

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

March 8, 1991 Hearing Room E 8:30 a.m. Tapes 58 - 59
MEMBERS PRESENT: Rep. Bill Markham, Chair Rep. Larry Sowa, Vice Chair
Rep. Marie Bell Rep. Mary Alice Ford Rep. Carolyn Oakley Rep. Lonnie
Roberts MEMBER EXCUSED: Rep. Tom Novick VISITING MEMBER: Rep.
Randy Miller, District 24 STAFF PRESENT: Randall Jones, Committee
Administrator Carolyn Cobb, Committee Assistant MEASURES
CONSIDERED: SB 187 - Revises Election Laws, PH, WS HJR 19 - Limits
Terms of State Senators and State Representatives, PH, WS HJR 23 -
Limits Terms of United States Senators and United States Representatives
to Twelve Consecutive Years, PH, WS HB 2522 - Allows Elector to Vote
"Yes" or "No" for Candidates For Nomination or Election to Office, PH,
WS HB 2704 - Requires Specified State Agencies and Local Governments to
Prepare Housing Cost Impact Statement, 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 58, SIDE A

004 CHAIR MARKHAM: Calls the meeting to order at 8:38 a.m.

HB 2704 - REQUIRES SPECIFIED STATE AGENCIES AND LOCAL GOVERNMENTS TO
PREPARE HOUSING COST IMPACT STATEMENT - WORK SESSION

010 MOTION: REP. ROBERTS moved HB 2704 to the floor without
recommendation as to passage, and referral to the Committee on Housing
and Urban Development. House Committee on State and Federal Affairs
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013 CHAIR MARKHAM: Hearing no objection, it is so ordered.

HJR 23 - LIMITS TERMS OF UNITED STATES SENATORS AND UNITED STATES
REPRESENTATIVES TO TWELVE CONSECUTIVE YEARS - PUBLIC HEARING Witness:
Randy Miller, State Representative, District 24 026 RANDY MILLER, STATE
REPRESENTATIVE, DISTRICT 24: At an earlier hearing I brought you a bill
to limit the terms of both state and federal senators and
representatives. 032 REP. ROBERTS: You do not want to put them in one
bill? 033 REP. MILLER: I think it was the suggestion of the committee
that it would be easier to deal with in separate bills. I support a
limit on both, but clearly there is a division among the members of the
committee on these issues.

HJR 23 - LIMITS TERMS OF UNITED STATES SENATORS AND UNITED STATES
REPRESENTATIVES TO TWELVE CONSECUTIVE YEARS - WORK SESSION 034 MOTION:
REP. ROBERTS moved HJR 23 to the floor with a "do pass" recommendation.
039 REP. BELL: Can we move the bill without recommendation?
044 MOTION: REP. ROBERTS moved HJR 23 to the floor without
recommendation as to passage, by which motion his previous motion was
effectively withdrawn. VOTE: In a roll call vote, the motion carried,
with Rep. Oaldey, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE.
Rep. Bell and Rep. Ford voting NAY. Rep. Novick was excused.

HJR 19 - LIMITS TERMS OF STATE SENATORS AND STATE REPRESENTATIVES TO
TWELVE CONSECUTIVE YEARS - PUBLIC HEARING Witness: Randy Miller, State
Representative, District 24 Sue Proffitt, Elections Division

060 RANDY MILLER, STATE REPRESENTATIVE, DISTRICT 24: This bill applies to state senators and state representatives and limits the number of years they can serve consecutively. 066 REP. ROBERTS: In HJR 19 beginning on line 17, you cannot have more than twelve consecutive years as a senator and more than twelve consecutive years as a representative. It does not say you cannot you can spend twelve years in one house and then move to the other house. This actually permits your to do so, does it not? 070 SUE PROFFITT, ELECTIONS DIVISION: I read the bill the same way as Rep. Roberts. In theory you could serve twelve years in the senate, twelve years in the house, and then twelve years back in the senate.

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074 CHAIR MARKHAM: Rep. Miller, was that your intention?

075 REP. MILLER: No. Legislative Counsel apparently had a communication problem. My intent was a twelve year limit on consecutive years in the Oregon Legislature. It is true you could serve no more than twelve consecutive years as a senator and no more than twelve consecutive years as a representative, but in no event may you serve more than twelve consecutive years as a member of the legislature in either house combining the total.

089 REP. ROBERTS: If you served twelve years and sat out two, you could come back for twelve more years?

092 REP. MILLER: Under my proposal, but others have proposed twelve years total of all periods of service.

094 REP. ROBERTS: If a house member comes to the end of his twelve years in the middle of a senate term, he could run the following election. He would have a two year gap, and could serve twelve consecutive years in the senate.

107 REP. MILLER: I think that would be a correct reading and I certainly intend to permit that.

111 REP. FORD: What if you are appointed to fill a vacancy either before or after an election, and that twelfth full year falls at that time, where are you and where is the district?

118 REP. MILLER: It is Legislative Counsel's opinion a point of service would not count and therefore you would not be interrupted as you describe.

123 REP. OAKLEY: If a senator elected to four year term who reaches his twelve year limit in the middle of the term, do you have any provisions in the bill to allow him to finish his term?

130 REP. MILLER: No, I do not. I expect the voters of the district would be quite aware of the twelve year limitation and would probably take that into account during the election. The voters do not have a whole lot of sympathy for a problem like that. They believe that twelve years is more than generous. If this committee does not act on a limit

of this kind, we will be living under a far more restrictive limitation two years from now.

142 REP. OAKLEY: Have you thought about an amendment that would allow completion of a term that went beyond the twelve year limitation?

159 REP. MILLER: I have not given it much thought because I do not think I would endorse it. I think there is a wealth of citizens in all our communities who could do the job we hold in a very creditable way, so I am not worried about turnover.

161 CHAIR MARKHAM: There are at least forty states considering this, in fact three have already enacted laws. I would like to at least take this to the floor of the House.

167 VICE CHAIR SOWA: From the staff analysis, this limits the terms to twelve years and twelve years, for a total of twenty four years.

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176 RANDALL JONES, COMMITTEE ADMINISTRATOR: When I looked at the bill, that is how I interpreted it.

179 REP. MILLER: You could read this bill as having no limit whatsoever by alternating your service between house and senate. That is not what I intended. I meant twelve total years of service in the legislature, you pick whether it is in the house or senate.

185 VICE CHAIR SOWA: Someone has to clarify what the bill says.

188 REP. MILLER: I thought my intention was clearly expressed to Legislative Counsel and I am distressed they did not reflect that in this bill.

194 REP. BELL: I do not believe it is the public's contention that people serve too long. Their concern is the power of incumbency that puts their offices out of the reach of challengers. I like this bill the way it is, making incumbents prove their ability by challenging from time to time.

209 REP. MILLER: I would desire that you would raise that in a separate piece of legislation. I think the bill as written, realistically provides no limitation.

218 CHAIR MARKHAM: I think we should allow the sponsor to get the bill into the order he wishes before we consider it further.

227 REP. MILLER: I am sorry I did not cause Legislative Counsel to do their jobs appropriately so I might have my thoughts truly considered by this committee.

238 VICE CHAIR SOWA: Would Rep. Miller prefer with his intention of some kind of limit, the bill be changed to limit the number of years from twelve to eight?

247 REP. MILLER: I would invite the committee to consider what I would

deem more appropriate terms of service.

256 CHAIR MARKHAM: Closes the hearing and asks Rep. Miller to get the bill in the proper order.

HJR 23 - LIMITS TERMS OF UNITED STATES SENATORS AND UNITED STATES REPRESENTATIVES TO TWELVE CONSECUTIVE YEARS - WORK SESSION

264 JONES: Is the language in this bill the same as in HJR 19?

271 REP. MILLER: Yes, it has the same problem.

274 REP. FORD: Having voted on the prevailing side, I give notice of reconsideration on HJR 23.

276 MOTION: REP. FORD moved to reconsider the vote by which HJR 23 was sent to the floor without a recommendation as to passage.

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

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316 MOTION: VICE CHAIR SOWA moved to amend HJR 23 by changing in the appropriate places, the word "consecutive" to the word "total" so as to limit terms to twelve total years in the Senate and twelve total years in the House.

320 REP. MILLER: In the resolution before you, the language "shall not serve more than twelve consecutive years in the Senate, nor more than twelve in the House" is correct, but I also intend that in no event shall anyone serve in the Congress of the United States more than twelve years total.

345 JONES: Is it possible to just combine those two sentences in Section 10 to say U. S. Senators and Representatives shall serve no more than twelve consecutive years?

351 REP. MILLER: That embodies my intention.

370 MOTION: REP. FORD: moved to suspend the rules for the purpose of reconsidering the vote on HJR 23. . 374 CHAIR MARKHAM: Hearing no objection, it is so ordered.

378 JONES: Suggest the resolution be amended to read "No United States Representative or Senator from this state shall serve no more than twelve consecutive years in the United States Congress.

TAPE 59, SIDE A

010 CHAIR MARKHAM: Discusses proposed wording to amend the resolution. Suggests in line 5 deleting the words "United States Senator" and insert "person", and deleting lines 6 and 7 and inserting "years in the United States Congress".

017 MOTION: REP. OAKLEY: moved to amend HJR 23 by deleting in line 5 of the resolution, the words "United States Senator" and inserting the

word "person", deleting lines 6 and 7 and inserting the words "years in the United States Congress".

055 CHAIR MARKHAM: Recesses the meeting at 9:07 a.m.

-Resumes the meeting at 9:15 a.m.

058 CHAIR MARKHAM: We have a motion to amend this resolution.

061 VICE CHAIR SOWA: I do not really support that, however as a courtesy to the chair I will vote for it. Wants it on the record that this legislation starts when approved and is not retroactive. ~

071 REP. ROBERTS: I endorse what Rep. Sowa said. If this gets by the constitutional challenge I am sure will occur, and there are twenty four states that do, the other twenty six states will run this country. If you do not have the seniority, you do not get assignment to the powerful committees that run this country.

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

090 MOTION: CHAIR MARKHAM moved HJR 23 as amended to the floor without a recommendation as to passage. 109 VOTE: In a roll call vote, the motion carried, with Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Rep. Bell and Rep. Ford voting NAY. Rep. Novick was excused. . SB 187 - REVISES ELECTION LAWS - PUBLIC HEARING
Witnesses: Sue Proffitt, Elections Division Vicki Ervin, Director of Elections, Multnomah County

157 CHAIR MARKHAM: Recesses the meeting at 9:24 a.m.

-Resumes meeting at 9:35 a.m.

161 SUE PROFFITT, ELECTIONS DIVISION: Explains the bill is a housekeeping measure which rectifies problems in the election laws and covers a broad area of technical matters. Submits and reviews LC dash A 2 amendments (EXHIBIT A).

200 REP. ROBERTS: Does this new wording mean you may fax your Contributions and Expenditures report to the Secretary of State?

208 PROFFITT: Yes, it does if our budget is also passed. Resumes review of the proposed amendments.

220 CHAIR MARKHAM: You can now fax a ballot to someone, but they cannot fax it back. Does this bill change that?

225 PROFFITT: No, it does not. It only allows faxing of the application and the ballot out to the voter. ~

238 REP. BELL: What does this do, that we did not do in SB 283?

243 VICKI ERVIN, DIRECTOR OF ELECTIONS, MULTNOMAH COUNTY: That bill dealt with only one kind of document, and that was an application for an

absentee ballot. This provision expands it so it may include other kinds of documents. 248 REP. ROBERTS: Why cannot we do the same with the ballots and receive them from the voter by fax? Is it a security question? 255 PROFFITT: The primary criteria is we want to see the original signatures. The same applies to voter registration cards and the signature sheets on petitions.

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268 REP. BELL: If a large number of voters ask for their ballots by fax, at who's expense will that be done? 280 PROFFITT: At this point, we would be assuming the cost. We are not going to assess a charge for that, at this point. 285 ERVIN: The thrust of this is not how things leave our office, but how things are filed with our office. The expense of the fax is the sender's, so this is not an additional cost to the state. 291 PROFFITT: Resumes review of the proposed amendments. . 315 ERVIN: On section 9 of the bill, the original intent was for a recall petition, the signatures must be gathered within a ninety day period. In some instances, part of the ninety days was used up in signature verification at the county level, so this amendment removes a requirement that they first be filed with the counties. 337 PROFFITT: Resumes review of the proposed amendments at line 22. 366 REP. ROBERTS: If we fax a Contributions and Expenditures report, what kind of record would we have that it was received? 372 PROFFITT: If you fax the Contribution and Expenditures report to our office, your fax machine gives you an indication that the transmission has been received. 374 REP. ROBERTS: But that does not give me anything for my file with your stamp on it. 388 CHAIR MARKHAM: You can require that they fax back your receipt. 392 PROFFITT: I will make a note of that. Resumes review of proposed amendments. TAPE 58, SIDE B 043 REP. FORD: I am concerned that some of those laws do not take effect until ninety days after passage? and so if the limit is not later than ninety days, you are going to be talking about laws that may not take effect.

048 PROFFITT: The purpose is to get the information out before the bills do become law. 056 PROFFITT: Resumes review of the proposed amendments starting at Section 20. 066 REP. FORD: Are all of the local elections held by mail now? 069 PROFFITT: Most local elections are held vote-by-mail. 071 REP. FORD: If they are not, how do they handle the training of new workers? 073 ERVIN: In the counties where they hold polling place elections, they do meet with their clerks. The laws change so frequently and because of the issues involved, it is necessary to work with

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the clerks. 082 PROFFITT: Resumes review of proposed amendments beginning with Section 21. 118 REP. FORD: Would this also apply when a county charter is being changed? 124 ERVIN: If it is being done by initiative petition, then it would be exactly the same time-line. 139 PROFFITT: Resumes review of the proposed amendments at Section 22. 154 REP. ROBERTS: How can you send voter registration out with the voters'

pamphlet if you are only sending the voters' pamphlet to registered voters? 160 PROFFITT: The voters pamphlets are sent one to every household whether they are registered or not. 162 CHAIR MARKHAM: Under these proposed time lines, they have only five days to receive it, fill it out and mail it back to or it does not do them any good. 166 ERVIN: Multnomah County for the coming March election, produced a voters' pamphlet in which two voter registration forms were placed, so maybe our experience would be helpful in considering this. We had over four hundred registrations returned out of the voters' pamphlet, three hundred in the first five days. 177 REP. FORD: If the twenty five day legislation does not pass, will you not be frustrating a lot of people who have missed the deadline for registration? 181 PROFFITT: It is the intent of Secretary of State Keisling to get the voters' pamphlet out at the earlier date if at all possible. 186 REP. ROBERTS: How much of the cost of the voters' pamphlet do you recover from the candidates for office or those who place an argument on an issue? 192 PROFFITT: They do not pay the full cost, but I do not have those numbers with me. 194 REP. ROBERTS: The voters pamphlet is becoming more and more important, and I would like to get some of those figures. Possibly the charge to be in the voters' pamphlet should be raised. 209 PROFFITT: That topic is being addressed in our current budget proposal. 218 REP. FORD: Why did you not put that issue in this bill? If you are going to change the fees for the voters' pamphlet, that is not just a budget issue, that is a substantive change in the law and should come before a substantive committee for policy. 227 PROFFITT: I have not seen the budget bill, I only know the subject has been discussed. 230 REP. FORD: I would like our Administrator to check that out and report back to the Committee. . These minutes contain material 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 State and Federal Affairs March 8, 1991- Page 9

258 PROFFITT: Resumes review of the proposed amendments starting at Section 24.

292 REP. ROBERTS: There are only two or three printers capable of producing the voters' pamphlet?

298 PROFFITT: Currently we working through the time-line with the State Printer, there are only two firms who are willing to bid. Explains the current process and that it is hoped improvements can be made that will speed up the process, making more time available to the printer. 347 REP. ROBERTS: I think you are telling us you need more people to get the voters' pamphlet out. As one legislator, I would have no problem in doubling the charges for insertion of material in the voters' pamphlet, to put sufficient money into the process to get this out in a timely manner.

Public Hearing on SB 187 re-opens on page 10.

HB 2522 - ALLOWS ELECTOR TO VOTE "YES" OR "NO" FOR CANDIDATES FOR NOMINATION OR ELECTION - PUBLIC HEARING Witness: Robert Renes, Citizen

380 ROBERT RENES, CITIZEN: Submits and summarizes written testimony (EXHIBIT B). -Discusses proposed amendments to the bill.

TAPE 59, SIDE B

020 RENES: Resumes written testimony.

053 REP. ROBERTS: A candidate will frequently wind up paying about three dollars for every vote they receive, which is a ridiculous cost.

056 REP. BELL: The option people currently have is to not vote for either candidate. What happens if candidate A gets 500 "yes" votes and 600 "no" votes, and candidate B gets 300 "yes" votes, who would be the winner in that race?

067 RENES: The person with the most "yes" votes would be elected. I suppose that could create a problem, but we need to do something to get people back into the system.

083 CHAIR MARKHAM: Asks for a description of the ballot under this bill. The candidate with the most "yes" votes would win in spite of the "no" votes?

089 RENES: That is the way it works now, in effect. Understandable, there could be some winning candidates who get more "no" votes than "yes" votes, but that is really what is happening now anyway.

105 REP. BELL: Should the voters have the opportunity to say "no" to both candidates and have that be the final vote? House Committee ea SB k and Federal Affairs Much 8,1991- P~ge 10

108 RENES: That might happen, but I do not see it as happening because there would still be some "yes" votes. It is possible that it could turn out that someone would find it intolerable for a candidate to be elected with very few "yes" votes, so there may need to be something in the bill that says some percentage of "yes" votes is required for election.

127 CHAIR MARKHAM: You could be voted down five to one and still win the election under this scenario.

129 RENES: The advantage to this bill is that the people have spoken and their votes are really tallied. Some people might say if I vote "no" I am throwing away my vote, but that is not really true because you are letting people know what you think.

138 VICE CHAIR SOWA: Most of the voters vote for the candidates who's names they recognize. If the person who votes does not know the candidate well enough to give him a "yes" vote, he could give him a "no" vote. Do you think that would have a tendency for voters just to say "no" like they do on ballot measures?

150 RENES: I suppose that could happen, but how is that different from what is happening now?

156 VICE CHAIR SOWA: What people vote for in most elections is a choice between the two candidates, or if they do not know anything about them, they do not vote for either one. You are saying you want to go from a choice vote to a "yes" or "no" on each candidate.

162 RENES: If there are two candidates running, I can cast my ballot for one of those candidates, either "yes" or "no". If I do not vote "yes" for somebody, my vote is simply a protest vote. -Resumes written testimony.

226 REP. BELL: If you are only counting the "yes" votes to determine the winner, isn't useless to vote "no" on other candidates?

230 RENES: Except that what it does is allow the voter to speak.

252 REP. BELL: When two candidates run for office and one ultimately wins, I would think carrying the weight of 700 "yes" votes and 600 "no" votes would be a very difficult thing for a new politician and might keep them from performing as best they could.

267 RENES: That would depend on how the candidate who is elected looked at it. The person who took a very positive view of it would say, I am going to work even harder so the next time those people will vote for me. 286 CHAIR MARKHAM: Thanks Mr. Renes for his testimony.

SB 187 - REVISES ELECTION LAWS - PUBLIC HEARING

322 CHAIR MARKHAM: The Fiscal Officer does not think that there is anything substantive in the Secretary of State's budget except the dollar signs.

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329 REP ROBERTS: I am interested in seeing more of the expenses of the voters' pamphlet being shouldered by the people who use it and not be paid for by the taxpayers.

Submitted by:
Jones Assistant

Reviewed by: Carolyn Cobb
Administrator

Randall

EXHIBIT LOG: A - Amendments to SB 187 - Sue Proffitt - 19 pages B -
Testimony on HB 2522 - Robert Renes - 3 pages

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