

HOUSE COMMITTEE ON RULES AND ELECTION

February 5, 1997 Hearing Room E

4 P.M. Tapes 6 - 7

MEMBERS PRESENT:

Rep. Lynn Snodgrass, Chair

Rep. Peter Courtney, Vice-Chair

Rep. Lee Beyer

Rep. Bill Markham

Rep. Ken Messerle

Rep. Bob Montgomery

Rep. Kitty Piercy

STAFF PRESENT:

Brian Griffin, Administrator

Valerie Luhr, Administrative Support

MEASURE/ISSUES HEARD:

Phil Keisling, Secretary of State Informational Meeting

HB 2203 Public Hearing

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.

Tape/#	Speaker	Comments
TAPE 6, A		
004	Chair Snodgrass	Calls the meeting to order at 3:36 p.m. Rep. Piercy is excused. Explains the witness registration process. Opens the informational meeting.
<u>PHIL KEISLING, SECRETARY OF STATE - INFORMATIONAL MEETING</u>		
018	Phil Keisling	Secretary of State.

024		Rep. Piercy arrives at 3:38 p.m.
027	Chair Snodgrass	Expresses her concerns about the 1996 elections cycles and campaign reform issues.
038	Keisling	Supported Measure 9, but it had some serious flaws. There was less money in the legislative statewide races than in 1994.
058	Keisling	States that complaints about violations of the campaign finance laws were about the same as other elections.
071	Chair Snodgrass	Asks if the campaign finance cycle created fewer negative campaigns.
073	Keisling	States he did not see the pieces of literature put out by candidates and so he was unaware of their content. However, the amount of money for candidacy has increased considerably.
087	Rep. Messerle	Expresses concern about the response time from the Secretary of State for filed complaints, since the issues were moot by the time of a response.
094	Keisling	Responds to the issue and to complying with the laws within time constraints.
102	Colleen Sealock	Director, Elections Division. States the problems which concern her office. Explains the problems of timing which related to the number of filings the Elections Division received. Describes fluctuating staffing needs. Explains the complexity of Measure 9 and increased complaints.
140	Keisling	Explains the overwhelming workload in 1996, which created more complaints. Trying to put resources into automated systems.
156	Chair Snodgrass	Asks if there was better accountability than there has been in the past.
158	Keisling	Addresses people giving correct estimates of their spending.
174	Sealock	Explains elections tries to respond to questions for candidates to properly fill out forms.
188	Chair Snodgrass	Asks if we know who financed the campaigns, by the forms providing more information than in the past.
195	Keisling	Explains that in some races more information was available. Information that did not fall under elections jurisdiction was difficult to obtain. Explains some individuals and entities decided to comment on what was going on in campaigns in reference to independent expenditures.
	Rep.	Asks if it is currently more discouraging for candidates

244	Markham	to file.
246	Keisling	Explains more people filed last election overall. Explains 1998 will be the true test of the system, because candidates will know the paperwork they will be up against.
253	Rep. Markham	Asks how many people were fined.
256	Sealock	Does not have the answers yet.
260	Chair Snodgrass	Asks for a specific instance in the last 10-20 years, where the open disclosure system did not work properly.
267	Keisling	Describes the 1990 elections cycle where there was considerable mis-reporting of contributions and expenditures which led to fines of over \$60,000.
287	Chair Snodgrass	Asks if the new process would have cleared any of that up.
291	Keisling	Explains that 1990s problems were due to not following disclosure laws.
295	Chair Snodgrass	Asks if independent expenditure issues will be addressed in his legislative agenda.
301	Keisling	Discusses the current threshold on expenditures for 24 hour notification. Makes suggestions for limits on independent expenditures.
352	Rep. Beyer	Asks if people need to provide notice of what exact kind of advertisement they intend to present.
362	Keisling	Explains that a copy of the advertisement is not reviewed.
365	Rep. Beyer	Asks if it could be legal to make that a requirement.
370	Fred Neal	Manager, Elections Division. Explains a bill will codify reporting independent expenditures; without disclosure statute we could not require people to disclose expenditures.
TAPE 7, A		
008	Keisling	States there may be difficulty in legally requiring exact copies of intended advertisements before they are used in election races.
016	Rep. Beyer	Understands the protection of free speech, but is interested in requiring a fair disclosure time, in order that candidates may have preparation time to refute opponents' accusations.
027	Keisling	Comments on negative campaigning.
038	Sealock	States Elections Division is willing to investigate these sorts of issues.

062	Rep. Courtney	Asks if it is necessary to wait for Oregon Supreme Court to deal with Ballot Measure 9 before the committee can work on it.
067	Keisling	Explains there are technical changes, ambiguities and clarifications that can be worked on Ballot Measure 9 before getting a decision from the Supreme Court.
075	Chair Snodgrass	Asks how the extension notification is enforced.
079	Neal	Describes the requirement of notifying the Secretary Of State and the candidates of expenditures over \$10,000. Explains that if the amount is not actually spent that need not be reported. If candidates spend more than they expected they must report it.
106	Chair Snodgrass	Asks what the notification trigger is to that commitment, if they go over.
111	Keisling	Explains the notification.
113	Chair Snodgrass	Asks how notification is taken.
115	Keisling	Responds the notification is required in writing; or faxes are accepted.
121	Chair Snodgrass	Asks what the trigger is, such as a signature.
122	Keisling	Explains a commitment is made the moment an account payable is created.
127	Chair Snodgrass	Asks how it would be clear if it was going to be above the limit.
129	Keisling	Explains it is a requirement of the committee.
133	Neal	Explains the vendors have preset the costs and it becomes a future expense as an account payable.
147	Keisling	States like all campaign disclosure laws, there is a dependence on candidates' integrity.
154	Chair Snodgrass	States a high profile scenario wherein a candidate went over a limitation. Asks if there is any means in legislative agenda to combat that type of situation.
162	Keisling	Explains there is no legislation to address last minute issues.
175	Chair Snodgrass	Asks how priority is determined for complaints that are received.
179	Sealock	Comments on the process to determine priority. States it is a difficult process. It is a staffing issue balanced against mandated tasks.
203	Rep. Courtney	Asks if grades are assigned to contributions and expenditures.

	Keisling	Appreciates typed versus handwritten documents, but does not assign grades.
226	Rep. Messerle	Explains the first time running for state office, and asks how often incumbents hired someone to deal with new procedures.
232	Keisling	Explains his office does not have that information.
256	Chair Snodgrass	Closes informational meeting and opens public hearing on HB 2203.
<u>HB 2203 PUBLIC HEARING</u>		
269	Brian Griffin	Committee Administrator. Reviews provisions of the bill.
275	Blair Bobier	Lawyer, Pacific Party, Benton County. Comments in opposition to HB 2203. * Compares the election process in Oregon versus other states and countries. * Advocates doing away with the registration requirement.
325	Bobier	Continues testimony. Suggests alternate possibilities for allowing smaller parties to get onto the ballot.
397	Ralph Smith	Salem, Oregon, Polk County, State Chair, Socialist Party of Oregon.
TAPE 6, B		
001	Smith	Submits written testimony [EXHIBIT A] as a guarded endorsement of HB 2203. Explains that minor parties cannot present their candidates until later in a race than the major parties, due to the limits set on the number of parties' members.
029	Donna Frazier	Salem, Oregon, Marion County, Socialist Party. Does not want to state whom she represents. Comments about the public notification process and changes in the agenda.
045	Chair Snodgrass	Extends apologies to the witness.
051	Frazier	Thinks HB 2203 is a good idea, but expresses her reservations.
070	Chuck Hunting	Dallas, Oregon, Polk County, Chair, Reform Party of Oregon. Presents his comments in opposition to HB 2203. Discusses the changing rules.
104	John V. Meyers	Member of Natural Law Party of Oregon from Boring, Oregon. Comments in opposition to HB 2203. Rhetorically asks why voters need to register as a party.

155	Meyers	Continues comments. States the difficulty in meeting number of electors requirements.
175	Scott Tighe	Manager, Elections Division. Testifies in favor of HB 2203. Presents (EXHIBIT B) . Explains how to start a minor political party. Elections would like to simply establish a fixed number, for consistency.
245	Rep. Piercy	Restates that the Secretary of State office has no opinion about registration limitation.
276	Tighe	States the goal is to establish a set number minor parties could work from, with less hassle.
267	Chair Snodgrass	Establishes who should choose the fixed number.
273	Tighe	States Secretary of State would be willing to work with minor parties to pick a fixed number.
289	Chair Snodgrass	Requests Secretary of State's office returns with a fixed number to consider the bill further.
299	Rep. Montgomery	Asks if the bill is pre-session filed.
315	Chair Snodgrass	(The tape is momentarily not running.) Asks Mr. Tighe to respond to the request.
318	Tighe	States five hundred is an acceptable number.
340	Rep. Courtney	States HB 2203 needs further member consideration before it is moved out of the committee.
345	Rep. Beyer	Asks where in the bill the fixed number would go.
348	Chair Snodgrass	Cites page two line 18.
360	Tighe	Explains the percentage would be deleted and a fixed number would be added. Explains Secretary of State's office is willing to change the language to accommodate the minor parties.
384	Rep. Beyer	Clarifies the changes in language and the amendments.
TAPE 7, B		
007	Chair Snodgrass	Requests a proposal for the change from the Secretary of State's office.
011	Chair Snodgrass	Closes public hearing and declares the meeting adjourned at 5:00 p.m.

Submitted by, Reviewed by,

Valerie H. Luhr Brian Griffin

Administrative Support Administrator

Transcribed by,

Jennifer Peck

Committee Clerk

EXHIBIT SUMMARY

A - HB 2203, written testimony, Trey Smith, 2 pp.

B - HB 2203, written testimony, Scott Tighe, 3 pp.