

Testimony against HB 2199

House Committee on Rules

MONDAY

March 11, 2013

3:00 P.M.

HR 50

Members:

- Rep. Chris Garrett, Chair
- Rep. Wally Hicks, Vice-Chair
- Rep. Val Hoyle, Vice-Chair
- Rep. Phil Barnhart
- Rep. Vicki Berger
- Rep. Michael Dembrow
- Rep. Paul Holvey
- Rep. Bob Jenson
- Rep. Bill Kennemer

HB 2199

I strongly oppose the passage of HB 2199 as written.

Section 1(H) may open the way to banning direct observation of ballot counting in Oregon.

Item J (3) a – Number of ballots ordered to be printed, and Item J(3) B should be made public at the time the printing is ordered.

Items c,d,e, and f should be made public on election day.

Items g,h,i made available as soon as election is certified, as well as any amendments to items a-f above.

This will enable observers to be able to verify the numbers on election night, and make sure that numbers of unused ballots that are present at 8 PM on election night adds up within a reasonable margin. This formula must be determined and distributed as part of this legislation.

Section 2

item 2 b- marking must be defined by county clerk, and such marking must be observable. These unused ballots must be counted, and this count must be observable.

Item 3 – By election day, each county clerk should KNOW approximately how many blank ballots they will need for the enhancement/duplication process. All but this number plus a percentage for reserve must be destroyed as soon as possible, but no later than midnight on election day.

The emergency clause of this bill prevents citizens from pursuing an initiative to require destruction of unused ballots on election day. This is a misuse of the emergency clause – there is nothing requiring it

in this legislation

Statute Chapter 254 has been amended many times regarding election law in Oregon. It has been amended many times just since passage of Vote by Mail in 1998.

Requirements for handling of ballots, verifying voters, and counting votes are necessarily quite different for vote by mail than the rules required for our previous voting at polling places on election day.

These rules have been amended and changed so many times that it is now reduced to what I consider “bad law”. There are contradictions, ambiguities, and portions that are difficult for clerks to follow. Some rules, such as those regarding handling of ballots at 8 PM on Election night, (254.483) have been found to be un – interpretable even by a judge, because of inconsistencies and ambiguities in the law.

I would like to see all the rules rewritten regarding the printing, mailing, and handling of all blank ballots – unmailed and returned, and rules regarding handling of voted ballots, so we can remove inconsistencies from these rules and procedures, helping to ensure a sound elections process and remove any doubt of the integrity of the process.

Respectfully submitted,

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