Rep. Charles Starr	State Representative, House District 3, comments in support of HB 2972.
098	Mary Botkin	American Federation of State, County and Municipal Employees (AFSCME), comments in support of HB 2972. Says she will provide written testimony to staff..
130	Vice-Chair Courtney	Calls forward Mr. Marbet. (Chair Snodgrass has left the hearing room.)
133	Lloyd K. Marbet	Representing himself and Coalition for Initiative Rights, submits and presents testimony [EXHIBIT E] in opposition to HB 2972.
187	Rep.	Asks what is the Coalition for Initiative Rights, where they are

	Montgomery	located, and how many members do they have.
189	Marbet	Is a broad-based coalition; meet in Salem and in Portland.
197	Chair Snodgrass	You are different from Oregon Initiative Committee.
198	Marbet	Yes.
200	Chair Snodgrass	Closes the public hearing on HB 2972. Opens the public hearing on HB 2204.
<u>HB 2204 - PUBLIC HEARING</u>		
211	Rosemary Wood	Committee Administrator, reviews the provisions of the bill.
224	Mark Luedtke	Estacada, Oregon, comments in opposition to HB 2204.
272	Marge Woodall	Clackamas County and Chair of Clackamas GOP, former chair of Clackamas County Republicans, submits and presents testimony [EXHIBIT F] in opposition to HB 2204.
317	Alan Davidson	<p>Marion County Clerk and representing Oregon Association of County Clerks. Comments in support of HB 2204.</p> <p>* The committee deals with important issues and this is not one of them.</p> <p>* Is an issue which gives them an opportunity to ask if there is a better ways to do what they are doing now.</p> <p>* The bill poses the question of whether a government office should maintain a membership list for private organizations.</p> <p>* Urges the committee's support of HB 2204.</p>
383	Mary Botkin	<p>* Importance of precinct committeepersons.</p> <p>* System of income tax check-off for political party contributions.</p>
<u>TAPE 21, B</u>		
001	Botkin	<p>Continues comments on HB 2204.</p> <p>* Precinct committee people are front line for replacing vacancies in this chamber.</p> <p>* Provide funding mechanism to do the job.</p>
024	Chair Snodgrass	Closes the public hearing on HB 2204. Opens the public hearing on HB 2760
<u>HB 2760 - PUBLIC HEARING</u>		

030	Rosemary Wood	Committee Administrator, reviews the provisions of the measure.
038	John Dilworth	Corvallis, Oregon, responds to Rep. Courtney's questions about partisanship. Says the county clerk was a partisan individual who was appointed by two other partisan individuals in the middle of a contested election. Urged contacting the Secretary of State's Office.
059		Begins comments in support of HB 2760 [EXHIBIT G] .
112	Alan Davidson	<p>Marion County Clerk and representing Oregon Association of County Clerks. Expresses concerns on HB 2760.</p> <ul style="list-style-type: none"> * Runs counter to what they heard from voters and candidates. * Consistency of when absentee ballots are mailed. * Supported SB 453 and asks the committee to consider the bill's standards when looking at HB 2760. * Prevention of issuing absentee ballots after the twenty-first day before election * Would like to propose amendments to the bill if it goes to a work session
164	Rep. Beyer	Good response from the post office handling ballots as priority mail. Is there an issue of ballots getting lost.
	Davidson	* Post office treatment of ballots
	Rep. Beyer	What about service for return mail and nondeliverables.
	Davidson	* Return mail is first-class.
193	Rep. Piercy	Expresses concern about 2000 people not getting to participate in elections process. What is the consequence to the elections office if the voters do not get their ballots.
196	Dilworth	<p>* Objection was filed; no action taken.</p> <p>* Excellent arrangements with post office</p>
209	Chair Snodgrass	Clarifies the Secretary of State's Office responded, but the response was not an action.
218	Mary Botkin	<p>AFSCME, will provide written testimony to the committee.</p> <p>* Standards and continuity for all 36 counties.</p>
253	Chair Snodgrass	Closes the public hearing on HB 2760. Opens the public hearing on HB 2001.
<u>HB 2001 - PUBLIC HEARING</u>		
		Representing the Oregon Initiative Committee. Says HB 2001, as

260	John Beatty	well as HJR 30 which is integral to it, is a complicated proposal. Addresses two concerns: * Integration of the initiative process * Creation of a review committee
289	Chair Snodgrass	Closes the public hearing on HB 2001. Opens the public hearing on HJR 9. Closes public hearing on HJR 9. Reopens public Hearing on HB 2001.
302	Lloyd K. Marbet	Representing himself and the Coalition for Initiative Rights, submits and presents testimony [EXHIBIT H] in opposition to HB 2001.
378	Chair Snodgrass	Asks if we were to use the legislative committee, wouldn't we as legislators be accused of mingling with the people's process, which is the initiative process.
383	Marbet	Isn't that the same accusation you could have with this bill.
	Chair Snodgrass	Says she is not sure.
	Marbet	From his perception it is. Is important to begin a dialogue.
399	Chair Snodgrass	Closes the public hearing on HB 2001. Opens the public hearing HJR 9. Says there will be a public hearing another day to accommodate Rep. Corcoran
<u>HJR 9 - PUBLIC HEARING</u>		
414	Marbet	Asks to appear before committee again. Citizens are concerned about fraud in obtaining signatures, but he is not clear to what extent the proposal goes.
<u>TAPE 22, B</u>		
001	Marbet	Continues comments on HJR 9.
011	Chair Snodgrass	Closes the public hearing on HJR 9. Declares the meeting adjourned at 4:32 p.m.
		Submitted for the record, written testimony [EXHIBIT I] from James R. Ebert in opposition to HB 2204.
		Submitted for the record, written testimony from Ruth Bendl: * [EXHIBIT J] in opposition to HB 2972 * [EXHIBIT K] in opposition to HB 2001 * [EXHIBIT L] in opposition to HJR 9

Submitted by, Reviewed by,

Valerie H. Luhr Rosemary Wood

Administrative Support Specialist Administrator

EXHIBIT SUMMARY

A - HB 2761, written testimony, Betsy Close, 3 pp.

B - HB 2972, written testimony, Phillip Ramsdell, 3 pp.

C - HB 2972, written testimony, John Beatty, Jr. 3 pp.

D - HB 2972, written testimony, Jo Ann Bowman, 1 p.

E - HB 2972, written testimony, Lloyd K. Marbet, 2 pp.

F - HB 2204, written testimony, Marge Woodall, 2 pp.

G - HB 2760, written testimony, John Dilworth, 1 p.

H - HB 2001, written testimony, Lloyd K. Marbet, 2 pp.

I - HB 2204, written testimony, James R. Ebert, 1 p.

J - HB 2972, written testimony, Ruth Bendl, 1 p.

K - HB 2200, written testimony, Ruth Bendl, 1 p.

L -HJR 9, written testimony, Ruth Bendl, 1 p.