

Senate Redistricting January 31, 1991 Page 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.

SENATE COMMITTEE ON REDISTRICTING

January 31, 1991Hearing Room "B" 3:00 p.m. Tapes 7 - 8

MEMBERS PRESENT:Sen. Dick Springer, Vice-Chair Sen. John Brenneman
Sen. Jim Bunn Sen. Mae Yih

MEMBERS EXCUSED:Sen. Glenn Otto, Chair Sen. Bill Bradbury Sen. John
Kitzhaber

STAFF PRESENT: Gail Ryder, Senior Committee Administrator Joan
Green, Committee Assistant

MEASURES CONSIDERED: SB 275 - Relating to Initiative
Petitions, PH SB 284 - Relating to Elections, PH SJR1 - Relating to
Recall Elections, PH/WS SB 276 - Relating to Elections, WS SB 278 -
Relating to Absentee Ballots, WS SB 283 - Relating to Election Dates, 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 7, SIDE A

007 CO-CHAIR SPRINGER: Called the meeting to order at 3:08 as a subcommittee.

(TAPE 7, SIDE A)

PUBLIC HEARING

SB 275 RELATING TO INITIATIVE PETITIONS

Witnesses:Vicki Ervin, Oregon Association of County Clerks

023 VICKI ERVIN, OREGON ASSOCIATION OF COUNTY CLERKS: We are requesting changes to SB 275 and I will address my remarks to the amended version of SB 275, Exhibit A. Explains the current process of initiative petitions. We have a scenario where, due to a federal court decision, we must know if a person was registered at the time they signed the petition when we verify the signatures. That means that during the 15 day period we must check not only our active files for signatures, but also look for canceled voters. That is not a particular problem except any petition other than a state initiative petition can be circulated indefinitely. This creates problems, not only logistically, but also during the 15 day time frame, if we cannot find a persons voter registration to validate a signature we will say it is invalid when it may not be.

058 SPRINGER: Is there a requirement in statute or a general practice as to how long these records of past registration are maintained?

061 ERVIN: State Archives requires past registration data be kept two years. Multnomah County tries to microfilm all of the data before it is disposed of. The logistical problems of finding it within 15 days can produce a possible net result of not verifying a person as a valid registered voter. This applies only to initiative petitions that are not for the state, it applies only to districts, cities and counties. The amended version of SB 275, Exhibit A would state that the chief petitioners, on the one year anniversary of when the ballot title was certified, must come in and file with the filing officer a form stating that this is still an active petition. At this time they could turn in any signatures they currently have so that we could check them immediately. It is easier to verify signatures within a one year time

frame. The length of the duration of the circulation of the petition is kept in the control of the chief petitioners, but addresses the problem of checking the signatures when the circulation goes over a period of time.

086 BUNN: This change does not deal with samples does it?

089 ERVIN: This only deals with the time line.

090 BUNN: When it is time to sample, if the gathering goes on for three years, you will take all three sets and take samples from each of the sets?

094 ERVIN: I think not. This would not require statistical samples, the way it fits with the other bill. The other bill could be amended to a threshold for statistical samples.

099 BUNN: You are going to have 100% verification as the signatures come in, you don't perceive a problem with signatures trickling in? If they don't reach 100% in the first or second years it creates more work for you, doesn't it?

105 ERVIN: Given the situation I would rather check the 100% at the one year interval, than three years later need to regroup and go back that far in time. This does not allow for them to trickle in during the first year period, it is just at the one year point.

114 SPRINGER: I am concerned about the death penalty, if somebody misses by a day or two?

120 ERVIN: That would be true. We tried to pick a time frame, considering these are not state petitions the number of required signatures is significantly lower. Within one year they should know whether they are going to make or break this petition.

126 BUNN: Would there be a problem with adding a requirement that written notice be given 10 days in advance of that deadline?

128 SPRINGER: What about 30 days?

129 ERVIN: There would be no problem with a requirement to remind that something must be filed, if this is still an active petition.

132 BUNN: I think it is important, regardless of the time frame, so that there is time to respond.

133 SPRINGER: Requests that Ms. Ryder work with the clerks to prepare language to accomplish that.

134 RYDER: Ten or thirty days?

135 General concurrence that 30 days is preferable.

(TAPE 7, SIDE A)

PUBLIC HEARING

SB 284 RELATING TO ELECTIONS

Witnesses: Vicki Ervin, Oregon Association of County Clerks Jack Graham, Secretary of State, Elections Division Larry Bevins, Secretary of State, Elections Division

145 VICKI ERVIN, OREGON ASSOCIATION OF COUNTY CLERKS: SB 284 addresses the need to do a random sampling in verifying signatures for initiative petitions that are not for the state. The state initiative petitions do go through a random sampling procedure, established by rule, with the Secretary of State's office. Besides Metro's letter of support, Exhibit B, there are several sizable districts that would benefit from this bill. This bill would recognize the need for larger districts to employ statistical sampling. I left the number blank, since the Secretary of State's office has indicated that the statistical sampling does not have a threshold below which it is not valid and above which it is. Another option would be to say the threshold could be determined by rule from the Secretary of State's office.

174 SPRINGER: What number would you pick?

176 ERVIN: A relative arbitrary number would be 4,500. That is approximately 6% of 75% of 40,000.

185 BUNN: Is the Secretary of State's office going to testify?

187 SPRINGER: They are not signed up.

190 BUNN: This deals only with the non-state initiatives, correct?

191 ERVIN: Yes.

192 BUNN: Could the Secretary of State's office clarify how they operate statistical sampling? Is a sampling formula built strictly on technical statistics or are we building in a margin?

219 JACK GRAHAM, SECRETARY OF STATE, ELECTIONS DIVISION: Defers to Larry Bevins.

224 LARRY BEVINS, SECRETARY OF STATE, ELECTIONS DIVISION: Each formula varies in the factor establishing the confidence level of the formula. The first formula is based on a small sample of 1,000 signatures and will return a confidence level of 95% that you will not accept an invalid petition. The second formula requires a larger sample so the range is narrowed. Statute directs that we accept on one sampling, but we cannot reject on one sampling.

247 BUNN: Doesn't that work against the petitioners on the first sample, in essence you are counting the 5% error factor against them in determining whether or not it qualifies?

251 BEVINS: It errs in favor of petitioners, it gives up to a 5% ability, as opposed to meeting a 100 % test.

261 BUNN: Theoretically if I turn in 100,000 signatures I need 90,000 valid signatures. The first sample shows 90%, I would not be rejected because the 90% sample based upon the full number of signatures would show a valid total?

267 BEVINS: That is too simplistic. The formula anticipates if you can fall on the upper side of the curve then you are accepted, if you fall below the curve another sample is needed.

276 BUNN: That is the concern, because in essence you could have a situation where 90% of the signatures sampled are valid, yet you don't meet the criteria. That is the way it could operate isn't it?

282 BEVINS: That is why the statute is structured as it is, so we cannot reject on the basis of the first small sample. Dr. Lyle Calvin developed the formula and it has been tested and upheld in court a number of times. Any implementation of the formula at the county or district level should involve Professor Calvin's help in developing the formula to fit that size of a sample.

299 BUNN: Do you see a different threshold rather than 4,500?

304 BEVINS: I would prefer not to respond.

307 YIH: Why don't we take the larger sample and forget taking two samples?

309 GRAHAM: There is a high degree of reliability with the smaller sample, but at a much lower cost. If the first level should reject the petition then we must go to a second level with a higher level of cost and we reduce the significant error possibility.

341 RYDER: Distributes fiscal impact statement, Exhibit C.

348 BUNN: Could you give me information on how many times in the last three general elections an initiative has failed the first test and passed the second test?

351 GRAHAM: Yes.

353 SPRINGER: If that report could be forwarded to the Committee Administrator for distribution please? Ms. Ervin, I won't hold you to the number of 4500, if you would like to think about that and report back later.

373 ERVIN: I am not wed to that number. I will try to do calculations on what size districts might have what sort of thresholds.

382 RYDER: It could be rescheduled next Tuesday or Thursday.

(TAPE 7, SIDE A)

PUBLIC HEARING

SJR1 RELATING TO RECALL ELECTIONS

Witnesses: Vicki Ervin, Oregon Association of County Clerks Jack Graham, Secretary of State, Director, Elections Division

392 RYDER: Distributes a fiscal impact statement, Exhibit D.

398 VICKI ERVIN, OREGON COUNTY CLERKS ASSOCIATION: SJR1 deals with the situation of a recall election which would require an election to be held within a 35 day time frame, recognizing the requirements of the Department of Defense for overseas absentee voting we have suggested this amendment increase 35 days to 45 days in order to accommodate that increased need for absentee balloting.

WORK SESSION

425 MOTION: SEN. BUNN MOVED SJR1 TO THE FLOOR WITH A DO PASS RECOMMENDATION.

429 SPRINGER: I don't see a subsequent referral.

432 YIH: If there is a fiscal impact shouldn't the measure be referred to Ways and Means.

437 SPRINGER: It is possible.

441 RYDER: The bill was listed as having a small fiscal impact at the time of referral.

454 SPRINGER: Would you rather hold this vote, Sen. Yih, until we confer with the President's office or Sen. Otto. We could also make that motion on the floor.

462 YIH: Any measures with fiscal impact should be included in the budget.

475 SPRINGER: We could move on the bill today and confer with Sen. Otto and President Kitzhaber and the motion could be made on the floor.

481 YIH: That is fine.

482 RYDER: It would be brought back to committee for that, but that decision can be made before it goes to the floor.

489 BUNN: The only cost involved is in actually putting it before the voters. I would hate to see every constitutional amendment that is considered clog up Ways & Means.

TAPE 8, SIDE A

032 YIH: Shouldn't the cost to the Elections Division be included in the budget?

035 BUNN: It should be taken into account. I have never seen us go to Ways and Means with a constitutional amendment because the voters were given the opportunity to vote on it.

041 SPRINGER: Mr. Graham, the voters' pamphlet is just an estimated cost isn't it?

048 JACK GRAHAM, SECRETARY OF STATE, DIRECTOR, ELECTIONS DIVISION:
Explains the process of estimating for the voters' pamphlet.

052 YIH: The Elections Division exceeded their budget for the voters' pamphlet by a large amount last interim. There was money in the emergency fund to make up the difference, but the money available this time is less.

061 MOTION WITHDRAWN BY SEN. BUNN.

(TAPE 8, SIDE A)

WORK SESSION

SB 276 RELATING TO ELECTIONS

Witnesses: Jack Graham, Secretary of State, Director, Elections Division

068 RYDER: A conceptual amendment was requested that would allow the Secretary of State discretion in allowing over 5,000 voter registration cards. That provision is in current law. You do not need a conceptual amendment, if that is what you would like. A decision needs to be made whether you want the current law or the county clerks language which would repeal the statute for the 5,000 card limit. Distributes SB 276-2 amendments, Exhibit E.

079 SPRINGER: Do we want to retain the provision in the law allowing the Secretary of State to have that discretion?

087 RYDER: The choice is whether to repeal the statute requiring a 5,000 limitation or retain the current law which requires it and also gives the Secretary of State discretion to waive that.

092 SPRINGER: The clerks don't care what we do on that issue. Mr. Graham, is the existing law okay?

093 JACK GRAHAM, SECRETARY OF STATE, DIRECTOR, ELECTIONS DIVISION: We are happy with the existing law.

094 RYDER: You would need to reconsider your vote and adopt the -2 amendments rather than the -1 amendments.

096 SPRINGER: Which would retain the status quo as far as the Secretary of State's discretion?

096 RYDER: And still adopt all of the amendments you adopted at the last meeting.

099 MOTION: SEN. BUNN MOVED THE ADOPTION OF THE -2 AMENDMENTS, EXHIBIT E, TO SB 276. MOTION ADOPTED BY ACCLAMATION.

104 MOTION: SEN. BUNN MOVED SB 276, AS AMENDED, TO THE FLOOR WITH A DO PASS RECOMMENDATION.

105 VOTE: MOTION CARRIES, 4-0. (EXCUSED: SEN. BRADBURY, SEN. KITZHABER, CHAIR OTTO). SEN. SPRINGER WILL LEAD THE FLOOR DISCUSSION.

(TAPE 8, SIDE A)

WORK SESSION

SB 278 RELATING TO ABSENTEE BALLOTS

Witnesses: Vicki Ervin, Director of Elections, Multnomah County

116 RYDER: Distributes hand-engrossed amendments, Exhibit F.

128 VICKI ERVIN, DIRECTOR OF ELECTIONS, MULTNOMAH COUNTY: This amendment narrows the gap between when a person receives a ballot and when they receive the voters' pamphlet information. I would guess this would be helpful to candidates also.

149 RYDER: Distributes a copy of Gov. Goldschmidt's veto message, Exhibit G.

161 SPRINGER: I have no problem with the amendments, but they do not cure the problem with the bill in Gov. Goldschmidt's opinion.

163 MOTION: SEN. BUNN MOVED THE -1 AMENDMENTS TO SB 278 BE ADOPTED. OBJECTIONS? HEARING NONE, SO ORDERED.

(TAPE 8, SIDE A)

WORK SESSION

SB 283 RELATING TO ELECTION DATES

Witnesses: Vicki Ervin, Oregon Association of County Clerks Marv Evans, Confederation of Oregon School Administrators

196 VICKI ERVIN, OREGON ASSOCIATION OF COUNTY CLERKS: The proposed amendments are agreed to by both the county clerks and the Confederation of Oregon School Administrators (COSA) representatives, Exhibit H. The amendments basically eliminates the August election date, leaves the June date and bumps the filing deadline for the September date back 47 days to allow adequate time for absentee balloting prior to September. The net result is the same election dates for March, May, June, September and November and eliminates August.

213 BUNN: How did you create the extra time between the primary and the June date?

217 ERVIN: We didn't, refers to the new graph, pg. 2, SB 283 as amended, Exhibit H shows only the 28 days before the June election.

221 BUNN: Because we can't get everybody to sign off, we will face the consequences, if any, from the Department of Defense?

222 ERVIN: Correct. The amendments would also insert an effective date of January 1, 1992.

231 SPRINGER: This would kick the primary election over to the fourth Tuesday as opposed to the third Tuesday of May?

233 ERVIN: No, the primary would not move, the only election date change would be August and it would be eliminated. It is printed wrong on the chart.

246 MOTION: SEN. BRENNEMAN MOVED THE PROPOSED AMENDMENTS, EXHIBIT H TO SB 283. OBJECTIONS? HEARING NONE, SO ORDERED.

256 SPRINGER: Have the people who opposed the original bill signed off on this?

256 MARVIN EVANS, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS: Yes, we are comfortable with the proposed amendments, Exhibit H. I would like to note that according to Exhibit I, over the last five years there were more votes in June than any other election date available.

276 SPRINGER: Mr. Marshall, your people are happy? Notes that they respond positively.

278 MOTION: SEN. BRENNEMAN MOVED SB 283, AS AMENDED, TO THE FLOOR WITH A DO PASS RECOMMENDATION.

281 VOTE: MOTION CARRIED, 4-0. (EXCUSED: SEN. BRADBURY, SEN. KITZHABER, CHAIR OTTO). SEN. BRENNEMAN WILL LEAD THE FLOOR DISCUSSION.

290 Meeting adjourned at 3:58 p.m.

Submitted By:

Joan Green
Assistant

EXHIBIT LOG

A - Hand-engrossed amendments, Staff, 6 pgs. B - Letter, Metro, 1 pg. C - Fiscal impact statement, Staff, 1 pg. D - Fiscal impact statement,

Reviewed By:

Jayne Hamilton
Assistant

Staff, 1 pg. E - SB 276-2 amendments, Staff, 1 pg. F - Hand-engrossed amendments, Staff, 2 pgs. G - Letter, Staff, 5 pgs. H - Proposed amendment, County clerks, 3 pgs. I - Chart, COSA, 1 pg.