

HOUSE COMMITTEE ON RULES AND ELECTIONS

April 2, 1997 Hearing Room E

4:00 P.M. Tapes 31 - 32

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:

HR 1 Public Hearing

HB 2203 Work Session

HB 2202 Public Hearing

SJR 2 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, 31 A		
004	Chair Snodgrass	Calls the meeting to order at 4:08 p.m. Opens the public hearing on HR 1.

HR 1 - PUBLIC HEARING		
007	Rosemary Wood	Committee Administrator, reviews the provisions of HR 1.
011	Rep. Jim Hill	District 5, testifies in support of HR 1.
075	Rep. Markham	Asks if Rep. Hill has had discussions with the Speaker.
076	Rep. Hill	Not related to this bill; Speaker's name is on the bill because he is the official presiding officer of this body and has ability to attach funds.
082	Rep. Markham	Assumes that is the reason you would want to visit with the Speaker.
083	Rep. Hill	Says Legislative Counsel indicated that the Speaker does have the ability to do that.
084	Rep. Markham	The Speaker will either like it or you are wasting your time.
088	Rep. Hill	Is willing to take the heat. Discussion with lobbyist about prior sessions when electric typewriters replaced manual ones. It is time for this to happen. Leadership needs this to help in official duties. Reimburse those who bought computers this session.
110	Rep. Beyer	Thinks the resolution is right on target. Bought his own system and token ring card. Comments on importance of standardizing to maintain a good local area network. We have intentionally shifted much of the operation onto campaign financing. Is not a good business practice.
131	Rep. Piercy	What should happen during the interim with the computers? We have business to do everyday that cannot be done out of Salem.
134	Rep. Hill	Check out the system as you would a typewriter, for state business only.
139	Rep. Markham	Can equipment be taken home during interim?
142	Rep. Hill	You should be able to use the equipment during the interim.
150	Rep. Messerle	How long would it take to get computers in the offices if the resolution passed?
152	Rep. Hill	Not until after session.
159	Rep. Messerle	Concern is that we are halfway through session; considering the obsolescence of computer systems set it up for next session.
164	Rep. Hill	Conduct of legislative business does not end with sine die. Members may want to take them home during interim. Addresses availability of systems, impact on legislative administration staff.
181	Rep. Montgomery	Does not know about the \$1.23 million the Speaker has and whether or not computers can be bought with it.

185	Rep. Hill	Funds left over from construction of the dome have been given to the Legislative Assembly for conduct of their business. Decision will have to be made to come into the modern world.
194	Rep. Montgomery	Computers are not coming into the modern world. If we do not have the money, we don't do it.
200	Rep. Beyer	Says that is a good point. Believes that four or five million dollars were appropriated coming out of last session to build the system and buy computers.
207		Discussion on taking systems home during the interim. People on the outside have better access than those on the inside of the capital.
216	Chair Snodgrass	How often do you need to upgrade the computers.
219	Rep. Hill	Would be a function of Ways and Means. Every 18 months to be on the cutting edge.
227	Chair Snodgrass	Asks about liability issues because of access to equipment during interim.
235	Rep. Hill	The same as you do with the use of a typewriter--if you break it, you buy it.
239	Chair Snodgrass	Personal or legislative money?
241	Rep. Hill	Speaker's determination. What is today's policy on typewriters?
252	Dave Henderson	Legislative Administrator, responds.
254	Chair Snodgrass	Asks Henderson if he has anything particular to say or would he want to answer questions that were posed earlier.
256	Henderson	Wants to answer or try to answer any questions.
259	Rep. Montgomery	Asks if there is \$1.2 million to spend.
261	Henderson	An appropriation was made for 1995-97 biennium of \$2 million, which was the initial appropriation to work on the computer migration off the main frame. * \$1.1 expended to date * \$900,000 left.
270	Rep. Montgomery	The answer is no.
270	Henderson	Not that he is aware.
271	Rep. Hill	Estimated cost of the computer system is around \$120,000.
277	Rep. Markham	Asks Henderson if he keeps the bank account for both the House and the Senate.
278	Henderson	For the Legislative Administration Committee and maintain accounts

		for Legislative Assembly.
279	Rep. Markham	What is the amount.
280	Henderson	For which account.
281	Rep. Markham	How many do you have.
283	Henderson	Accounts for Legislative Administration Committee and maintain accounts for Legislative Assembly.
292	Rep. Markham	Asks if there is any money left from rebuilding the dome.
294	Henderson	About \$115,000.
295	Rep. Markham	How is it disposed of.
296	Henderson	It is in the capital investment account and will stay there until end of the biennium unless action is taken to shift it to another account.
299	Rep. Markham	Does that take legislative action?
300	Henderson	Believes it would.
301	Rep. Markham	Can the computers be bought with this money? Who has this authority?
304	Henderson	Believes it would take legislative action. Will report back.
306	Rep. Markham	Says to report back privately.
308	Chair Snodgrass	Closes the public hearing on HR 1. Opens the work session on HB 2203.
<u>HB 2203 - WORK SESSION</u>		
321	Rosemary Wood	Committee Administrator, reviews the provisions of HB 2203 (EXHIBIT A).
335	Rep. Courtney	MOTION: Moves to ADOPT HB 2203-1 amendments dated 03/26/97.
342	Rep. Markham	Asks if it doubles the amount of people required.
347	Chair Snodgrass	Says it was .05 percent, tried to make it .1 percent, and now it is back to .05 percent. Done by the Secretary of State.
349		Discussion about the measure.
360	Colleen Sealock	Director, Elections Division, says the original bill was one percent. What we are changing is what percentage was; instead of a floating number of voter registration, it went to an fixed number--one percent of the Governor's race. Because of dissention among minor parties, they are now proposing .05 percent of the Governor's race.

380	Rep. Markham	Says he likes the proposal.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Snodgrass	The motion CARRIES.
388	Rep. Courtney	MOTION: Moves HB 2203 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Snodgrass	The motion CARRIES. REP. MESSERLE will lead discussion on the floor.
402	Chair Snodgrass	Closes the work session on HB 2203. Opens the public hearing on HB 2202.
<u>HB 2202 - PUBLIC HEARING</u>		
411	Rosemary Wood	Committee Administrator, reviews the provisions of HB 2202 (EXHIBIT B) .
430	Colleen Sealock	Director, Elections Division, introduces Vicki Ervin, Multnomah County Director of Elections.
TAPE 32, A		
006	Sealock	Submits written testimony and a section-by-section summary [EXHIBIT C] on HB 2202. Says each session the elections area presents an omnibus bill.
021	Sealock	Begins prepared testimony. Section 1.
026	Rep. Markham	Referring to explanation of Section 1, asks why not use the ones who want to use a mail-in ballot. Asks if just figuring out number of voters needed.
029	Sealock	Correct.
029	Rep. Markham	Redundant if went to vote-by-mail, but still need precincts.
031	Sealock	Still calculate precincts. Need vote count.
038	Rep. Markham	When was the increase to 2000.
041	Sealock	In last session from 1500. Continues prepared testimony. Sections 2 through 8
062	Chair Snodgrass	Referring to the notarized statement requirement for withdrawal, asks what if someone else did it for me and I didn't know about it.

064	Sealock	Is not sure a notary would prevent that. Someone could file a false statement. If someone files in their office, they double check to see if it came from the candidate. Continues prepared testimony. Sections 9 through 22
121	Sealock	* Section 23 * Sections 24 through 36
172	Rep. Markham	Referring to circulators being paid or unpaid, asks why change it if there is not a problem.
173	Sealock	Many people believe strongly in the petition being circulated. Continues prepared testimony. Section 38
191	Sealock	* Sections 39 through 41 * Sections 42 through 43
214	Chair Snodgrass	Referring to section 43, asks if you can still watch the tally.
215	Sealock	Absolutely.
218	Rep. Markham	Asks if it is similar to a poll watcher.
220	Sealock	Yes, continues testimony. (Section 44 through 45 (Section 46 (Section 47 (Section 48
272	Rep. Montgomery	Referring to wrongly using vote by mail ballots, asks what is a Class C felony.
274	Sealock	Replies with the penalty. Continues with section 49. (Section 50
305	Chair Snodgrass	Referring to candidate statements, asks if any person who is still alive can be used for endorsing.
306	Sealock	Yes, a published quote is needed for endorsement. Continues with section 51. (Section 52 (Section 53
		Continues with prepared testimony. Section 54 (Section 55

348	Sealock	(Section 56 (Sections 58 through 59
391	Sealock	Continues with testimony. Explains -1 amendments to HB 2202. Changes distribution of voter's pamphlets by Secretary of State and deletes word "to."
TAPE 31,B		
004	Vicki Ervin	Director of Elections, Multnomah County. Supports HB 2202 with amendments.
007	Chair Snodgrass	Referring to section 39 and replacement ballot, asks how does the Elections Division know if someone receives a ballot on short notice.
012	Ervin	Do not know for sure. Want to mail a ballot knowing that there is even a slight chance of the voter being able to vote. There are no guarantees.
024	Chair Snodgrass	Is there any idea of how many ballots fall under this section.
025	Ervin	Not a great number.
026	Rep. Piercy	Referring to section 13, asks about changes Secretary of States deems relative.
029	Sealock	This section allows to delete things which may not apply to that election.
043	Rep. Piercy	It seems to leave things wide open.
048	Fred VanNatta	Oregon Building Industry Association. Wants to amend HB 2202. Wants to only file reports in election cycle they participate in.
081	Chair Snodgrass	Asks Colleen Sealock to come back up. Asks if VanNatta's proposal deals with any of Sealock's amendments.
084	Sealock	Germane to section or to campaign finance related material.
093	Chair Snodgrass	Would it cut down on paperwork.
094	Sealock	For Elections Division and also for political action groups. Those who track certain bills would have a difficult time, though.
100	Chair Snodgrass	What different source would they be able to go to.
101	Sealock	Explains other sources.
109	Chair Snodgrass	Asks them to get together Sealock and VanNatta to draft amendment.
115	Dan Meek	Testifying on his own behalf. Addresses three different sections of the bill. Section 19 tries to give the Secretary of State an alternative way to get pamphlets to voters. Wants clarification on this section. Section 22 increases cost and number of signatures for statements. Section 50 is broad and ambiguous.
164	Meek	Continues testimony on HB 2202.
		Sections 10 through 22 were existing law last session and the session

211	Chair Snodgrass	before. Since sunset of January 1, 1997, they are actually reenactments of those laws. It is not actually an increase, but a reenactment.
224	Meek	Asks Sealock for the current cost of a voters' pamphlet.
226	Sealock	It is \$300 for special elections and \$500 for general.
227	Meek	I am against any increase.
229	Chair Snodgrass	There is no increase. The law will sunset.
233	Rep. Montgomery	How much money making or losing on voters' pamphlet.
238	Sealock	We do not make any money; revenues 10-20% of the cost of production. If these statutes do not pass there will be an impact of almost \$750,000 on the general fund.
251	Rep. Montgomery	Some organizations take out many ads; allow them to take out only one ad. Will be happy to propose an amendment
259	Sealock	Difficulty in the organizations changing their names.
266	Rep. Montgomery	Have organizations pay new or more filing fees.
268	Meek	Would like to provide analysis stating voters' pamphlet is self-supporting. Should it be self-supporting?
285	Rep. Montgomery	Opportunity to privatize the voters' pamphlet.
288	Meek	Thank you. That may be a possibility.
292	Rep. Markham	Asks Sealock if she can defend herself on Section 50.
296	Sealock	Has had much difficulty with Section 50. Concern with using "supports" or "opposes" in pamphlet. Willing to go to Counsel on Mr. Meek's concerns.
328	Chair Snodgrass	Closes the public hearing on HB 2202. Opens the public hearing on SJR 2.
<u>SJR 2 - PUBLIC HEARING</u>		
337	Rosemary Wood	Reviews the provisions of SJR 2.
354	Phil Keisling	Secretary of State. Submits and presents testimony (EXHIBIT D) in support of SJR 2. Corrects "over-amending" of the Constitution. Increases number of signatures needed for a Constitutional amendment and lowers the number for a statute.
400	Keisling	Continues prepared testimony. Need appropriate balance between the types of changes.
TAPE 32, B		
		Continues prepared testimony in support of SJR 2. Step in right

001	Keisling	direction.
013	Rep. Markham	Why lower the one signature requirement?
014	Keisling	Voters have to approve it. Voters want reform. Wants focus on changing the spread of signatures.
028	Rep. Markham	Why lower from 6 to 5 percent. Why not raise the other one.
031	Keisling	Most voters would think it would be too hard to get anything on the ballot. It is a tradeoff.
038	Chair Snodgrass	Where did the original number of signatures come from.
041	Keisling	Original initiative law passed in 1902 requiring 8%.
044	Chair Snodgrass	Any background on why 8%.
046	Keisling	Oregon broke ground on initiative system.
048	Chair Snodgrass	Suggestions for amendment to get on ballot.
052	Keisling	May deadline has been missed. Other choice is a special election in the fall of this year or go into 1998. Would be comfortable with any of the dates.
066	Rep. Piercy	Have you had a response from any group or the public.
068	Keisling	Response about raising one figure and lowering the other. Response from the Senate. Received both support and criticism from groups.
083	Rep. Markham	Ignore time requirement and have election anyway.
091	Keisling	To get issues on May ballot, extraordinary things done by legislature. Time limits for mailing ballots.
099	Chair Snodgrass	Calls forward visiting Boy Scout Troop #157. Asks them to put name in record and what they think of initiative idea.
116	Rex White, Jr.	Maybe.
118	Braden Davidson	Maybe.
121	Justin Beasley	I oppose.
122	Bryan White	Maybe.
126	Taylor Lyman	Maybe.
126	Aaron Pinkerton	Maybe.
131	Denny Snider	Maybe.

134	Jordan Curzon	Maybe.
135	Chair Snodgrass	A copy of the tape will be provided to members of Boy Scout Troop #157.
142	David Findanque	Executive Director, American Civil Liberties Union of Oregon. Testifies in support of SJR 2. Oregon is one of the easiest states to change the Constitution. Abuse of initiative process.
163	Sandra Bishop	Legislative Coordinator, League of Women Voters, testifies in support of SJR 2 (EXHIBIT E). Opposes amending the constitution. Improves process while allowing direct democracy to stay in place.
201	Dan Meek	Coalition for Initiative Rights, testifies in opposition to SJR 2. Shift of power to legislature from the people. Consider a parallel measure to make it harder for the legislature to put a measure on the ballot, or not be allowed to place measures on the ballot that change the constitution.
245	Chair Snodgrass	Rationale of original number of signatures.
249	Meek	Lloyd Marbet is the historian of the initiative process. Does not know where the 8 percent came from.
256	Chair Snodgrass	Greets second group of boy scouts. Explains the public hearing. Asks them their opinion.
276	Steve Wooldridge	Maybe.
285	Tyler Davidson	Maybe.
287	Robert Babbel	Maybe.
290	Tim Hanson	Maybe.
292	Chair Snodgrass	A copy of the tape will be provided to members of the Boy Scout troop.
297	Chair Snodgrass	Closes the public hearing on SJR 2.
		Declares the meeting adjourned at 5:52 p.m.

Submitted by, Reviewed by,

Valerie Luhr Rosemary Wood

Administrative Support Specialist Administrator

Transcribed by,

Gina Cross

Committee Clerk

EXHIBIT SUMMARY

A - HB 2303, proposed amendments, staff, 1 p.

B - HB 2202, proposed amendments, staff, 1 p.

C - HB 2202, written testimony, Colleen Sealock, 14 pp.

D - SJR 2, written testimony, Phil Keisling, 3 pp.

E - SJR 2, written testimony, Sandra Bishop, 1 p.

F - HR 1, written materials, staff, 3 pp.

G - HB 2202, written testimony, staff, 3 pp.