

HOUSE COMMITTEE ON  
LEGISLATIVE RULES

February 14, 1995           Hearing Room 50  
4:00 p.m.                 Tapes 8-

MEMBERS PRESENT:

Rep. Ray Baum, Chair  
Rep. Lee Beyer, Vice-Chair  
Rep. Tony Corcoran  
Rep. Peter Courtney  
Rep. Lynn Lundquist  
Rep. Bill Markham  
Rep. Patti Milne  
Rep. Lonnie Roberts  
Rep. John Watt

MEMBER EXCUSED:

STAFF PRESENT:

Cathryn Epley, Committee Administrator  
Gretchen Haber, Committee Assistant

MEASURES HEARD: HB 2149: Public Hearing  
  HB 2153: Public Hearing  
  HB 2155: Public Hearing

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 8, A

003       REP. MARKHAM called the meeting to order at 4:05 P.M.

005       Opens Public Hearing on HB 2149.

007       AL DAVIDSON, Marion County Elections Clerk, speaks in favor.

020       DAVIDSON:

052       REP. COURTNEY: refers to size of state as a relating factor; why does the state hold two years as a standard?

065 COLLEEN SEALOCK, Elections Division, Secretary of State's Office,  
testifies in favor.

076 MARKHAM: why are you less supportive of this bill than are the other  
county clerks?

078 DAVIDSON: I don't like to support things which limit the initiative  
process.

088 SARAH HACKETT, League of Oregon Cities. This bill does not create a  
great deal of change, although we do have some comments. The two year  
provision is workable for us. The timeline for appeal to the circuit court  
is a concern, however.

098 HACKETT: it does override the local decision making authority of the  
city. There has been cost increases to the use of the circuit court.

104 REP. CORCORAN: refers to page four, section four and asks about  
provisions for city charters.

124 HACKETT: there are not broad powers granted to the cities, but we do  
need to hold authority.

135 SEALOCK: some cities have 90 day timelines for the appeals process,  
such as in Salem. Cities vary with regards to appeals processes. The appeal  
falls back to the very body which authored the ballot title, in the event  
of a question.

151 SEALOCK: the clerks are concerned with setting a consistency amongst  
cities.

155 REP. MARKHAM: is it too complex to allow the cities to hold differing  
processes?

159 SEALOCK: discusses standardization.

175 SEALOCK: yes, the state does have a two year limit on the collection of  
signatures.

179 BOB CANTINE, Association of Oregon Counties. Most counties are not  
charter "home rule" as opposed to legislative home rule. Clarifies  
definition of terms.

208 CANTINE: this bill would preempt the local home rule.

216 Closes public hearing on HB 2149.

217 Opens public hearing on HB 2153.

233 SEALOCK speaks in favor of HB 2153. Refers to written testimony  
(EXHIBIT B).

265 SEALOCK: this bill puts everyone on an even playing field with regard  
to inhabitancy. It sets out guidelines for potential candidates, our  
office, and the legislature.

283 SEALOCK: this bill clarifies that one can only inhabit one place at a

time. It provides a checklist of factors to use to determine inhabitancy.

305 CHAIR: is it a constitutional requirement?

311 CATHRYN EPLEY, Committee Administrator: yes, it is in the Constitution.

322 CHAIR: while we aren't here today to change the constitution, we do want to raise the issue. We want to take a look at how Oregon regulates the issue, compared with other states.

344 LYNN ROSEN, Assistant Attorney General: bill does not address inhabitancy once an official is elected. The committee may want to consider this issue as well.

366 REP. MARKHAM: are their guidelines currently, or is it up to your office to determine inhabitancy?

375 SEALOCK: our office makes those determinations right now. We drafted this bill with the intent of leaving the implications general. This way, our office can react to particular circumstances.

390 SEALOCK: candidates do sign a statement under oath indicatng they reside in the district from which they are elected. It is important to maintain the integrity of that statement.

Tape 9 - Side A

002 SEALOCK: continues testimony.

015 REP. COURTNEY: I am wary of the implications of the bill. I do like the bill, but how will the eight factors come into play? There is a lot of movement in our state.

026 SEALOCK: we understand this bill does not provide us with the perfect solution. We are certainly open to amendments.

033 REP. CORCORAN: what is the standard implied in Subsection 3, Section 2, with regard to the terms "more probable than not"? Is it inclusive language?

040 ROSEN: the standards are inclusive and would not be rigid. There would have to be credible evidence to show a person was not qualified to serve from a particular district.

052 ROSEN: in the status quo, the Secretary of State's office is required to review inhabitancy by law, but there are no guidelines for this review process.

058 REP. LUNDQUIST: there are situations in which citizens change voting locations and residences often. How will this bill affect those citizens who are potential candidates?

075 Closes public hearing on HB 2153.

080 Opens public hearing on HB 2155.

082 DAVIDSON: speaks in favor of HB 2155. Speaks from written testimony

(EXHIBIT C).

103 REP. COURTNEY: I was impressed with the handling of my campaign by the Marion County Clerk's Office, and the nonpartisan manner with which it operated.

110 REP. CORCORAN: asks about the opinions of clerks from other counties.

123 REP. MARKHAM: what other offices have gone nonpartisan?

125 DAVIDSON: I believe the sheriff's office is the only one in recent years.

140 CHAIR: Rep. Beyer had asked about the date for a work session on this bill. I assured him we would try to accomodate him and schedule that when he could be here.

156 RAY ERLAND, Representing the County Assessors Office. Refers to a letter written to Chair Baum from Daniel Ross, President, OSACA (EXHIBIT D)

The assessors do largely feel their positions should be nonpartisan. The position is administrative in nature and does not set public policy.

173 ERLAND: in the last legislative session, the House did pass a bill to do this, and was not heard on the Senate side.

193 MARK J. NOAKES, Linn County Assessor and Tax Collector. I was elected by the citizens of Linn County to serve in my position. I do ask, why is this a partisan race?

205 CHAIR: what about the positions of Treasurer, and Surveyor? Political philosophy would not sway officials in those positions, I would expect.

222 REP. MARKHAM: are you from Linn County?

223 NOAKES: yes.

253 CHAIR adjourns meeting at 4:55 p.m.

