

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

February 13, 1991 Hearing Room E 8:30 a.m. Tapes 36 - 37
MEMBERS PRESENT: Rep. Bill Markham, Chair Rep. Larry Sowa, Vice-Chair
Rep. Marie Bell Rep. Mary Alice Ford Rep. Tom Novick Rep. Carolyn Oakley
Rep. Lonnie Roberts MEMBER EXCUSED: None VISITING MEMBER: Rep. Tom
Mason, District 12 STAFF PRESENT: Randall Jones, Committee
Administrator Carolyn Cobb, Committee Assistant MEASURES
CONSIDERED: HJR 12 - Requires Majority of Electors in Majority of
Congressional Districts to Approve Amendment to State Constitution, PH,
WS SB 282 - Changes Procedure for Challenges to Person's Right to Vote,
PH, WS SB 285 - Modifies Procedures for Formation of District, PH, WS

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 36, SIDE A

003 CHAIR MARKHAM: calls meeting to order at 8:38 a.m.

005 MOTION: REP. FORD moved to introduce LC 2900 dated 2/11/91 (EXHIBIT A) as a committee bill.

008 CHAIR MARKHAM: Hearing no objection, it is so ordered.

HJR 12 - REQUIRES MATORITY OF ELECTORS IN MAJORITY OF CONGRESSIONAL DISTRICTS TO APPROVE AMENDMENT TO STATE CONSTITUTION - PUBLIC HEARING
Witnesses: Tom Mason, State Representative, District 12 House Committee on Strate and Federal Alfairs February 13, 1991 - Page 2

016 TOM MASON, STATE REPRESENTATIVE, DISTRICT 12: One of the effects of Ballot Measure 5 is that one metropolitan area has forced the rest of the state into a perhaps untenable situation. There is a feeling that large blocks of voters in metropolitan areas are dominating the constitutional amendment process. -HJR 12 would require constitutional amendments to be passed by a majority of the voters, plus a majority of the congressional districts.

058 REP. SOWA: Shouldn't it be one person, one vote? Is this patterned after the federal constitution?

067 REP. MASON: The federal constitutional amendments are not rat)ified on the citizens' votes, but by a majority of states. -Oregon has just as much impact on a federal constitutional amendment as California. -This measure requires what is sometimes called a "super majority", but it is still one person, one vote, but there has to be regional support also.

092 REP. SOWA: If this passes before Ballot Measure 5 comes up for a re-vote, it will be a lot harder to repeal Ballot Measure 5.

097 REP. MASON: I am one of the sponsors of the re-vote on Ballot Measure 5 measure, but I don't know if that will come up very soon. I don't think Ballot Measure 5 would have passed if HJR 12 had been in effect.

104 REP. EY)RD: Describes getting calls from people in eastern Oregon who feel that Ballot Measure 5 was forced on them by voters in Portland.

134 REP. ROBERTS: The bill calls for the election to take place in the 1992 primary, I did not think you could amend the constitution except at a general election. 142 REP. MASON: The constitution has been amended at even a special election. 149 REP. NOVICK: Under this system, potentially the three metropolitan congressional districts could still control. 160 REP. MASON: Conceivably that could happen, but it would keep something from going overboard. 168 REP. BELL: How does this measure compare to Rep. Miller's bill which would require a two thirds majority vote to amend the constitution? 176 REP. MASON: It would be harder to change the constitution under Rep. Miller's bill, not many constitutional amendments reach the two thirds vote. -Ballot Measure 5 would not have passed with a two-thirds majority requirement. 193 REP. OAKLEY: How many of the congressional districts passed Ballot Measure 5? 199 REP. MASON: The first and third passed it. House Committee on S - te and Fetenl Af~airs February 13, 1991- Page 3

235 CHAIR MARKHAM: We will get an amendment to correct the wording error and that will give the committee time to think about the measure.

SB 282 - CHANGES PROCEDURE FOR CHALLENGES TO PERSON'S RIGHT TO VOTE - PUBLIC HEARING Witness: Vicki Ervin, Oregon Association of County Clerks Sue Proffitt, Elections Division

260 VICKI ERVIN, OREGON ASSOCIATION OF COUNTY CLERKS: SB 282 deals with the process of challenging voters in Oregon. -Reviews procedure that once was used for challenging voters. -Elections seldom contested on the basis of illegal votes. -If the county clerk determined a voter was invalid, there was not anything the clerk could do about it, other than turn it in for investigation. -In the last session, a new challenge procedure was passed. -Describes current system of handling challenges. -Asking to use new procedure for all challenges. Now old system is used if it is said a voter no longer lives at the address given in the poll book.

343 REP. NOVICK: Are there any statutes or rules that specify the time period you have to deal with a challenge?

349 ERVIN: Yes, there are some laws that specify the time frame.

SB 282 - CHANGES PROCEDURE FOR CHALLENGES TO PERSON'S RIGHT TO VOTE - WORK SESSION

375 MOTION: REP. ROBERTS moved SB 282 to the floor with a "do pass" recommendation.

VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Novick, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE.

SB 285 - MODIFIES PROCEDURES FOR FORMATION OF DISTRICT - PUBLIC HEARING Witnesses: Vicki Ervin, Oregon Association of County Clerks Sue Proffitt, Elections Division

399 VICKI ERVIN, OREGON ASSOCIATION OF COUNTY CLERKS: SB 285 makes no substantive change, but clarifies procedures for the formation of a special district. -The formation process for some special districts requires a request for a tax base along with the request for formation of the district. -There are numerous formalities that have to be followed. -At times the formalities have taken so long, the petitioners

have missed the filing deadline. They may then have to wait up to a year and half before there is another House Commiltee on State and Federal Affairs February 13, 1991 - Page 4

qualifying election.

TAPE 37, SIDE A

002 ERVIN: -This bill counts all of the days necessary for all of the formalities.

012 REP. ROBERTS: Does that mean you can not start before 180 days?

014 ERVIN: You can start before that, you just cannot start any later than that. -This bill also removes the requirement that a description of the boundaries be printed on the ballot.

020 REP. ROBERTS: Couldn't the description be put in the county wide voters pamphlets?

024 ERVIN: There is nothing in the measure to preclude them from going into the local voters' pamphlet.

025 REP. ROBERTS: Are you looking at an increase in the cost of printing?

027 ERVIN: If anything, the cost should decrease because you do not have to print it right on the ballot.

043 SUE PROFFITT, ELECTIONS DIVISION: I am here to show support for SB 282 and SB 285.

SB 285 - MODIFIES PROCEDURES FOR FORMATION OF DISTRICT - WORK SESSION

055 MOTION: REP. ROBERTS moved SB 285 to the floor with a "do pass" recommendation.

VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Novick, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE.

075 RANDALL JONES, COMMITTEE ADMINISTRATOR: Discusses current status of various measures before the committee.

Submitted by: Reviewed by:

Carolyn Cobb Randall Jones Assistant Administrator

- . Howe Committee on State and Federal Affairs February 13, 1991- Page S

LOG:

A - LC 2900 Draft dated 2/11/91 - Chair Markham - 18 pages

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