

SENATE ETHICS, ELECTIONS, AND CAMPAIGN FINANCE COMMITTEE

June 15, 1993 Hearing Room B 3:00 p.m. Tapes 80 and 81

MEMBERS PRESENT: Senator Grattan Kerans, Chair Senator Neil
Bryant Senator Joan Dukes Senator Dick Springer

MEMBERS EXCUSED: Senator Rod Johnson

STAFF PRESENT: Annette Talbott, Committee Counsel Tamara
Brickman, Committee Assistant

MEASURES CONSIDERED: Public Hearing and Possible Work Session
HB 2277A Work Session HB 2275A [--- Unable To Translate Graphic ---]

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. [--- Unable To Translate Graphic ---]

TAPE 80, SIDE A

005 CHAIR KERANS: Calls meeting to order at 3:13 p.m.

PUBLIC HEARING ON HB 2277A

WITNESSES: VICKI ERVIN, Oregon Association of County Clerks NINA
JOHNSON, Executive Assistant, Secretary of State WALTER CREWS, Non
Commissioned Officers Association VAL PAULSEN, League of Oregon Cities
HEIDI STUTZMAN, Legislative Liaison, City of Salem

019 VICKI ERVIN, Oregon County Clerks Association: Testifies in
support of HB 2277A. (EXHIBIT A)

053 CHAIR KERANS: Discusses Ms. Ervin's testimony. (EXHIBIT B)

064 NINA JOHNSON, Executive Assistant, Secretary of State: Testifies
in support of HB 2277A. Discusses the Governor's Task Force
report. Discusses the elimination of the June election date. (EXHIBIT
F, from 6/8/93)

115 SEN. DUKES: Asks if the June election date is used less than
the February election date.

116 ERVIN: Explains that it is used considerably more because they no
longer have a February date.

117 JOHNSON: Explains that the March date is used "fairly
heavily." Discusses that March is when the districts hold their
elections.

120 ERVIN: Discusses what election date the state used to have.

122 JOHNSON: Explains to Sen. Dukes that the August election date was
eliminated last session.

123 SEN. DUKES: Discusses the issue of eliminating election dates.

125 JOHNSON: Responds to Sen. Dukes statements.

137 ANNETTE TALBOTT, Committee Counsel: Comments that the summary doesn't reflect that a city or a county can declare an emergency and schedule an election in June if the date is eliminated. (EXHIBIT D)

139 CHAIR KERANS: Asks if other taxing districts that need the election can have an election.

141 ERVIN: Explains that there provisions in ORS Chapter 255, which deal with emergency elections.

146 SEN. BRYANT: Asks who pays for the costs of the election if the city declares an emergency and holds an election.

147 JOHNSON: Explains that the city would be responsible, which is currently the case.

153 WALTER CREWS, Non Commissioned Officers Association: Testifies in support of HB 2277A. (EXHIBIT B)

177 VAL PAULSEN, League of Oregon Cities: Testifies in opposition to HB 227 7A.

196 CHAIR KERANS: Discusses, with Ms. Paulsen her testimony regarding elections dealing with city elections on tax bases. The discussion focuses on why cities rely on the June election date.

308 HEIDI STUTZMAN, Legislative Liaison, City of Salem: Testifies in opposition to HB 2277A.

325 CHAIR KERANS: Discusses the Task Force on Local Government Services regarding whether cities and special districts were involved with the task force in the recommendations to eliminate the June election date. (EXHIBIT F, from 6/8/93)

331 ERVIN: Explains that they were involvement, but they were not members of the subcommittee.

335 CHAIR KERANS: Asks if there was testimony from them either for or against the elimination of the June election date.

ERVIN: Comments that the city of Portland was there and had some concerns. "I don't remember that they were against this bill. The city of Portland doesn't use the June date very much. I think they recognized that there was a problem there with voters being disenfranchised and that when they weighed the two they said we can deal with this.

344 JOHNSON: Clarifies that the task force did not recommend a specific date. Discusses the issue regarding certification of the tax rolls.

364 ERVIN: Clarifies when tax base elections are available. WORK SESSION ON HB 2275A

383 ANNETTE TALBOTT, Committee Counsel: Refers to the computer

engrossed version of HB 2275A as amended by the A9 amendments and other additional amendments. Discusses section 102, which is SB 305 inserted into HB 2275. The issue deals with nominations to public office by write in votes. (EXHIBIT E)

421 CHAIR KERANS: Explains section 102. (EXHIBIT E)

428 SEN. DUKES: Asks if the purposes is to stop one party from taking both party nominations.

430 CHAIR KERANS: Explains that this only allows the person who "comes in second" to have the nomination if the "first one" is disqualified. "Rather than having the thing filled by a convention or group meeting, is ...declaring the nomination vacant, the nomination goes to the next highest vote getter. It only applies when there are no names printed on the ballot."

444 SEN. DUKES: Presents a situation in the Democratic Primary where there are no names on the ballot and three people receive write-in votes. Asks if the first vote getter is a Republican and the second a Democrat would the first be invalidated because they were Republican.

451 CHAIR KERANS: Explains that the first person, if a Republican, would not disqualified because it is open for write in.

465 SEN. DUKES: Asks if this is changing anything.

466 CHAIR KERANS: Comments that there is a change. Explains what change is occurring.

485 COLLEEN SEALOCK, Director, Elections Division: Explains what currently happens. Explains that they interpret the bill that part of the qualification would be to be a registered member of the party 180 days prior to the deadline.

TAPE 81, SIDE A

038 CHAIR KERANS: Explains that was intended, but it is "exactly the reverse of that."

041 SEALOCK: Explains what they would considered right now.

046 CHAIR KERANS: Discusses a situation in which Sen. Dwyer was involved. "There was no on printed on the Republican ballot. Mr. Jess Hayden, a resident of San Diego, California, was urged to have his name use as a write in for the purposes of having him get the nomination and then resign it so that it could be filled by the party post-primary. Mr. Dwyer also sought write in votes. Mr. Hayden was disqualified by virtue of the fact he was a resident of San Diego, California. Mr. Dwyer came up with both the Republican and Democratic nomination. He wants to nail down that fact by this statute, saying that if you're disqualified by virtue of residency...then it goes to the next highest vote getter in the write in contest. It doesn't get fill by a district convention to fill the nomination."

063 SEALOCK: Explains why they would like to do more research on the qualification aspect. "Currently we do not ever award an office, be it a nomination or the actual election itself, to someone who go the second highest number of ballots. If for some reason

the person who got the most ballots it would then become a vacancy in office."

076 CHAIR KERANS: "Let's take out section 102." (EXHIBIT E)

078 SEALOCK: Continue to discuss how an office is filled if a the highest vote getter is disqualified.

082 TALBOTT: Asks if there is an exception to "the current rule that you have to be a registrant of the major political party for 100, even if you are a write-in candidate?"

084 SEALOCK: Comments that they will allow that for a write-in candidate.

091 TALBOTT: Discusses sections 14 and 17, with regard to consecutive ballot measure numbering.

CHAIR KERANS: Comments that he will leave it up to the committee, but that he does not favor consecutive ballot measure numbering. With no objection from the committee he states "alright that's a no."

097 TALBOTT: "So that takes care of that provision in sections 14 and 17." Discusses section 22, page 8, with regard to the endorsement affidavit. Explains Legislative Counsel's suggestion to delete the word "notarize," on line 47. (EXHIBIT E)

121 CHAIR KERANS: Discusses the type of penalty attached with a violation of this section.

TALBOTT: Explains that the penalty for C & E reports it goes up to \$10,000. "If the committee wants to set some kind of other penalty for violation of ORS 251.405 in regards to this particular statement they could do so."

137 CHAIR KERANS: Asks what the penalties are for "these others."

140 TALBOTT: Comments that the penalty is \$250.

140 CHAIR KERANS: Discusses moving the penalty to \$1000 for each offense.

SEN. DUKES: Asks if this is the same statute "you get somebody on when they sign somebody else's ballot."

144 TALBOTT: Comments that statute is ORS 260.715. Explains that the penalty for ORS 260.715 is a class C felony.

149 CHAIR KERANS: "Let's take out notarize and a \$1000 maximum penalty and they get to asses it."

155 TALBOTT: Discusses section 41, regarding to precincts with less than 100 electors. Comments that the committee previously considered deleting the section or reducing the less than 100 electors requirement. (EXHIBIT E)

167 CHAIR KERANS: Asks what it is currently.

TALBOTT: "My understanding is that now they have to keep the polls open all day."

CHAIR KERANS: "Regardless? So there is not trigger." Asks how the committee's opinion.

171 SEN. BRYANT: Explains why he would like to reduce the requirement of

electors.

175 CHAIR KERANS: Discusses with Sen. Springer the issue of deciding whether to let precincts with 100 electors or less to vote by mail rather than by poll election, in any election.

189 SEN. SPRINGER: Agrees with Sen. Bryant's suggestion to reduce the number to 25.

191 SEN. DUKES: Explains why she prefers the current law, but states that she won't object if the committee decides to otherwise.

200 TALBOTT: Discusses section 59 and 81, regarding the requirement for keeping accounts and the statute of limitations. Explains the discussion that occurred at the last hearing, with regard to this issue.

232 CHAIR KERANS: "The chair's desire would be to leave it at the 2 years, with the understanding that the candidate and his or her committee has control over when the clock starts running to toll the two year statute of limitations on record retention." Explains that the candidate could transfer a balance into a new account, and close the old account out. "The Secretary would have two years following that and the candidate would have to retain the records relative to that election that the supplemental was connected to. That would we hope promote candidates to close out their accounts, terminate them, start over, and have nice little discrete accounting blocks."

254 SEN. DUKES: Asks if it is illegal for the new committee to take the "same name, same treasurer, same everything" as the old committee.

265 SEALOCK: Explains that they would probably not recognize that as a new committee.

276 SEN. DUKES: "It occurs to me that folks who run for two year terms in this situation might be every two years establishing a new committee and eventually run out of creative ways to change the name."

CHAIR KERANS: "You can come back and get another one."

SEN. DUKES: Discusses going back to an earlier committee name.

281 SEALOCK: Comments that would "probably be our advice...I think the intention here is not to create the exact same thing. It's just for clearer record keeping."

291 CHAIR KERANS: Discusses the issue of renaming committees. "We'll leave that as we find it."

293 TALBOTT: Discusses section 81, with regard to the "length of the statute of limitations." (EXHIBIT E)

301 MOTION: CHAIR KERANS: MOVES in section 81, to change the 4

year statute of limitations to 2 years in order to match the requirement for record retention, and the 10 year statute of ultimate repose changed to 5 years.

VOTE: CHAIR KERANS: Hearing no objection the MOTION IS ADOPTED.
EXCUSED: Sen. Bryant, Sen. Johnson. 327 TALBOTT: Discusses sections 77 and 83, with "regards to a person to request for a hearing." Explains that the currently the bill has a 5 day requirement, but the committee discussed a 3 day requirement.

332 MOTION: CHAIR KERANS: In section 77 and section 83 MOVES to change the "5 business days before the hearing" to "3 business days before the hearing."

VOTE: Hearing no objection THE MOTION IS ADOPTED. EXCUSED: Sen. Bryant, Sen. Johnson.

339 TALBOTT: Clarifies the committee's actions, at the last hearing, on the certified mail issue in sections 77 and 78. (EXHIBIT E)

355 CHAIR KERANS: Discusses that the candidate should receive the notice by certified mail.

366 TALBOTT: Discusses section 52, regarding the definition of political committee. Explains the difference between the definition of political committee in HB 2275-A9 and SB 416. Explains that there is no need in HB 2275 to reference independent expenditures and that if SB 416 passes there will need to be a conflict amendment. (EXHIBITS E,F)

412 CHAIR KERANS: "To say that for purposes of an independent expenditure it's this and for others it's that. So we don't have to do anything."

TALBOTT: Comments that she just wanted to bring it to the committee's attention.

420 MOTION: CHAIR KERANS: MOVES TO ADOPT the computer engrossed version of the bill including the HB 2275-A9 with other additional amendments dated and 6/10/93 (EXHIBIT E) and amendments made in the hearing.

VOTE: CHAIR KERANS: Hearing no objection THE MOTION IS ADOPTED.
EXCUSED: Sen. Bryant, Sen. Johnson.

429 MOTION: CHAIR KERANS: MOVES HB 2275A AS AMENDED to the FLOOR with a DO PASS recommendation.

VOTE: CHAIR KERANS: Hearing no objection THE MOTION CARRIES. EXCUSED: Sen. Bryant, Sen. Johnson.

461 CHAIR KERANS: Adjourns the meeting at 4:10 p.m.

Submitted by:

Reviewed by:

Tamara Brickman
Counsel

Annette Talbott Assistant

EXHIBIT LOG

A - Testimony on HB 2277A Engrossed - Vicki Ervin - 3 pages B -
Testimony on HB 2277 - Walter Crews - 3 pages C - Fiscal Analysis of HB
2277A - Committee Staff - 1 page D - Preliminary Staff Measure Summary
on HB 2277A - Committee Staff - 1 page E - HB 2275A computer engrossed
as amended by the A9 and other Amendments - Committee Staff - 50
pages F - HB 2275-A9 amendments as amended - Committee Staff - 4 pages