

HOUSE COMMITTEE ON GENERAL GOVERNMENT Subcommittee on Government

April 1, 1993 Hearing Room 357 8:30 a.m. Tapes 45 - 46

MEMBERS PRESENT: Rep. Del Parks, Chair Rep. Jim Edmunson Rep. Cedric Hayden, Ex-Officio Rep. Patti Milne Rep. Sharon Wylie

VISITING MEMBER: Rep. Ken Baker

STAFF PRESENT: Janet Adkins, Committee Administrator Amy Jahnke, Committee Assistant

MEASURES CONSIDERED: HB 3084 HB 3496

[--- Unable To Translate Graphic ---]

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. [--- Unable To Translate Graphic ---]

TAPE 45, SIDE A

CHAIR PARKS: Calls meeting to order. (8:30 a.m.)

PUBLIC HEARING ON HB 3084 Witnesses: Rep. Greg Walden, District 56 Marta Simons, Legislative Director

003 REP. GREG WALDEN, DISTRICT 45: Testifies in support of HB 3084; submits (-1) amendments and informative material (EXHIBIT A).

035 Rep. Hayden: I presume that this will require some minor change on the economic form that we file.

045 MARTA SIMONS, LEGISLATIVE DIRECTOR: It would not require any change on the summary sheet. You are just more clearly defining on your expenditure.

Rep. Walden: It is more a description of the purpose of the expenditure; refers to informative material, exhibit A.

Baker: Does this also include services such as radio time?

070 Walden: Anything that today would be treated as an in-kind contribution to another campaign would be included under this change in description.

Work Session on HB 3084

REP. MILNE MOVES THE (-1) AMENDMENTS BE ADOPTED TO HB 3084.

HEARING NO OBJECTION THE MOTION CARRIES.

REP. MILNE MOVES HB 3084 AS AMENDED TO THE FULL COMMITTEE

WITH A DO PASS RECOMMENDATION.

IN A ROLL CALL VOTE THE MOTION CARRIES; HAYDEN EXCUSED.

Public Hearing on HB 3496 Witnesses: Rep. Sharon Wylie, District 22
Todd Jones, Secretary of State's Office

096 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 3496.

120 REP. SHARON WYLIE, DISTRICT 22: Testifies in support of HB 3496;
submits written testimony (EXHIBIT B).

140 TODD JONES, SECRETARY OF STATE'S OFFICE: Submits written
testimony and in support of HB 3496 (EXHIBIT C) and letter from
Department of Justice (EXHIBIT D).

150 Rep. Hayden: I read some of those California adds and it didn't
look like anything I wanted to use; in reviewing them it seemed like
for a payment of a fee, they would put together a list of peoples'
names, is that right?

Rep. Wylie: The kind of thing that is possible and probable unless we
do something about it would be where a sophisticated analysis
might be done of a district and a group name made up that is
similar to something that population might look favorably on; so this
invented group name would be the endorser.

185 Rep. Hayden: I don't know how you get a handle on that; for people
to make out nice sounding names to defend their point of view, that is a
first amendment right. - To the point of using money; at what point do
you draw the line?

Jones: There has been no legal challenge on a first amendment
basis to the current statute. It seems to have held to this point;
our suspicion is that it would still hold with this amendment in the
language. 205 Hayden: What are you trying to get at here; what are
you forbidding by this?

Jones: All we are trying to do is to take that action and broaden it to
include publication such as the slate cards.

220 Rep. Milne: Would this bill cover a candidate putting out a letter
with some assumed names endorsing the candidate or is this strictly
focussed on where there is payment?

Jones: The key is payment; it would not forbid someone from making a
mock list of persons endorsing a candidate.

230 Adkins: What if campaign paid for paper or postage but not
technically for the endorsement; would there be a distinction
there?

Jones: That is a good question; I don't know the answer to that; that is
a legal interpretation question.

Rep. Wylie: My own feeling about it is that a genuine endorsement
from a real group where the candidate pays for the distribution of
information about that endorsement is not intended to be covered; it is
not be part of my intent. If that needs to be clarified, I could work
with legal counsel to make sure that is clear.

260 Chair Parks: This could be a \$250 penalty; my guess is that a court might say we are going to make the violation a one time violation rather than 10,000 violations. You might want to consider moving the penalty up to a felony. - Mr. Jones are you comfortable that the letter of January 7 from the justice department is sufficient legislative history to say that the practice of slate cards are clearly covered by the law as written?

332 Jones: We have asked our AG General Counsel to review the bill as written; the response was yes, it will do what we intend for it to do.

Chair Parks: The main intention is to outlaw the slate card practice?

Jones: It was the slate card issue that brought this to attention, but I would hope that as policy that the main intent is not so much to target slate card as to say as a policy that we do not want the purchase of endorsements.

Rep. Hayden: What if I didn't solicit an endorsement but I buy 20,000 copies of a paper to distribute it to my district, would I be in violation of the law then? 357 Jones: As I read the language, they would have a difficult time proving a connection.

Rep. Hayden: What if there is a slate card created without my solicitation of endorsing and then I distribute them to my district with my own postage?

Jones: You make a point that demonstrates this is wrought for abuse.

370 Chair Parks: You might not want to vote on this today; take a few days and address some of these.

Meeting adjourned 10:07

Submitted by, Reviewed by,

Timothy Marshall Janet Adkins Committee
Assistant

Committee Administrator

Exhibit Summary:

A - HB 3084: (-1) amendments and informative material submitted by Rep. Walden, pp 1 B - HB 3496: Written testimony submitted by Rep. Wylie, pp 2 C - HB 3496: Written testimony submitted by Jones, pp 2 D - HB 3496: Letter from Department of Justice submitted by Jones, pp 2