

SENATE COMMITTEE ON RULES

February 22, 2005
8:30 A.M.

Hearing Room 343
Tapes 16 – 17

MEMBERS PRESENT: **Sen. Kate Brown, Chair**
 Sen. Ted Ferrioli, Vice-Chair
 Sen. Jason Atkinson
 Sen. Charlie Ringo
 Sen. Frank Shields

STAFF PRESENT: **Tiffany Harris, Committee Administrator**
 Patricia Nielsen, Committee Assistant

MEASURE/ISSUES HEARD:
 SB 602 – Public Hearing
 SB 603 – Public Hearing
 SB 604 – Public Hearing
 SB 160 – Public Hearing
 Introduction of Committee Measures – Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

| <u>TAPE/#</u> | <u>Speaker</u> | <u>Comments</u> |
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| TAPE 16, A | | |
| 005 | Chair Brown | Calls the meeting to order at 8:33 a.m. Opens public hearing on SB 602, SB 603 and SB 604. |
| <u>SB 602, SB 603, and SB 604 – PUBLIC HEARING</u> | | |
| 010 | Sen. Frank Morse | District 8. Testifies in support of SB 602, SB 603 and SB 604. Discusses increase in numbers of voters who consider themselves independent. |
| 060 | Chair Brown | Closes public hearing on SB 602, SB 603 and SB 604. Opens public hearing on SB 160. |
| <u>SB 160 – PUBLIC HEARING</u> | | |
| 065 | Tiffany Harris | Committee Administrator. Presents overview of SB 160. |
| 070 | Chair Brown | Submits her written testimony (EXHIBIT A), along with written testimony of Gov. Barbara Roberts (EXHIBIT B) and Janice Thompson, Money in Politics Research Action Project (EXHIBIT C). |
| 075 | Bill Bradbury | Secretary of State. Testifies in support of SB 160. Submits written report of the Campaign Finance Disclosure Panel (EXHIBIT D). Discusses importance of public access to complete information about campaign finances. |
| 155 | Phil Keisling | Vice President, ProDX; former Secretary of State; member of Campaign Finance Reform Disclosure Panel. Testifies in support of SB 160. Discusses need for transparency in the reporting system. |
| 175 | John Lindback | Director of Elections Division, Secretary of State's Office. Testifies in support of SB 160. Describes how information would be collected electronically and made available to the public. |

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| 200 | Chair Brown | Asks about implications for candidates who use a reporting company. |
| 210 | Lindback | Explains many candidates who are now paying a service would no longer need to do that because the process is simpler. Adds that for larger campaigns who are already doing electronic submissions this would be more direct. |
| 230 | Sen. Ferrioli | Asks about coding for expenditures and contributions under the new system. |
| 250 | Lindback | Responds it would not necessarily eliminate all coding but would make the process more open and simple. |
| 260 | Sen. Ferrioli | Suggests having the Secretary of State do it instead. Asks whether this would eliminate the requirement for filing periodic contribution and expenditure statements. |
| 270 | Bradbury | Confirms. |
| 272 | Sen. Ferrioli | Inquires whether the electronic filing would be a sworn document. |
| 275 | Lindback | Answers that is being developed. |
| 278 | Chair Brown | Advises the federal courts use electronic sworn documents. |
| 280 | Sen. Ferrioli | Asks how the information would be password-protected and secured. |
| 290 | Lindback | Explains the Secretary of State will look to online banking as a model for the electronic filing system. |
| 300 | Sen. Ferrioli | Inquires whether candidates will be required to maintain paper records. |
| 305 | Lindback | Explains a candidate would be able to print anything on the system. Adds that candidates would still use paper checks and keep those records. Points out a small campaign could use the system as the bookkeeping system for the campaign. |
| 325 | Sen. Ferrioli | Comments on current requirement for paper records and public access. Suggests this will not relieve candidates of keeping paper records but the benefit is disclosure and access. |
| 350 | Sen. Shields | Asks about training for candidates to use the new system. |
| 375 | Lindback | Advises the Secretary of State now conducts training, and will continue to provide training upgraded to include the new system. |
| 380 | Sen. Shields | Asks about details of training. |
| 390 | Lindback | Responds the goal is to make the system simple so candidate input takes a minimal amount of training. |
| 400 | Bradbury | Adds this is a web-based system, which requires the ability to navigate on the web. |
| 415 | Sen. Ringo | Asks about when contributions are received. |
| 420 | Lindback | Explains the contribution is considered received when the envelope is opened. |

TAPE 17, A

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| 010 | Fred Neal | Campaign Finance Manager, Elections Division, Secretary of State's Office. Explains a contribution is defined by rule as received when it is in the candidate's control. |
| 020 | Sen. Ringo | Clarifies meaning of proximate. |
| 025 | Neal | Explains the seven-day window should accommodate the situation where a candidate does not visit his post office box every day. Describes the option to file an amended report to account for a contribution which was reported but was lost or misplaced. |
| 045 | Sen. Ferrioli | Asks about a contribution which the campaign decides to return. |
| 050 | Neal | Explains if returned within seven days there is no requirement for |

060 Chair Brown reporting; if deposited, it must be recorded and a disbursement made for the return.
Closes public hearing on SB 160. Reopens public hearing on SB 603.

SB 603 – PUBLIC HEARING

075 Jim Torrey Eugene, Oregon. Testifies in support of SB 603. Discusses advantages of having nonpartisan legislative members. Describes positive reputation of Oregon's two U.S. Senators to work together on many issues.

115 Sen. Ben Westlund District 27. Testifies in support of SB 603. Advises he also supports SB 602 and SB 604. Suggests the measures would enfranchise more citizens who do not currently vote in primary elections.

135 Elaine Franklin Political consultant, Portland. Testifies in support of SB 603. Submits written testimony (**EXHIBIT E**). Discusses two concerns:

- Excessively partisan races damage the election process
- Parties drive candidates into corners from which they cannot escape

185 Franklin Continues and discusses stereotypes of party platforms which have driven moderate candidates to the sidelines. Describes specific examples from recent elections.

250 Chair Brown Asks about other states with nonpartisan legislatures.

255 Sen. Westlund Responds Nebraska is the only one.

260 Chair Brown Asks how the legislature would organize.

265 Sen. Westlund Discusses possible ways to elect leadership.

270 Sen. Ferrioli Comments on the two-party system and the increase in independent voters.

285 Torrey Advises he supports only SB 603 now, because he wants to make an incremental change to the process. Compares the legislative process to city or county politics, which tend to be much less partisan.

315 Sen. Westlund Disagrees with the assessment of independents as one identifiable group. Discusses different positions held by a broad spectrum of independent voters, who are not allowed to vote in primaries.

335 Sen. Ferrioli Asks if this would open the primaries for everyone. Asks if voters would still vote in districts.

345 Sen. Westlund Confirms.

350 Sen. Ferrioli Refers to history of two-party systems. Suggests this would not necessarily remove zealots from the political system.

385 Sen. Ringo Comments the measures are three different ideas. Responds the two-party system is not working well and the tax system is dysfunctional. Suggests the political issues would still be present but there would be fewer barriers to finding solutions. Compares to city councils with non-partisan members. Describes the system in place in Nebraska.

TAPE 16, B

005 Sen. Ringo Continues discussing failure of two-party system.

030 Chair Brown Suggests this is not a panacea.

045 Sen. Shields Asks how the system would function.

060 Franklin Discusses how things are not working now and this would be an incremental change. Describes her experiences in the U.S. Senate. Suggests electing more moderates from each party

095 Chair Brown would bring cohesiveness to the process.
Closes public hearing on SB 603. Opens work session for introduction of committee measures.

INTRODUCTION OF COMMITTEE MEASURES – WORK SESSION

100 Chair Brown **MOTION: Moves the following list of LC drafts BE INTRODUCED as committee bills:**
LC 1932 (EXHIBIT F) (Printed as SJR 30)
LC 2133 (EXHIBIT G) (Printed as SB 996)
LC 2637 (EXHIBIT H) (Printed as SB 1002)
LC 2687 (EXHIBIT I) (Printed as SB 997)
LC 2688 (EXHIBIT J) (Printed as SB 998)
LC 2689 (EXHIBIT K) (Printed as SB 999)
LC 2736 (EXHIBIT L) (Printed as SB 1003)
LC 2782 (EXHIBIT M) (Printed as SB 1001)
LC 2797 (EXHIBIT N) (Printed as SJM 7)
110 **VOTE: 4-0-1**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Atkinson
Chair Brown **The motion CARRIES.**
125 Chair Brown Closes work session. Reopens public hearing on SB 602, SB 603 and SB 604.

SB 602, SB 603, and SB 604 – PUBLIC HEARING

135 Tom Beer Physician, Portland resident. Testifies in support of SB 602, 603 and 604. Discusses trends in elections which disenfranchise voters, especially in the 18-35 age group.
170 Phil Keisling Vice President, ProDX; former Secretary of State; member of Campaign Finance Reform Disclosure panel. Returns to testify in support of SB 604. Discusses activities of the Oregon Voter Choice Primary organization. Suggests every voter should receive the same ballot in the primary. Argues the current system is not transparent enough and primaries do not provide adequate access for voter participation. Suggests Oregon is a multi-party state not a two-party state.
280 Chair Brown Asks why there should be both a primary and a general election at all.
285 Keisling Responds it gives the voters the best opportunity to choose a qualified candidate. Discusses federal election requirements. Describes reforms by Washington state.
305 Sen. Shields Asks how candidate party affiliation would be made available.
310 Keisling Suggests in could be included on the ballot or in the voters' pamphlet.
315 Sen. Shields Asks if that would influence how candidates registered.
320 Keisling Responds candidates can now register as any party, and this would make the system more transparent. Suggests partisanship around ideas, not parties, would be more productive.
380 Sen. Ringo Comments if party labels are left off, a battle of ideas would remain.
390 Harvey Mathews Director, Center for Citizen Leadership, Associated Oregon Industries (AOI). Testifies in support of SB 604.

TAPE 17, B

005 Mathews Continues and relates strong support of Oregon's business

community for SB 604:

- Competition of ideas on a level playing ground
- Litmus test for getting elected is problematic
- Promoting independents moderates the legislative dialog
- Business community likes their representatives but the whole is not greater than the sum of parts

Comments the majority of his board thought the legislature should be in the forefront of the initiative process.

The following prepared testimony is submitted for the record without public testimony:

Sen. Charlie Ringo Submits written testimony in support of SB 602, SB 603 and SB 604 (**EXHIBIT O**).

050 Chair Brown Closes public hearing on SB 602, SB 603 and SB 604. Reopens public hearing on SB 160.

SB 160 – PUBLIC HEARING

060 Norman Turrill League of Women Voters of Oregon. Testifies in support of SB 160. Submits written testimony (**EXHIBIT P**).

115 Andi Miller Common Cause. Testifies in support of SB 160. Submits written testimony (**EXHIBIT Q**). Discusses activities of the Secretary of State's Campaign Finance Disclosure Panel.

140 Lynn Lundquist Oregon Business Association. Testifies in support of SB 160. Proposes amendment to include audit requirements which would make the reporting credible and acceptable to voters.

170 Chair Brown Expresses interest in audit component and hopes to see amendment.

180 Chair Brown Closes public hearing on SB 160. Adjourns the meeting at 10:13 a.m.

EXHIBIT SUMMARY

- A. SB 160, written testimony, Sen. Kate Brown, 2 pp**
- B. SB 160, written testimony of Gov. Barbara Roberts, Sen. Kate Brown, 1 p**
- C. SB 160, written testimony of Janice Thompson, Sen. Kate Brown, 1 p**
- D. SB 160, report of Campaign Finance Disclosure Panel, Bill Bradbury, 7 pp**
- E. SB 160, written testimony, Elaine Franklin, 6 pp**
- F. Introductions, LC 1932, staff, 1 p**
- G. Introductions, LC 2133, staff, 5 pp**
- H. Introductions, LC 2637, staff, 5 pp**
- I. Introductions, LC 2687, staff, 2 pp**
- J. Introductions, LC 2688, staff, 11 pp**
- K. Introductions, LC 2689, staff, 26 pp**
- L. Introductions, LC 2736, staff, 1 p**
- M. Introductions, LC 2782, staff, 107 pp**
- N. Introductions, LC 2797, staff, 2 pp**
- O. SB 602, SB 603, and SB 604, written testimony, Sen. Charlie Ringo, 2 pp**
- P. SB 160, written testimony, Norman Turrill, 1 p**
- Q. SB 160, written testimony, Andi Miller, 3 pp**