

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

February 20, 1991 Hearing Room E 8:30 a.m. Tapes 43 - 44  
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.  
William Dwyer, District 42 STAFF PRESENT: Randall Jones, Committee  
Administrator Carolyn Cobb, Committee Assistant MEASURES  
CONSIDERED: HJR 9 - Permits Electors to Order Referendum on Act or  
Part of Act Regardless of Date It Is To Become Effective, PH, WS SB 188  
- Authorizes Secretary of State to Adopt By Rule Standards Under County  
Clerks May Employ Certain Persons, PH, WS SB 276 - Revises Election  
Laws, PH, WS HB 2483 - Denies Special Assessment to Forestland For  
Purposes of Ad Valorem Property Taxation, PH, WS

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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 43, SIDE A

003 CHAIR MARXHAM: Calls the meeting to order at 8:40 a.m.

HJR 9 - PERMITS ELECTORS TO ORDER REFERENDUM ON ACT OR PART OF ACT  
REGARDLESS OF DATE IT IS TO BECOME EFFECTIVE - PUBLIC HEARING Witness:  
William Dwyer, State Representative, District 42 010 WILLIAM DWYER,  
STATE REPRESENTATIVE, DISTRICT 42: LC amendments House Committee on  
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are not sufficient and are going back to Legislative Counsel to be  
redone. When they are completed, we will bring them to the committee.

016 REP. NOVICK: Comments on fiscal analysis which indicates it is  
going to cost another \$24,000 to do this.

HB 2483 - DENIES SPECIAL ASSESSMENT TO FORESTLAND FOR PURPOSES OF AD  
VALOREM PROPERTY TAXATION- WORK SESSION

027 RANDALL JONES, COMMITTEE ADMINISTRATOR: Submits and summarizes  
proposed LC dash three amendments (EXH1 BIT A) and a hand-engrossed  
version of the bill (EXHIBIT B).

036 REP. SOWA: Proposes conceptual amendments to the LC dash three  
amendments. -On page 1, line 2, delete the words "The sections" and  
replace with the words "Those acres". -On page 1, line 14, delete the  
words "The sections" and replace with the words "Those acres". -On page  
2, line 3, delete the words "the sections" and replace with the words  
"those acres". -On page 3, line 3, delete the words " The annual  
expenditure" and replace with the words "Copies of all material used".  
-On page 3, delete lines 4 through 8 in their entirety.

080 MOTION: REP. SOWA: moved to adopt the amendments presented by Rep.  
Sowa to the LC dash three amendments to HB 2483 dated 2/19/91 (EXHIBIT  
A), subject to review by legislative counsel.

087 REP. FORD: Asks for an explanation of the conceptual amendments.

091 REP. SOWA: If a landowner charges a fee for hunting or other

recreation on his land, they would lose the special tax assessment for potentially all of the acres they own in Oregon. As a compromise, the amendments say the lose of the special tax assessment would apply only to the acres actually leased out for hunting. 123 CHAIR MARKHAM: As written the bill includes all of Oregon? 125 REP. SOWA: All forest lands in Oregon. 162 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. 166 MOTION: REP. SOWA moved to adopt the dash three LC amendments dated 2/19/91 to HB 2483 (EXHIBIT A) as amended in concept 170 CHAIR MARKHAM: Hearing no objections, it is so ordered. . There 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. House Committee on SB te and Federal Affairs February 20, 1991 - Page 3

HB 2483 - DENIES SPECIAL ASSESSMENT TO FORESTLAND FOR PURPOSES OF AD VALOREM PROPERTY TAXATION- PUBLIC HEARING No witnesses appeared.

SB 188 - AUTHORIZES SECRETARY OF STATE TO ADOPT BY RULE STANDARDS UNDER WHICH COUNTY CLERKS MAY EMPLOY CERTAIN PERSONS - PUBLIC HEARING  
Witnesses: Sue Proffitt, Elections Division Vicki Ervin, Multnomah County Clerk Al Davidson, Oregon Association of County Clerks 191 SUE  
PROFFITT, ELECTIONS DIVISION: Explains why County Clerks, statewide, are experiencing increasing difficulty in recruiting election board members. -The State of Hawaii has reported success in using younger age groups. -Reviews the provisions of the measure 213 REP. ROBERTS: Has the extension of the polling hours have an effect on the ability to get people to serve on election boards? 217 PROFFITT: Yes, that had a definite impact. 230 REP. ROBERTS: Did the senate make any amendments to the bill? 235 PROFFITT: Reviews senate amendments. , 244 REP. FORD: Was any consideration given to the possibility that students would want to do this just to get out of school? 248 PROFFITT: The idea is to work with the schools and to get students involved in the election process early in life. 271 REP. BELL: I am concerned about the amount of time the student would be away from school for training. The students' interest level would last about one year. The people who will stay for a long period of time will be the most efficient. Might it not be better to recruit homemakers and retired people? 293 PROFFITT: Those avenues have been pursued. We have tried advertising, talking to local groups, and referrals from current members. We have exhausted the resources that are out there. Older workers are leaving. 313 REP. BELL: Have you tried groups like the League of Women Voters? 320 PROFFITT: Yes, in various communities we have reached out to all civic groups available to us. 326 REP. BELL: Is there more problem in certain areas? 330 PROFFITT: The problem seems to be statewide.

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336 REP. NOVICK: The election board members have to sign off on a challenge? 349 PROFFITT: That is correct. 357 REP. NOVICK: Can a minor sign off on a legal challenge? 363 PROFFITT: A board would not be comprised entirely of minors, an adult member will always be available to sign off. 371 REP. OAKLEY: How many members serve on the election board. 376 PROFFITT: It varies by the type of election and the county.

A board must have a minimum of three and the two major parties must be represented.

381 REP. OAKLEY: How many hours of training are involved? 383  
PROFFITT: That would vary by county as well. 387 REP. OAKLEY: Where  
would the training be done? 391 PROFFITT: The rules have not been  
written yet. TAPE 44, SIDE A 011REP. FORD: Another solution to the  
problem is vote by mail. 012 REP. ROBERTS: When this was adopted in  
Hawaii, how large did their pool of workers grow?

013 PROFFITT: I do not have those statistics with me, but they were  
satisfied with the results. 026 REP. ROBERTS: We cannot get enough  
polling places, let alone people to staff them. 034 CHAIR MARKHAM:  
Don't the county clerks have a training session a few days before the  
election? 038 PROFFITT: Yes they do that.

042 REP. ROBERTS: Students will be paid even if they receive school  
credit for doing this? Who makes the decision as to how much is paid?  
054 VICKI ERVIN, DIRECTOR OF ELECTIONS, MULTNOMAH COUNTY: The decision  
is made by the board of county commissioners in the budget process. 061  
REP. FORD: In view of your county's current budget problems, will you  
get very far with an increased budget for election board members? .~

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and Federal Affairs February 20, 1991 - Page 5

066 ERVIN: We are in a real bind because we are asking people to work  
two days every two years for minimum wage in a very complex job. We may  
have to start paying overtime.

077 CHAIR MARKHAM: You cannot work sixteen and seventeen year olds for  
more than four or five hours in a day.

080 ERVIN: It depends on what sort of arrangement would be made with  
the schools and other factors.

083 REP. ROBERTS: Would vote by mail settle the problem?

086 ERVIN: It would settle all of the problems as far as getting  
polling places and recruiting election board workers, training and  
paying them.

092 AL DAVIDSON, OREGON ASSOCIATION OF COUNTY CLERKS: Our association  
supports the bill. -Discusses the benefits of the students becoming  
involved. -Go out into the schools for the training to get quality  
students involved. -Some of the long-term workers are the ones who do  
not listen to the new changes. -Marion County conducts six schools  
throughout the county.

127 REP. ROBERTS: Who are the instructors?

130 DAVIDSON: I think that varies from county to county, I am involved  
in my county. -On behalf of the county clerks I would like to ask your  
support on this bill at least through the 1992 elections.

141 REP. BELL: Should we be asking the schools to do one more thing  
unless we take back some other responsibility?

148 REP. NOVICK: Getting students involved earlier than they can vote and making them understand how democracy works is not scary to me at all. We should be doing more of that.

154 REP. BELL: The point is until we take something away, we cannot ask the schools to keep assuming more and more responsibilities.

164 REP. OAKLEY: I see this as a great opportunity for young people.

170 REP. FORD: I hope the rules will give the schools the opportunity to determine which students may become involved.

SB 188 - AUTHORIZES SECRETARY OF STATE TO ADOPT BY RULE STANDARDS UNDER WHICH COUNTY CLERKS MAY EMPLOY CERTAIN PERSONS - WORK SESSION

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193 MOTION: REP. NOVICK moved SB 188 to the floor with a "do pass" recommendation.

198 CHAIR MARKHAM: recess the meeting at 9:23 a.m.

-Resumes the meeting at 9:25 a.m.

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

SB 276 - REVISES ELECTION LAWS - PUBLIC HEARING Witnesses: Al Davidson, Oregon Association of County Clerks Charles Stern, Yamhill County Clerk Vicki Ervin, Multnomah County Clerk

201 AL DAVIDSON, OREGON ASSOCIATION OF COUNTY CLERKS: This is an omnibus bill which changes a number of election procedures.

213 REP. ROBERTS: How is a challenge done now and how will they be handled under the new language?

208 DAVIDSON: The present law requires the election board to fill out a challenge form when information in the poll book needs to be updated. This eliminates the requirement for filling out a challenge form in the case of poll book entries.

227 DAVIDSON: Reviews the provisions of the bill, section by section.

286 CHAIR MARKHAM: You give notice to individual voters that there is an election coming?

292 DAVIDSON: Counties are not compelled to send individual notices to voters, but it is allowed in lieu of publishing a notice of election.

295 ERVIN: We have only used this in a very remote school district where there is not a single newspaper of general circulation and there are a small number of voters.

309 REP. BELL: If you eliminate that section, you can mail any time you want to.

327 DAVIDSON: The notice being addressed here is the notice that a measure has been filed and that the ballot title may be challenged. 334 REP. BELL: Expresses concern about removing time constraints from the law.

345 DAVIDSON: I understand your concern, but from a practical point of view, it does us no good to mail a late notice.

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354 REP. BELL: Suggests eliminating the words "not sooner than the 15th day", but leave in the words "not later than the 10th day". 360 ERVIN: There is no reason why you could not do that, but it will not have any particular meaning. The statute that this is amending allows us to do a notice of receipt of a ballot title, and part of that notice requires that we inform the voters that they have seven days to challenge that ballot title. If you wait until this time frame to mail the notice, you are already past any challenge procedure. It does not make sense to tell people after the fact, you could have challenged the ballot title, but you can't now. 377 REP. BELL: I think we need to leave the protections in there. How would you suggest it be written to give adequate protection, but give you the time to do what you need to do? 386 ERVIN: Explains why it is difficult to establish a single time frame that would apply in all cases. -The seven days could be counted from the latest date, which is the filing deadline. -An alternative is to say notice could be given not later than three business days after receipt of the ballot title. TAPE 43, SIDE B 024 JONES: If you look at ORS 255.145, subsection 5, is that the area we are trying to deal with? 029 DAVIDSON: Publication is included in 255.145 and notice in ORS 255.155. 040 CHARLES STERN, YAMHILL COUNTY CLERK: This measure affects more than one notice so you cannot base it on so many days after receiving the ballot title. One notice is to give a citizen an opportunity to appeal a ballot title. There is an important need to include mailing notices, but it would have limited use. 084 REP. NOVICK: I note the bill allows applying for an absentee ballot by fax, how will those signatures be verified. 088 DAVIDSON: We are proposing to be allowed to accept absentee ballot applications by fax. We are also requesting the requirement to verify the signature on the application be deleted, and that we be required to verify the signature on the return envelope. -Discusses the similarity to the verification of signatures on vote-by-mail ballots. 100 REP. NOVICK: Wouldn't it make sense to allow people to call to request an absentee ballot? 106 DAVIDSON: We don't have an association position on that. 113 STERN: During the last election we cooperated with the Department of Defense and received faxed applications from military personnel and it worked very well.

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120 REP. OAKLEY: How often do you get a vote-by-mail ballot with an invalid signature?

124 DAVIDSON: We do get signatures that we question. Usually it is one spouse signing the other's envelope. We have never had one we felt was out and out fraud.

135 ERVIN: We did have one individual who registered twice under two different names and that person was prosecuted.

140 STERN: The difficult thing with fraud is you have to show criminal and malicious intent.

153 REP. BELL: On line 17, page 6, I suggest reinserting the deleted section to read "Mailed notice of a district election shall be made not later than three days after receipt of the ballot title". Delete the words "not sooner than the 15th day". -What I am looking for is some kind of a protection that insures the division has a deadline they have to meet.

180 ERVIN: It should specify the notice is the one that is dealing with receipt of the ballot title. -It could be worded "Mailed notice of a district election under ORS 255.085 shall be made not later than the third day after receipt of the ballot title". -This would then allow a mailed notice of receipt of the ballot title that would specify the deadline for being able to challenge it.

SB 276 - REVISES ELECTION LAWS - WORK SESSION

274 MOTION: REP. BELL moved to amend SB 276 A-Engrossed by inserting on page 6, lines 17 through 19 of the bill, the words "Mailed notice of a district election under ORS 255.085 shall be made not later than the third day after receipt of the ballot title", subject to review by legislative counsel.

296 CHAIR MARKHAM: Hearing no objections, it is so ordered.

298 MOTION: REP. ROBERTS moved SB 276 A-Engrossed as amended 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.

Submitted by:           Reviewed by: Carolyn Cobb           Randall Jones  
                          Assistant Administrator

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EXHIBIT LOG:

A - Amendments to HB 2483 - Randall Jones - 3 pages B - Hand-engrossed HB 2483 - Randall Jones - 5 pages

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