

SENATE COMMITTEE ON
RULES AND ELECTIONS

February 2, 1995
p.m.

Hearing Room
Tapes 4-6

MEMBERS PRESENT:

Sen. Randy Miller, Chair
Sen. Paul Phillips, Vice Chair
Sen. Brady Adams
Sen. Shirley Gold
Sen. Dick Springer

STAFF PRESENT:

Kristina McNitt, Committee Administrator
Gretchen Haber, Committee Assistant

MEASURES HEARD:

SB 175: Public Hearing
SB 176: Public Hearing
SB 177: Public Hearing
SJR7: Public Hearing and Work Session

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 4-Side A (same as Tape 5-Side A)

003 CHAIR MILLER: calls the meeting to order at 4:37 p.m. Reviews agenda.

011 CHAIR: reminds committee that the emergency clause was discussed this morning on the Senate Floor. Welcomes Tom Clifford from Legislative Counsel to provide the committee with background information.

018 TOM CLIFFORD, Legislative Counsel, testifies with background on the emergency clause. Refers to fact sheet on the emergency clause (EXHIBIT A).

056 CLIFFORD: explains that ordinarily, the Governor's Office proclaims measures "effective on passage." Otherwise, they will specify a specific date.

066 CHAIR: discusses methods to vary language for particular bills.

074 SEN. BAKER: points out that most usage of the emergency clause is due to financial situations. Suggests two emergency clauses: one with a financial clause, and one for the purposes of true emergencies.

092 SEN. BAKER: referring to the issues on the floor today: the reason for the emergency was financial in nature and not because there is a literal emergency.

105 CHAIR: sees no further discussion on the emergency clause.

107 Opens public hearing on SJR7.

Witnesses: Sierra Club: Liz Frenkel, speaks against.
Senator Jeanette Hamby, speaks in favor.
Senator Rod Johnson, speaks in favor.

128 SENATOR ROD JOHNSON, testifies in favor of SJR7.

175 SEN. JOHNSON: feels the bill would recreate an informal conference of the states and spark the dialogue on state's rights issues.

197 SEN. JOHNSON: argues that until the states begin to assert their rights over the federal government, there will continue to be an invasion of those rights.

212 SENATOR JEANETTE HAMBY, testifies in favor of SJR7. Presents from written testimony (EXHIBIT E).

238 HAMBY: discusses several points:
Single issues would not be brought into the conference
Only broad interworkings of government would be discussed
A bipartisan coalition of public officials would be invited
No action would be taken
The ideas would be taken back and voted upon in the states
Encourages federalism to be a priority issue nationally

272 SEN. SPRINGER: thanks Senator Hamby. Would appreciate a chance to support the resolution.

291 LIZ FRENKEL, representing the Sierra Club, speaks against SJR7.

295 FRENKEL: testifies that the Sierra Club is concerned about the measure.

The legislature needs to address intent of constitution and how the conference would affect the constitution.

Tape 5 Side B

301 FRENKEL: feels there is a lack of specificity in the document. There are no bylaws or clarifications
as to how the organization will operate. Suggests that an alternative route would be for the states to take legal action utilizing the Tenth Amendment.

338 Closes public hearing on SJR7.

339 Opens work session on SJR7.

340 MOTION: SEN. ADAMS: Moves SJR7 be sent to the floor with a DO PASS recommendation.

358 GOLD: testifies that she will be voting no: she does agree there are serious problems, but is concerned as to the makeup of the organization, and how business may be conducted. She is a member of several organizations which address state's rights issues.

378 VOTE: In a roll call vote, SENATORS ADAMS, PHILLIPS, SPRINGER AND CHAIR MILLER vote AYE. SENATOR GOLD votes NO.

CHAIR MILLER: The motion CARRIES.

SENATORS HANBY AND JOHNSON will lead discussion on the floor.

Tape 4 Side B

013 Opens public hearing on SB 175. (Also takes testimony on SB 176 and SB 177)

Witnesses:

Confederation of School Administrators: Ozzie Rose
Oregon Association of County Clerks: John Kaufman
Charles Stern
Oregon School Boards Association: John Marshall
Soil and Water Conservation Districts: John Powell
Secretary of State Phil Keisling
Arlene Collins
Harry Demarest
Tim Hutson

015 SECRETARY OF STATE PHIL KEISLING, testifies in favor of SB 175. Refers to proposed amendments to SB 175 (EXHIBIT B) SB 176 (EXHIBIT C) and SB 177 (EXHIBIT D).

025 KEISLING: has submitted about 29 bills into the legislature. All three of the bills being heard today were introduced in the '93 session. He is thankful for the opportunity to discuss the bills.

040 CHAIR: asks if all three concepts emerged in the last session.

042 KEISLING: responds yes, but no action was taken.

051 CHARLES STERN, Oregon Association of County Clerks, speaks in favor of SB 175. Expresses concern about participation in the process, the lack of contest when there is one person running and low voter turn-out.

065 STERN: testifies that in other organizations, when there is a lack of voter turn-out, the candidate is considered officially elected. He is concerned about the decline of democracy. He says that many people are elected by eight votes or fewer, and that these positions are notable for their undervote, even when printed on the ballot.

088 STERN: sees this bill as well as SB 176 and SB 177 as good government bills, as cost-effective, and urges their passage.

093 JOHN KAUFMAN, Clackamas County Clerk, speaks against SB 175. Presents amendments (EXHIBIT F) and results from a survey conducted on local school committee positions (EXHIBIT I).

123 KAUFMAN: testifies that it is now a complicated issue for the public. There are races, yet no filings. Argues that it is a waste of money to put these measures on the ballot.

145 SEN. GOLD: states that from time to time, there will be write-in candidates. Discusses.

158 KAUFMAN: He is not referring to write-in candidates of popular races. He mainly refers to local school counsel advisory boards.

166 SEN. GOLD: points out that quite often, the write-in option makes the difference in precinct elections.

173 STERN: states that in precinct elections, the lack of contest is high.

States statistics. Asks, is this democracy?

198 KEISLING: testifies that he's been a precinct committee person in Southeast Portland. He thinks it's important to get people involved with party structure. Potentially there could be a write in candidate for each of those spots. As a way to get involved, these spots are open.

224 KEISLING: notes that they are not an entity such as city council, where decisions are made. States that they are a quasi-private organization. Finds these are races with little political public interest.

238 STERN: states that from Yamhill County, nine people were written in. There are several hundred positions yet only 79 candidates filed.

255 SEN. GOLD: asks what price could society place upon democracy? If even one person is denied the opportunity to vote, what is lost?

263 CHAIR: asks to what would you attribute the lack of action taken on these measures in previous sessions?

271 STERN: answers that they did not have a hearing.

274 KEISLING: answers that there is merit on the other sides of the argument. Yet people who still want to get involved, can do so. The positions are open. The motivated person will find contests.

293 KEISLING: continues that in theory, shouldn't his office put all arguments into the voters pamphlet? Yet, there are costs. But there may be more effective ways to spend the same dollars promoting citizen participation.

310 CHAIR: asks what the election and filing deadlines are?

312 STERN: answers that precinct committee persons must file 61 days before the election date. Also refers to processes for positions with the Soil and Water Conservation District, who files with the Dept. of Agriculture. The Dept. of Agriculture also files by the 61st day, so candidates must come forward before the 61st day.

321 CHAIR: asks if those margins have ever been pushed back?

322 STERN: answers that the reason for the time is due to overseas absentee voters.

334 SEN. SPRINGER: remembers cost to Multnomah County at \$100,000. Asked about costs in Clackamas County.

340 STERN: answers that \$8,070. was the cost to Clackamas County. Explains process. Refers to the high level of manual labor.

345 SEN. SPRINGER: Hopes Multnomah County has explored less expensive methods. Notes expense of printing individual cards for each voter.

360 STERN: refers to information from Lane County Clerk's Office. Discusses effect of write-in ballots, recounts, and number of tie votes.

376 Closes public hearing on SB 175.

377 Opens public hearing on SB 176.

379 CHAIR: invites continued testimony on SB 175 and SB 177, since the issues are related.

388 JOHN MARSHALL, representing the Oregon School Boards Association, speaks against SB 175. Provides history on how school committees were created. Intended purpose is to continue to allow local officials to serve as the districts grow, and also to serve in several statutory capacities. Refers to ORS chapter 3.30. Discusses school reorganization law.

Tape 5 Side B

033 MARSHALL: with regards to SB 175: testifies that the measure defeats the purpose of local school committees. Argues that write-ins ought to be an opportunity, and the measure should be amended to include this idea. With these two ideas, his association would be willing to consider changing their position on SB 175.

044 CHAIR: discusses time window after filing deadline passes; discusses the opportunity for citizens to review candidates and then decide to challenge at that time.

048 MARSHALL: there are a number of ideas, which involve the participation of local school district offices. Testifies that write-in campaigns also provide an opportunity to challenge candidates.

067 TIM HUTSON, as a member of local school committee in Beaverton, testifies against SB 175. Refers to written testimony (EXHIBIT G). Other members of our local school committee feel as he does. Feels the measure inhibits the democratic process by eliminating the opportunity to write-in candidates. Asks why single out particular positions: why not run all positions this way? Concerned that special interest groups could take advantage of the opportunity.

090 HUTSON: continues, stating that SB 175 would eliminate the idea of local school committees. People could come from across the city to advance their personal agenda. It's probably unconstitutional. It is not a democratic process. Regarding site councils, there are no responsibility overlaps between two bodies.

112 OZZIE ROSE, Confederation of School Administrators, testifies against SB 176. Discusses the role of site committees. He's against eliminating the possibility of a write-in. Feels it would wipe out the democratic process.

Refers to the suggestions presented by Mr. Marshall on SB 175, and discusses time windows.

128 CHAIR: thanks Mr. Hutson for encouraging the broad parameters. Discusses logistics of printing names of filed candidates and accommodating write-in campaigns. Points out that since ballots would not be printed unless challenged, and given the goal of a large window of time allowed to register as a candidate, the logistics will be difficult to coordinate.

144 HUTSON: continues, stating that there should be the opportunity to write someone in, right up until and including the day of the election.

151 Closes public hearing on SB 176.

152 Opens public hearing on SB 177.

153 HARRY DEMAREST, speaks against SB 175-177. Refers to written testimony (EXHIBIT H). Argues that there is a huge sense of disaffection amongst citizens, and so the legislature should be doing everything it can to encourage democracy. Feels that these measures do the opposite.

160 DEMAREST: a mailing of blank ballots alert the community that there is an open office, and encourages citizens to run. Calls for improved recruitment techniques for finding candidates.

206 DEMAREST: testifies that 25% of the candidates are elected on a write-in basis. These write-ins are citizens not usually involved with the two major political parties.

210 ARLENE COLLINS: Treasurer, Democratic Party, testifies against SB 177.

Feels it is part of the American heritage to be able to participate even as precinct persons. Sen. Springer is one such person who chose to get involved in this way.

236 COLLINS: continues, testifying that she questions the statistics presented earlier in the meeting regarding election expenses in Multnomah County.

248 CHAIR: comments that excluding public offices, there is the argument that party operations are private in nature. Perhaps the state should do less interfering in party organization. Questions state involvement in party business.

264 DEMAREST: answers that the benefit received from those dollars include an opening of the political process.

285 COLLINS: concurs with the comments of Mr. Demarest.

290 Closes public hearing on SB 177.

291 Opens public hearing on SB 176.

292 JOHN POWELL, representing the Oregon Soil and Water Conservation District, speaks to SB 176. Testifies that many of these offices are not paid positions. States that the reason for the high visibility of some public offices is because the candidates raise a large amount of money to run a media campaign, to educate voters about the importance of the office. Feels that the smaller positions are just as important; except that with elections for smaller offices, large budgets are rarely spent on media campaigns.

331 POWELL: testifies that conservation issues are becoming more and more popular with voters.

353 POWELL: points out that county clerks would not be required to count the votes of uncontested races. Discusses possibility of amending SB 176.

380 POWELL: is awaiting legal clarification as to who is responsible to bear the costs of elections.

Tape 6, Side A

013 CHAIR: Adjourns meeting at 6:00p.m.

Submitted by, Reviewed by,

Gretchen Haber Kristina McNitt
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - Emergency Clause fact sheet - T. Clifford - 2 pages
- B - Proposed amendments to SB 175 - P. Keisling - 3 pages
- C - Proposed amendments to SB 176 - P. Keisling - 1 page
- D - Proposed amendments to SB 177 - P. Keisling - 1 page
- E - Information packet on SJR7 - J. Hanby - 24 pages
- F - Proposed amendments to SB 175 - J. Kaufman- 1 page
- G - Testimony on SB 175 - T. Hutson - 1 page
- H - Testimony on SB 175-77 - H. Demarest - 2 pages
- I - Survey on SB 175 - J. Kaufman - 1 page