

SENATE ETHICS, ELECTIONS, AND CAMPAIGN FINANCE COMMITTEE

February 18, 1993                              Hearing Room B 3:00 p.m.                      Tapes 14 and 15  
MEMBERS PRESENT: Senator Grattan Kerans, Chair Senator Neil Bryant  
Senator Joan Dukes Senator Rod Johnson Senator Dick Springer STAFF  
PRESENT: Annette Talbott, Committee Counsel Tamara Brickman,  
Committee Assistant MEASURES CONSIDERED: Public Hearing SB 267 SB 291  
SJR4

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 14, SIDE A

006 CHAIR KERANS: Calls meeting to order at 3:10 p.m.

Public Hearing on SB 267

WITNESSES: VICKI ERVIN, Director of Elections, Multnomah County NINA JOHNSON, Executive Assistant, Office of the Secretary of State BURTON WEAST, Special Districts Association of Oregon 008 VICKI ERVIN, Director of Elections, Multnomah County: Testifies in favor of SB 267. Reviews SB 267. Refers to exhibits. (EXHIBIT C) and (EXHIBIT A)

036 SEN. DUKES: Directs a question to Ms. Ervin concerning whether this bill would disenfranchise voters and create constitutional problems.

ERVIN: Responds to Sen. Dukes' question.

052 ANNETTE TALBOTT, Committee Counsel: Comments that the amendments do not include all special districts. Discusses the need to be consistent for all special districts, which might mean a generic reference. Senate Ethics, Elections, and Campaign Finance Committee February 18, 1993 - Page 2

084 SEN. DUKES: Discusses the window of time for boundary changes. What hardships are placed on districts needing changes due to emergencies? Comments on people voting in districts in which they do not reside.

095 ERVIN: Responds to Sen. Dukes' statements.

112 SEN. DUKES: Asks whether special district elections occur in March.

114 ERVIN: There are five set election dates and part of the problem is not knowing who is going to be involved in which election date other than those inundated.

117 TALBOTT: Discusses annexation concerns of the League of Oregon Cities. They are concerned that this should not interfere with the ability to annex.

124 CHAIR KERANS: Asks if what is trying to be accomplished is to "get the effective date of a boundary commission order ...and the effective date of the change for purposes of administration to be the same, in relationship to voting within that district?"

136 ERVIN: Informs the chair what currently happens with boundary changes. Annexations are delayed until the day after the election.

Comments that SB 267 would allow the annexation to continue; the only thing different is that voting in that one election could not take place.

146 SEN. DUKES: Asks about fire districts, sewer districts or whatever else district you were in prior.

147 CHAIR KERANS: Asks if it would be allowed to back and vote in those.

148 ERVIN: Responds by stating the ballots a person could vote in would be from those districts that existed at the time of the filing deadline for the election. Comments that potential situation that they are trying to avoid is allowing a boundary during the blackout period in which a person voted with an absentee ballot, then had his/her boundary changed which would disqualify him/her from the ballot already submitted, then a new ballot would have to be issued. This creates a problem in determining which ballot counts.

158 CHAIR KERANS: Continues the discussion, with Ms. Ervin, concerning which districts a person would be allowed to vote in.

172 ERVIN: Discusses annexation of city boundaries.

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179 CHAIR KERANS: Discusses the intent of the bill. Comments that the bill should continue the boundary change, annexation, and governmental processes without having to wait until the day after the election. Mentions that he is concerned with creating "non-persons."

197 SEN. BRYANT: Comments that from listening it seems that it would be a small amount of people that would be affected by the blackout period.

202 CHAIR KERANS: Discusses issue of "double blackout period" for purposes of solving problems of people voting in districts that they don't belong, and solve the clerks' problems of deciphering ballots.

213 ERVIN: Comments that it might not be easy to do because it may not be known what changes are going to take place at the time that people start voting (absentee) and election day.

226 SEN. DUKES: Comments that as long as people cast a ballot as residents of a district then it would be considered a legal ballot.

246 BURTON WEAST, Special Districts A - oiation of Oregon: Presents testimony regarding special dietficts. Comments that a district does provide services for people outside its boundaries. Districts do not seem to recognize a problem in this area as compared to cities, which have stricter service guidelines to people outside the boundaries. Discusses, with Chair Kerans, the amendment to generically include districts to SB 267 , as opposed to limiting it to boundary commission areas.

305 CHAIR KERANS: Closes public hearing on SB 267.

Public Hearing on SB 291

WITNESSES: NINA JOIINSON, Executive Assistant, Office of the Secretary of State

320 NINA JOHNSON, Executive Assistan1, Offive of the Secretary of State: Reviews SB 291. Comments that there is a lack of interest from the other states to go to a regional presidential primary election, due to cost; therefore, it is the Secretary of State's intention to let the sunset provisions, but if interest is regenerated the Secretary of State's office would get involved at that point.

408 SEN. SPRINGER: Asks Ms. Johnson what the support or interest is in the adjoining states, for a regional presidential primary.

428 SEN. DUKES: Asks, Ms. Johnson, if the amendments are needed if the decision is made to let this law sunset.

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433 JOHNSON: Responds to Sen. Dukes' question. Amendments are technical conforming amendments as opposed to substantive. The sections that refer to the Sheriff's election issue do not belong in SB 291.

TAPE 15, SII)E A

040 CHAIR KERANS: Closes public hearing on SB 291.

PUBLIC HEARING ON SJR4

WITNESSES: NINA JOHNSON, Executive Assistant, Office of the Secretary of State VICKI ERVIN, Director of Elections' Multnomah County

045 JOHNSON: Reviews SJR4. Testifies in favor of the bill.

061 ERVIN: Testif es in favor of SJR4. Comments on the possibility of disenfranchising absentee voters if you place someone on the ballot less than 20 days before an election.

067 CHAIR KERANS: Asks if it would fall back to a default for the legislature of going through an appointment for the vacancy and an election for it as opposed to...you'd extend that period by 41 days for requiring the appointment and the election.

076 SEN. DUKES: Discusses, with Chair Kerans, Sen. Springer, and Ms. Talbott, the issue of who the legislature gets to appoint.

111 JOHNSON: Comments on the need to look at the history of this constitutional provision.

133 CHAIR KERANS: Asks if this mirrors Article 5, Section 16. Discusses what happens in practice of a vacancy. Asks if the problem is whether absentee ballots go out with someone else's name because their is not a requirement to announce vacancy 61 days before an election to appear on

the ballot.

150 ERVIN: Discusses, with Chair Kerans, that the problem is not that wrong name is on the ballot. The problem is that the office would not be on the ballot (absentee) at all because it was not supposed to be there, but it would be on the poll ballot. Therefore, new absentee ballots would need to be sent out.

161 JOHNSON: Discusses, with Chair Kerans, the circumstance involving the death of Senator L. B. Day just days before the 20 day cut off.

180 CHAIR KERANS: Closes the public hearing on SJR4.

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184 CHAIR KERANS: Adjourns the meeting at 3:55 p.m.

Submitted by:

Reviewed by:

Tamara Brickman

Annette Talbott Assistant

Counsel

EXHIBIT LOG A - Proposed Amendments to SB 267 - Legislative Counsel - 3 pages  
B - Preliminary Staff Measure Summary on SB 267 - Committee Staff - 1 page

C - Testimony in Support of SB 267 - Ken Martin, Executive Offfcer, Portland Metropolitan Area Local Government Boundary Commission - 3 pages

D - Preliminary Staff Measure Summary on SB 291 - Committee Staff - 1 page  
E - Proposed Amendments to SB 291- Legislative Counsel - 20 pages  
F - Fiscal Analysis of Proposed Legislation on SJR4 - Committee Staff- 1 page  
G - Preliminary Staff Measure Summary on SJR4 - Committee Staff- 1 page

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