

**HOUSE COMMITTEE ON RULES AND ELECTIONS**

**May 5, 1997 Hearing Room E**

**4:00 p.m. Tapes 56, 57**

**MEMBERS PRESENT:**

**Rep. Lynn Snodgrass, Chair**

**Rep. Lee Beyer**

**Rep. Ken Messerle**

**Rep. Bob Montgomery**

**Rep. Kitty Piercy**

**MEMBER EXCUSED:**

**Rep. Peter Courtney**

**Rep. Bill Markham**

**STAFF PRESENT:**

**Rosemary Wood, Administrator**

**Valerie Luhr, Administrative Support**

**Kellie Shoemaker, Committee Clerk**

**MEASURE/ISSUES HEARD:**

**HJR 88 Public Hearing**

**HB 3722 Public Hearing**

**HB 3086 Public Hearing**

**HB 2799 Public Hearing**

**HJR 28 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
--------	---------	----------

<b>TAPE 56, A</b>		
004	Chair Snodgrass	Calls the meeting to order at 4:05 p.m., opens a public hearing on HJR 88 and HB 3722.
<b><u>HJR 88 AND HB 3722 - PUBLIC HEARING</u></b>		
009	Rosemary Wood	Committee Administrator, reviews the provisions of the measures.
037	Rep. Ron Sunseri	House District 22, testifies in support of HJR 88 and HB 3722 and outlines the goals behind the measures. Submits a proposal for amendments, which will be distributed tomorrow <b>[EXHIBIT A]</b> .
091	Gussie McRobert	Mayor of the city of Gresham, Oregon, explains the purpose of the constitutional amendment, testifies in support of HJR 28 and HB 3722 <b>[EXHIBIT B]</b> .
140	McRobert	Continues testimony.
173	Chair Snodgrass	Your preference is for Portland to become the new county.
175	McRobert	We are not opposed if that is what they want; however, we do not want to pay for it.
182	Rep. Montgomery	Comments on where the county seat would be located. And comments that he was not aware there had to be a state-wide election to form a new county.
190	McRobert	The reason for a state-wide election is the size requirement. This area does not meet the requirement.
196	Paul Thalhofer	Mayor of the city of Troutdale, Oregon, comments on the idea of consolidation. Testifies in favor of HB 3722 and HJR 88. Speaks to the -1 amendments <b>[EXHIBIT C]</b> to HB 3722. Says there will be -2 amendments.
250	Thalhofer	Continues testimony.
279	Roger Vonderharr	Mayor of the city of Fairview, Oregon, submits and presents testimony <b>[EXHIBIT D]</b> in support of HB 3722. Urges the committee's support of HB 3722 and HJR 88.
330	Vonderharr	Continues testimony.
378	Patricia Smith	Corbett, Oregon, President of NE Multnomah County Community Association, testifies in support of HJR 88 and HB 3722.
<b>TAPE 57, A</b>		
005	Patricia Smith	Continues testimony.
032	Vonderharr	Comments on the protection of the rights of the people in Oregon with regard to annexation by cities, and the necessity of having a triple majority to annex.
042	Donald	Mayor of Wood Village, Oregon, testifies in support of HB 3722

	Robertson	and HJR 88.
075	LeRoy W. Smith	Corbett, Oregon, testifies in support of HB 3722 and HJR 88. Speaks to the HB 3722-1 amendments.
125	Smith	Continues testimony.
192	Rep. Messerle	You mentioned joining with adjacent counties, have you contacted those counties?
195	Smith	No.
196	Rep. Montgomery	Comments on the difficulty of forming a city in Corbett, asks if the other small communities in the area are involved.
202	Smith	NE Multnomah Community Association serves all of the area east of the Sandy River and there are a lot of small communities which are collectively the NE Multnomah County
216	Chair Snodgrass	Asks Mayor McRobert and Rep. Sunseri to come forward. Asks Rep. Messerle to repeat his questions.
224	McRobert	Has not talked to Hood River County, but has talked to Clackamas County and they are very interested.
225	Rep. Sunseri	Comments on the square miles of Clackamas County.
228	Chair Snodgrass	Comments on the definition in HB 3722 of an affected area. Asks if the intention is that only Multnomah County be dealt with as an affected area.
236	Rep. Sunseri	Responds that is correct.
243	Chair Snodgrass	In section 5 addressing the urban reserve area, was it your intention for this bill to allow Clackamas County to be part of the process.
253	Rep. Sunseri	That is correct. Clarifies that legislative districts will not change as a result of this change.
261	Chair Snodgrass	Are you going to include the definition of urban reserve in the statutes?
260	Rep. Sunseri	For purposes of this act, we will make that definition, it will be a part of the amendments you will receive tomorrow.
269	Chair Snodgrass	Will I hear from Commissioner Stein and Mayor Katz.
271	Rep. Sunseri	Yes.
277	Chair Snodgrass	Closes the public hearing on HJR 88 and HB 3722. Opens a public hearing on HB 3086.
<b><u>HB 3086 - PUBLIC HEARING</u></b>		
293	David Schuman	Deputy Attorney General, comments on the issue of vote by mail becoming peripherally involved with issues involving the voters' pamphlet. Comments that at this time, discussion of those issues would be premature.
	Chair	Asks for clarification, the committee can still discuss this bill but

307	Snodgrass	not as it relates to the issues in the voters' pamphlet.
311	Schuman	Suggests that if the hearing concentrates directly on the issues related to vote by mail, it would be more productive. Explains the controversy around the issue.
329	Rep. Beyer	Asks if it relates directly to this bill.
330	Schuman	Not directly.
334	Rep. Montgomery	Asks if this is related to the League of Women Voters advertising in the voters' pamphlet.
337	Schuman	Yes, and the Secretary of State.
334	Neale Hyatt	Lane County, submits and presents testimony <b>[EXHIBIT G]</b> in opposition to vote by mail.
400	Hyatt	Continues testimony.
<b>TAPE 56, B</b>		
001	Hyatt	Continues testimony
056	Rep. Montgomery	We are doing an election right now throughout the state that is vote by mail. Has anyone challenged it in court?
059	Hyatt	It cannot be challenged until after the election.
061	Rep. Beyer	Asks Hyatt if the issues he has addressed can also apply to a polling place election.
065	Hyatt	With open registration, there is no way to prevent fraudulent registration.
066	Rep. Beyer	So, the issue really isn't vote by mail versus going to the ballot box, the issue is whether you have to prove who you are when you register.
071	Hyatt	Comments that the problem is uncontrolled voter registration, and by implementing vote by mail, you also have uncontrolled voting.
077	Rep. Beyer	Comments on matching of signatures.
082	Hyatt	There is no control. Gives examples of what can be done.
091	Rep. Beyer	Anyone who wants to violate the laws can.
093	Rep. Piercy	Asks Hyatt if he has proposals to remedy the situation.
095	Hyatt	Responds.
109	Rep. Piercy	Comments that she does not doubt the issues Hyatt has presented, but asks him if he has any proof.
113	Hyatt	There is no way check. Knows of people who are sending ballots from out of state.
119	Rep. Beyer	I'm not sure that is accurate. Comments on people in the military who are out of the country or those going to school in another state.
124	Hyatt	You must be in your precinct to vote for local candidates; it is in the law. You can only vote for president and vice president if you are out of the state. Refers to Section 17, article II, of the Oregon constitution.

145	Paul Snider	Representing Association of Oregon Counties, testifies in support of vote by mail.
156	Chair Snodgrass	Asks Colleen Sealock to come forward at the request of a committee member.
162	Rep. Beyer	Asks about the allegations made by Hyatt.
169	Colleen Sealock	In 1995, the legislature passed a law allowing permanent absentee voting.
181	Rep. Beyer	Is that in conflict with the Oregon constitution?
184	Sealock	No. Asks Vicki Ervin to comment.
189	Vicki Ervin	Multnomah County Elections Director, comments on a decision by the Supreme Court which overturned the ability of a state to have a durational residency requirement.
209	Rep. Beyer	Comments on the location of where you cast your ballot.
214	Ervin	Comments on the rights of the absentee voters through federal law.
222	Rep. Beyer	Hyatt made a lot of comments about fraud in vote by mail. Do you have any comments on this?
228	Sealock	Signature verification is made on every ballot. Felony acts can be difficult to identify, but we are continually looking at methods to reduce the possibility of voter fraud.
247	Ervin	For polling place voting, there is no requirement for you to show identification. At one time there was no requirement to show identification for registering to vote.
264	Sealock	The specific statute changed in 1995 was ORS 253.030 sub 5.
271	Rep. Piercy	When you are voting from out of state or out of country, you are not supposed to vote on local elections, only national elections. Is that in statute?
281	Ervin	No. One is entitled to a full ballot. Explains some restrictions and variations.
296	Sealock	Refers to the "fail-safe" statute on people who have failed to notify change of address.
307	Chair Snodgrass	Are the permanent absentee voters also receiving another ballot for the current mail-in election?
313	Sealock	They are not getting two different ballots but there is a timing issue of on when they receive the ballots.
324	Chair Snodgrass	With ORS 253.030 sub 5, those individuals with permanent absentee status will get their ballots at an earlier time than everyone else?
330	Sealock	The mailing address is used to determine when a ballot goes out.
337	Ervin	Gives examples from Multnomah County.
361	Chair Snodgrass	Asks if Clackamas County does the same thing.

362	Ervin	Thinks they do.
367	Sealock	Some counties look at the zip codes. Some people confuse absentee voting with vote by mail. There is no window for absentee ballots.
383	Chair Snodgrass	Comments on her daughter as an absentee voter.
382	Rep. Beyer	In terms of duplication, have you looked at the legal status of attaching social security numbers.
403	Sealock	The SSN has been guarded since 1972 or 1973 under the federal social security act.
415	Rep. Messerle	If we go to centralized registration, how do you deal with names that are the same.
422	Sealock	It is not just a matter of duplicate names. Gives an example.
<b>TAPE 57, B</b>		
012	Ervin	Responds to Messerle. Explains comparisons that can be done to minimize duplicates.
022	Rep. Piercy	What do you do when you find a potential duplicate?
024	Ervin	Explains the process in Multnomah County.
037	Rep. Beyer	You can at least check signatures if the names are the same, but that does not get at the issue Hyatt mentioned.
042	Ervin	Responds, the only way would be a common mailing address. It is possible to run a program to look for this.
050	Chair Snodgrass	Asks if it is true that there is currently some difficulty with mailing addresses because of the new postal express places.
054	Ervin	Agrees, gives an example.
065	Chair Snodgrass	Explains there will not be a work session on HB 3086. Closes the public hearing on HB 3086. Opens a public hearing on HB 2799.
<b><u>HB 2799 - PUBLIC HEARING</u></b>		
071	Rosemary Wood	Reviews the provisions of HB 2799.
093	Patricia O'Sullivan	Department of Administrative Services, submits and explains testimony <b>[EXHIBIT J]</b> about bills relating to the Administrative Procedures Act(ORS 183). Submits and comments on the procedures for current rule adoption <b>[EXHIBIT K]</b> . (The chair left the room. Rep. Montgomery is chairing.)
142	Rep. Beyer	Is this the same as the matrix from Larry Harvey?
148	O'Sullivan	Yes, that is what we sent to counsel.
150	Rep. Messerle	Why is LCDC not in the language?
153	O'Sullivan	From the list in 2799, the language is not longer applicable.(The

		chair returns to the room.)
162	Chair Snodgrass	Asks if the amendments will be ready tomorrow so the committee has a chance to look at them.
163	O'Sullivan	Responds that the changes will go to counsel first thing in the morning.
166	Rep. Beyer	Suggests that if all the committee members have not seen the matrix Larry Harvey has, it would be very helpful.
175	Chair Snodgrass	Closes the public hearing on 2799. Opens a public hearing on HJR 28.
<b><u>HJR 28 - PUBLIC HEARING</u></b>		
177	Rosemary Wood	Reviews provisions on HJR 28.
185	Chair Snodgrass	Asks Lloyd Marbet if he wants to testify again.
187	Lloyd Marbet	defers to Randy Tucker
190	Randy Tucker	OSPIRG, testifies against proportional signature gathering.
220	Lloyd Marbet	Coalition for Initiative Rights, comments on signature gathering at shopping malls.
237	Chair Snodgrass	Closes the public hearing on HJR 28. Declares the meeting adjourned at 4:58 p.m.

Submitted by, Reviewed by,

Valerie H. Luhr Janet Adkins

Administrative Support Specialist Administrator

Transcribed by,

Kellie Shoemaker

Committee Clerk

**EXHIBIT SUMMARY**

**A - HJR 88 & HB 3722, proposed amendments, Rep. Ron Sunseri, 2 pp.**

**B - HJR 88 & HB 3722, written testimony, Gussie McRobert, 4 pp.**

**C - HB 3722, written amendments, staff, 12 pp.**

**D - HB 3722, written testimony, Roger Vonderharr, 3 pp.**

**E - HB 3722, written testimony, Sharron Kelley, 2 pp.**

**F - HJR 88 & HB 3722, written testimony, Bill Brandon, 1 p.**

**G - HB 3086, written testimony, Neale Hyatt, 5 pp.**

**H - HB 3086, written testimony, James Seaberry, 2 pp.**

**I - HB 3086, written testimony, Colleen Sealock, 1 p.**

**J - HB 2799, prepared testimony, Pat O'Sullivan, 1 p.**

**K - HB 2799, prepared testimony, Pat O'Sullivan, 2 pp.**

**L - HJR 28, written testimony, Lloyd Marbet, 2 pp.**