

TESTIMONY ON CHARTER ARTICLE XV

February 12, 2010

To: Charter Commission
From: Marian W. Wilkins

Subject: STATISTICAL SAMPLING FOR VERIFYING PETITIONS

I was a member of the committee that did the revision of Article II (Initiative and Referendum) and have recently been working with the committee examining Article XV on Charter Revision. It seemed logical for the two processes to be similar since they both may involve citizens circulating petitions.

You will receive testimony from the League of Women Voters that will present a rewrite of Article XV using many guidelines from Article II so I will not repeat them. I do heartily support them.

In doing a study of these Articles we have had the opportunity to discuss areas that have been a problem for both petitioners and the election office which must deal with the whole process including signature verification. It seems that our committee had always assumed that the signatures on a petition were the most important aspect of verification. It turns out that this is not the case even though all wording in the two Charter articles implies it. This led to reexamining just how the petitions were verified here and on the mainland.

Even though Article XV, in its present form, requires that petition signatures be verified, our county office of elections does not presently have the equipment to support scanning of signatures on a petition, (I'm not sure such equipment exists) so they must be verified manually. It would take days (weeks?) and many people to go over and check each signature and other information. We and our election officials are aware that there is another way to process petitions which is currently **REQUIRED** in the state of Oregon for county petitions. This is called "**statistical sampling**". This method could be used for all Articles in the charter which require large numbers of signatures on petitions, such as Recall, Initiative and Referendum and Charter Revision or Amendment. I am assuming that in order for the elections office to do this it must be permitted or required in the

Charter. The sample would be specified by a person QUALIFIED in the field—not by the county or the petitioners.

The following is the wording as found in Oregon Election Laws, 2005-2006, Elections-Initiative and Referendum, County Elections: 250.215 Filing Officer for county measure; filing requirements; signature verification.

“(2) For any petition requiring a number of signatures exceeding 4,500, the Secretary of State by rule shall designate a statistical sampling technique to verify whether a petition contains the required number of signatures of electors. A petition may not be rejected for the reason that it contains less than the required number of signatures unless two separate sampling procedures both establish that the petition lacks the required number of signatures. The second sampling must contain a larger number of signatures than the first sampling.”

The words “Secretary of State” would be replaced by the proper county official, possibly the County Clerk.

Although you are short of time, many of us feel that it would be well worth the effort to adopt new methods and procedures for petitioning which would clarify, make more transparent, and facilitate the process for all concerned.

Thank you for your consideration and thank you for your time on this commission.

Marian W. Wilkins
325-6116
73-1410 Kaloko Dr. A
Kailua Kona, HI 96745