

SENATE COMMITTEE ON
RULES AND ELECTIONS

Hearing Room
Tapes -43

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:

HB 2155: Public Hearing and Work Session
SB 536: Public Hearing and Work Session
SB 926: Public Hearing
SB 928: Public Hearing and Work Session
SB 1130: Public Hearing and Work Session
SB 173: 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 , A

003 CHAIR MILLER: Calls the meeting to order and announces agenda.

Opens public hearing on SB 1130.

PUBLIC HEARING SB 1130

Witnesses:

Jack Roberts, Bureau of Labor and Industry

017 JACK ROBERTS, BUREAU OF LABOR AND INDUSTRY: Testifies in support of SB 1130.

--Believes office should be nonpartisan

--Perceptions about party loyalty to labor or industry are not always accurate

--Encourages committee support for SB 1130

040 CHAIR MILLER: Closes public hearing on SB 1130.

Opens work session on SB 1130.

WORK SESSION SB 1130

042 MOTION: SEN. ADAMS: MOVES SB 1130 TO THE FLOOR WITH A DO PASS RECOMMENDATION.

045 SEN. SPRINGER: Indicates that if he were a member of the party with the lowest voter registration he might support the measure.

050 SEN. GOLD: Adds comments.

080 CHAIR MILLER: Recesses the work session on SB 1130.

Opens public hearing on HB 2155.

PUBLIC HEARING HB 2155

Witnesses:

Al Davidson, Oregon Association of County Clerks
Ralph Grim, County Treasurers Association
Ray Erland, Oregon State Association of County Assessors

100 AL DAVIDSON, MARION COUNTY CLERK, REPRESENTING OREGON ASSOCIATION OF COUNTY CLERKS introduces himself.

102 RALPH GRIM, MARION COUNTY TREASURER, REPRESENTING COUNTY TREASURERS ASSOCIATION introduces himself.

103 RAY ERLAND, CLACKAMAS COUNTY ASSESSOR, REPRESENTING OREGON STATE ASSOCIATION OF COUNTY ASSESSORS introduces himself.

104 DAVIDSON: Gives history of and testifies in support of HB 2155.

108 GRIM: States County Treasurers Association support for HB 2155.

110 ERLAND: Expresses support of assessors and asks committee support for HB 2155.

114 SEN. SPRINGER: Asks if witnesses are from home rule or general law counties.

121 ERLAND: General law.

122 SEN. SPRINGER: Asks why the counties represented do not go to home rule.

124 ERLAND: That is not the role of our office.

125 SEN. SPRINGER: Asks why the offices are elective if they have no policy role.

128 DAVIDSON: Feels that clerks office, as keepers of public records, and operators of the election system are provided with a safety valve for citizens with the election process.

138 SEN. SPRINGER: Asks if Grim is using the terms nonpartisan and nonpolitical synonymously in his testimony.

140 GRIM: Should have used the term nonpartisan.

148 SEN. SPRINGER: Asks questions about nonpartisan offices and the effect on public debate and other issues.

165 DAVIDSON: County clerks and treasurers are required by the Constitution to be elected at a general election. Explains HB 2155 provisions.

176 CHAIR MILLER: Asks what the vote was in the House.

178 DAVIDSON: 58 to 0.

180 CHAIR MILLER: Closes public hearing on HB 2155 and opens work session on HB 2155.

WORK SESSION HB 2155

182 MOTION: SEN. ADAMS: MOVES HB 2155-A TO THE FLOOR WITH A DO PASS RECOMMENDATION.

187 SEN. SPRINGER: Recognizes the witness' support for public service

195 VOTE: ON A ROLL CALL VOTE, MOTION PASSES WITH SENATORS ADAMS, PHILLIPS,
MILLER VOTING AYE. SENATORS GOLD AND SPRINGER VOTE NO.

199 CHAIR MILLER: Closes work session on HB 2155-A.

205 SEN. GOLD: Gives vote explanation.

222 CHAIR MILLER: Reopens work session on SB 1130.

WORK SESSION SB 1130

230 Reviews provisions of SB 1130 for Sen. Phillips and states that Sen. Adams has moved SB 1130 to the Floor with a do pass recommendation.

240 VOTE: ON A ROLL CALL VOTE, MOTION PASSES WITH SENATORS ADAMS, PHILLIPS,
AND MILLER VOTING AYE. SENATORS GOLD AND SPRINGER VOTE NO.

242 CHAIR MILLER: Closes work session on SB 1130.

247 Opens public hearing on SB 536

PUBLIC HEARING SB 536
Witnesses:
Phil Keisling, Secretary of State
Colleen Sealock, Elections Division

255 PHIL KEISLING, SECRETARY OF STATE: Testifies in support of SB 536.
--Voters' pamphlet is a large expenditure of general funds
--Fees charged pay for only a fraction of the cost
--The voters pamphlet has a high value to the voting public

288 Questions the cost-effectiveness and the integrity of the voters' pamphlet as perceived by Oregonians.

296 Gives example of argument in last voters' pamphlet.

364 Discusses options for voters pamphlet and costs involved with various options.

436 Feels that SB 170 is a stronger measure and offers more cost savings.

456 Indicates that the integrity of the voters' pamphlet is a key consideration. Concerned that with a decline in integrity there will be a decline in readership.

TAPE 43, A

002 KEISLING: Continues his testimony noting that the voters' pamphlet was made available electronically, on the Internet, and reached 10,000 citizens.

010 COLLEEN SEALOCK, ELECTIONS DIRECTOR, OFFICE OF THE SECRETARY OF STATE: Testifies in support of SB 536.

022 KEISLING: Testifies that the question of the pamphlet is a policy question.

028 CHAIR: Asks for recommendations on the charges for arguments.

038 KEISLING: Recommends that the counties be allowed to use random sampling techniques to verify signatures.

055 CHAIR MILLER: Asks if Keisling is recommending that the measure be amended to include random sampling provisions.

060 KEISLING: The issue may need a separate measure. Indicates that it

could be a worthy discussion.

061 SEALOCK: Explains that the random sampling changes the timeline of the verification process.

085 CHAIR MILLER: Asks if there may be the need to raise the number of signatures, due to the costs to the state. States the importance of maintaining access to the process, and not raising the signature requirements to unacheivably high levels.

090 SEALOCK: Explains the variety of methods employed in the collection of signatures.

107 CHAIR MILLER: Asks how other states charge for arguments in voters' pamphlets.

110 KEISLING: Most states have one argument on each side of the question. It has been suggested that a portion of the pamphlet list organizations opposing and supporting. Notes that there may not be charges in other states for the arguments, since they are seen as a public service.

126 Increases in the number of ballot measures and arguments have been significant in Oregon in the last fifteen years.

140 Feels that the "least bad" option is to provide one argument on each side of the issue, and to provide that free of charge.

150 SEN. SPRINGER: The issue was raised in the last session, and failed in the House.

165 KEISLING: Previously, providing only one argument on each side of an issue has been viewed as too few. Discusses.

177 SEN. PHILLIPS: Asks if the array of choices came up in the last session.

184 SEN. SPRINGER: Yes. Discusses the concern with curtailing public access to the pamphlet, and also the concern with cost.

201 KEISLING: In addition to these concerns, there is also the inability to verify accuracy in the arguments. Notes how few citizens read the entire pamphlet.

223 SEN. SPRINGER: Asks if a one-page questionnaire on the issue could be included in the next voter's pamphlet.

230 KEISLING: The idea has been considered. Discusses credibility.

236 SEN. PHILLIPS: The questionnaire is a good idea. Suggests the fees could be \$500 at the local level and \$1500. at the state level. Feels that with higher fees, it may encourage more integrity. Notes a responsibility to provide the voter with an accurate depiction of the issues.

268 CHAIR MILLER: Agrees with Sen. Phillips, feeling that the idea also acknowledges Sen. Springer's concern with free speech as well as Secretary Keisling's concern with maintaining the status quo.

290 KEISLING: Asks committee to consider the portion of SB 170 which deals with concept of the meaning of a yes and a no vote in 50 words or less.

300 CHAIR MILLER: Recesses public hearing on SB 536.

303 Opens public hearing on SB 173 and SB 928.

PUBLIC HEARING SB 173 AND 928

Witnesses:

Phil Keisling, Secretary of State
Colleen Sealock, Elections Division
Rep. Lokan

Scott Tighe, Secretary of State's Office
Vicki Irvin, Multnomah County Elections Director

309 PHIL KEISLING, SECRETARY OF STATE, Testifies in support of, explains provisions of, and makes recommendations for committee action on SB 173 and SB 928.

358 SEN. PHILLIPS: Asks why the term "presidential preference" is used.

371 KEISLING: Explains that delegates are required to list a preference.

380 COLLEEN SEALOCK: The term came from Legislative Counsel to identify that this would happen every four years versus the biennial primary.

390 SEN. PHILLIPS: Does not want to call it something that precludes having other elections on the same day. Prefers to have Oregon's primary before California's to encourage candidates to visit Oregon.

TAPE 42, B

002 SEN. GOLD: Expresses her views on changing election dates.

010 KEISLING: Each state will have its own idea of how to achieve an advantage.

025 SEN. GOLD: Notes that the last vote-by-mail election had a very poor turn-out.

030 KEISLING: There was a low turn-out compared to other elections.

040 REP. LOKAN: Testifies in support of SB 928.

051 Feels an early presidential primary would allow Oregon additional political clout, attract presidential candidates to Oregon and have fiscal benefits.

069 CHAIR MILLER: Recesses public hearing on SB 173 and SB 928.

075 Reopens public hearing on SB 536.

PUBLIC HEARING 536

Witnesses:

Bill Sizemore, Oregon Taxpayers United

084 BILL SIZEMORE, EXECUTIVE DIRECTOR, OREGON TAXPAYERS UNITED: Testifies on SB 536 reviewing what he likes about what government is currently doing,

that he shouldn't like:

Political tax credits

Cost of voter pamphlet statements

091 Encourages committee to make number of required petition signatures a high number and gives recommendations for voter pamphlet charges.

154 CHAIR MILLER: Closes public hearing on SB 536.

156 Opens work session on SB 536.

WORK SESSION SB 536

160 SEN. SPRINGER: Expresses interest in Sen. Phillips' approach of \$500 for the county level and \$1,500 at the state level.

163 SEN. PHILLIPS: Reviews proposal of \$500 at the local level and \$1500 at the state level.

180 Reviews signature threshold proposal.

189 SEALOCK: The bill does not currently address local voter pamphlets. Current fee structure for local voter pamphlets is a floating amount based on the size of the district and ranging from \$75 to \$300. Bill could be amended to address local voter pamphlets.

Comments on number of rejected signatures.

208 SEN. PHILLIPS: Had assumed there was a flat fee for local issues. It would not be desirable to set a flat fee for all the counties.

Comments on number of required signatures.

230 SEALOCK: Explains provisions of the bill related to fees.

255 SEN. SPRINGER: Asks how many arguments were placed in the pamphlet by signature in the last general election.

260 SEALOCK: Only four out of 242 arguments. The process is not often used.

270 SEN. SPRINGER: Asks that the required signatures be left at 2500.

277 SEN. PHILLIPS: Originally supported a raise to 7500 signatures, and feels the 5000 signature goal is reasonable.

290 SEN. SPRINGER: Feels that since only four arguments were placed in the pamphlet using signatures, he does not expect an explosion of arguments. Requests that the committee consider 3,000 or 3,500

315 Committee agrees to 3,500.

317 SEN. GOLD: Supports that change.

322 SEN. PHILLIPS: Asks if the committee should remove the sunset clause.

325 SEALOCK: All sunsets dealing with voter pamphlets were removed in SB 170.

338 MOTION: SEN. PHILLIPS MOVES TO ELIMINATE THE SUNSET CLAUSE.

348 CHAIR MILLER: Asks if proposed amendment is understood and agreed to.

VOTE: HEARING NO OBJECTION, CHAIR MILLER DECLARES AMENDMENT ADOPTED.

348 CHAIR MILLER: Notes bill's subsequent referral.

350 SEN. PHILLIPS: Asks that Senate President be advised that chair of the committee to which the subsequent referral is made feels that the referral is not necessary.

355 SEN. GOLD: Agrees.

360 MOTION: SEN. PHILLIPS: MOVES THAT SB 536 BE CONCEPTUALLY AMENDED TO CHANGE NUMBERS TO 1,500 AND 3,500 AND REMOVE THE SUNSET.

362 VOTE: WITHOUT OBJECTION, CHAIR MILLER DECLARES AMENDMENT ADOPTED.

360 SEN. SPRINGER: Asks if the committee plans to address signature verification issue.

MOTION: SEN. PHILLIPS MOVES SB 536 AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

VOTE: HEARING NO OBJECTION, CHAIR MILLER DECLARES MOTION PASSED.

373 CHAIR MILLER: Closes work session on SB 536.

375 Opens work session on SB 928.

WORK SESSION SB 928

389 CHAIR MILLER: Suggests that the proposed primary date be changed from the first Tuesday to the second Tuesday, due to timelines in Washington state.

TAPE 43, B

004 CHAIR MILLER: Reviews vote by mail and New Hampshire and New York primary information.

011 SCOTT TIGHE, SECRETARY OF STATE'S OFFICE: Reviews his research on New Hampshire and New York primaries.

027 MOTION: CHAIR MILLER: MOVES TO AMEND SB 928 TO CHANGE THE DATE TO THE SECOND TUESDAY IN MARCH.

VOTE: WITHOUT OBJECTION, CHAIR MILLER DECLARES THE AMENDMENT ADOPTED.

MOTION: CHAIR MILLER: MOVES TO AMEND SB 928 TO INCLUDE ALL SPECIAL ELECTIONS FOR MARCH.

VOTE: WITHOUT OBJECTION, CHAIR MILLER DECLARES AMENDMENT ADOPTED.

042 SEN. PHILLIPS: Feels a subsequent referral to the Ways and Means Committee would not be necessary.

050 SEALOCK: As currently drafted in SB 928, the counties would assume the costs of this addition to the March elections and avoid a referral to Ways and Means.

060 SEN. PHILLIPS: Notes that the state bears the cost of most primary elections.

061 SEALOCK: Currently, the cost of primary and general elections are totally borne by counties. This would be an additional primary, separate from the May primary.

Believes the counties would be looking for the opportunity to bill the state for its portion of the cost incurred in the March election. Explains sharing of pro rata costs of special elections.

085 MOTION: SEN. PHILLIPS MOVES TO AMEND SB 928 TO SAY THAT THE ELECTION BE TREATED AS A SPECIAL ELECTION SO THAT COUNTIES CAN BILL THE STATE FOR THEIR PRO RATA COSTS.

VOTE: HEARING NO OBJECTION, CHAIR MILLER DECLARES THE CONCEPTUAL AMENDMENT ADOPTED.

099 VICKI IRVIN, ELECTIONS DIRECTOR, MULTNOMAH COUNTY: Proposes amendment language for page 24, lines 41 to 45. Notes that specific language references in (a) should also be removed.

115 MOTION: CHAIR MILLER MAKES THAT MOTION.

VOTE: WITHOUT OBJECTION, CHAIR MILLER DECLARES AMENDMENT ADOPTED.

120 IRVIN: Comments concerning election of precinct persons, pages 28 and 29 of the bill regarding party affiliation.

156 SEALOCK: Legislative Counsel could make that clarification.

166 MOTION: SEN. PHILLIPS MOVES TO AMEND SB 928 CONCEPTUALLY SO THAT A PERSON CAN NOT CHANGE PARTY AFFILIATION AFTER THE 21ST. LEGISLATIVE COUNSEL TO DETERMINE DRAFTING LANGUAGE.

VOTE: WITHOUT OBJECTION, CHAIR MILLER DECLARES AMENDMENT ADOPTED.

175 MOTION: SEN. PHILLIPS MOVES SB 928, AS AMENDED, TO THE FLOOR WITH A DO

PASS RECOMMENDATION.

VOTE: ON A ROLL CALL VOTE, MOTION PASSES WITH SENATORS ADAMS, PHILLIPS,
AND MILLER VOTING AYE. SENATORS GOLD AND SPRINGER VOTE NO.

183 CHAIR MILLER: Closes work session on SB 928

185 Opens public hearing on SB 926.

PUBLIC HEARING SB 926

Witnesses:

Vicki Irvin, Elections Director, Multnomah County
Lynn Rosik, Representing Attorney General

190 VICKI IRVIN, ELECTIONS DIRECTOR, MULTNOMAH COUNTY. Testifies in support
of SB 926.

--Discusses ballot title
--Proposes the question be restated in the ballot title
--Suggests an amendment which would limit the changes to initiatives

233 LYNN ROSIK, REPRESENTING ATTORNEY GENERAL: Comments on SB 926.

Agrees that the question should be restated as part of the ballot title.

Discusses proposed changes in summary statement content.

296 Notes that the measure would repeal the readability standard. Believes
the standard to be a lofty one which is seldom met.

322 SEN. GOLD: Asks about the elimination of the summary statement.

330 ROSIK: Reviews proposal.

340 CHAIR MILLER: Closes public hearing on SB 926 and adjourns meeting at
10:55 a.m.

Transcribed by,

Pat Zwick

EXHIBIT SUMMARY:

A - Testimony on HB 2155 - V. Payne - 1 page *submitted for the record
only, did not testify
B - Testimony on HB 2155 - D. Ross - 1 page *submitted for the record
only, did not testify