

Senate Redistricting February 7, 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

February 7, 1991Hearing Room "B" 3:00 p.m. Tapes 10 - 11

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

MEMBERS EXCUSED:Sen. John Kitzhaber

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

MEASURES CONSIDERED: SB 275 - Relating to initiative petitions, WS SB 278 - Relating to absentee ballots, WS SB 281 - Relating to elections, WS SB 284 - Relating to elections, WS SJR1 - Relating to recall elections, WS

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TAPE 10, SIDE A

005 CHAIR OTTO: Called the meeting to order at 3:15 p.m.

(TAPE 10, SIDE A)

WORK SESSION

SB 275 RELATING TO INITIATIVE PETITIONS

Witnesses:Vicki Ervin, Oregon Association of County Clerks and Multnomah County Elections Division, Director

011 VICKI ERVIN, OREGON ASSOCIATION OF COUNTY CLERKS AND MULTNOMAH COUNTY ELECTIONS DIVISION, DIRECTOR: Amendments to SB 275 have been adopted

by the Committee. The amendments would require the petitioner to file a form with the county clerk at the one year anniversary and each subsequent anniversary specifying whether there was still an active petition. Signatures would also be turned in at that time for verification. There was a conceptual amendment for the clerk to notify the petitioner 30 days prior to the anniversary date.

025 RYDER: The amendments were discussed, but not adopted by the committee, that would need to be adopted.

027 BRADBURY: In terms of submitting signatures, the group circulating the petition would need to indicate that the petition was still active and submit all of the signatures they had collected so far?

029 ERVIN: Yes, the reason for that is there is only a two year retention required for the voter registration file. We want to be sure we can check those signatures while we have the document in our possession.

035 OTTO: Suppose they turn in only 10% of the signatures collected? There would be way of knowing all of them are turned in?

038 ERVIN: That's true, the thrust of the bill was to get at the bulk of the signatures so we could verify while we have the voter registration on file.

043 BRADBURY: If someone signed while they were still an elector, but had fallen off the file by the time of final submission, would their signature still count?

061 ERVIN: The federal courts have said when we validate signatures, we must determine if the person was on the files at the time they signed the petition?

070 BRADBURY: A valid signature is one given by a registered voter at the time they signed the petition, not whether they are registered at the time the signatures are validated?

077 ERVIN: Correct.

078 OTTO: Are there amendments?

078 RYDER: No, the amendments just defined are the -1 amendments.

079 BRENNEMAN: Does that include the notification provisions Sen. Bunn addressed?

082 RYDER: No, a conceptual amendment would be needed for that.

083 MOTION: SEN. BRENNEMAN MOVED THE -1 AMENDMENTS WITH THE CONCEPTUAL AMENDMENT OF A 30 DAY NOTIFICATION PRIOR TO THE ANNIVERSARY DATE BY THE COUNTY CLERKS OFFICE TO THE CHIEF PETITIONER.

090 YIH: Could the notification amendment be explained?

093 BRENNEMAN: There is a requirement in the bill that the petition gatherers must notify the clerks after a year that the petition is still active. Sen. Bunn wanted a tickler of 30 days notification to the chief petitioner in case they forgot or were unaware of that provision.

102 YIH: The Secretary of State's office must notify the petitioners whether the petitioning is still going on or not and if so they must come back and reaffirm?

106 BRENNEMAN: The clerks would notify the petitioners that they need to submit the notification that the petition is still active. It protects everyone.

115 BRADBURY: What is the impact of not certifying that you are still active?

117 OTTO: You would lose your signatures.

118 BRADBURY: Is there any process for adjudicating that, if adequate notice is not given?

123 OTTO: They are given adequate notice when they file the petition, if they have not collected enough signatures and want to continue they must reapply.

128 VOTE: MOTION CARRIED BY ACCLAMATION.

131 MOTION: SEN. BRENNEMAN MOVED SB 275 TO THE FLOOR WITH A DO PASS AS AMENDED RECOMMENDATION.

134 VOTE: MOTION CARRIED, 5-0. (EXCUSED: SEN. BUNN, SEN. KITZHABER). SEN. BRENNEMAN WILL LEAD THE FLOOR DISCUSSION.

(TAPE 10, SIDE A)

WORK SESSION

SB 278, RELATING TO ABSENTEE BALLOTS

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

138 RYDER: The -1 amendments, submitted by the county clerks have been hand-engrossed. We were waiting to hear a position on this issue from the Secretary of State.

155 FRANK GRAHAM, DIRECTOR, ELECTIONS DIVISION, SECRETARY OF STATE: (Unintelligible).

158 RYDER: These amendments were adopted at the last meeting, all that remains is a decision.

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

170 VOTE: MOTION FAILED, 4-1. VOTING NO: SEN. BRADBURY, SEN. SPRINGER, SEN. YIH, CHAIR OTTO. (EXCUSED: SEN. BUNN, SEN. KITZHABER).

177 MOTION: SEN. SPRINGER MOVED SB 278 BE TABLED.

180 VOTE: MOTION CARRIED, 4-1. VOTING NO: SEN. BRENNEMAN. (EXCUSED: SEN. BUNN, SEN. KITZHABER).

(TAPE 10, SIDE A)

WORK SESSION

SB 281, RELATING TO ELECTIONS

Witnesses: Vicki Ervin, Oregon Association of County Clerks

186 RYDER: Distributes -1 amendments, dated 02/07/91, Exhibit A, submitted by the County Clerks Association.

193 VICKI ERVIN, OREGON ASSOCIATION OF COUNTY CLERKS: The County Clerks Association support the bill as drafted, however due to constitutional issues the amendments present a fall-back position. The -1 amendments, Exhibit A, maintain some rotation, but they make an impact on cost savings by changing the method of rotation. Discusses the -1 amendments, Exhibit A and charts the proposed rotation process. The amendments recognize that details would be set out by administrative rule by the Secretary of State's office. §7, lns. 21-24 of the amendments, Exhibit A defines a statewide office. I think the offices of President and United States (U.S.) Senate should be added.

274 YIH: How is this different from the existing system?

277 ERVIN: In this scenario under the existing system state representative district 3 would need seven different rotations instead of two.

285 YIH: Under the existing system precinct one would go 1-7, in precinct two you would start 2- 7?

287 ERVIN: There is no rotation within a precinct. Having so many rotations for each district makes it expensive. This allows rotation, but it is less expensive.

300 BRADBURY: You are basing the number of different rotations on the office that has the largest number of candidates filed?

303 ERVIN: The largest statewide office, correct.

304 BRADBURY: Suppose there are seven statewide candidates, but only two state representative candidates, do they alternate every other one?

311 ERVIN: Yes.

315 BRADBURY: We go through the rotations based on that?

316 ERVIN: Yes. In the primary election of 1990 there were 120 state representative offices. Of those 120 contests 93 had one or fewer candidates, 22 of them had two candidates, 2 had three candidates and 3 had four candidates. This scheme would give as much rotation as any scheme. The state senators under this scheme would get four rotations. Of the 30 senatorial contests on the ballot 21 had one or fewer candidates, 4 had two candidates and 5 had three candidates.

337 BUNN: When you select a rotation, if the highest number you are basing a rotation on is six and you pick a lower office with four candidates, are the four selected randomly or alphabetically after it goes into rotation?

343 ERVIN: Currently the law establishes that the base rotation is alphabetical and then they move according to whatever the rotation is.

347 BUNN: If we use your method with six rotations and four people would those first in the alphabet be more likely to appear first on the ballot?

351 ERVIN: Yes, that is no different from what is being done now.

352 BUNN: If you go through six rotations on four names the first four rotations everyone is treated equally, but in the next two rotations just the first two of the four candidates would be listed first?

362 ERVIN: The number of people who file for a particular contest may not be evenly divisible into the number of rotations. It would then

become unequal, as it is now.

366 BUNN: If you have six people you don't currently do six rotations?

368 ERVIN: You have six rotations, but if you have only four names it comes out the same.

372 RYDER: Submits information on rotation from other states, as requested at the last meeting, Exhibit B.

398 BRADBURY: What different systems of rotation are used by other states?

410 ERVIN: There are several variations. The State of California rotates by state assembly district and has no rotation within a state representative district. Some states allow incumbents to go first and all other names are rotated. The State of Alaska rotates every ballot. There is no consensus on method of rotation.

431 YIH: I asked for this information to see how many other states rotated.

445 OTTO: What would be the estimated cost savings of the second method of rotation?

451 ERVIN: I don't have that information, I would need more time to provide a number. It would have some impact because if you rotate each representative district two times instead of seven times you will save on printing plates and costs.

472 MOTION: SEN. BRADBURY MOVED FOR THE ADOPTION OF THE -1 AMENDMENTS, DATED 02/07/91, EXHIBIT A.

477 RYDER: Do you also want to add President and the U.S. Senate to \$7?

480 BRADBURY: Concurr.

490 VOTE: MOTION CARRIED BY ACCLAMATION.

TAPE 11, SIDE A

033 SPRINGER: I will be supporting other issues that will relieve and compensate the county clerks for the cost of operating elections, but I don't think I can support this, even as amended.

039 MOTION: SEN. BRENNEMAN MOVED SB 281 TO THE FLOOR WITH A DO PASS AS AMENDED RECOMMENDATION.

044 VOTE: MOTION FAILED, 3-3. VOTING NO: SEN. BRADBURY, SEN. BUNN, SEN. SPRINGER. (EXCUSED: SEN. KITZHABER).

055 MOTION: SEN. SPRINGER MOVED SB 281 BE TABLED.

057 VOTE: MOTION FAILED, 3-3. VOTING NO: SEN. BRENNEMAN, SEN. YIH, CHAIR OTTO. (EXCUSED: SEN. KITZHABER).

(TAPE 11, SIDE A)

WORK SESSION

SB 284, RELATING TO ELECTIONS

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

074 VICKI ERVIN, OREGON ASSOCIATION OF COUNTY CLERKS: The Committee asked me what districts would be impacted with a 4,500 number and if I wanted to stay with the 4,500 number. The number could range from 4,500 to 5,000 and not impact the districts affected by that threshold. Cities that would be eligible for random sampling under either of those thresholds would include Salem, Portland, Gresham and Eugene. Counties would include Clackamas, Lane, Marion, Multnomah and Washington. Special districts that would qualify under 4,500 would be districts with more than 38,000 registered voters. That would impact probably all community college districts, most educational service districts in sizable counties, Salem Keizer school district, Eugene, Beaverton, School District #1 in Portland, Tri-met, Metropolitan Service District and Salem Transit District.

104 MOTION: SEN. SPRINGER MOVED THAT THE NUMBER 4,500 BE INSERTED IN THE

BLANK. MOTION CARRIED BY ACCLAMATION.

111 MOTION: SEN. SPRINGER MOVED SB 284 TO THE FLOOR WITH A DO PASS AS AMENDED RECOMMENDATION.

113 YIH: This bill has a fiscal impact of \$8,000-10,000, is there a subsequent referral to Ways & Means?

115 RYDER: No.

118 OTTO: All of the fiscal impact would be added on to the counties, right Ms. Ervin?

119 ERVIN: I did not know there was a fiscal impact to this. I believe the Secretary of State's office based an estimate on the need to possibly hire a consultant.

127 SPRINGER: I think Ways & Means has plenty to do and the Secretary of State's office can handle this.

130 YIH: Small amounts add up to large amounts. Recommends the Chair check with the Sen. President before it goes to the floor.

139 BUNN: We rely on the President's office to make those referrals, if they want, and if there is some significant change then we can look at it.

145 RYDER: I spoke to Patty Greenfield in the Sen. President's office regarding SJR1 because Sen. Yih had the same concern. She said she would review the bill and get back to me by today, if there was a reason to send it to Ways and Means. I did not hear from her.

149 YIH: This is the one that would cause the Secretary of State to print four more pages of the voters' pamphlet.

151 RYDER: It could.

152 YIH: That has a larger impact.

153 RYDER: It could.

154 VOTE: MOTION CARRIED, 5-0. (EXCUSED: SEN. BRADBURY, SEN. KITZHABER). SEN. SPRINGER WILL LEAD THE FLOOR DISCUSSION.

169 YIH: Provides vote explanation. Ms. Ervin said the formula is already in place so there is no need to hire a consultant to do the formula.

184 OTTO: We will indicate that we don't feel there will be a fiscal impact in the staff measure summary and perhaps the Ways and Means Committee will remove the fiscal impact on the bill.

191 YIH: The fiscal analyst says there will be an impact of \$69,000-70,000; how can we say there is no fiscal impact?

195 OTTO: According to Ms. Ervin she did not feel there would be a fiscal impact.

198 YIH: Asked that the Secretary of State's office respond.

210 EARL PARKER, CITIZEN: Interrupts the Committee to address Ballot Measure 5.

216 JACK GRAHAM, SECRETARY OF STATE, ELECTIONS DIVISION, DIRECTOR: The estimate on SB 284 is based on the assumption that the formula would need to be redesigned for the smaller threshold, it is possible that will not be required. I would probably need to work with the consultant for an hour or two to determine if a redesign is needed for the bill.

265 YIH: What is the chance of there being a redesign?

267 GRAHAM: I cannot project that at this point.

275 YIH: Before it goes to the floor?

276 GRAHAM: It would take a phone call.

(TAPE 10, SIDE A)

WORK SESSION

SJR1, RELATING TO RECALL ELECTIONS

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

281 VICKI ERVIN, OREGON ASSOCIATION OF COUNTY CLERKS: This is an attempt to accommodate the amount of time necessary for absentee balloting for our military and overseas voters.

287 YIH: Will it cost the Secretary of State's office \$70,000 to print explanation pages in the voters' pamphlet?

294 OTTO: I don't think so.

298 YIH: The analysis says it will require four additional pages, could Mr. Graham comment?

302 BUNN: Isn't this the bill that the administrator contacted the Sen. President's office and they had no comment back on it?

305 RYDER: Yes.

308 JACK GRAHAM, SECRETARY OF STATE, ELECTIONS DIVISION, DIRECTOR: The Fiscal office has worked with us to develop a formula for estimating that each Senate or House Joint Resolution would require approximately four pages in the voters' pamphlet. It is a rough estimate.

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

341 YIH: I am not comfortable in sending a bill to the floor without it going to Ways and Means. I know the Sen. President's office did not come back with a yes or no, but as long as there is a fiscal impact it ought to go to Ways and Means.

349 VOTE: MOTION CARRIED, 4-1. VOTING NO: SEN. YIH. (EXCUSED: SEN. BRADBURY, SEN. KITZHABER).

356 YIH: I am interested in whether Mr. Graham feels the fiscal impact is accurate or not?

364 GRAHAM: The cost would be \$30,769 if it were on the primary ballot, \$24,444 on the general election and \$15,417 on a special election. It would not cost \$70,630, at the highest it would be \$30,000, if it were four pages and on the primary.

380 YIH: We are talking about three elections?

384 GRAHAM: If the measure is referred to the people it would be on one election only.

388 OTTO: Do you feel there would be four pages? I would assume there would not be any arguments against it.

392 GRAHAM: I think you are probably right. I would speculate, on past experience with this sort of measure, that there might be no arguments and we would be dealing with a part of one page.

401 YIH: What would your estimate be?

403 GRAHAM: If it took a half page that would be an eighth of the cost projected for any of the elections. The approximate costs for the different elections would be as follows: the primary election \$4,000, the general election \$3,000 and a special election \$2,000.

421 YIH: Can we instruct the fiscal analyst to consult with the department for which the analysis is made before the impact is given to us? We need accurate information before we can make informed decisions. Requests Mr. Graham give us a revised fiscal impact statement.

442 OTTO: How do we know who might put an argument in against the measure?

446 YIH: It is more accurate to go with what the Elections Division says, they can better predict.

455 Meeting adjourned at 4:45 p.m.

Submitted By:

Reviewed By:

Joan Green
Assistant

Jayne Hamilton
Assistant

EXHIBIT LOG

A - Amendments, Ervin, 2 pgs. B - Chart, Secretary of State, 1 pg.