

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

March 18, 1991 Hearing Room E 8:30 a.m. Tapes 69 - 70 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: None STAFF  
PRESENT: Randall Jones, Committee Administrator Carolyn Cobb,  
Committee Assistant MEASURES CONSIDERED: HB 2517 - Increases  
Number of Members of Land Conservation and Development Commission, WS  
- SB 277 - Authorizes County Clerk to Prepare County Voters'  
Pamphlet for Any Election, PH, WS HB 2870 - Requires Consecutive  
Numbering System For State Measures So That No Number Repeats in  
Subsequent Elections, PH, WS HB 2465 - Requires Disclosure of Amount  
Paid Person For Obtaining Signatures On Prospective Petition and  
Signatures Sheets, 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 69, SIDE A

003 CHAIR MARKHAM: Calls the meeting to order at 8:37 a.m.

HB 2517 - INCREASES NUMBER OF MEMBERS OF LAND CONSERVATION AND  
DEVELOPMENT COMMISSION - WORK SESSION

013 RANDALL JONES, COMMITTEE ADMINISTRATOR: Submits dash four LC  
amendments House Committee on State and Federal Affairs March 18, 1991 -  
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dated 3/15/91 (EXHIBIT A) which contain additional language the  
committee wished to have in the bill.

022 REP. ROBERTS: How do the dash four amendments change the dash three  
amendments?

023 JONES: The proposed dash three amendments added a new section to  
the bill.

026 REP. FORD: What is the mark on page 2, line 18, between the words  
"city" and "elected"?

030 JONES: That was a proposed amendment considered by the committee,  
which they decided not to add.

033 VICE CHAIR SOWA: Did we vote down the amendment that said  
remunerated or paid officials?

036 CHAIR MARKHAM: We did not support it. 038 MOTION: REP.  
ROBERTS moved to adopt the dash four LC amendments dated 3/15/91 to HB  
2517 (EXHIBIT A). 040 VOTE: In a roll call vote, the motion  
carried, with Rep. Bell, Rep. Ford, Rep. Oakley, Rep. Roberts, and Chair  
Markham voting AYE. Rep. Novick and Rep. Sowa voting NAY.

044 MOTION: REP. ROBERTS moved HB 2517 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. Oakley, Rep. Roberts,

and Chair Markham voting AYE. Rep. Novick and Rep. Sowa voting NAY. 054  
REP. NOVICK: Serves notice of a possible minority report. ;  
HB 2465 - REQUIRES DISCLOSURE OF AMOUNT PAID PERSON FOR OBTAINING  
SIGNATURES ON PROSPECTIVE PETITION - PUBLIC HEARING Witnesses: Sue  
Proffitt, Elections Division

066 JONES: Reviews the bill. Submits hand-engrossed HB 2465 dated  
3/12/91 (EXHIBIT B) and dash three LC amendments dated 3/12/91 (EXHIBIT  
C). 078 VICE CHAIR SOWA: How would it be detected and what would be the  
penalty if the wrong box or neither box on the petition sheet was  
checked? was checked? 094 REP. FORD: I think you have the same  
problem if a person forgets to sign for carrying the 094 REP. FORD: I  
think you have the same problem if a person forgets to sign for carrying  
the petition or leaves off their address. 098 SUE PROFFITT, ELECTIONS  
DIVISION: At the time of the filing of the prospective petition House  
Committee on Stab and Federal Affairs March 18, 1991- P - e 3

with the Secretary of State's of fice, the chief petitioners must sign a  
statement that circulators will or will not be paid. It is possible to  
have signature sheets circulated by both paid collectors and unpaid  
collectors.

111 VICE CHAIR SOWA: Is not the way we are proposing this measure to  
leave everything blank and have each signature gatherer put the check in  
the proper box?

113 PROFFITT: This bill does not delete the existing language that the  
chief petitioner must file a statement with us. It does require the  
circulator to sign on each sheet as they go out whether they are being  
paid. I cannot tell you if it would invalidate the entire page or not.

124 REP. FORD: What happens now when someone does not fill out the  
signature sheet properly?

127 PROFFITT: It is the signature and address that are the most  
critical. Without those the signature cannot be counted.

134 REP. FORD: If petition circulator leaves off their signature or  
address, or other blanks are not filled in, what do you do?

139 CHAIR MARKHAM: If there is no signature at the bottom I think you  
throw it out, because you have to certify that you saw every signature  
signed.

141 PROFFITT: I would have to check with the office as to whether it  
would be totally thrown out or there is follow-up.

147 REP. ROBERTS: When the chief petitioners sign and file, are they  
given an informational sheet of what their responsibilities are?

153 PROFFITT: There is an information packet given to the chief sponsor  
at the time they come in and file.

156 REP. ROBERTS: If it is not already in the bill, I would like to add  
that violation could result in the loss of signatures.

160 REP. NOVICK: What if someone fraudulently checks the box indicating  
they are not being paid, how would the Secretary of State determine if  
they were paid and how would the law be enforced?

171 PROFFITT: The way the bill is drafted and under current law, as long as the chief petitioner had on file in our office that some circulators were being paid, we would have no way of knowing which circulators were being paid.

176 CHAIR MARKHAM: All we are doing is adding the second box to the present law?

185 VICE CHAIR SOWA: Is it your interpretation was that the amendments to this bill would require a statement on the petition that some signature gatherers are being paid, and a box to check whether the circulator of that particular sheet was being paid?

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189 PROFFITT: Page 2 of the hand-engrossed bill shows "each sheet shall contain two checkoff boxes" somewhere on the form. One box if checked, indicates the circulator is being paid, the other box, if checked, indicates the circulator is not being paid.

196 VICE CHAIR SOWA: Under present law, there is a statement on the petition that somebody is being paid. Did we do away with that part, by putting the two boxes on the form?

199 PROFFITT: I do not believe there is anything in the amended bill to delete that language.

200 VICE CHAIR SOWA: Then there might be a statement above the two boxes saying some circulators are being paid and some are not?

202 PROFFITT: Unless that language is specifically deleted, it would still be required. Refers to ORS 250.045, subsection 5.

233 REP. OAKLEY: What happens to a person who fails to check either box?

241 PROFFITT: If that happened we would have no way of knowing.

249 REP. OAKLEY: Is there any recourse for failure to properly mark the sheet?

258 PROFFITT: ORS 260.995 may cover that situation.

HB 2465 - REQUIRES DISCLOSURE OF AMOUNT PAID PERSON FOR OBTAINING SIGNATURES ON PROSPECTIVE PETITION - WORK SESSION

279 MOTION: REP. BELL moved to adopt the dash three LC amendments dated 3/12/91 to HB 2465 (EXHIBIT C). 282 CHAIR MARKHAM: Hearing no objection, it is so ordered.

287 MOTION: REP. BELL moved HB 2465 as amended to floor with a "do pass" recommendation. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Rep. Novick voting NAY.

HB 2870 - REQUIRES CONSECUTIVE NUMBERING SYSTEM FOR STATE MEASURES SO

THAT NO NUMBER REPEATS - PUBUC HEARTNG Witnesses: Wesley A. Doak, State Librarian Marjorie Napper, State Library Sue Proffitt, Elections Division

321 WESLEY A. DOAK, STATE LIBRARIAN: Measures are numbered consecutively in any one election, but the numbering does not continue on to the next election. This results in many

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Measure Ss over a period of years, creating difficulties in everything from simple discussion to computer searches. It is an important bill in getting public access to public information.

341 REP. ROBERTS: So at some future date you could have a ballot measure 10,000. 346 DOAK: That is correct. A ballot measure 10,000 is less confusing than having 10,000 ballot measure Ss. As we work hard, together with the Legislature, to allow citizens to easily find out about their government and to do data base searching, the problem with multiple measure numbers escalates. 369 CHAIR MARKHAM: How do other states handle the problem? 372 MARJORIE NAPPER, OREGON STATE LIBRARY: California does not reuse a number. That makes it much easier for people to search a data base. There are over 500 libraries dialing into the Oregon State Library system, which has the Oregon index. 398 REP. NOVICK: How come Proposition 13 in California was in 1979, did they just start not reusing numbers? 420 NAPPER: I do not know. When I called, they said the numbers will never be used again.

TAPE 70, SIDE A

014 REP. FORD: Why can't you keep the numbers down by having them dated by year, such as 90-5 or 92-5?

017 NAPPER: If that was part of the number you could do it.

021 DOAK: The issue transcends simply looking at ballot measures. Oregon and California are leaders in having on-line access to news about government in their states. The number 90 added to the ballot number could apply to many things other than the year of the election. What we are talking about in this Oregon index is a merged newspaper index of all the major newspapers in the state, it is not just ballot measures. Adding an extra number to a ballot measure complicates rather than simplifies. A person searching the index might not know what year a given measure was on the ballot. This bill would make it easy for any citizen find a given ballot measure long into the future.

037 REP. FORD: If this law passes, when would it become effective?

041 DOAK: The intent is in the next election the first measure would be Ballot Measure 12. A minor amendment needs to be made to change the number 11 in the bill to 12.

048 REP. BELL: I agree with their point about adding the year to the measure number, it would be just as confusing as it is now.

057 REP. ROBERTS: I have seen attempts to acquire a particular number

for a ballot measure. This measure would go a long way in eliminating attempts to play mind games with the public. ~ .

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069 VICE CHAIR SOWA: Does this say that if it is a statewide vote they will start with 12 next year and go up, but if it is a local measure they can have any number?

077 DOAK: My understanding is we are talking about statewide elections.

085 SUE PROFFITT, ELECTIONS DIVISION: State measures and METRO measures are filed with the Secretary of State, all other measures are filed locally with their individual counties.

090 REP. FORD: If METRO passes a home rule charter in the next couple of years, would they continue to file with the Secretary of State's office?

095 PROFFITT: Just off the top of my head, I would say they probably would still file with us. This bill does speak to statewide measures, do you want to amend it to include METRO?

100 CHAIR MARKHAM: Does everyone agree to leave METRO out of this bill?

104 RANDALL JONES, COMMITTEE ADMINISTRATOR: Is there a possibility of going up to 99 and then shifting back to 1 to keep from going up to four or five digit numbers?

111 DOAK: Ten, twenty, thirty, fifty years from now we might want to review it again, but I would urge you not to modify it now.

121 REP. OAKLEY: I have a concern about how confusing it will be as currently written.

131 PROFFITT: I believe three digits would be a workable number. If we had ten ballot measures per election, it would take five elections to reach 100 . It would take a lot of years before you exceeded 999. When you start going to infinity with the numbers, you are creating printing problems for the counties.

144 REP. BELL: It took me most of the election to keep the single digit numbers straight. I do not think it is any harder to remember a three digit number than a one or two digit number.

HB 2870 - REQUIRES CONSECUTIVE NUMBERING SYSTEM FOR STATE MEASURES -  
WORK SESSION

143 MOTION: REP. ROBERTS moved to amend HB 2870 by deleting on line 6 of the bill, the number "11" and inserting the number " 12" .

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

159 MOTION: REP. ROBERTS moved HB 2870 as amended to the floor with a "do pass" recommendation. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Rep. Ford and Rep. Novick voting NAY.

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SB 277 - AUTHORIZES COUNTY CLERK TO PREPARE COUNTY VOTERS' PAMPHLET FOR ANY ELECTION - PUBLIC HEARING Witnesses: Sue Proffitt, Elections Division Al Davidson, Oregon Association of County Clerks

192 SUE PROFFITT, ELECTIONS DIVISION: Submits and summarizes statistics by county on voters' pamphlet (EXHIBIT D).

213 VICE CHAIR SOWA: Does this measure presently provide a mechanisMby which a county can take over the printing of the voters' pamphlet?

225 PROFFITT: Not at this time.

228 AL DAVIDSON, OREGON ASSOCIATION OF COUNTY CLERKS: I think you have hit upon an interesting idea. A shared voters' pamphlet may be something that is workable down the road.

242 VICE CHAIR SOWA: I would like to put some kind of directive in this legislation to get the ball rolling.

249 DAVIDSON: The Oregon Association of County Clerks would be happy to respond to a request for a study of the question.

256 VICE CHAIR SOWA: I see no reason for voters to receive two different voters' pamphlets, one from the state and one from the county.

266 CHAIR MARKHAM: Is all this bill does is remove the sunset?

267 DAVIDSON: Yes, sir.

271 REP. FORD: There are only two printers in the state now set up to print the pamphlet. In some counties where there are a lot of measures, you are going to add a lot of extra pages. I do not think it can be done without a new binding process, and you are talking lots of money.

285 VICE CHAIR SOWA: How many separate voters' pamphlets do you print now? 291PROFFITT: Reviews the costs by county (EXHIBIT D).

313 REP. ROBERTS: Line 7 of the bill has the word "may", so it is up to the county clerk to weigh out the dollars and the value of the material? 320 DAVIDSON: That is correct. The bill expands the

permissive publication of the voters' pamphlets. The key is including the cost of publishing the voters' pamphlet as a part of the regular elections cost. 326 REP. ROBERTS: How many of the thirty six county clerks are elected? 327 DAVIDSON: I believe twenty nine. In Marion

County, which was one of the first to publish

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voters pamphlets, a survey indicates a 97% approval of the local voters' pamphlet. 350 CHAIR MARKHAM: Of the \$357 per page, how much does the

state pay you for that? 357 DAVIDSON: That is for the inclusion of county material in the State Voters' Pamphlet, which is a different issue. 363 REP. BELL: Is the \$987.65 per page for Multnomah County for the total? 364 PROFFITT: For the total of that book. 365 BELL: If Multnomah County has twenty more pages than an average county, we are only talking \$19,000. When we were talking about subsidizing them, I was expecting a much larger number. 389 REP. NOVICK: One of the reasons the Multnomah County one is so much higher is the quantity printed and mailed. 408 REP. ROBERTS: The cost per voter would not look so great. 420 PROFFITT: That is a good possibility.

SB 277 - AUTHORIZES COUNTY CLERK TO PREPARE COUNTY VOTERS' PAMPHLET FOR ANY ELECTION - WORK SESSION 425 MOTION: REP. ROBERTS moved SB 277 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

EXHIBIT LOG: A - Amendments to HB 2517 - Randall Jones - 1 page B - Hand-engrossed HB 2465 - Randall Jones - 7 pages C - Amendments to HB 2465 - Randall Jones - 4 pages D - Testimony on SB 277 - Sue Proffitt - 3 pages . These rminutec contain rmaterials which paraphrase and/or curnrnarize statements made during this session. Only text enclosed in quotation marks report ~ spealcor's exact words. For complete contents of the proceedings, please refer to the tapes.