

SENATE COMMITTEE ON
RULES AND ELECTIONS

Hearing Room
Tapes 66 - 67

MEMBERS PRESENT: Sen. Randy Miller, Chair
Sen. Paul Phillips, Vice-Chair
Sen. Brady Adams
Sen. Shirley Gold
Sen. Dick Springer

MEMBER EXCUSED:

STAFF PRESENT: Kristina McNitt, Committee Administrator
Gretchen Haber, Committee Assistant

MEASURES HEARD: Executive Appointment of Joan Smith
Introduction of Committee Bills
HJM6: Public Hearing and Possible Work Session
HJM10: Public Hearing and Possible Work Session
HJM11: Public Hearing and Possible Work Session
HJM12: Public Hearing and Possible Work Session
SB 184: Public Hearing and Possible 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 66, SIDE A

003 CHAIR MILLER: Calls the meeting to order at 11:17 a.m.

Executive Appointment: Joan Smith, Public Utility Commissioner

008 CHAIR MILLER: Concerns have been raised since the committee recommended Joan Smith's appointment; as I was absent during the hearing for Sen. Smith, I'd like to ask some questions.

MOTION: Chair Miller moves to reconsider the vote by which the committee adopted Joan Smith's recommendation.

VOTE: Hearing no objection, the motion is adopted.

012 SEN. SPRINGER: What issues are unresolved so Ms. Smith may be prepared?

017 CHAIR MILLER: I am interested in the possible transfer of duties between the PUC and ODOT. Also, I have questions about a using funds for purposes they weren't intended.

031 SEN. SPRINGER: I understand that that matter is under investigation. This appointment isn't being held "hostage" for passage of SB 1149?

036 CHAIR MILLER: It is not contingent on its passage, but I think it is instructive to know if supporters of a particular nominee are also in favor of reduced government.

HJM10 - Public Hearing/Work Session

Witnesses: Sen. McCoy, District 8
Scott Ashcom

045 SEN. MCCOY testifies in favor of HJM10. Mr. Vineagar has recently moved to Portland and plays regularly in Portland. He is the greatest bass player on the earth today, and possibly he could perform before the Senate

060 SCOTT ASHCOM: Testifies in favor of HJM10. I have known and played music with Mr. Vineagar for over 20 years; he is a good role model for children.

075 CHAIR MILLER: What is a "walking bass?"

078 ASHCOM: This is a style of playing a bass by walking for every quarter note in a bar. He invented the style; he gets a tremendous amount of creativity with this type of style.

MOTION: Sen. Gold moves HJM10 to the Senate Floor with a do pass recommendation.

VOTE: Hearing no objection, the motion passes.

095 CHAIR MILLER: Sen. McCoy will carry the measure.

HJM12 - Public Hearing/Work Session

Witnesses: Sen. Greg Walden, District 28

095 SEN. GREG WALDEN: Testifies in favor of HJM12. Describes his early memories of fire-fighting heroes from growing up in the Prineville area. Firefighters give so much that we don't understand. It is important to honor the Prineville Hotshots and their families.

MOTION: Sen. Adams moves HJM12 to the Senate Floor with a do pass recommendation.

VOTE: Hearing no objections, the motion passes.

136 CHAIR MILLER: Sen. Adams will carry the bill.

HJM6 - Public Hearing/Work Session

144 KRISTINA MCNITT: Describes the memorial. Notes that Rep. Meek can not

be in committee due to an extended session. There is an amendment the sponsor would like to add: the word "mine" following the word "gold" on line 14.

MOTION: Sen. Adams moves HJM6 to the Senate Floor with a do pass recommendation.

VOTE: Hearing no objection, the motion passes.

152 CHAIR MILLER: Sen. Adams will carry the memorial.

HJM11 - Public Hearing/Work Session

162 KRISTINA MCNITT: Describes the memorial.

MOTION: Sen. Gold moves HJM11 to the Senate Floor with a do pass recommendation.

VOTE: Hearing no objection, the motion passes.

186 CHAIR MILLER: Sen. Gold will carry the measure.

SB 184 - Public Hearing/Work Session

Witnesses: COLLEEN SEALOCK, ELECTIONS DIRECTOR, OFFICE OF THE SECRETARY OF STATE

VICKI ERVIN, MULTNOMAH COUNTY ELECTIONS DIRECTOR

186 COLLEEN SEALOCK: SB 184 is this session's elections omnibus bill which corrects various housekeeping problems. Two documents were circulated, a brief summary and a section-by-section description of the bill (EXHIBIT A).

Also, we would recommend the -3 amendments (EXHIBIT B). Reviews the six substantive changes from the summary.

- Currently two conflicting provisions cover the situation when a person files for two offices simultaneously. In the primary we have a statute that makes both filings void; this is to prevent a person from withdrawing from one office after the filing deadline. For the general election, you are considered an invalid candidate for anything beyond the first filing. The suggested change is to make both provisions the same as the primary election method.

266 VICKI ERVIN: Continues Ms. Sealock's testimony.

- The second change pertains to a jurisdiction that allow a measure that failed on the March or September ballot to be placed on the next primary or

general election. They don't have to file that measure until the 47th day before the election. The recommended change is that whenever you have one of those re-submitted measures, it is at the discretion of the country clerk whether or not to include that measure in the local Voters' Pamphlet.

This is due to tight time frames in producing a Pamphlet.

288 SEALOCK: The third item deals with tallying write-in votes. Currently there are three different ways clerks tally write-ins. 1) if you apply to have a tally write-in, 2) when there is no candidate on the ballot, and 3) when the total number of write-ins exceeds the number of votes of the candidate with the most votes. We are recommending that the request for a write-in be deleted. We are seeing more frivolous requests by fringe candidates and they are expensive.

- New language also clarifies for the clerks, when they want to contest an election because they have discovered a mistake, the proceeding. This clarifies it would be an in rem proceeding.
- Currently, if we are aware of a vacancy that will be created after a general election filing deadline, we cannot accept candidate filings. The bill allows us to accept filings when a vacancy is going to occur.
- The bill also changes current language which refers to the frail and disabled and substitutes the term "permanent absentee" voter. Identical language is found in HB 2552, which has passed the House.
- Legislative Council has attempted to change some definitions; there is a problem in conforming language with the 1991, 1993 laws and Ballot Measure 9.

Tape 67, Side A

010 ERVIN: In response to Chair Miller, explains that voters may request a second ballot should they misplace or destroy the original; the second ballot must be accompanied with a filled out explanation form. People often forget to do this, and their ballot is not counted. We are suggesting that this form no longer be required.

031 CHAIR MILLER: The committee needs time to read the bill and proposed amendments before the bill is rescheduled.

BILL INTRODUCTION

032 CHAIR MILLER: A request has been made to require independent candidates for public office to file for office at the same time as those candidates with party affiliations. The second request is to provide the governor's appointment of Real Estate Commissioner be confirmed by the Senate (EXHIBIT C).

MOTION: Sen. Miller moved introduction of the drafts.

VOTE: Hearing no objections, the motion is passed.

045 CHAIR MILLER: Adjourns the committee at 11:50 a.m.

EXHIBIT SUMMARY

- A - Summary, SB 184, Sealock, 13 pgs.
- B - proposed amendments, SB 184, Sealock, 19 pgs.
- C - bill introductions, staff, 1 pg.