

SENATE ETHICS, ELECTIONS, AND CAMPAIGN FINANCE COMMITTEE

June 17, 1993 Hearing Room B 3:00 p.m. Tapes 82 and 83

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 SB 884

Informational meeting Overview of National Voter Registration Act

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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 82, SIDE A

005 CHAIR KERANS: Calls meeting to order at 3:23 p.m.

PUBLIC HEARING ON SB 884

WITNESSES: SEN. JIM BUNN, Senate District 15 VICKI ERVIN, Director, Multnomah County Elections VIETTA HELMLE, Oregon Coalition Against Domestic and Sexual Violence CLAUDIA BURTON, American Civil Liberties Union of Oregon (ACLU)

013 SEN. JIM BUNN, Senate District : Testifies in opposition to SB 884.

037 CHAIR KERANS: Asks a question of Sen. Bun regarding his testimony.

SEN. JIM BUNN: Responds to Chair Kerans.

055 SEN. BRYANT: Asks what a person must do when she/he does not want her/his address disclosed.

064 ANNETTE TALBOTT, Committee Counsel: Explains that the request is made to the county clerk and the county clerk makes the decision based on the information presented if there is a personal safety issue.

075 SEN. JIM BUNN: Discusses Ms. Talbott's comments.

088 SEN. BRYANT: Comments that if a person is frightened that person may not register.

090 CHAIR KERANS: Discusses Sen. Bryant's comments. Discusses the possibility of the person using a P.O. box.

123 VICKI ERVIN, Director, Multnomah County Elections: Testifies in support of SB 884. (EXHIBIT A)

146 VIETTA HELMLE, Oregon Coalition Against Domestic and Sexual Violence: Testifies in support of SB 884. (EXHIBIT B)

161 CLAUDIA BURTON, American Civil Liberties Union of Oregon (ACLU): Testifies in support of SB 884.

182 CHAIR KERANS: Discusses a worst case scenario.

205 HELMLE: Comments on Chair Kerans' statements.

223 CHAIR KERANS: Continues the discussion with Ms. Helmlle.

236 ERVIN: Discusses the issue of providing people with the opportunity to not have their address disclosed from election files. Discusses options for people who do not want an address disclosed.

252 CHAIR KERANS: Comments on Ms. Ervin's statements.

258 ERVIN: Continues the discussion.

263 CHAIR KERANS: Continues.

276 SEN. BRYANT: Asks for projection on how the Multnomah county clerks would handle a provision, such as this.

279 ERVIN: Responds to Sen. Bryant's question.

299 CHAIR KERANS: Comments on Ms. Ervin's statement and discusses ways in which the county clerks might execute this provision.

305 SEN. BRYANT: Discusses the issue of people who are not "threatened" and are just interested in preventing their address sold for purposes of avoiding "junk mail."

313 ERVIN: Explains that no county clerk would "take it on that evidence alone."

323 CHAIR KERANS: Discusses the issue of the concern for personal safety as the determinant in not disclosing addresses from election files. Discusses the issue of verification of the actual residence address to be used.

355 ERVIN: Discusses Chair Kerans' comments. Discusses the issue regarding verification of the address with Chair Kerans.

374 TALBOTT: Discusses the issue of the person receiving the ballot by absentee. Explains a discussion she had with Legislative Counsel regarding not placing the residence address on the list that county clerks maintain of absentee voters.

392 ERVIN: Explains the preference would be to have the people on the same list not as absentee voters, but not list a residence address.

397 CHAIR KERANS: Asks if the bill will need to be changed to accomplish that or Ms. Ervin "sees that within the meaning of the absent elector statute to simply to put them on the list, but say confidential when you come to the address file?"

403 ERVIN: Explains that is there intent and that if the language isn't clear in that regard then they are open to making it so.

404 TALBOTT: Discusses ORS 253.040 which requires the name of the elector and address on the list. Discusses adding ORS 253.040 to line 23, page 1 of SB 884.

420 CHAIR KERANS: Discusses a work plan for SB 884.

INFORMATIONAL MEETING - OVERVIEW OF NATIONAL VOTER REGISTRATION ACT

447 NINA JOHNSON, Executive Assistant, Secretary of State: Presents an overview of the National Voter Registration Act (NVRA). Comments on the conformities the Secretary of State's office would need to make with respect to NVRA. The vehicle for the conformities is HB 2280.

TAPE 83, SIDE A

036 JOHNSON: Continues overview.

088 VICKI ERVIN, Director, Multnomah County Elections and President, Oregon County Clerks Association: Presents overview of NVRA, in comparison to Oregon election law. Comments on the need to avoid a dual registration system. (EXHIBITS E,F)

120 CHAIR KERANS: Discusses the National Voter Registration Act and the length of time it has taken for this issue to be dealt with.

126 JOHNSON: Comments on other states requirements for voter registration.

130 ERVIN: Discusses agency based registration issues.

139 SEN. BRYANT: Discusses Ms. Ervin's comments about registration being available at certain public agencies.

144 ERVIN: Explains that the law requires that there is "a way for the person to decline in writing."

150 COLLEEN SEALOCK, Director, Elections Division: Explains that they are "anticipating lots of directives from the Federal Election Commission that will more clearly spell out the responsibilities in this area." Comments that they do not plan to implement this provision until January 1, 1995. 160 CHAIR KERANS: Asks if the federal act requires the person file a denial to register in writing.

166 JOHNSON: Discusses the issue of penalties for undue influence with regard to registration. Discusses the issue of the need to revise forms.

183 CHAIR KERANS: Asks if the federal law requires someone to say affirmatively that she/he has been offered the opportunity to register and that she/he declines to register.

186 ERVIN: Explains what the language says with regard to that

issue. Continues the discussion on the availability of agency based registration. Discusses the issue of purging voters from voter registration lists.

213 CHAIR KERANS: Discusses the issue of cost.

219 ERVIN: Continues to discuss the process of "purging" voters.

229 JOHNSON: Comments that the process is "very different" from the current process.

219 CHAIR KERANS: Discusses the issue of purging voters.

242 ERVIN: Explains that people can not be purged from federal elections. Discusses the process by which the clerks would not have to mail "constantly" for vote by mail elections or including these people in the poll books. Discusses the issue regarding eligibility to vote. Discusses the ways in which a person can vote a federal ballot if that person has moved within the same county and same congressional district, but has not registered.

271 SEN. BRYANT: Asks a question on what the affirmation would be to allow the person to vote.

276 ERVIN: Responds to Sen. Bryant. Continues to discuss how an individual could vote after the person moved and did not reregister. Comments on the rate reduction in postage for election officials. Discusses the issue of counties maintaining records for two years. Comments that the Attorney General or any other person may file suit for enforcement of the law. Discusses civil suits and criminal suits. Discusses the effective date. (EXHIBIT E)

RECONSIDERATION OF HB 2275A

326 MOTION: CHAIR KERANS: MOVES to RECONSIDER the vote by which HB 227 5A was sent to the floor with a do pass recommendation.

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

NATIONAL VOTER REGISTRATION ACT OVERVIEW

344 SEN. BRYANT: Asks if there is a preliminary estimate of the cost of HB 2280.

345 ERVIN: Comments that they are not sure what the costs will be.

349 JOHNSON: Discusses the issue relating to cost. 371 CHAIR KERANS: Discusses the issue regarding the integration of the federal voter card with the state card.

385 JOHNSON: Discusses Chair Keran's remarks. Discusses file maintenance and purging issues. (EXHIBIT E)

420 ERVIN: Comments on the three different status of voters, as proposed by HB 2280: active, inactive, and cancelled. (EXHIBIT E)

454 JOHNSON: Comments that counties "keep an equivalent of an inactive list because a lot of those people show up again and they don't want to pull them totally off the computer."

461 CHAIR KERANS: Asks if all counties are computerized.

463 JOHNSON: Comments that she believes every county has at least a computer.

474 ERVIN: Comments on the issue of counties being computerized.

478 CHAIR KERANS: Discusses the issue of the counties being computerized. Discusses the automatic updating of registration by the clerks, when a person moves.

TAPE 82, SIDE B

036 ERVIN: Responds to Chair Kerans' comments. Discusses the issue regarding the repeal of the requirement for a voter activity maintenance file. (EXHIBIT E)

044 CHAIR KERANS: "You're not going to enter voter activity data, except for general elections?"

048 ERVIN: Explains that the two general elections represent a time frame. Discusses Chair Kerans' question.

054 CHAIR KERANS: Continues to discuss the issue of voter activity.

056 ERVIN: Explains the voter activity maintenance file.

058 CHAIR KERANS: Continues the discussion on voter activity.

062 ERVIN: Discusses Chair Kerans' comments on voter activity.

063 CHAIR KERANS: Continues discussing the issue of voter activity and when people are purged from the system.

070 ERVIN: Discusses the issue regarding a clerk receiving evidence that a person has moved and what the clerk does with that person's file, with regard to registration. Explains how the provision in HB 2280 differs from current law. (EXHIBIT E)

079 CHAIR KERANS: Asks a question regarding the mailing process of the notifications for registration from the clerk to the voter.

088 JOHNSON: Responds to Chair Kerans' question. 089 ERVIN: Discusses Chair Kerans' question. Discusses the issue of automatic registration. Discusses voter eligibility. (EXHIBIT E)

106 CHAIR KERANS: Comments that this would permit a "continuous registration."

JOHNSON: Comments that it would as long as a person does not move out of the county.

108 SEN. DUKES: Asks what happens if the person moves within the county and did not get updated.

111 ERVIN: Explains a "number of different scenarios" with regard to this type of situation. Continues the discussion on the eligibility to vote.

126 CHAIR KERANS: Asks if the requirement that a person register 21 days prior to an election to be eligible is a federal or state requirement.

129 JOHNSON: Explains that the national act acknowledges states' laws, but a state can not exceed 30 days.

137 ERVIN: Explains that registration must occur 21 days before and updates "are only within a county and may occur at any time before voting." Explains how current law works.

141 CHAIR KERANS: Comments that "helps a lot."

145 SEN. DUKES: Asks what happens if the person is voting by mail.

149 ERVIN: Explains to Sen. Dukes that the vote by mail issue is addressed the same way that it was addressed when there was no registration cut off under vote by mail. Discusses the issue of when voter registrations become effective. (EXHIBIT E)

172 CHAIR KERANS: Asks if the new provision would require them to stay open to midnight.

172 ERVIN: Explains that it would not.

179 CHAIR KERANS: Asks if a person could push the registration under the door if the office was closed.

180 ERVIN: "Mr. Chair you could but it would be received after the deadline."

182 SEALOCK: Explains that a person would be better off dropping it off at the post office, if the box states that it will be postmarked before midnight.

184 JOHNSON: Explains who the midnight deadline will benefit.

188 SEALOCK: Continues the discussion.

193 CHAIR KERANS: Discusses the issue of when a person's registration is

cancelled.

194 ERVIN: Discusses the issue regarding cancellation of a person's registration. Discusses when a person "who has not been cancelled may vote a limited ballot."

207 SEN. DUKES: Discusses the types of ballots issued.

214 ERVIN: Discusses Sen. Dukes' comments regarding the types of ballots people can vote. Explains where a person voting a limited ballot can go to get the ballot.

221 CHAIR KERANS: Asks a question with regard to where the person receives the ballot.

224 ERVIN: Responds to Chair Kerans' question. Explains the federal legislation and the state legislation with regard to this issue.

229 JOHNSON: Comments that this legislation avoids voter confusion regarding where the people go to receive the ballot if voting a limited ballot.

242 ERVIN: Discusses the process if a voter updates her/his address at the polls. (EXHIBIT E)

247 CHAIR KERANS: Asks if the new registration card is considered an update.

248 ERVIN: "That's correct." Explains that after an election the county clerk reviews "all ballot envelopes for voters who updated their registration at the polls." Explains that the ballot is only counted if the voter was on the active or inactive list. (EXHIBIT E)

252 CHAIR KERANS: Asks what is being done to ensure that the person did not vote some place else.

255 ERVIN: Explains that within the same county there would be no problem with that being detected. Explains that the only way a person can update at the polls is if the person moved within the same county.

289 CHAIR KERANS: Adjourns the meeting at 4:40 p.m.

Submitted by:

Reviewed by:

Tamara Brickman
Counsel

Annette Talbott Assistant

EXHIBIT LOG

A - Testimony on SB 884 - Vicki Ervin - 1 page B - Testimony on SB 884 - Vietta Helmle - 1 page C - Staff Measure Summary of SB 884 - Committee Staff - 1 page D - Fiscal Analysis of SB 884 - Committee Staff - 1 page E - Comparison chart of HB 2280 with current Oregon law - Vicki Ervin - 3 pages