

SENATE COMMITTEE ON  
RULES AND ELECTIONS

February 9, 1995           Hearing Room  
p.m.    Tapes 7 - 8

MEMBERS PRESENT:

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

MEMBER EXCUSED: Sen. Dick Springer

STAFF PRESENT:

Kristina McNitt, Committee Administrator  
Gretchen Haber, Committee Assistant

MEASURES HEARD:            SCR 3: Public Hearing and Work Session  
                                      SB 319: 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 7-A

002    CHAIR MILLER: calls the meeting to order at 4:30 p.m.

005    CHAIR: welcomes members of the House Legislative Rules Committee.

010    Opens Public Hearing on SCR 3.

Witnesses: Senator Rod Johnson, speaks in favor  
              Representative Liz Vanleeuwen, speaks in favor

029    SEN. JOHNSON: notes a trend towards the broad usurping of powers by the federal government.

043    SEN. JOHNSON: refers to relevant court decisions.

051    SEN. JOHNSON: argues the bill simply asserts state power.

063    SEN. JOHNSON: testifies that this idea has been passed in several states, beginning with Colorado. Argues that it will raise awareness with citizens and encourage debate on federalism.

074    REP. ROBERTS: is receptive of this idea, noting that the federal government owns just over 50% of the State of Oregon. Asks how many other states are entertaining this idea.

087    SEN. JOHNSON: is not aware of the number, but says the idea is discussed widely.

095    REP. ROBERTS: asks why only one Democrat has signed on so far.

099    SEN. JOHNSON: answers that the issue of state's rights is nonpartisan.

Explains that the bill hasn't been widely circulated as of yet.

138 SEN. GOLD: asks what proposals were stated in Colorado at the time of passage. Asks for examples of effective implementation.

155 SEN. JOHNSON: responds that he's sure examples were cited in Colorado.

Requests that Sen. Gold refer to the intent and spirit of the bill as well as its implementation.

166 REP. ROBERTS: responds that no matter how one feels about the regulation or deregulation, a person can still support state's rights.

172 REP. LIZ VANLEEUEWEN, testifies in favor of SCR 3. Urges the committee's full support.

180 CHAIR MILLER closes public hearing on SCR 3.

181 CHAIR MILLER opens work session on SCR 3.

200 MOTION: SEN. PHILLIPS: Moves that SCR 3 be sent to the floor with a DO PASS recommendation.

203 SEN. GOLD: referring to the summary on the bill, it states that it declares sovereignty of the state, under the Tenth Amendment. Finds the summary interesting and requests it be called to the committee's attention.

215 VOTE: In a roll call vote, SENS ADAMS, MILER AND PHILLIPS vote AYE. SEN. GOLD votes NO. SEN. SPRINGER is EXCUSED.

228 CHAIR MILLER closes work session on SCR 3.

239 Opens work session SB 319.

Witnesses: Common Cause: David Buchanan, President, speaks in favor  
Oregon Student Lobby: Richard Nosse, Executive Director, speaks against  
Senator Randy Miller, Chair, speaks in favor  
Michael Cox, Multnomah County Elections Clerk, speaks in favor  
Al Davidson, Marion County Elections Clerk, speaks in favor  
Harry Demarest, speaks against.  
Secretary of State Phil Keisling, speaks in favor  
Charles Stern, Yamhill County Elections Clerk, speaks in favor

241 CHAIR: argues for an "aye" vote. Testifies that the proposal:  
-- opens the elections process  
-- increases participation  
-- saves money  
-- brings a new campaign style  
-- has worked well when used

268 REP. ROBERTS: attended the press conference on the issue. Likes the inclusion of a drop-off box for ballots. Points out that on line 28, it states, "or at polling places." Asks if this implies that there would be a drop-off point.

288 CHAIR: responds that the intent would be to have a drop-off box.

290 REP. ROBERTS: continues, noting that on line 26, the language states there "may" be a vote-by-mail election with certain races. Asks if this means this bill would not necessarily mandate vote-by-mail. Supports a standardized proposal.

292 CHAIR: responds that particular language suggests that the bill speaks just to primary and general elections. Appreciates the suggestion to streamline the process.

295 SEN. GOLD: did not attend the news conference on the bill and would like Rep. Roberts to discuss the bill.

308 REP. ROBERTS: describes the proposal. Refers to ballot drop off boxes and the Secretary of State's proposal.

332 SECRETARY OF STATE PHIL KEISLING, testifies in favor of SB 319.  
Presents written testimony (EXHIBIT A).

357 KEISLING: estimates the savings to be high.  
-- In 1993 in June, Oregon was the first in the nation to hold a statewide  
vote-by-mail election  
-- Vote-by-mail delivers higher voter-turnout  
-- Vote-by-mail increases the integrity of the elections process

385 KEISLING: testifies that Oregonians like vote-by-mail. Finds it to be  
convenient.

Tape 8-A

004 KEISLING: refers to unfunded mandates from the federal government, and  
SCR 3.

016 KEISLING: asks committee to realize that clerks check every signature  
in vote-by-mail elections, and to be assured of the impossibility of such  
security in ballot box elections. Notes that election officials in this  
state can't recall even a single complaint of vote-by-mail fraud.

029 KEISLING: agrees that campaign dynamics will change. Feels that change  
will be positive. Expects it to encourage a more evenly distributed use  
of campaign resources during the last few weeks of a campaign.

044 KEISLING: feels voters will gain the opportunity for reflection upon  
the issues. Urges support for the full bill; also urges the bill's  
application to both the primary and general elections.

068 KEISLING: argues that switching to primary-only vote-by-mail, and  
leaving the general election as a ballot election, would incur high cost as

more and more voters opt to vote absentee.

086 KEISLING: continues.  
-- Vote-by-mail invites more participation in the democratic process.  
-- Oregonians have already asked for vote-by-mail.

094 SEN. GOLD: encourages inclusion of the ballot drop off box, due to the  
potential deterrent found in the cost of the postage stamp.

105 KEISLING: responds with a reference to section two of the bill. Notes  
that the measure also provides a person with the opportunity to vote if  
they had forgotten to put it in the mail.

130 CHAIR: comments on election fraud.

142 CHARLES STERN, Yamhill County Clerk, speaks in favor of SB 319.

151 REP. LUNDQUIST: asks if the absentee process would be amended as well?

158 KEISLING: responds yes, and we do have our ongoing system for absentee  
voters.

167 SEN. GOLD: is not confident with the postal service. Asks how much  
time will be needed to mail ballots.

181 SEN. GOLD: discusses possibilities of disenfranchising voters, and  
feels this is an eminent concern.

188 AL DAVIDSON, Marion County Clerk, speaks in favor of SB 319. States  
that there would be a tremendous amount of publicity surrounding an  
election. Feels that heightened awareness should encourage citizens who do

not receive their ballots to know it may have been stolen or lost, and take  
action.

217 CHAIR: asks when the voters pamphlet is distributed.

224 KEISLING: responds that his office makes a concerted effort to have it out 20 days before the election. States that they are legally required to distribute it 14 days before the election.

235 DAVIDSON: suggests that the state voters pamphlet could be distributed in the same way as the Marion County pamphlet. Notes that ballots are mailed on Monday; the voters pamphlets are sent on Friday of the previous week. Explains that this way, voters have both pieces at the same time.

244 SEN. PHILLIPS: asks for statistics on ballots that are mailed or received just after the election.

253 STERN: responds that he cannot provide statistics at this time, but would be happy to provide them after the meeting.

262 DAVIDSON: continues response by noting that his office makes a concerted effort to go to the post office at closing time, at 8 p.m., to have as many of the ballots counted as possible.

288 SEN. PHILLIPS: asks what statistics are available as to deviations between types of elections with regards to the number of ballots that come in late, or on time?

300 DAVIDSON: responds that he would be happy to provide that information for the committee prior to the work session.

316 CHAIR: asks if the postmark is the first step in the process at the post office.

324 STERN: responds no, some mail is sent directly to satellite post offices before receiving a postmark.

334 DAVID BUCHANAN, President, Common Cause, testifies in favor of SB 319. Presents written testimony (EXHIBIT B).

392 BUCHANAN: testifies that vote-by-mail would provide greater opportunity to correct errors.  
-- Offers cleaner elections  
-- Last minute attack campaigns may lose their edge

Tape 7 - B

011 RICHARD NOSSE, Executive Director, Oregon Student Lobby, testifies against SB 319. Presents written testimony (EXHIBIT D).

036 NOSSE: testifies that the timing doesn't allow for campus media to cover the issues.

046 HARRY DEMAREST, speaks against SB 319. Presents written testimony (EXHIBIT C).

075 DEMAREST: noted that the last preelection contribution and expenditure reports will not be available to voters who mail early; most voters return their ballots within three days of receipt.

086 DEMAREST: continues, stating that despite twelve years of experience in vote-by-mail campaigns, there has not been a serious test. Benton County has had experience with vote-by-mail, and has experienced some difficulty.

111 DEMAREST: asks how the proposal will interface with Measure 9.

120 CHAIR: points out to Mr. Demarest that the Republican Party utilized vote-by-mail quite extensively in the last election. Asks if he is aware of any use of this strategy by the Democratic Party in Benton County.

132 DEMAREST: responds yes, mailings were done to Benton County.

138 DEMAREST: continues, stating that he believes that it is legal to have a voting party. Asks why the "100 foot rule" doesn't apply to the parties. Feels these issues will arise should vote-by-mail become law.

163 REP. COURTNEY: comments that he will vote for this bill, but does so reluctantly.

-- Vote-by-mail is inevitable in today's convenience-oriented society  
-- There is a quietness, or a sanctity, to voting at the polling booth  
-- Vote-by-mail will reduce the experience

205 CHAIR: adjourns the meeting at 5:50 p.m.

Submitted by, Reviewed by,

Gretchen Haber Kristina McNitt  
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A- Testimony on SB 319 - Phil Keisling - 4 pages
- B- Testimony on SB 319 - David Buchanan - 2 pages
- C- Testimony on SB 319 - Harry Demarest - 1 page
- D- Testimony on SB 319 - Robert Nosse - 1 page