

SENATE ETHICS, ELECTIONS, AND CAMPAIGN FINANCE COMMITTEE

February 25, 1993 Hearing Room B 3:00 p.m. Tapes 18 and 19  
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: Work Session SB 269 Public  
Hearing SB 292

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 18, SIDE A

006 CHAIR KERANS: Calls meeting to order at 3:12 p.m.

WORK SESSION ON SB 269

007 MOTION: CHAIR KERANS: Moves to reconsider the vote which sent SB 269 to the floor.

CHAIR KERANS: Hearing no objections the motion carries.

010 CHAIR KERANS: Explains that the population deviation of one percent or less should only refer to legislative reapportionment. Need to change language to recognize "the latest thinking of the supremes on the tolerance level for congressional" reapportionment.

023 ANNETTE TALBOTT, Committee Counsel: Refers to hand engrossed SB 269-3. New subsections 7 and 8 separates the reapportionment requirements between legislative districts and congressional districts. Lines 23A and 23B contain language which prohibits the splitting of "the smallest population units." This was changed from "as nearly as practicable" which the bill contained previously. (EXHIBIT C)

047 TALBOTT: Explains that bill previously used the words "as nearly as practicable" modified provisions of the bill which should not have been modified; therefore, subsection one now reads that a district shall be contiguous. This is based on constitutional case law which prohibits a district from not being contiguous. 057 SEN. BRYANT: "What is the tolerance level for state districts?" Senate Ethics, Elections, and Campaign Finance Committee February 25, 1993 - Page 2

062 CHAIR KERANS: Responding to Sen. Bryant explains that is one percent or less. Explains that the bill now contains two paragraphs regarding tolerance levels. Lines 23 A-F, now Subsections 7 and 8.

072 SEN. BRYANT: "Should our tolerance be a little lower?"

076 TALBOTT: Explains that one percent has met Oregon Supreme Court scrutiny and that the "federal Constitution's scrutiny is a de minimis ten percent for legislative districts, so to define it that way it is much stricter than the federal Constitution and again in the last round the Oregon Supreme Court did accept the secretary's plan with a less than one percent deviation." 084 CHAIR KERANS: "Their position is that you would as a general rule have far greater number of legislative districts and thus far greater need for tolerance than you do, and...the Supreme Court does not value legislative districts as highly as they congressional districts."

095 TALBOTT: Explains that the subsection 8 for congressional districts

cod)files already existing case law by the U.S. Supreme Court.

098 MOTION: CHAIR KERANS: Moves the ADOPTION of the SB 269-3 amendments.

CHAIR KERANS: Hearing no objections the motion is ADOPTED.

101 MOTION: CHAIR KERANS: Moves SB 269 as amended to the FLOOR with a do pass recommendation. CHAIR KERANS: Hearing no objections the motion CARIUES.

PUBLIC HEARING ON SB 292

WITNESSES: VICKI ERVIN, Director, Multnomah County Elections DAVID BUCHANAN, Executive Director, Oregon Common Cause

109 VICKI ERVIN, Director, Multnomah County Elections: Testifies in support of SB 292. Explains that the bill does not alter the voter's responsibility to keep his/her registration current. (EXHIBIT B)

162 SEN. DUKES: Discusses the process by which an error occurs in which a person is re-registered to an inaccurate address and then that person shows up at the wrong precinct to vote. 180 ERVIN: Responds to Sen. Dukes question by explaining any notices are sent to the forwarding address that the post office has. Discusses that the errors which are usually made are on the actual forms filled out by the person for the change of address. 205 SEN. DUKES: "Will you have some way of knowing the difference between the temporary and the permanent registrations?" 207 ERVIN: Responds to Sen. Dukes and explains that the post office does not send the clerk's office an address if it is temporary; instead the post office sends not)fication that the person is temporarily away.

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219 CHAIR KERANS: Discusses the National Change of Address Program (NCOA). Asks Ms. Ervin if Multnomah County is currently using that system to purge registrations. 226 ERVIN: Explains that Multnomah County does not use NCOA; however, Multnomah County has bought information from the system twice. 236 ERVIN: Responding to Chair Kerans explains that Multnomah County finds out a person has moved through a couple of different sources. One would be the returned undeliverable vote by mail ballots. 242 CHAIR KERANS: Asks how many returned ballots they receive. 245 ERVIN: Explains that it depends on how may elections have been done, and on the average Multnomah County has determined an average of six percent of voters' moving every month. 260 ERVIN: Explains that included in the not)fication mailing is a new registration card. Explains the second method of determining a change of registration is through various lists from the state. 270 CHAIR KERANS: "It would be more proactive to go out and find out whose moved and make sure they can participate in the election in their appropriate precinct." 278 ERVIN: Comments that the NCOA tape is a very useful tool for the process. 282 CHAIR KERANS: "What happens when mistakes are made?" 283 ERVIN: Explains that by using the NCOA data, in the last election, the clerk's office cancelled and sent notice

to 19,000 people and only 280 people contacted the office and they were reinstated, which "computes out to a 1.4% error rate." Explains that this process is in place in the state of California and started out as a pilot in three counties. 306 CHAIR KERANS: "What data do you have about the people who moved and the data was incorrect about their new address, and thus were not reached by you.?" 325 ERVIN: Explains that the precinct cards come back to the clerks office if the address is wrong because they are unforwardable. Comments that an option would be to send something to the old address that is forwardable. If a person goes to precinct and finds out they have been deleted their is a process by which a person can challenge the ballot. 404 CHAIR KERANS: Comments that if the process does not work to get a person re-registered then the person is on his/her own to get registered.

414 ERVIN: Responding to Chair Kerans explains that this process does not remove the responsibility of the voter to keep the registration current. 465 CHAIR KERANS: Discusses with Ms. Ervin the possibility of using this as a pilot program to test the success. .~. .

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468 ERVIN: Discusses an amendment to the bill. On page 2 new language on lines 10 and 11 in the area that states that a person need not reregister if the clerk has updated the registration there should be an exception referring to Section 3 subsection 1 paragraph C and D, which would state that any time a person wanted to change party affiliation or his/her name had been changed he/she must reregister.

TAPE 19, SIDE A

058 SEN. DUKES: Comments that people do have some responsibility in the process to ensure the right to vote. Comments that this bill seems to create a two tiered system for registration in which a person moves and the clerk gets that person re-registered so that he/she can vote, but if the wrong address is given and the person is not re-registered then he/she has to reregister.

076 ERVIN: Responding to Chair Kerans explains that the clerk's office has an obligation to purge a person's registration if the address is no longer valid. 077 CHAIR KERANS: "How many mail ballots do you get back from people who couldn't vote, who could have voted had you gone through this extra step?" 083 ERVIN: Responds that there is usually between six to eight percent returned undelivered. 108 CHAIR KERANS: Asks Ms. Ervin how much money would be saved by following the process established in the bill. 117 ERVIN: Responds that there would be a significant savings in personnel time. 126 DAVID BUCHANAN, Director, Oregon Common Cause: Testifies in support of SB 292. 159 CHAIR KERANS: Asks if there is the possibility of getting to a zero defect.

184 BUCHANAN: Responds to Chair Kerans by stating that this comes as close as possible. Reads from a publication titled "Innovations in Election Administration Using NCOA Files for Verifying Voter Registrations Lists" published by the Federal Elections Commission.

248 CHAIR KERANS: Asks for counsel to bring back an the amendment

suggested by Ms. Ervin. Requests a rank ordering of counties following the 1990 census. 283 CHAIR KERANS: Adjourns meeting at 4:00 p.m.

Submitted by:

Reviewed by:

Tamara Brickman

Counsel

Annette Talbott Assistant

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#### EXHIBIT LOG

A - Preliminary Staff Measure Summary on SB 292 - Committee Staff - 1 page  
B - Testimony in Support of SB 292 - Ms. Vicki Ervin - 2 pages  
C - Handengrossed SB 269-3 - Committee Staff - 3 pages  
D - SB 269-3 Amendments - Committee Staff - 2 pages

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