HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

March 15, 1991 Hearing Room E 8:30 a.m. Tapes 66 - 68 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. Larry Campbell, District 43, Speaker of the House of Representatives Sen. Jim Bunn, District 15 Sen. Joan M. Dukes, District 1 STAFF PRESENT: Randall Jones, Committee Administrator Carolyn Cobb, Committee Assistant MEASURES CONSIDERED: SB 286 - Provides That Minor Political Party Candidate Must Be Member at Least 250 Days Prior to Primary Election, PH, WS SB 287 - Permits County Clerk to Rely on United States Postal Service Data to Re-register Voters Who Change Residence Within County, PH, HB 2006 -Defines Membership of Veterans' Affairs Advisory Committee, PH,

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TAPE 66, SIDE A

003 CHAIR MARKHAM: Calls the meeting to order at 8:35 a.m.

HB 2006 - DEFINES MEMBERSHIP OF VETERANS' AFFAIRS ADVISORY COMMITTEE PUBLIC HEARING Witnesses: Larry Campbell, State Representative, District 43, Speaker of the House of House Committee on State and Federal Affairs March 15, 1991- Page 2

Representatives Dee Carlson, Attorney General's Office Walter Crews, Oregon State Deputy Legislative Affairs Representative, Noncommissioned Officers Association Tim Pfau, Oregon Public Employees Union, Local 274 Richard P. Lucht, Legislative Director, Disabled American Veterans, Department of Oregon Hal Woods, Chairman, Legislative Commission, American Legion

LARRY CAMPBELL, STATE REPRESENTATIVE, DISTRICT 43, SPEAKER OF THE 010 HOUSE OF REPRESENTATIVES: Bill speaks to lack of response to the concerns of veterans. Programs need to be geared more directly to veterans' needs. This bill gives an avenue for veterans to speak with one voice. The committee will be able to make whatever adjustments are necessary. 031 REP. ROBERTS: On line 19, page 1, the bill states "must be a war veteran". That disqualifies a former serviceman who did not serve in a war? 040 SPEAKER CAMPBELL: There are others that will speak to that issue. We are trying to reach an accommodation which allows all the various veterans' groups to participate. 051 WALTER CREWS, OREGON STATE DEPUTY LEGISLATIVE AFFAIRS REPRESENTATIVE, NON-COMMISSION OFFICERS ASSOCIATION: Submits and summarizes written testimony (EXHIBIT A) in support of HB 2006. 084REP. NOVICK: Can you tell us anything about the American Ex-Prisoners of Wars organization? 085 CREWS: I am not familiar with that group. 092 TIM PFAU, OREGON PUBLIC EMPLOYEES UNION, LOCAL 274 - VETERANS AFFAIRS: Submits and summarizes written testimony (EXHIBIT B) in support of HB 2006. 133 REP. ROBERTS: Can you give me your understanding of the goal of the Advisory Committee? 139 PFAU: Their goal are to protect the interests of the veterans. -There is a danger in the push to maintain

sound financial positions of overlooking of what we are there for, to repay the veterans. 155 REP. ROBERTS: The problem was the way the bonds were being sold. 160 PFAU: It was the goose that laid the golden egg, and we all voted for it. We are doing better now. 167 REP. ROBERTS: On page 1, line 19, it states people have to be war veterans to be eligible, it that necessary?

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172 CREWS: I fully agree with you, I do not believe the word "war" should be included.

182 RICHARD P. LUCHT, LEGISLATIVE DIRECTOR, DISABLED AMERICAN VETERANS, DEPARTMENT OF OREGON: Submits and summarizes written testimony (EXHIBIT C) in support of HB 2006. Agrees the word "war" should be removed. 237 REP. ROBERTS: Mr. Mangis of the Oregon Department of Veterans' Affairs said ORS 174.105, subsection 2 defines "war veteran ' so as not to exclude those who served during the absence of hostilities. 263 LUCHT: We do not want to see any veteran disqualified because he did not serve in a theater of war. 272 REP. ROBERTS: I have no problem with having the veterans' groups named in the measure, I just want to be sure no qualified veteran is excluded. 279 LUCHT: This is a concern for all veterans. The majority of veterans that are members of a chartered veterans' organization have shown their concern for veterans as a whole. You will find those groups will not submit names of people who have not shown that concern. Anybody who is appointed is going to be representing every veteran in the State of Oregon. 309 HAL WOOD, CHAIRMAN, LEGISLATIVE COMMISSION, AMERICAN LEGION, DEPARTMENT OF OREGON: Endorses testimony of Mr. Lucht. Who is better able to represent veterans than those who work with them every day of the week? It is only common sense that those representing the veterans be true veterans' advocates. 341 RANDALL JONES, COMMITTEE ADMINISTRATOR: Submits and reviews written testimony of Jon A. Mangis, Director of the Oregon Department of Veterans' Affairs (EXHIBIT D) which includes a letter dated May 18, 1989 from the Attorney General's office to Sen. Joyce Cohen, addressing the issue of whether because of the way a majority of its members are nominated, the Veterans' Affairs Advisory (ommittee can constitutionally exercise governmental powers. 361 DEE CARLSON, ATTORNEY GENERAL'S OFFICE: Explains the letter written by Sen. Cohen and the response of the Department of Justice.

TAPE 67, SIDE A

007 CHAIR MARKHAM: Has the Advisory Committee acted in an advisory capacity only since that letter was written?

008 CARLSON: Effective from that date, the Veterans' Affairs Advisory Committee has been operating as a purely advisory body.

090 CHAIR MARKHAM: This bill would mandate more control?

010 CARLSON: It does in certain ways, but not in others. The appointment process is somewhat opened up, but it does require that all members of the Committee now be members of specific

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veterans' organizations.

015 CHAIR MARKHAM: Does that eliminate the public members?

018 CARLSON: Our letter did not speak to policy issues such as whether it is wise to have all members be veterans' organization members. It says if veterans' organizations control the appointment of those members, that would be improper. The bill says specific veterans' organizations get to nominate members from their organizations for membership on the Advisory Committee, and the Governor must consider those recommendations. I do not find that to be on its face, unconstitutional. Does this procedure constitute private organizations telling the Governor in a de facto manner, whom she has to appoint. A court may find, after the fact, some of these appointments are improper.

057 REP. BELL: If the term "good standing" were eliminated, would that open it up sufficiently?

058 CARLSON: I am not sure how large some of these organizations are and how a court would view it. Further discusses factors in the appointment process.

086 REP. BELL: Suggests new wording regarding member's appointment by the Governor.

093 CARLSON: That wording would address the concerns we expressed in our letter. SB 77 leaves to the Governor the option of not choosing to select members from the nominations of the veterans' organizations. She would still retain her authority to exercise her executive nomination authority.

117 REP. BELL: In reality who would contest this bill as written?

120 CARLSON: Anyone in the State of Oregon could ask that question. As soon as we are asked the question, we would have to respond with an opinion. There could also be litigation brought by someone who disagreed with an action taken by the Committee.

133 REP. NOVICK: Is there a way to craft this legislation that would allow appointment of the nominees of the veterans' groups and also pass constitutional muster?

141 CARLSON: There is not just one way to do this. There is a Senate bill which we believe probably does solve the problem. -You take on increasing risk as you erode the ability of the Governor to exercise her executive authority.

156 REP. FORD: Is there not an alternative in amending the Constitution to allow these nominations?

160 CARLSON: The Constitution is the underlying basis of determining whether our laws are legal or not. If the people of Oregon choose to change the Constitution in such a way that would permit it, I would expect it would then be proper.

170 REP. FORD: Would such an Oregon constitutional provision be in violation of the Federal Constitution?

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173 CARLSON: I would have to know with more specificity the exact language used in such a constitutional amendment.

209 CHAIR MARKHAM: Would it meet the constitutional test if a majority of that Committee were appointed by the Governor from veterans at large in the state, regardless of membership in a veterans' organization?

213 CARLSON: I believe so.

228 CHAIR MARKHAM: Recesses the meeting at 9:20 a.m.

-Resumes the meeting at 9:40 a.m.

SB 287 - PERMITS COUNTY CLERK TO RELY ON UNITED STATES POSTAL SERVICE DATA TO RE-REGISTER TO VOTE - PUBLIC HEARING Witnesses: Jason F. Coleman, Oregon Student Lobby, Western Oregon State College Joan M. Dukes, State Senator, District 1 Vicki Ervin, Director of Elections, Multnomah County Jerry Hanson, Director of Assessment and Taxation, Washington County Ginny Kingsley, Elections Manager, Washington County Tim Markwell, Aide to Sen. Cliff Trow, District 18 Lynn Pinckney, Executive Director, Oregon Student Lobby Cliff Trow, State Senator, District 1

VICKI ERVIN, DIRECTOR OF ELECTIONS, MULTNOMAH COUNTY: Explains 241 new procedure permitted by SB 287 when postal information is received which says a voter has moved to another address in the same county. JOAN M. DUKES, STATE SENATOR, DSTRICT 1: Explains reasons she is 268 opposed to SB 287. -Stresses the importance of the integrity of voter information. -Gives reasons voters' registrations are canceled. -There are a lot of safeguards in the current law and procedures. 304 REP. ROBERTS: Do you see why representatives of the larger counties would have a different view of the measure than those from the smaller counties? 315 SEN. DUKES: They would because of the numbers, but the basic principals are the same. Vote-by-mail has helped clean up the voter registrations. 329SEN. DUKES: No one wants people voting who are not properly registered. -This bill relies on the Post Office to be accurate. Describes problems in having the Post Office forward mail. 351 REP. ROBERTS: You are asking for an absolutely perfect system. Isn't this an extension of the register-by-mail procedures already in 1190?

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356 SEN. DUKES: My concern is the public will not be required to participate in the process of voter registration. You will end up with a system that has huge flaws, the Postal System, literally being able to cancel voter registrations. People frequently do not return a purge card. This bill will add to that problem. There are other ways of catching people who should not be voting. People often are unaware of vote-by-mail elections and would not realize they have not received a ballot. 409 REP. NOVICK: Is this a matter of the bill not working for the smaller counties, or is it a philosophical position that voter registrations should not be handled this way anywhere? 426 SEN. DUKES: I think you are jeopardizing people's right to vote, through no fault of their own. I do not think disenfranchising any voter is just)fied just because a county is larger. TAPE 66, SIDE B 028 REP. FORD: Where is the County Clerks' Association on this? 035 ERVIN: There are two of us who are for the bill. 037 SEN. DUKES: Submits letter from the Columbia County Clerk (EXHIBIT E) in opposition to the bill. 049 REP. BELL: Would it make a difference to you if on page 1, line 7, it said "may" instead of "shall"? 052 SEN. DUKES: Not really. You would still have the problem of relying on information supplied by the Postal Service. 055 REP. BELL: You do not think a county should make the decision for itself? 057 SEN. DUKES: Not on an issue like this. 061 REP. BELL: Would this catch a lot of people who would get the notice and re-register before voting day, so we would recapture as many voters as we may lose? 066 SEN. DUKES: It would probably depend upon when the County Clerk's office received the notice and sent it out.

079 REP. ROBERTS: At some point the citizen himself has to accept some responsibility. 089 SEN. DUKES: That is exactly why I am opposed to this bill. I think the people who are improperly registered need to go in and re-register. 103 ERVIN: Under this system the card they send is the memorandum card that comes as a result of re-registering them, that gives them an opportunity to notify us if it is in error. 106 SEN. DUKES: Those people who do not respond at all will automatically be re-registered. If the Post Office has made an error, the memorandum card will go to the new address and you

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may never know you have been re-registered.

120 ERVIN: Gives the background of the bill which arose from some strategic planning. Describes current process of purging voter registration. -Submits and summarizes written testimony (EXHIBIT F) in support of the measure. -The bill does not have the support of the Oregon Association of County Clerks.

213 REP. ROBERTS: Do you think because people are ignorant of certain election laws, this problem exists?

221 ERVIN: I truly believe that most people who make the effort to register to vote, want to do what a good citizen would do. The system in Oregon is as complex as one could design. My feeling is that people just are not aware that they need to re-register whenever they move.

244 REP. ROBERTS: There are some very irate people when they find out they are no longer registered to vote.

249 ERVIN: I do believe that is true. The most cliffficult people to deal with are the people who went to vote only to find out their names were no longer in the poll books.

260 REP. FORD: I would kind of doubt the majority of people moving in most of the other counties are moving within the same county, so you would still have to have two different systems.

264 ERVIN: I do not have any statistics on where people move, but my guess is that as you get into a more urban area, people do not pay that much attention to the county lines. There is one noteworthy difference between counties, in the smaller rural counties the populations are more stable. -We have looked at the issue of making this permissive. Legislative Counsel had some concerns about the constitutionality of it. -We recognize this legislation would create the need in some counties for some different work flows, possibly the need for some new software, and some other things the counties may not have now, so the effective date is January 1, 1993.

305 CHAIR MARKHAM: Is there a price tag on doing this?

306 ERVIN: In doing an analysis in just Multnomah County, we estimated this legislation would save us over \$12,000 in one year. The procedures we have to go through now with all our undeliverable mail are entirely manual.

316 CHAIR MARKHAM: What percentage of your office costs would \$12,000 be? 317 ERVIN: It is \$12,000 against our budget of \$2.5 million.

323 ERVIN: Reviews chart on third page of testimony (EXHIBIT F) identifying savings and why it is felt it is fairly typical of most counties.

367 REP. ROBERTS: On page 1, line 26, subsection 3 of Section 1, it says the county clerk may cancel the registration, can you explain why the word "may" is used?

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374 ERVIN: We are talking about a postal tag that shows only a change of mailing address. The reason we put "may" is because you do not know, based on that postal information, whether the voter's residence address has changed or not. On lines 6 through 13 we are talking about the postal tag having an identifiable residence address like a street address. Lines 26 on allow you to do something different if the postal tag is addressing a post office box.

391 REP. ROBERTS: SB 287 would dictate to every county they have to follow this procedure, it is not at the option of the county clerk? 405 ERVIN: That is correct. 420 REP. SOWA: What would happen if half of the people you registered, sent back their notice that this is not their address, what would be the cost? 424 ERVIN: If there is an error, we would change it back to their previous address. California is using this process and I asked a Sacramento County official what kind of response they are getting. He said between 1% and 2% is the error rate. TAPE 67, SIDE B

019 REP. SOWA: Is the card you send out at the end of this registration process able to be forwarded?

022 ERVIN: No. That card would be just like any other memorandum card in that it would be nonforwardable. Describes circumstances when an error may be made.

JERRY HANSON, DIRECTOR OF ASSESSMENT AND TAXATION, WASHINGTON COUNTY: Submits and summarizes written testimony (EXHIBIT G) in opposition to the measure. 081 REP. NOVICK: What is the additional \$15,000?

083 HANSON: Basically it involves hiring temporary workers to fill out the registration card instead of having the voter do that. We would be processing about 5,000 each election.

087 REP. NOVICK: Do you not process less if you are sending out one piece of mail instead of the current method?

089 HANSON: I would rather have Ms. Kingsley speak to that.

091 GINNY KINGSLEY, ELECTIONS MANAGER, WASHINGTON COUNTY: The undeliverable ballots are coming back at the same time we are running an election. -Explains the procedures that would be required under SB 287. -Describes the current process. 113 REP. NOVICK: Do you send out to those individuals a voter registration card? 115 KINGSLEY: Yes, we do. Our permanent staff would have to work overtime in order to

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complete the data entry and we would have to hire temporary staff to assure ballots would go out properly for the next election. All the counties are anticipating additional expenses and not any cost savings at all. Multnomah County is the only one who has indicated to me they will save money.

125 REP. FORD: Do you put all of your records in the computer? Do you keep the old card with the signature on it? You do not know that new registration is really that person.

134 KINGSLEY: We do not actually fill out a new card, we would merely pull the old card and change the information. 143 REP. FORD: You do not know that person being re-registered is really at that address and you could send a ballot out to that address, and when it comes back the signature would have to match?

146 KINGSLEY: That is correct. We do not know from the postal information we receive, that the new address is the one where that particular voter actually now resides. The current process allows us to send the information to an old address and make it forwardable. -Lists the problems associated with relying upon information supplied by the Postal Service. -Vote-by-mail has increased public awareness of the need to re-register. -Re-registration under the bill, to be of benefit must occur at the same time the clerics are conducting elections in four out of six elections a year. -Most county clerks feel the bill will increase costs, create confusion and will be extremely difficult to implement as written. 213 CHAIR MARKHAM: Would the other counties object if the bill was permissive rather than mandatory?

217 HANSON: I think the problem with that becomes a matter of confusion for voters moving from county to county assuming they will be automatically re-registered.

220 REP. NOVICK: You think there will be hundreds of people adversely affected by this. Is that based upon the 1 % error rate of Sacramento County?

224 KINGSLEY: I feel the 1 % is somewhat misleading because it is based on the responses that were actually returned to them, many people are not going to know.

234 REP. NOVICK: Why would you be getting something back saying the voter has moved, if they have not?

239 KINGSLEY: We have seen a good number of those, where names are similar and other errors are made.

250 REP. SOWA: Do you have a philosophical problem with prohibiting people who move from voting?

262 KINGSLEY: I do not have a lot of philosophical differences with this bill. The critical part of reregistration is that we send out different ballots to different people and if you are no longer House Commiltee on State a~d Federd Affairs March 15, 1991 - P - e 10

in this particular taxing zone, then you should not be voting on any issue that has to do with this district.

280 REP. SOWA: What do you think is the possibility of people missing an election because they moved and did not re-register in time?

287 KINGSLEY: That does happen. The twenty day registration cutoff has imposed some problems for people, but we have managed to work around them. If they have moved within forty days they can come in and get a certificate and are allowed to vote. That is a separate issue from this one. The process we now use to encourage people to re-register when we have information that they have moved, speaks to that problem.

Public Hearing on SB 287 re-opens on page 11.

SB 286 - PROVIDES THAT MINOR POLITICAL PARTY CANDIDATE MUST BE MEMBER AT LEAST 250 DAYS PRIOR TO PRIMARY ELECTION - PUBLIC HEARING Witness: Jim Bunn, State Senator, District 15 Mary Alice Ford, State Representative, District 8

317 JIM BUNN, STATE SENATOR, DISTRICT 15: This bill makes one change to try to put everyone on an equal footing as far as a time requirement to be registered under the party affiliation under which you will be running, or non-affiliated if that is the case. Currently major party members must by approximately September 1st of the year before an election or approximately 250 days before the primary election, have selected and been registered in that party. If we are non-affiliated or a Libertarian, we would not have to make that decision until approximately March 1st of the election year which is approximately 250 days prior to the general election. Major party candidates must have made their decision six months before that requirement is put upon members of a minor party or independents. No logical reason has ever been presented for that. This bill makes it consistent by putting everyone on the same timetable as the major party candidates have now.

353 MARY ALICE FORD, STATE REPRESENTATIVE, DISTRICT 8: There were two bills dealing with this issue at the same time, HB 3010 will be up next week. -Submits memorandum from Legislative Counsel (EXHIBIT H) which discusses the reasons for the two bills. -Expresses support for SB 286.

SB 286 - PROVIDES THAT MINOR POLITICAL PARTY CANDIDATE MUST BE MEMBER AT LEAST 250 DAYS PRIOR TO PRIMARY ELECTION - WORK SESSION

413 MOTION: REP. ROBERTS moved SB 286 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, and Chair Markham voting AYE. Rep. Sowa was excused.

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TAPE 68, SIDE A

SB 287 - PERMITS COUNTY CLERK TO RELY ON UNITED STATES POSTAL SERVICE DATA TO RE-REGISTER TO VOTE - PUBLIC HEARING

026 LYNN PINCKNEY, EXECUTIVE DIRECTOR, OREGON STUDENT LOBBY: Submits and summarizes written testimony (EXHIBIT I) in support of SB 287 and a proposed amendment (EXHIBIT J). 080 CHAIR MARKHAM: You say you had students denied the ability to vote when they went to the polls?

081 PINCKNEY: That is my understanding.

082 CHAIR MARKHAM: I thought people were allowed to vote, but the ballots were set aside if there was a challenge.

083 ERVIN: That is the way the Oregon law reads.

088 PINCKNEY: The problem was not in Multnomah County, the main problem appears to have occurred in Lane County. We ask your support for SB 287 and our proposed amendment. -Submits written testimony from Todd Foster, Associated Students of Oregon State University (EXHIBIT K) in support of the measure.

101 REP. BELL: It is conceivable that if it was a mail-in vote and it was right after the students had left school for the year, that ballot would come back because the student has gone home for the summer. How would they know this was a temporary absence? Do you believe there should be some responsibility on the part of the students?

113 PINCKNEY: We discussed some possible amendments that would say if they are temporarily gone their registration could not be purged for six months, but we did not think the clerks could determine when someone is temporarily away. We are suggesting the clerks follow their procedure, but we want to make sure the students are offered the opportunity to vote under this second procedure.

120 REP. BELL: How could they validate that it was a temporary absence?

126 PINCKNEY: Oregon law presently says that if you are temporarily away and you intend to return to the same place, you will not lose your residence.

132 CHAIR MARKHAM: What percent of students want to vote and do re-register when they go to college versus those who apply for absentee ballots?

137 PINCKNEY: I do not have specific numbers on that. I believe approaching half want to re-register in the community where they are attending college.

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JASON F. COLEMAN, OREGON STUDENT LOBBY, ASSOCIATED STUDENTS OF 146 WESTERN OREGON STATE COLLEGE: Submits and summarizes written testimony (EXHIBIT L) in support of SB 287 and Senator Trow's proposed amendment. -I do not see that this bill jeopardizes a persons ability to vote. -Students want to be a part of the community where they are attending TIM MARKWELL, AIDE TO SENATOR TROW, DISTRICT 18: Submits school. 225 written testimony by Senator Trow (EXHIBIT M) in support of SB 287 and his proposed amendment (EXHIBIT J). 243 REP. BELL: Was the amendment meant just for the students who come back to the exact same address? PINCKNEY: This was intended only for people who have not moved. 248 We have no objection to having people follow the normal procedure if they have in fact moved. 253 REP. BELL: If this bill passes, if the student goes home and home is out of county, they would be automatically dropped? 254 ERVIN: If you received something from the Post Office showing a forwarding address out of county, under either SB 287 or the current law, that registration would be canceled. 265 REP. BELL: So we would still run into a problem when they came back to school in the ERVIN: Those would be the people who if when they went to fall. 268 vote their names were not in the poll book, they should be allowed to vote under this process that Lynn Pinckney has reference to, under current law or under SB 287. 272REP. BELL: Are you in favor of the amendment as written? Would it work logistically? 276 ERVIN: I have no trouble with the amendment at all. 280 CHAIR MARKHAM: If the student lobby finds that any county is denying students the opportunity to vote when they think they should have that right, they should be talking with that county's election officer.

SB 286 - PROVIDES THAT MINOR POLITICAL PARTY CANDIDATE MUST BE MEMBER AT LEAST 250 DAYS PRIOR TO PRIMARY ELECTION - WORK SESSION

294 REP. SOWA: Requests unanimous consent that the rules be suspended to allow him to be recorded as voting AYE on the motion to send SB 286 to the floor with a "do pass" recommendation.

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

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

EXHIBIT LOG:

A - Testimony on HB 2006 - Walter Crews - 3 pages B - Testimony on HB 2006 - Tim Pfau - 2 pages C - Testimony on HB 2006 - Richard P. Lucht - 2 pages D - Testimony on HB 2006 - Randall Jones - 11 pages E - Testimony on SB 287 - Sen. Joan Dukes - 1 page F - Testimony on SB 287 - Vicki Ervin - 3 pages G - Testimony on SB 287 - Jerry Hanson - 1 page H - Testimony on SB 286 - Rep. Mary Alice Ford - 2 pages I - Testimony on SB 287 - Lynn Pinckney - 4 pages J - Amendments to SB 287 - Lynn Pinckney - 1 page L - Testimony on SB 287 - Jason F. Coleman - 2 pages M - Testimony on SB 287 - Tim Markwell - 2 pages

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