

**HOUSE COMMITTEE ON RULES AND ELECTIONS**

**April 7, 1997 Hearing Room E**

**4:00 P.M. Tapes 37 - 38**

**MEMBERS PRESENT:**

**Rep. Lynn Snodgrass, Chair**

**Rep. Peter Courtney, Vice-Chair**

**Rep. Lee Beyer**

**Rep. Ken Messerle**

**Rep. Kitty Piercy**

**MEMBER EXCUSED:**

**Rep. Bill Markham**

**Rep. Bob Montgomery**

**STAFF PRESENT:**

**Rosemary Wood, Administrator**

**Valerie Luhr, Administrative Support**

**Kellie Shoemaker, Committee Clerk**

**MEASURE/ISSUES HEARD:**

**HJM 7 Public Hearing and Work Session**

**HB 2972 Public Hearing**

**HJR 50 Public Hearing**

**HB 2205 Public Hearing**

**HJR 36 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
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<b>TAPE, 37 A</b>		
005	Chair Snodgrass	Opens the meeting at 4:07 p.m. Discusses the day's agenda. Opens the public hearing on HJM 7
<b><u>HJM 7 - PUBLIC HEARING</u></b>		
008	Rosemary Wood	Committee Administrator, reviews the provisions of HJM 7.
011	Chair Snodgrass	Asks staff if Rep. Fahey is on his way to testify.
018	Jim Hill	State Treasurer, testifies in support of HJM 7. Urges the committee's passage of the memorial.
051		The committee is waiting for Rep. Fahey and Rep. Carter.
065	Rep. Mike Fahey	State Representative, House District 17, testifies in support of HJM 7.
091	Margaret Carter	State Representative, House District 18, testifies in support of HJM 7.
109	Chair Snodgrass	It is the chair's intention to go into work session and pass out HJM 7 today. Requests coordination for the floor from Rep. Fahey and Rep. Carter. Closes public hearing on HJM 7. Opens work session on HJM 7.
<b><u>HJM 7 - WORK SESSION</u></b>		
118	<b>Rep. COURTNEY:</b>	<b>MOTION: Moves HJM 7 be sent to the floor with a BE ADOPTED recommendation.</b>
122		<b>VOTE: 4-0</b> <b>EXCUSED: 3 - Beyer, Markham, Montgomery</b>
	<b>Chair SNODGRASS</b>	<b>Hearing no objection, declares the motion CARRIED.</b> <b>REP. FAHEY will lead discussion on the floor.</b>
131		Closes work session on HJM 7. Opens public hearing on HB 2972.
<b><u>HB 2972 - PUBLIC HEARING</u></b>		
133	Rosemary Wood	Committee Administrator, reviews the provisions of HB 2972
140	Rep. Kurt Schrader	State Representative, House District 23, testifies in support of HB 2972.
157	Chair Snodgrass	From where would you want the financial impact statements come.

159	Rep. Schrader	* Most appropriate authority (page 1, lines 9 and 10, HB 2972).
173	Chair Snodgrass	Through legislative process have experienced focus on the word "estimate." Are you expecting the estimate to be within a certain accuracy.
177	Rep. Schrader	* An order of magnitude * Secretary of State, State Treasurer, or Department of Revenue address feasibility
192	Chair Snodgrass	Refers to Measure 47's affect on bonds and asks Rep. Schrader how he would have expected that to come out in a financial statement.
196	Rep. Schrader	The attorney general would pick up potential wording difference and realize it could be interpreted two different ways. Give his interpretation and the actual impact he would see it having.
208	Rep. Messerle	Who is going to make the decision on who is going to make the study.
212	Rep. Schrader	Concurs; perhaps Legislative Counsel could be involved.
222	Phillip Ramsdell	State Political and Lobbyist, Oregon Citizens Alliance, submits and presents testimony [ <b>EXHIBIT A</b> ] in opposition to HB 2972.
260	Chair Snodgrass	If the bill that came out of the committee did not impact the time allocated to gather signatures, would your opinion of it change.
275	Ramsdell	Somewhat; problem is where do you put it on the petition itself. Other problem is appeal to Supreme Court.
288	Rep. Beyer	Would time period be shorter if there wasn't an appeal to the Supreme Court.
289	Ramsdell	Comments on history of the initiative process and automatic appeals.
303	Colleen Sealock	<p>Director, Elections Division, introduces Fred Neal, Campaign Finance Manager and staff person for fiscal impact committee, discusses fiscal impact statements.</p> <ul style="list-style-type: none"> <li>* Is a committee process</li> <li>* 23 fiscal impact statements for general election last fall</li> <li>* Use of staff members</li> <li>* Difficult, time-consuming process</li> <li>* Only appeal provided by law to the Supreme Court is not on substance of fiscal impact, but only on the procedure.</li> <li>* HB 2972 moves the fiscal impact statement to very early in the process.</li> <li>* Concern over the number of impact statements that would be written. (Shows examples of petitions.)</li> </ul>

		<p>* Fiscal impact</p> <p>* Elections has technical corrections if the committee decides to go ahead with the bill</p>
421	Chair Snodgrass	Would prefer to hold off. Substantial issues have been raised.
428	Rep. Piercy	Only challenge procedure of fiscal impact statements, not the substance; there is no way to challenge the accuracy or the accountability of the fiscal.
<b>TAPE 38, A</b>		
002	Sealock	Responding to Rep. Piercy, that is correct and refers to Chapter 250.131. Very narrow to challenge a fiscal impact.
007	Fred Neal	Elections Division, a case in point was in 1996 general election. Only the statement for the referendum, Measure 32, was appealed. The appellant knew that only avenue to the Supreme Court was on a procedural basis. No procedural faults to the process; Supreme Court dismissed the appeal.
013	Rep. Piercy	Is there a way to do what is being asked that is not as complicated as the kind of fiscal impact statements that we now do? Something to think about in terms of when an initiative is proposed; some type of general statements about impact for the public. The press also plays a role.
026	Sealock	<p>No one would disagree with the concept.</p> <p>* Controversy of the very detailed fiscal impact</p> <p>* Balance of accuracy and timing</p>
044	Chair Snodgrass	Closes public hearing on HB 2972. Opens public hearing on HB 2896.
		<b>[EXHIBIT B]</b> testimony from Rep. Lane Shetterly in support of HB 2972 becomes part of the record.
<b><u>HB 2896 - PUBLIC HEARING</u></b>		
050	Rosemary Wood	Committee Administrator, reviews the provisions of HB 2896.
062	Rep. Bob Jenson	State Representative, House District 57, submits and presents testimony <b>[EXHIBIT C]</b> in support of HB 2896.
		State Representative, House District 33, testifies in support of HB 2896. The bill speaks to a subject he feels strongly about even to the detriment of his involvement in the Democratic party. Oregon Republican party and Democratic party have a problem because there is an explosion of individuals who do not choose the Republican party or the Democratic party when they register to vote. Bodes worst for the best two-party

092	Rep. Courtney	system in the world. Is a strong advocate of our two-party system at both national and state levels. Average of 20 to 22 percent registered independents across the state. They are not participating in the primary election. Is in our best interest to get them to participate. This is not a Democratic or Republican piece of legislation, but a pro two-party piece of legislation and pro electorate piece of legislation. Urges the committee's support.
145	Chair Snodgrass	Asks Rep. Jenson and Rep. Courtney if the piece of legislation came from independents who were upset at being unable to vote in the primary.
153	Rep. Jenson	Comes to you because of my experiences in the primary and general elections. Non-affiliated voters are disappointed, discouraged, angry, frustrated they couldn't have a say in the primary. Made a pledge to do what he could to help them vote in the primary. Some members of his party fear that the independents are going to take over the party. If we are so weak that we are afraid that will happen, maybe they better take it over.
172	Chair Snodgrass	By your last comments, do mean the Democratic party has chosen not to allow non-affiliates vote in the primary because they are afraid that they will become too involved in your party.
176	Rep. Jenson	Is making his statement in relation to the entire Democratic party. Some of the people have expressed that concern.
180	Rep. Courtney	Philosophical position that the party faithful think that someone who is not a Democrat should not be choosing who our representative is going into a general election. Thinks the Republican party might feel the same. Many people are not Democratic or Republican because they are not ready to make the decision. Is true particularly of young people.
203	Chair Snodgrass	Asks Rep. Jenson if he had a contested primary race.
	Rep. Jenson	Yes.
	Chair Snodgrass	Was there any reason why the non-affiliates could not sign up to be your party persuasion so they could vote for you.
210	Jenson	Other than the current restrictions; the period is twenty days before the election.
213	Rep. Beyer	Says the chair raised a good point in terms of how these kinds of things got here. Thinks it is a pretty good bill. He has an even stronger bill that would open up the primary. The issue is clear that a growing number choose not to affiliate intentionally, but believe they have the right to vote because they are paying the cost. Tends to agree. In answer to a comment made earlier, says he hears it a lot in his district that people want the chance to vote in the primaries and feel offended they are locked out of the process from both parties.
226	Rep. Piercy	Some people take pride they are Independents; they like the idea to look at each race separately and differently.
		This bill does not take the right away from them. In Oregon that is an

236	Rep. Jenson	attitude that many Oregonians have--a feeling of independence and taking pride in our independence.
235	Al Davidson	Marion County Clerk, representing the Oregon Association of County Clerks, is changing his testimony in light of what the two sponsors had to say. Is a bit confused. Hears the sponsors says that this bill is to allow non-affiliated voters to participate in the party primaries. As I read the bill, it would allow any voter to cross party lines during a primary and adopt another party. Require county clerks to update registration of anyone who did so. Referring to line 6, section 2, and line 10, subsection 2, HB 2896, says it indicates to him that he, as a Republican, could ask for a Democratic ballot and be issued one. At that point be considered a member of the Democratic party. His party status would change at that point (lines 19 through 23, HB 2896). Is confused as to the intent of the sponsors. Mechanical issues to be dealt with in the bill. Would be happy to assist as would any of the county clerks.
283	Chair Snodgrass	Thanks Davidson for bringing up that point.
290	David Buchanan	Executive Director, Oregon Common Cause. His organization has not been involved in issues like this that have a more partisan aspect. The board met earlier this year to discuss this issue and are of the opinion a measure like this would help enhance voter turnout. They would advocate a system where independents would be allowed to come to the polling place, make a determination at that time of a ballot preference, and by that action become registered in the party of their choice for future registration and election purposes. Enhances ability of a voter to participate in the process and become a permanent part of a political party. Rep. Courtney expressed some of his organization's opinions in terms of overall public benefit. Recommends a closer reading of the bill's language.
342	Rep. Courtney	As the Marion County clerk suggested, the bill is written you go in and fill out certain forms you become a member of a particular party for purposes of that vote and remain so unless you change affiliation. Comments on concept of a pure open primary.
370	Rep. Beyer	Says there are federal laws stating what you can require parties to do. Thinks this is one way you can open it up, by requiring a person to be a Republican or a Democrat is in keeping with what you can do statutorily and not violate federal laws regarding two parties. His own particular bill was more of a requirement to the parties to give them a financial incentive to open it up on both sides.
390	Chair Snodgrass	Closes the public hearing on HB 2896. Opens the public hearing on HJR 50.
<b><u>HJR 50 - PUBLIC HEARING</u></b>		
395	Rep. Dan Gardner	State Representative, House District 13, testifies in support of HJR 50.

<b>TAPE 37, B</b>		
016	Chair Snodgrass	Says the committee will be dealing with initiatives and will add the bill to the list. Closes public hearing on HJR 50. Opens public hearing on HB 2205.
<b><u>HB 2205 - PUBLIC HEARING</u></b>		
025	Rosemary Wood	Committee Administrator, reviews the provisions of the HB 2205.
034	Annette Newingham	Chief Deputy County Clerk, Lane County, submits and presents testimony <b>[EXHIBIT D]</b> in support of HB 2205 on behalf of the Oregon Association of County Clerks and Lane County.
063	Beyer	Assumes the amendments talk to the \$25 filing fee; trying to recover costs. <b>[EXHIBIT E]</b> HB 2205-1 amendments.
064	Newingham	There is an amendment that was suggested by a member of the Republican party, not by the Association of County Clerks. We have no opposition to the amendments we have heard.
069	Rep. Beyer	Legislation would eliminate write-ins.
070	Newingham	Just for committee precinct people.
071	Rep. Beyer	After elections, would the party still be able to fill those positions.
072	Newingham	Currently have the ability to appoint any positions that are vacant and do so. The legislation would not change this.
077	Rep. Beyer	Raises the question of, looking at filing fees, whether parties would just encourage people not to run for election, but rather wait and whoever had control of the party would make appointments.
082	Newingham	We did not introduce it with that fee in mind. We do not encourage a fee; was a separate amendment.
087	Rep. Piercy	Is generally supportive. Why is there such a hard time filling precinct committee positions and have such an incredible amount of them that never have anybody in them.
089	Newingham	You would have to ask the parties.
092	Al Davidson	Marion County Clerk, is available to answer any question and has no additional testimony.
095	Chair Snodgrass	Expresses concerns with the idea of eliminating the potential of a write in. Do you have an answer of how that could be taken care of.
097	Newingham	Parties would have option to introduce by-laws for doing appointment process.
		Have many, many positions in Marion County. Active central committee in the Republican party in the county. Democratic party in the county has taken a laid back approach. Very few write-in efforts; most positions

101	Davidson	in central committee wind up being appointed. Personally speaking, a person interested in being a member of the party central committee with no filing fee and very minimal requirements, makes the issue for providing the opportunity for write-ins diminish its importance.
120	Rep. Messerle	Has the write-in vote made a difference statewide?
122	Newingham	Has not made a difference for Lane County for precinct committee people.
139	Marge Hughes	Precinct Committeeperson, Clackamas County, past chairman of Clackamas County Republican Central Committee, currently Executive Director, Oregon Republican Party; says both Republican and Democratic parties have opted to not participate in statutes other than the election of our precinct committee people. Everything else that we do is under the respective party's by-laws. State statute requires filing organizational charter. In precinct committeepersons jobs, parties pay for the elections; use the job to clean up the process. Looking for all the ways we can to continue in the process and continue to be an elected precinct committeeperson. Precinct committeeperson is a an officially elected position. Looking for a way to stay in the process. Only partisan election where the filing fee is not paid. The \$25 is the lowest fee paid. If we adopt the non-contested primary election of our precinct committee people and come up with some way each of us who file as precinct committee people could help with our election, we believe that would be good policy. In response to whether the process would move to appointments, in the Republican party the one reason why they fill precincts is because the by-laws require you to be an elected precinct committeeperson.
199	Rep. Beyer	Is this your amendment.
200	Hughes	Yes.
202	Chair Snodgrass	If Republican party has the appointment versus elected piece in their by-laws and the \$25 amendment goes through and the Democrats do not have the appointed versus elected, there is the potential the Republican would spend the \$25 and putting in the county clerk's pot at the benefit of wherever the money goes.
213	Hughes	Believes that we and the Democratic party should get the appointment process out of statute (ORS 248.005 through 248.029).
227	Chair Snodgrass	Democrats can only vote at their organizational meeting if they are elected.
228	Hughes	Does not know if they kept that in their by-laws. We kept that in our by-laws.
230	Chair Snodgrass	In order for the Republicans to participate at some point in time, they need to be elected as opposed to being appointed. If they are elected the filing fee goes to the county clerks. The Democrats would not be submitting the \$25 dollar fee if they are appointed. Disproportionate amount of money going into the county coffers.
		Intent is to pay for the election of party positions. If one party didn't



243	Rep. Beyer	have elections, there wouldn't be the costs.
247	Chair Snodgrass	If HB 2205 passes and they are not contested races, there is no election.
262	Charles Stearn	Yamhill County Clerk, at the close of the election, the county clerk declares all the offices vacant, except those in which we have an election. If they are uncontested (one contested race in Yamhill County and three elected by write-in and one yellow dog), other function of the clerk is that they do send out certificates whether or not going to be on the ballot
296	Chair Snodgrass	Is there a way to dedicate the money that comes in to go to a specific function.
	Stearn	There is always a way to do what this body determines we have to do. But what if you don't have enough money to maintain the roster. Would the county be expected to make up the difference or does it just become part of general fund. Perceived it would be general fund.
314	Rep. Beyer	Getting into the grounds of the Libertarian Party's bill that he introduced for them.
325	Chair Snodgrass	Closes public hearing on HB 2205. Opens public hearing on HJR 36.
<b><u>HJR 36 - PUBLIC HEARING</u></b>		
341	Rosemary Wood	Committee Administrator, reviews the provisions of HJR 36.
361	Mary Knapp	Troutdale, representing Oregon State Grange, submits and presents testimony <b>[EXHIBIT F]</b> in opposition to HJR 36.
414	Chair Snodgrass	Closes public hearing on HJR 36. Will carry over HB 3096 at the request of Rep. Lehman.
<b><u>TAPE 38, B</u></b>		
006	Chair Snodgrass	Declares the meeting adjourned at 5:30 p.m.
		<b>[EXHIBIT G]</b> testimony in opposition to HJR 50 from Lloyd K. Marbet.
		<b>[EXHIBIT H]</b> testimony in opposition to HJR 36 from Lloyd K. Marbet.

Submitted by, Reviewed by,

Valerie H. Luhr Rosemary Wood

Administrative Support Specialist Administrator

**EXHIBIT SUMMARY**

**A - HB 2972, written testimony, Phillip Ramsdell, 6 pp.**

**B - HB 2972, written testimony, Lane Shetterly, 1 p.**

**C - HB 2896, written testimony, Bob Jenson, 1 p.**

**D - HB 2205, written testimony, Annette Newingham, 2 pp.**

**E - HB 2205, -1 amendments, staff, 2 pp.**

**F - HJR 36, written testimony, Mary Knapp, 1 p.**

**G - HJR 50, written testimony, Lloyd K. Marbet, 2 pp.**

**H - HJR 36, written testimony, Lloyd K. Marbet, 2 pp.**