

Senate Redistricting February 19, 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 19, 1991Hearing Room "B" 3:00 p.m. Tapes 16 -17

MEMBERS PRESENT:Sen. Glenn Otto, Chair Sen. John Brennehan Sen. Jim Bunn Sen. Scott Duff Sen. Mae Yih

MEMBERS EXCUSED:Sen. Bill Bradbury Sen. Dick Springer, Vice-Chair

STAFF PRESENT: Gail Ryder, Senior Committee Administrator Jayne Hamilton, Committee Assistant

MEASURES CONSIDERED: SB #277 - Relating to county voters pamphlets, PH/WS SB #287 - Relating to registration electors, PH/WS SB #286 - Relating to candidates, PH/WS SB #700 - Relating to elections, PH/WS SB #288 - Election law civil penalties, PH/WS

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TAPE 16, SIDE A

005 CHAIR OTTO: Called the meeting to order at 3:09.

008 RYDER: Updates Committee on dates for redistricting. Discusses open house.

(TAPE 16, SIDE A)

PUBLIC HEARING

SB 277 RELATING TO COUNTY VOTERS PAMPHLETS

Witnesses:Charles Stern, Oregon Association of County Clerks John Marshall, Oregon School Board Association

042 CHARLES STERN, OREGON ASSOCIATION OF COUNTY CLERKS: Reviews SB 277.

054 JOHN MARSHALL, OREGON SCHOOL BOARD ASSOCIATION: The local voters pamphlets have been a successful experiment. They have proven to be a cost effective way for schools, and candidates of local boards to get their message before voters in an official way, much like the state wide voters pamphlet. We'd like to see it expanded to be used in all elections.

064 OTTO: That doesn't apply to the primary or general elections does it?

066 STERN: We use them for all elections, not all counties do.

(TAPE 16, SIDE A)

WORK SESSION

SB 277 RELATING TO COUNTY VOTERS PAMPHLETS

093 MOTION: SEN BUNN MOVED SB 277 TO THE FLOOR WITH A DO PASS RECOMMENDATION

097 VOTE: MOTION CARRIED 4-0. (EXCUSED: SEN BRADBURY, SEN SPRINGER, AND SEN YIH.)

(TAPE 16, SIDE A)

PUBLIC HEARING

SB 287 ELATING TO REGISTRATION OF ELECTORS

Witnesses: Vicki Ervin, Director of Elections, Multnomah County
Dave Buchanan, Common Cause

102 VICKI ERVIN, DIRECTOR OF ELECTIONS, MULTNOMAH COUNTY: Read written testimony, Exhibit A. " I do think you need to know that this bill does not have the support of the Oregon Association of County Clerks." Because of that I've looked at several things in drafting the bill. One was to make it permissive so that it would not apply to all counties across the board. I was very uncomfortable and other people I talked to were very uncomfortable including Legislative Counsel with that because it would provide very unequal treatment throughout the state. In a way to say to the counties that had concerns about this that they needed adequate time to adjust to this legislation you will notice that section 3 of the bill has a delayed effective date of January 1 1993.

178 BUNN: If you get a yellow change of address back from the post office with a P.O. box, and it's within a county, how do you know what precinct to put them in?

182 ERVIN: It depends on the mailing address that's on the yellow tag. Sometimes you would know where that precinct was.

191 Bunn: As I read the bill it says "has changed residence address," you're saying you wouldn't know that.

193 ERVIN: That's correct. Refers to line 26 of page 1 of the bill.

196 BUNN: Does that expand the ability of clerks to cancel anyone who is now not canceled?

198 ERVIN: Currently anytime a tag comes back from the post office showing a different address, the clerk has the authority to cancel.

200 BUNN: So under the bill we would not cancel anyone who would not be canceled now, and we increase the likelihood that individuals will not be canceled.

202 ERVIN That's correct.

205 BRENNEMAN: On the sample that you took, what was the amount of frequent voters?

208 ERVIN: I don't know.

216 RYDER: Distributes amendment, Exhibit B, and fiscal impact statement for SB 287, Exhibit C.

230 DAVE BUCHANAN, COMMON CAUSE: Supports the bill.

256 YIH: How do the county election clerks know that a person has moved?

259 BUCHANAN: Any ballot that isn't deliverable is returned to the clerks office, 75% have the new address on it from the post office.

281 YIH: If the voters ballots are returned to the county office with the new address shouldn't it be forwarded to the new address for their voting?

286 BUCHANAN: No, because after the voter has moved their registration is no longer valid.

293 DUFF: What were the negative feelings of the county clerks office?

295 ERVIN: The biggest concern that was expressed on the part of the county clerks was over the accuracy of postal records.

318 BRENNEMAN: Were some clerks opposed due to the fact that it might

cost them some additional work, or increased expense?

326 ERVIN: Yes, but now that they've had a chance to mull it over I don't think they would have the same concerns.

348 BRENNEMAN: Was there any discussion about the voters responsibility in saying that they've taken care of this themselves?

351 ERVIN: There was some discussion on the philosophical basis of it.

359 YIH: Is there any way to verify the accuracy of the postal office forwarding address?

365 ERVIN: The postal records, for the most part, are fairly accurate.

388 BUCHANAN: One additional safeguard is that when the county clerk sends out the new precinct memorandum card, should that be undeliverable it would be returned to the county clerks office.

WORK SESSION

SB 287 RELATING TO REGISTRATION OF ELECTORS

441 MOTION: SEN BUNN MOVED THE - 1 AMENDMENT TO SB 287. HEARING NO OBJECTION, SO ORDERED.

447 MOTION: SEN DUFF MOVED SB 287 AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

458 BUNN: For the record I want to be sure that we're not allowing the cancellation of anyone who would not be currently canceled.

465 VOTE: MOTION CARRIED, 4-1. SEN BRENNEMAN VOTING NO. (EXCUSED: SEN BRADBURY AND SEN SPRINGER.)

TAPE 17, SIDE A

PUBLIC HEARING

SB 286 RELATING TO CANDIDATES

Witnesses:Sen. Jim Bunn, Representing District 15

032 SEN. JIM BUNN, REPRESENTING DISTRICT 15: Reviewed SB 286. Reviewed the -1 amendments, Exhibit D, section by section for the Committee.

042 YIH: I just want to know if there is an error in the summary of the bill? Instead of saying not later than, it should say no sooner than.

044 RYDER: Refers to the staff measure summary where the correction of the language is stated, Exhibit E.

047 BUNN: We are not changing the filing deadlines. We are changing the deadlines upon which you have to be member, or not be a member of a particular party.

(TAPE 17, SIDE A)

WORK SESSION

SB 286 RELATING TO CANDIDATES

062 MOTION: SEN BUNN MOVED THE -1 AMENDMENTS TO SB 286. HEARING NO OBJECTION, SO ORDERED.

065 MOTION: SEN BUNN MOVED SB 286 AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

068 VOTE: MOTION CARRIED, 4-0. (EXCUSED SEN BRADBURY AND SEN SPRINGER.)

(TAPE 17, SIDE A)

PUBLIC HEARING

SB 700 RELATING TO ELECTIONS

Witnesses: Sen Jim Bunn, Representing district 15 David Buchanan, Oregon
Common Cause

078 SEN JIM BUNN, REPRESENTING DISTRICT 15: Reviewed SB 700, and explained the -1 amendments, Exhibit F.

163 OTTO: Is it true that if you received \$20,000.00 in public funds, it can't be passed through?

165 Bunn: That's correct.

166 OTTO: If you have \$30,000.00 available, would any of that \$30,000.00 pass through?

169 BUNN: We're not limiting your other funds. It could be hard to deal with. For example we have a system where we take the check-off funds for the parties, and give funds to the parties. We've limited what they could use them for. You have to be able to show that you have enough campaign expenditures that were not public funds. If you gave 90% of your funds to other candidates you would be in clear violation of this. It does not prohibit you from using your own privately raised funds in any manner that you can now use them. If you receive funds and you have an unexpended balance after the campaign is over you would have to give one half of the surplus back to the Fair Elections Fund. Those who exceed the limit would have to pay back to the Fair Election Fund the amount they spent over the limit.

205 BUNN: Continues with explanation of amendments. Requested additional amendment to pull out all references to the House of Representatives, and make this strictly a limit on Senate campaign expenditures, and hopes that the House will choose to amend it and put them back in. I would like to offer the opportunity for the Senate to police our own level of campaign, and challenge the House not to deny us that opportunity, and if they wish offer them to put them back in for a conference discussion. There is no appropriation of funds directly for the bill, but there is a very definite revenue impact.

250 RYDER: Distributes fiscal impact statement, Exhibit G.

252 DUFF: How much would be required each year to fund the regular cycle.

253 BUNN: There's no way of knowing, because if 100% of the candidates exceeded the limit, no public funds are involved. If 100% decline the limit, no public funds are involved, so you have to be implementing it to find out if the interest is there. If it is completely successful it would take no money.

268 YIH: You said based on last sessions experience you don't believe the House will pass this bill. What experience are you referring to.

270 BUNN: I shouldn't say the House won't pass it, but last session I visited with the leadership in both caucus, and came away with a clear belief that the bill would pass, and yet the bill never received a vote on the House floor.

291 YIH: So you are saying the bill has a better chance of passing without the House members included?

292 Bunn: I believe that's correct.

294 YIH: Is there any possibility that the court will declare that unconstitutional again?

297 BUNN: I don't know, but I'm willing to move forward and if Legislative Counsel had a concern we'd have to revisit the issue.

307 YIH: I think we should get an opinion from Legislative Counsel to see if this is going to be declared unconstitutional or not before we make our final vote on this.

313 OTTO: They never declared it unconstitutional before did they?

314 BUNN: No. In fact the bill itself is modeled after the Federal

Presidential Primary funding.

325 DAVID BUCHANAN, OREGON COMMON CAUSE: Supports the bill.

383 LARRY BEVINS, ELECTIONS DIVISION: The fiscal impact statement that you have is limited to the effect of the bill on our office. It does not encompass the revenue department. It deals with the mechanics of handling a couple of the requirements and a couple of the sections of the bill.

400 BUNN: You did not work with revenue on their figures?

401 BEVINS: I did not contact the State Department of Revenue. I talked to Roz Schirack as to that agencies responsibilities.

411 BUNN: I'm a little frustrated that we have to print four extra pages because of adding one line and I'm not sure that the Department of Revenue understood what we were asking for. Last session there was no additional impact on revenue and there was no Ways and Means referral, and we haven't changed it.

430 OTTO: If the Committee approves we will hold the bill until you check it out.

434 BUNN: We've got three stops here before it reaches the floor. I'd be happy to move it to Revenue, and deal with the fiscal questions before we to deal with Ways and Means.

440 OTTO: If we move it out of the committee, we'll move it to Revenue and or Ways and Means. It still has to go to Legislative Counsel at your request.

445 BUNN: No it's not my request. I'm comfortable with the concept of sending it out with just the Senate. I believe we can do that.

462 YIH: I think it doesn't hurt to check with Legislative Counsel, rather than have them come back and say it's not constitutional later.

467 BRENNEMAN: If Sen Bunn removes all references to State Representatives in this motion, Legislative Counsel is going to have to go over it anyway.

485 BUNN: One of the things we could deal with is that if this Committee doesn't have a problem with one version or another, send it to Revenue and if there is in fact a problem by the time it's there it can be revisited. I think it's better to move things along instead of holding them up in Committee.

TAPE 16, SIDE B

033 BUNN: I will talk to both Legislative Counsel and Revenue so that both of those issues can be addressed while it's in Revenue.

035 YIH: If this effects Revenues budget by \$155,000.00 I think it should go to ways and means when we consider this budget.

038 BUNN: The bill currently has a referral to Ways and Means. I'm going to ask that that referral be removed if I can convince Revenue that in fact one line is not going to require the reprinting we thought it did.

041 YIH: So if the impact is smaller it doesn't have to go to the budget?

042 BUNN: If revenue has no impact, if there's less than \$5,000.00 impact on the Secretary of State office.

(TAPE 16, SIDE B)

WORK SESSION

SB 700 RELATING TO ELECTIONS

050 MOTION: SEN BUNN MOVED THE -1 AMENDMENTS TO SB 700. HEARING NO OBJECTION, SO ORDERED.

055 MOTION: SEN BUNN MOVED CONCEPTUALLY THE HOUSE OF REPRESENTATIVES BE REMOVED FROM THE BILL. HEARING NO OBJECTION, SO ORDERED

062 MOTION: SEN BUNN MOVED SB 700 AS AMENDED TO THE REVENUE COMMITTEE WITH A DO PASS RECOMMENDATION.

062 VOTE: MOTION CARRIED 5-0. (EXCUSED: SEN BRADBURY, AND SEN SPRINGER.)

(TAPE 16, SIDE B)

PUBLIC HEARING

SB 288 RELATING TO ELECTION LAW CIVIL PENALTIES

Witnesses: Jack Graham, Director of the Elections Division Sen. Gold, Senator representing District 7

072 RYDER: Reviewed bill, and explained the reason for the bill being revisited.

081 MOTION: SEN BRENNEMAN MOVED TO RECONSIDER THE VOTE ON SB 288 . HEARING NO OBJECTIONS, SO ORDERED.

084 JACK GRAHAM, DIRECTOR OF THE ELECTIONS DIVISION: Expressed concern on SB 288, in regards to the time period in which the hearing would be held, and the time of issuance of a final order.

144 BUNN: Dealing with the 30 verses 40 day issue, would there be any problem in putting 30 days, unless the respondent requests an extension, which could be granted by the Secretary?

150 GRAHAM: No. I think the main point on that is that we have the advantage if the time frame is shortened. If they want to go sooner, we're ready to do it.

152 BUNN: I think it will meet both needs. It guarantees the individual who wants to move it through quickly, the option to do so within 30 days. On the other issue, you said you need 60 days for Human Resources to give you the first preliminary information. What was the next concern?

157 GRAHAM: Under the Administrators Procedures Act, we are required to give the other party 30 days to respond to us, or make comment on the proposed order. I'm suggesting 30 days after the comment period to file a final order.

177 BUNN: We've got four blanks on the bill. If I understand you correctly, then blank one would be 45, blank 2 would be 120, blank 3 would be 45, and blank 4 would be 120. On blanks 1 and 3, you don't have any objection to saying 30 days, but allowing an extension at the request of the respondent?

182 GRAHAM: No I have no problem with that.

184 SEN GOLD, SENATOR REPRESENTING DISTRICT 7: Expressed reluctant agreement with the bill as amended.

WORK SESSION

245 MOTION: SEN BUNN MOVED TO AMEND SB 288 BY IN THE 2ND AND 4TH BLANKS INSERTING 120 INSTEAD OF 30 AND CONCEPTUALLY IN THE 1ST AND 3RD BLANKS INSERTING 30, BUT ALLOWING AN EXTENSION OF 15 DAYS AT THE DISCRETION OF THE SECRETARY OF STATE, IF SO REQUESTED BY THE RESPONDENT. HEARING NO OBJECTIONS, SO ORDERED.

258 MOTION: SEN BUNN MOVED SB 288 TO THE FLOOR AS AMENDED WITH A DO PASS RECOMMENDATION.

264 VOTE: MOTION CARRIED 5-0. (EXCUSED: SEN BRADBURY, AND SEN SPRINGER.)

Meeting adjourned at 4:24

Submitted By:

Reviewed By:

Jayne Hamilton
Assistant

Joan Green
Assistant

EXHIBIT LOG

A - Written testimony, Vicki Ervin, 2 pages B - -1 amendments for SB 287, Vicki Ervin, 1 page C - Fiscal impact statement for SB 287. staff, 1 page D - -1 amendments for SB 286, Sen Bunn, 3 pages E - Staff measure summary, staff, 1 page F - -1 amendments to SB 700, Sen Bunn, 1 page G - Fiscal impact statement for SB 700, staff, 1 page.