

SENATE ETHICS, ELECTIONS, AND CAMPAIGN FINANCE COMMITTEE

May 25, 1993 Hearing Room B 3:00 p.m. Tapes 70 and 71

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 and Work Session HB 2275A

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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 70, SIDE A

004 CHAIR KERANS: Calls meeting to order at 3:17 a.m.

PUBLIC HEARING AND WORK SESSION ON HB 2275A

017 NINA JOHNSON, Executive Assistant, Office of the Oregon Secretary of State: Testifies in support of HB 2275A and presents an overview of the sections in HB 2275A. Explains section 1. (EXHIBIT C)

032 CHAIR KERANS: Asks how a person's registration is cancelled if the person has not moved.

033 JOHNSON: Explains that it can happen by a mailing address being changed in which the county clerk has not been informed.

035 CHAIR KERANS: Asks "what does this do" for a person if the person's mailing address has changed, but the physical address has remained the same.

038 JOHNSON: Explains that the person can vote once "even though your registration has been cancelled." Explains that a person would need to reregister in order to vote in the next election.

040 SEN. SPRINGER: "Mr. Chair, that would sort of be the situation where someone used to live SE Union Blvd. and the name of the street changed to SE Martin Luther King?"

042 JOHNSON: Explains that if the post office changes a person's address there is no problem.

043 CHAIR KERANS: Explains section 1 to Sen. Springer.

049 VICKI ERVIN, Director, Multnomah County Elections: Comments that the bill does what Chair Kerans explained to Sen. Springer.

052 ANNETTE TALBOTT, Committee Counsel: "I'm curious why it seemed like that is already available when you read page 1, lines 28 and 29. Is this just a clarification?"

055 JOHNSON: Explains that currently if your registration is cancelled you can't vote and that section 1 help to avoid conflicts with other provisions that do not allow a person to vote if not registered.

060 ERVIN: Explains that Multnomah currently does this and the "statute change would make us legal."

061 CHAIR KERANS: Discusses that he will ask for consensus on each section as they go through the hearing.

065 CHAIR KERANS: Asks if there is any objection to section 1. Hearing none he drops the gavel and moves to section 2.

066 JOHNSON: Explains section 2. Explains that currently a county clerk must send a notice to voters when registration has been cancelled. Explains that this section would remove that requirement when there is no forwarding address on file at the post office. (EXHIBIT C)

070 CHAIR KERANS: Ask how they know that there is no forwarding address unless they try to mail the notice.

073 JOHNSON: "You would have tried to mail that voter another mailing, it might have been a ballot...and so you would have already received notice from the post office that they had no forwarding address for that voter."

078 CHAIR KERANS: Asks if there is any objection to section 2. Hearing none he drops the gavel and moves to section 3.

081 JOHNSON: Explains section 3. (EXHIBIT C)

091 CHAIR KERANS: "It's uniform and it's easy to understand and you can give the person the sheet showing what those qualifications are on that date."

093 JOHNSON: Explains that they would be able to get the information right away rather than calling all 36 counties. Explains that section 3 dilutes the requirement for the counties to verify every signature on a petition to form a minor party. Comments that it would allow the Secretary of State to treat "petitions to form minor political party essentially the same way we treat initiative petitions."

106 COLLEEN SEALOCK, Director, Elections Division: Clarifies that this would help the Secretary of State's office to give people numbers required on petitions to form a minor political party.

110 CHAIR KERANS: Asks if there is any objection to section 3. Hearing none drops the gavel and moves to section 4. Sen. Dukes excused.

112 JOHNSON: Explains section 4 in regards to the names of the electors for President and Vice President being listed on the ballot. (EXHIBIT C)

117 CHAIR KERANS: Comments where those names are listed on the

ballot.

118 JOHNSON: Continues the discussion regarding the listing of the names of electors for President and Vice President on the ballot. Comments on voter confusion.

126 CHAIR KERANS: Continues the discussion with regard to listing the names of the electors on the ballot. Discusses ballot slogans.

139 ERVIN: Explains that listing electors on the ballot was a "major problem in the last general election in Multnomah County." Discusses the confusion of the voters in regards to where they were supposed to place their vote. "It was not a line vote."

149 CHAIR KERANS: Asks Ms. Ervin if he could see sample of the ballot. Discusses that section 4 will be left for further consideration.

154 JOHNSON: Explains section 5. Comments that it does not change existing law. (EXHIBIT C)

158 CHAIR KERANS: Asks if there is any substantive impact on minor political parties.

JOHNSON: Explains that section 5 does not have an impact on minor political parties. Discusses that several minor amendments that deal with a new charter position of an elected Auditor in the Metropolitan Service District and the first amendment appears on page 4, line 20.

168 CHAIR KERANS: Asks if there is objection to section 5. Hearing none drops the gavel and moves on to section 6.

170 JOHNSON: Explains that section 6 is for purposes of conforming to the new section 3. (EXHIBIT C)

173 CHAIR KERANS: Asks if there is objection to section 6. Hearing none drops the gavel and moves to section 7.

176 JOHNSON: Explains section 7. (EXHIBIT C)

184 CHAIR KERANS: Asks if there has been a problem with not requiring this in the past.

186 SEALOCK: "All we were trying to do is build all of those signature sheets exactly alike, so we don't get into this one for this particular series and this for another. It really is nothing more than just trying to make uniformity and consistency between them."

191 CHAIR KERANS: Asks what the penalty would be for not doing what section 7 requires.

193 SEALOCK: Explains that if the circulator does not sign that she/he saw all the signatures being placed on the petition the signatures would not be counted.

196 CHAIR KERANS: Asks if what the penalty is if the circulator signs a verification, but they had not actually seen all the signatures.

200 SEALOCK: Explains that she would need to look and see what the

penalty would be, but the signatures would be counted. Comments that they would pursue the circulator in this instance.

210 CHAIR KERANS: Asks if there is any objection to section 7. Hearing none he goes on to section 8, but asks to be notified of the penalty structure. Senator Springer excused.

212 JOHNSON: Explains section 8. (EXHIBIT C)

236 CHAIR KERANS: "What are you doing here?" Reads from the bill. "So that simply says that the party has to go through its drill in order to fold the nomination with a person and get that name to you."

242 JOHNSON: Explains that it would be done by a deadline that the Secretary of State establishes by rule. Explains the reason why they want to do it by rule.

244 CHAIR KERANS: Comments that the default is the 20th day preceding the election.

JOHNSON: Comments that Chair Kerans is correct, which is current law.

253 CHAIR KERANS: "We assume that your rule would be reasonable and it wouldn't cause some hardship on the party?"

258 JOHNSON: Discusses that the intent is to be responsive to them.

266 CHAIR KERANS: "If there is no objection then we'll put a check mark next to section 8." No objections voiced.

269 JOHNSON: Explains sections 9, 10, and 11 are all technical amendments. (EXHIBIT C)

277 CHAIR KERANS: Clarifies sections 9, 10, and 11.

280 JOHNSON: Explains section 12. "This provides that a sheriff's candidate or candidate to fill a vacancy if that candidate receives a majority of the vote cast in the primary, that candidate alone is nominated for the general election."

291 CHAIR KERANS: Asks how is it different from what currently takes place.

292 JOHNSON: Explains that currently they have to run "two different elections."

295 CHAIR KERANS: Comments that he doesn't understand that. Asks if all sheriff's are non-partisan.

299 JOHNSON: "Yes, Mr. Chair...when they were made non-partisan what should have happened is they should have allowed them to be elected at the primary."

304 CHAIR KERANS: Discusses the current practice in elections for Sheriffs.

310 JOHNSON: Discusses that there was a mistake in the last session with regard to Sheriffs' elections.

312 CHAIR KERANS: Asks if this is doing the same thing that judge candidates do. 316 SEN. DUKES: Asks if Sheriffs are statutorily non-partisan.

324 ERVIN: Comments there is a fairly new statute.

327 CHAIR KERANS: "Ok I put a check mark next to section 12 because there is no use running a second campaign."

330 JOHNSON: Explains section 13. (EXHIBIT C)

344 CHAIR KERANS: Discusses the amount with regard to signatures needed on nominating petitions.

350 JOHNSON: Comments that the amount is "whichever is less. You either have the 500 for reps or 2% of the average..."

355 CHAIR KERANS: "You make that calculation and that calculation fits all rep districts and all senate districts?"

357 JOHNSON: Explains that it would be that following reapportionment. Explains how it is done specifically for each district during periods outside of reapportionments.

359 CHAIR KERANS: "What is it now for the district? Two percent?"

360 JOHNSON: "Right." Discusses section 13, lines 22-24. Comments that is the current language and they are only adding a provision for the transition year.

367 CHAIR KERANS: Asks if there is any objection to section 13. Hearing no objection drops the gavel and moves to section 14.

369 JOHNSON: Explains section 14. This section deals with the issue of ballot measure numbers not being repeated until the number 99. (EXHIBIT C)

372 CHAIR KERANS: Discusses the policy change with regard to this issue.

388 SEALOCK: Explains the reason for the proposal.

402 CHAIR KERANS: Asks why not continue on with the numbers.

407 JOHNSON: Explains why the decision was to go to the number 99.

415 CHAIR KERANS: "I've circled section 14 and I'm going to think about that."

419 SEALOCK: Discusses the conflict between the numbering systems for measures in counties versus the state numbering system.

442 SEN. DUKES: Discusses her concern with consecutive numbering.

466 SEALOCK: Comments that the Secretary of State's office would "make every attempt possible to highly publicize and educate the public on why we're doing it." 477 SEN. DUKES: Continues to discuss the issue of consecutive numbering of ballot measures.

484 CHAIR KERANS: Discusses an example from a prior election

regarding comparisons between ballot measures with the same numbers. For instance Ballot Measure 5 with regard to property tax relief one year, and a Ballot Measure 5 with regard to Trojan in another year.

TAPE 71, SIDE A

036 CHAIR KERANS: Continues.

047 JOHNSON: Explains section 15, with regard to financial impact of measures. (EXHIBIT C)

054 CHAIR KERANS: Comments that it could have a financial impact on the private sector and individuals.

055 JOHNSON: "Exactly Mr. Chair, and right now it's very vague what that means when we say no financial effect it could leave the impression that it is literally no financial effect."

057 CHAIR KERANS: Asks if there is objection to section 15. "Hearing we'll put the check mark next to that."

058 JOHNSON: Explains section 16. (EXHIBIT C)

072 SEN. DUKES: "If it's testimony for the hearing, I mean around here if somebody writes a letter at a hearing scheduled for today and we received the letter two days ago it still gets entered in the record as part of the public testimony. I'm trying to figure how you've got something that isn't public testimony, that is actually submitted during this process."

077 JOHNSON: Explains that this section was a compromise with the house committee. "We had suggested originally in the bill that, this was our first time through in the Secretary of State's office with our staff doing explanatory statements and fiscal impact statements. One of the questions that came up after the fact was what could the committee consider in making its final recommendation on what the statement would look like." Comments that they originally suggested that "that committee could consider other information that they received prior to the time they met to determine what the difference would be. The house committee was uncomfortable with that and they felt that it needed to be information that would be submitted as part of the record of the public hearing."

088 SEN. DUKES: Asks if it is part of the public record how it can't be public testimony.

089 CHAIR KERANS: "It's written suggestions orally or in writing that's received during the hearing. Is that correct?"

091 JOHNSON: Explains that it is written "receives suggested changes to the estimate or other information." Explains that it may just be background material and she believes that is the idea.

096 CHAIR KERANS: "We're talking about written material, we're talking about this is stuff that's verbalized in the hearing, it's on the tape and can be resurrected or extracted out of the record in the event there's a question that what is done as a result of this hearing in the explanatory statement that there is some basis for that. The estimate. What was done to affect the product, you can go back on the record and say here is where I got that, it was said by such and such, it was

introduced in this document, it's in this record." SEN. DUKES: "But how is it not public testimony?"

106 JOHNSON: Comments "we could maybe rewrite this section just to make a generic public testimony reference, but the way it's drafted I think we're trying to expand what could be considered as part of the record." Discusses that it doesn't speak in terms of testimony. Discusses lines 30 and 31 of section 16.

116 SEN. BRYANT: "You can consider other public records and records, the assessments of the county or whatever you're dealing with here. Is that what to include by when you say other information?"

120 JOHNSON: "I think that was the problem is that there was some other information that was considered that was not presented by a witness sitting at the witness table on tape that was more background information."

124 TALBOTT: Discusses the open endedness of the section. "Perhaps it would be tighter if you said written suggestions or other written information also may be submitted at any time before the hearing. Anything that would be orally provided would be on the record at the hearing."

133 CHAIR KERANS: Discusses the suggestion. Asks if this is based on what is disclosed in the record.

144 JOHNSON: "I think that's the intent, Mr. Chair."

146 SEN. DUKES: Explains what her question is.

160 TALBOTT: "As long as it was clear that oral testimony without some sort of written product would also be considered. Which I think is clear, in line 32." Discusses modifying the "at any time" phrase by a time frame.

172 CHAIR KERANS: "I think if you make it written information on line 32 or other written information may be submitted at any time before the hearing as long as it is entered in the record, we don't care."

180 SEN. DUKES: Asks what it is that someone would need to get in that can't be in at the hearing.

182 JOHNSON: "My explanation is maybe not stating it as accurately it could have. I think it's the limiting language in the exact statute, that says to receive suggested changes to the estimates and the concern was that's limiting language."

189 SEN. DUKES: "Why don't we just say to receive public testimony?"

192 JOHNSON: "I think we can work with counsel to maybe stream line the wording of this."

195 CHAIR KERANS: "Let's put a check mark next to that with a note that counsel will work with parties to clarify that."

198 JOHNSON: Discusses section 16, line 43. "It makes the provisions consistent regarding how many officials must approve a fiscal impact statement." (EXHIBIT C)

202 CHAIR KERANS: Asks how many of those officials there are.

203 TALBOTT: Explains that there are four, which include the Secretary of State, the Treasurer, the Executive Department Director, and the Department of Revenue. Asks if the intention is to have three of the four for approval.

207 JOHNSON: "2 or more."

199 TALBOTT: Discusses line 38, which says that it shall be approved by at least three of the officials.

201 CHAIR KERANS: Comments that it is in the negative.

210 TALBOTT: "So three or more have to approve if two or more don't."

212 CHAIR KERANS: "If two did not approve you've got a stale mate."

214 JOHNSON: Comments that it is confusing the way it is written.

215 CHAIR KERANS: Discusses the language. "Section 17 we'll set aside."

220 JOHNSON: Explains section 18, with regard to voters' pamphlet arguments being made public. (EXHIBIT C)

CHAIR KERANS: Asks how the system currently works.

227 SEALOCK: Explains that they are immediately a matter of public record. Explains that people "sit on them." Explains that a candidate's statement is held for four days after the filing date.

233 CHAIR KERANS: "You mean I can't go in and get the opposition's arguments to my measure and then go home and write five more arguments to counter their arguments and submit those?"

236 SEALOCK: Explains that it currently could happen that way if the arguments were filed early. Comments that there would need to be some conformity to the voters' pamphlet bill.

246 JOHNSON: Explains section 19. (EXHIBIT C)

256 JOHNSON: Explains section 20. (EXHIBIT C)

CHAIR KERANS: "No problem with that."

263 JOHNSON: Explains section 21, explains that this is the same change as section 20, which is for Legislative Counsel. (EXHIBIT C)

268 JOHNSON: Explains section 22, comments that it is a "past oversight." (EXHIBIT C)

272 CHAIR KERANS: "I'd like to repeal that whole notarization statement. What would you do if we did that?"

276 SEALOCK: Comments that it would be a "policy call for this committee to make."

277 CHAIR KERANS: Comments that the notarization process is cumbersome. Asks what they do with the notarized statements.

293 SEALOCK: Explains that they are kept on file and that occasionally there are requests for them.

302 CHAIR KERANS: "Now we're going to visit this upon local candidates."

SEALOCK: Explains that local candidates just have a different filing deadline, but the notarization is already required.

309 CHAIR KERANS: "I don't have any objection to section 22 as a conformity issue. I'll put a check mark next to that. I'll ask counsel to make a note we might visit in some other bill the question of the endorsement."

320 JOHNSON: Explains section 23. (EXHIBIT C)

CHAIR KERANS: "I assume there is no problem with that."

324 JOHNSON: Explains section 24. (EXHIBIT C)

342 ERVIN: Explains that people call them because they can't remember what they are registered as.

346 SEALOCK: Explains that it is the registration card that "holds."

368 JOHNSON: Explains section 25, comments that it is "very technical." (EXHIBIT C)

CHAIR KERANS: Asks why county clerks are initialing absentee ballot envelopes. Asks "going out or coming back?"

375 ERVIN: Explains what the statute did previously.

388 CHAIR KERANS: "No problem with 25."

390 JOHNSON: Explains section 26. (EXHIBIT C)

398 SEN. DUKES: Asks if these military people get their ballots if they are separated from the military.

JOHNSON: Comments that the people would need to give a mailing address.

402 ERVIN: Explains that they would still be eligible to apply for an absentee ballot.

CHAIR KERANS: "Section 26, OK."

404 JOHNSON: Explains Section 27. (EXHIBIT C)

413 CHAIR KERANS: "What does that mean? How can I be a unregistered long term absent voter?" Asks how a registration lapses.

419 ERVIN: Explains that this says that a person did not necessarily have to have been registered. Comments that long term absent people are defined as people in the armed forces, merchant marines, or "somebody temporarily living outside the United States." Explains that they are

allowed to issue an absentee ballot to a person such as this by federal law.

430 CHAIR KERANS: Discusses specific examples applicable to this section.

440 ERVIN: Explains that as long as a person gives a local address they would not have any way of knowing whether the person lived here or not. "There is a federal statute that deals with citizens overseas who are there whose intent to return may be uncertain and it allows them to vote a limited ballot from their last residence address in the states before they left."

448 CHAIR KERANS: Asks what address does a person have to give in Oregon if the person does not live there.

452 ERVIN: "That's usually where a long term voter would get tripped up in trying to vote in a state that they've never lived because that's part of the application as required, a local address." Explains the requirements. Explains that these types of requests usually come in on a federal form.

467 SEN. DUKES: "Can we at least allow them to vote the federal ballot?" Discusses her concerns with people voting without filling out a voter registration form.

492 ERVIN: Explains that the application "basically has the same requirements as a voter registration card."

TAPE 70, SIDE B

036 ERVIN: Continues the discussion with regard to limiting the ballots of long term absent voters.

040 CHAIR KERANS: "I'm going to put a check mark next to 27 and you're going to go find out what the difference is." Discusses the requirements on the application. Discusses the issue of long term absent voters using an example of Senator Bob Packwood.

050 ERVIN: Explains that Senator Packwood is not a long term absent voter "because he does not live outside the territorial limits of the United States."

053 JOHNSON: Comments that they have been meeting with regard to the example the Chair discussed to decide how to deal with the issue. Comments on "snowbirds."

060 SEN. DUKES: "Usually they give you grandchildren's address or some friend or family's so they at least got a address."

061 JOHNSON: "We're going to make some suggestions on how to deal with that, so that somebody has to have had some contact with this state in order to vote here."

066 JOHNSON: Explains section 28. (EXHIBIT C)

072 CHAIR KERANS: Asks what the certification requirement is.

075 ERVIN: Explains that this refers to "the official list of

candidates and measures that are to be printed on the ballot because those are not all filed with the county clerk those things that are filed with the Secretary of State, the Secretary of State then has to transmit to the county clerk. That official certification of the ballot information."

080 CHAIR KERANS: Asks if the Secretary of State will send the information the county clerks anyway.

082 SEALOCK: Explains that this would just delete the term "certify."

089 SEN. DUKES: Asks if this is only directed to counties and the state. Discusses the city's participation in the process.

106 ERVIN: Explains that the next section deals with "the same exact issue with cities. This would still require that they give us an official document, but it means if they didn't happen to squeeze it with their raised seal it doesn't mean that it doesn't work."

114 SEN. DUKES: Asks if the requirement for the signature and date would still exist. Discusses situations in which mistakes are made at the city level.

124 ERVIN: "There is no assurance that just because it has a seal on it that they won't still make a mistake. The problem is that the cities don't proof what they give to us." Explains that as long as a signature and date are on the document it is clear where the mistake was made.

131 CHAIR KERANS: Comments that this also includes taking the justices of the peace off.

132 JOHNSON: "All this does is remove the requirement that the Secretary of State include the justice of the peace on the state's official list of candidates." Explains that they are not the filing officer for those positions.

139 CHAIR KERANS: Discusses omnibus election bills. Discusses sections 29 and 30.

163 JOHNSON: "I think we need to clarify section 30."

163 ERVIN: Explains that section 30 applies to electoral districts "in a much broader way meaning all encompassing districts as opposed to special districts."

CHAIR KERANS: Discusses the definition of an electoral district.

173 JOHNSON: Explains that section 31 - 33 are the "if any deletions," which were discussed in section 19.

179 JOHNSON: Explains section 35. (EXHIBIT C)

190 CHAIR KERANS: "The effect of that would be you'd have based on the positions or court numbers you would end up with unopposed, unopposed, opposed, unopposed, opposed." Discusses the confusion this creates on the ballot.

196 JOHNSON: Discusses the deletion of incumbent designation for justice of the peace or justice court.

199 JOHNSON: Explains that section 36 conforms to section 35. Explains that section 37 is technical. Explains section 38 comments that needs to be marked for further consideration. (EXHIBIT C)

CHAIR KERANS: "We'll give you the justice court incumbent designation, but we'll worry about the presidential electors from the ballot."

207 JOHNSON: Explains section 39 as another "if any" section. Explains section 40. (EXHIBIT C)

213 CHAIR KERANS: Asks why incumbency is being taken away from the justice of the peace in section 35.

214 JOHNSON: Explains that it was a request of the House General Government subcommittee on Government.

218 SEN. DUKES: Discusses the deletion of the incumbency designation for justice of the peace.

223 JOHNSON: Explains that this was not a suggestion of the Secretary of State.

SEN. DUKES: Asks why they should be the "only elected officials that don't get to use that."

227 CHAIR KERANS: Explains that judges are the only candidates that get to use the term "incumbent." Discusses the use of the term "incumbent" with regard to members of the Legislature. Comments that they will flag the incumbency question.

243 JOHNSON: Explains that section 40 is a rewrite of current law. (EXHIBIT C)

248 CHAIR KERANS: Discusses the issue of the major political party authorization language in section 40. Comments the original language is clearer. Suggests breaking the first sentence broken in half and making two sentences. Asks what the language means on page 16, lines 34 - 36.

282 TALBOTT: "The same language that's on line 40 and 41, so that there wouldn't be so many there that every time you try to vote the book is gone and somebody checking it."

289 CHAIR KERANS: Discusses the amount of poll watchers allowed.

293 ERVIN: Explains that this provision gives the board the authority to decide how many.

296 CHAIR KERANS: "You can't send them all away though. You'd still have to have somebody representing each major political party, but you just couldn't have five from each party. Alright let's put a check mark next to section 40, but a note that we're going to rewrite the first sentence of that section."

302 JOHNSON: Explains section 41. (EXHIBIT C)

327 TALBOTT: Asks a question in regard to notice for emergency elections.

335 ERVIN: Explains that an emergency election can not currently be done by mail.

338 CHAIR KERANS: "What is this last one here 'allows election by mail for precincts with less than 100 voters if the size is due to geography or the requirements of law, thus saving the cost of' so you could have a poll election, but in one precinct do it by mail?" JOHNSON: "Yes, Mr. Chair."

346 ERVIN: Explains "these are situations that are anomaly precincts because there are restrictions about where your precinct lines can go. In addition you may have situations where you have precincts that are created because it doesn't make sense to combine them with geography around them because by combing them you might require a voter to have to drive miles and miles and miles." Explains that this would allow them to conduct that election by mail.

369 SEN. DUKES: Asks if this includes a primary and a general election.

371 ERVIN: Explains that it would be for any election at the polls.

327 SEN. DUKES: Comments that they have the authority after all the electors vote to close the polling place.

375 ERVIN: Explains they have to have the polls open to 8:00 p.m.

SEN. DUKES: "Even though everybody has voted?"

ERVIN: "There are no provisions to close a poll early." Discusses the possibility of a person who is not on the polling book going to the poll to vote.

385 JOHNSON: Explains the National Voter Registration Act with regard to registration and voting.

SEN. DUKES: "I still have the concern at a time when you're doing an election where no one else is allowed to do vote by mail that you're going to have folks getting their ballots early and have the ability to vote those early. Very possibly before getting the voters' pamphlet."

404 ERVIN: "The other thing that this is protecting is the situation where if you've only got one or two people in the polling place...all of the sudden there is not secret ballot for those people because you report the election results by precinct, so you know how they voted and this gives them some protection."

419 SEN. DUKES: Discusses a situation that occurred in Clatsop county.

429 ERVIN: Comments on Sen. Dukes' discussion.

433 CHAIR KERANS: Discusses a situation that occurred in Portland in which a precinct represented a cemetery and the only voters were the caretakers "who lived in residence." Comments that he is not in favor of sending ballots in the mail for primary or general elections, but if people want to apply for an absentee ballot he sees no problem.

476 ERVIN: "This would allow the (people) to vote absentee, but would not require them to go through the extra hoop of having to apply for it." Explains that these are very small precincts.

CHAIR KERANS: Comments that he'd like to work on the number with regard to the size of the precinct.

487 SEN. DUKES: Discusses the issue of filling out an application for an absentee ballot.

TAPE 71, SIDE B 034 SEN. DUKES: Continues.

044 SEALOCK: Comments that there is a problem with finding enough people to staff polls on election day.

052 CHAIR KERANS: "I've got an asterisk next to that one." Comments that section 42 is the same as section 41.

059 JOHNSON: Explains section 44. (EXHIBIT C)

CHAIR KERANS: "Looks good to me."

067 JOHNSON: Explains section 45, with regard to tallying write in votes. (EXHIBIT C)

CHAIR KERANS: "What's the trigger now?"

072 SEALOCK: Explains the current statute "the vote tally for all the write ins exceeds the runner up." Comments that she does not see any purpose for that. "What we're saying is no you only have to tally them when all of them exceed the winner of the nomination or of the election."

CHAIR KERANS: "Now that's the total even if there is no winner among them?"

SEALOCK: "Correct. We wouldn't know that until we tallied them."

089 TALBOTT: Asks what would happen in there were only one candidate for a write in that received a significant number of votes.

093 ERVIN: Explains that they don't tally write in votes unless the write in candidate has applied and asked the Secretary of State's office through a letter.

095 CHAIR KERANS: Comments that has to be done within 10 days.

098 ERVIN: "We always count them it's a matter of breaking the names apart individually on the tally sheets."

109 CHAIR KERANS: "So that doesn't change anything if a person is seeking a write in nomination of another party with no other name there, even if they don't submit the form and there's no candidates there that's an election isn't it?"

SEALOCK: "If there is no candidate listed then we must tally. That does not change."

119 JOHNSON: Explains section 46. (EXHIBIT C)

128 CHAIR KERANS: Asks for clarification.

128 ERVIN: "Currently it was confusing that when there is a special district election we must publish notice of the ballot title and notice that a person may challenge the wording of the ballot title if they so desire. The way it is in current law it looks like those are two separate notices and in fact what we're clarifying is that this is one notice."

135 JOHNSON: Explains that it doesn't change current law. Explains section 47. (EXHIBIT C)

144 CHAIR KERANS: "That seems straight forward."

145 JOHNSON: Explains section 48. (EXHIBIT C)

151 ERVIN: "Once we have done the official certification of the results of the election there have been circumstances when all of the sudden then we discovered there was an error that was made that was not discovered."

CHAIR KERANS: "These are ballots that weren't counted?"

ERVIN: Explains that it could be any number of errors. Explains what the proposal is to allow them to correct the error.

160 JOHNSON: Discusses the issue regarding lawsuits and the standing to file.

164 SEALOCK: Discusses an incident involving a school district.

171 CHAIR KERANS: Discusses an incident involving an opponent of his. Asks if an error did occur and the Secretary of State certified the error "this person could prove that flat out it was a mistake and would have to sue for relief?"

JOHNSON: "Yes."

183 SEN. DUKES: "Now when it says that it may be contested by either an elector or the county clerk how do you contest it?"

JOHNSON: "File a law suit."

SEN. DUKES: "You get to sue now too."

CHAIR KERANS: "Is that called a friendly suit?"

SEALOCK: "Correct. Exactly."

188 JOHNSON: Discusses how they arrived at this language.

193 JOHNSON: Explains section 49. (EXHIBIT C)

195 JOHNSON: Explains section 50. (EXHIBIT C)

208 CHAIR KERANS: Discusses the work plan for HB 2275A.

216 CHAIR KERANS: Adjourns the meeting at 4:52 p.m.

Submitted by:

Reviewed by:

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Annette Talbott Assistant

EXHIBIT LOG

A - Preliminary Staff Measure Summary of HB 2275A - Committee Staff - 4
pages B - Fiscal Analysis of HB 2275A - Committee Staff - 1 page C -
Testimony of Secretary of State on HB 2275A - Nina Johnson - 8 pages