

SENATE ETHICS, ELECTIONS, AND CAMPAIGN FINANCE COMMITTEE

June 22, 1993 Hearing Room B 3:00 p.m. Tapes 84 and 85
MEMBERS PRESENT: Senator Grattan Kerans, Chair Senator Neil Bryant
Senator Joan Dukes Senator Rod Johnson Senator Dick Springer MEMBERS
EXCUSED: STAFF PRESENT: Annette Talbott, Committee Counsel Tamara
Brickman, Committee Assistant MEASURES CONSIDERED: Public Hearing HB
2276A Work Session HB 2275A SB 884

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. TAPE 84, SIDE A

005 CHAIR KERANS: Calls meeting to order at 3:14 p.m.

PUBLIC HEARING ON HB 2276A

035 BLAIR BOBIER, Pacific Party: Testifies in support of HB 2276A. Discusses the minor party provisions. Discusses the "retention feature" in ORS 248.008 subsection 2. 048 ANNETTE TALBOTT, Committee Counsel: Explains that it is found on page 3, section 2, subsection 2. (EXHIBIT A) 050 BOBIER: Asks that the committee retain the "part for vote cast for Congress or at least 1 % of the other vote." 056 TALBOTT: Explains that the language is designed to address "within any district." Explains how this provision would allow minor parties to have more "flexibilities." 067 BOBIER: Discusses his concern with the language. (EXHIBIT A) 069 TALBOTT: Discusses Mr. Bobier's remarks. ~ 073 BOBIER: Continues the discussion regarding the language "for any single state office" line 21, page 3. (EXHIBIT A) Senate Ethics, Elections, and Campaign Finance Committee June 22, 1993 - Page 2

076 TALBOTT: Explains that Hit is not your candidate per se it's any state candidate running."

077 CHAIR KERANS: Hit could be the democrat."

078 TALBOTT: Continues the discussion regarding the intent of the language in section 2. (EXHIBIT A)

080 CHAIR KERANS: Discusses the intent of the language in section 2, with regard to the 1% threshold. (EXHIBIT A)

088 BOBIER: Discusses section 6, page 5. Asks if the section could be amended to include major or minor parties

094 TALBOTT: Explains that minor parties have the ability to nominate anybody they want for office as long as the person accepts the nomination.

097 BOBIER: Discusses that is not his understanding of the law.

103 TALBOTT: Comments that the Attorney General for the Secretary of State's office (Lynn Rosik) is "shaking her head that's not true and that you don't have to be" (a member of the party to be nominated.)

107 BOBIER: Discusses the distinction between major and minor parties.

116 CHAIR KERANS: Discusses Mr. Bobier's comments on the distinction between major and minor parties.

121 BRIAN SETZLER, Pacific Party: Testifies in support of HB 2276A. Discusses section 4, subsection 3. Discusses the elimination of the terms "major" and "minor" from the bill. (EXHIBIT A) 150
CHAIR KERANS: Discusses Mr. Setzler's remarks.

154 SETZLER: Discusses budget issues concerning the Pacific Party.

159 CHAIR KERANS: Discusses Mr. Setzler's remarks.

177 RALPH COPELAND, American Party: Testifies in support of HB 2276A. Discusses section 30, page 23. (EXHIBIT A) Suggests a revision to include the American Party because they are neither a national political party or minor political party. 207 TALBOTT: Explains a discussion she had regarding this issue with Legislative Counsel and staff at the Secretary of State and their Attorney General. Explains that as a PAC the PAC would be eligible for the tax credit. 216 COPELAND: "Would it not be simpler rather than have us go through that process to simply change a few words here?" 218 TALBOTT: Comments that if the committee wishes to redefine national political party and "say major political party that's certainly another way to approach it." 220
COPELAND: Discusses the tax credit eligibility for PACs.

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228 CHAIR KERANS: "Why don't we agree to fix that?"

256 RICHARD BURKE, Libertarian Party of Oregon: Testifies in support of HB 227 6A. Discusses page 3, lines 11 - 16, "the paid petitioners language." (EXHIBIT A) 306 TALBOTT: Comments that her understanding is that this is "just a disclosure requirement."

308 BURKE: "I quoted you the wrong lines." Comments that he will just discuss concepts. Explains that they "would like to see the language barring paid petitioners removed. We think that paid petitioners should be allowed."

315 CHAIR KERANS: Explains that the court struck that provision down.

326 BURKE: "So the Pacific Party could hire someone then?"

327 CHAIR KERANS: "Absolutely. "

329 BURKE; Discusses the language "regarding the publication in the three newspapers." Discusses page 6, lines 16-22, asks that the language be extended to minor parties. (EXHIBIT A)

353 CHAIR KERANS: Discusses Mr. Burke's comments.

BURKE: Continues his discussion.

357 CHAIR KERANS: Discusses Mr. Burke's suggestion to extend the language on page 6, lines 16-22 to minor political parties. (EXHIBIT A)

366 BURKE: Discusses the provision which would allow a major

political party to nominate a person who is not a member of the party. Comments that there is not language which would allow minor parties to do the same thing. (EXHIBIT A) 373 TALBOTT: "That's current law. " 376 BURKE: Discusses page 9, lines 9-17. Discusses whether minor parties are eligible for the tax check off. (EXHIBIT A) 404 CHAIR KERANS: "Yes. The tax credit itself. We don't have a check off box on the income tax return." BURKE: Asks if the tax check off was taken off. CHAIR KERANS: Explains that the check off was taken off the income tax return "a long time ago." 421 TALBOTT: Explains that the provision which makes minor parties eligible for tax credits is on page 23, lines 14 and 15. (EXHIBIT A) 423 BURKE: Discusses the terms of "major" and "minor" regarding political parties. , .

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448 WARREN DERAS: Testifies in support of HB 2276A. Discusses his proposals for amendments. (EXHIBITS C,D) Discusses the SB 932-3 amendments in comparison to the HB 2276-A3 amendments. (EXHIBIT A)

TAPE 85, SIDE A

035 DERAS: Continues to discuss issues. (EXHIBITS A,C,D)

051 CHAIR KERANS: Discusses Mr. Deras' remarks and asks if he is telling the committee that they have been too permissive. 052 DERAS: Comments that the committee has chosen an "inappropriate foundation selected for the definition." Discusses the SB 932-3 amendments in comparison to the HB 2276-A3 amendments. Discusses the issue regarding registration thresholds of minor political parties. Comments on lowering the thresholds for independent candidates to get on the ballot if the threshold for minor political parties is lowered. References that there are Supreme Court cases that indicate a proportionality requirement. (EXHIBITS A,C,D) 099 TALBOTT: Comments that she read the Norman v Reed case that Mr. Deras cited. Comments that "it's not clear just from that case alone that it requires that. Are there other case law that you see in conjunction with that case that support it." 102 DERAS: "No." Discusses his understanding of the Norman v. Reed case.

121 TALBOTT: Discusses the issue of proportionality.

122 DERAS: Discusses the current thresholds.

123 TALBOTT: Discusses the threshold levels.

125 DERAS: Suggests the committee address the issue of proportionality "before the courts do." Suggests how the committee should address the issue. Discusses the provision which allows minor political parties to continue in minor political party status. Suggests limiting that status to candidates who are members of the minor political party. Discusses the issue of party membership requirement. (EXHIBIT A,C,D)

305 CHAIR KERANS: Closes the hearing on HB 2276A temporarily to take up HB 227 5A.

WORK SESSION ON HB 2275A

323 SEN. MAE YIH, District 19: Testifies in support of a ballot numbering provision to include in HB 227 5A, which would require consecutive numbering of ballot measure initiatives. Reads a letter from Hasso Hering, Editor of the Albany paper, into the record. (EXHIBIT E)

442 SEN. SPRINGER: Asks if he understands that this has the support of the county clerks and the Secretary of State's office. 445 SEN. YIH: Explains that this is the Secretary of State's bill. . . . 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. _ _ _ Senate Ethics, Elections, and Campaign Finance Committee June 22, 1993 - Page 5

447 CHAIR KERANS: Discusses the Secretary of State's bill.

455 MOTION: SEN. BRYANT: MOVES to AMEND HB 2275A to include the conceptual amendment requiring consecutive numbering of ballot measure initiatives and referendums. CHAIR KERANS: Explains the amendment would restore sections 14 and 17 of the computer engrossed bill presented to the committee on 6/10/93. VOTE: CHAIR KERANS: Hearing no objection THE MOTION IS ADOPTED. EXCUSED: Sen. Dukes. 471 MOTION: CHAIR KERANS: MOVES HB 2275A as AMENDED to the FLOOR with a DO PASS recommendation. VOTE: CHAIR KERANS: Hearing no objection THE MOTION CARRIES. EXCUSED: Sen. Dukes.

WORK SESSION ON SB 884 490 ANNETTE TALBOTT, Committee Counsel: Discusses the amendment to SB 884. (EXHIBIT F) TAPE 84, SIDE B 035 TALBOTT: Continues discussing the amendments. (EXHIBIT F)

049 CHAIR KERANS: Asks if the county clerks and the Secretary of State has seen the amendment. (EXHIBIT F)

TALBOTT: "Yes. " 052 MOTION: SEN. SPRINGER: MOVES the ADOPTION of the SB 884-1 amendment.

059 SEN. DUKES: Discusses the DMV disclosure bill, voted down in the Senate this session, in comparison with this disclosure bill.

070 CHAIR KERANS: Responds to Sen. Dukes' statement. Comments that the standard in SB 884 is not parallel to the DMV bill.

094 SEN. DUKES: Discusses the language "to include but not limited to."

098 CHAIR KERANS: Asks if that language would allow the standard to be lowered.

099 TALBOTT: Explains that the Secretary of State would be able to promulgate rules to include other items. Explains the reason why that language was included.

111 SEN. DUKES: Asks if the Secretary of State could promulgate rules that would allow a person to request her/his address not be disclosed because the person says that she/he has been threatened by a co-worker. .~' . 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. Senate Ethics, Elections, and Campaign Finance Committee June 22, 1993 - Page 6

114 CHAIR KERANS: Discusses the legislative intent of the amendment.
(EXHIBIT F) 125 NINA JOHNSON, Executive Assistant, Secretary of State:
Discusses a suggested amendment to add language such as "of similar
nature" to line 5 of the SB 884-1 Amendment. (EXHIBIT F)

137 CHAIR KERANS: Discusses the current statutory structure. Summarizes
Sen. Dukes question with regard to that language allowing a lower
standard to be used.

142 JOHNSON: Comments that they do not read it to say that.

143 CHAIR KERANS: "So we would be looking for something which would
be of equal concern and in the same gravity or greater?" JOHNSON: "Yes
Mr. Chair I think we're establishing that fairly clearly on the record."

146 CHAIR KERANS: Continues to discuss the issue. "It's got be in the
context of the statute. Is that not correct, Ms. Talbott?"

148 TALBOTT: Discusses statutory interpretation rules. 155 CHAIR
KERANS: "Well we can put in 'and for information of a similar nature' if
you wish, but we're gilding the lily. Would that be alright with you.
Any objection to it?" 157 JOHNSON: Explains that they are fine with
whatever the committee feels comfortable with. 158 CHAIR KERANS:

"Then the Chair would, on line 5, after the word 'information' insert
'limited to information of a similar nature' what ever the construction
is. We want to say is that what we visited one through five that in
addition to that any other information of a similar nature of the equal
or greater gravity. Something that says it's got to be like that."

166 SEN. DUKES: Comments that this statute is totally worthless as
long as the DMV records remain open. 173VOTE: CHAIR KERANS: Hearing
no objection Sen. Springer's motion to adopt the SB 884 -1 amendments IS
ADOPTED. EXCUSES: Sen. Bryant. 176 MOTION: SEN. SPRINGER: MOVES SB
884 AS AMENDED to the FLOOR with a DO PASS recommendation. VOTE: CHAIR
KERANS: Hearing no objection THE MOTION CARRIES. EXCUSED: Sen. Bryant.

PUBLIC HEARING ON HB 2276A

TAPE 84, SIDE B 184 CAROL AUGER, Democratic Party of Oregon: Testifies
with regard to HB 227 6A. Asks if the committee will be considering
the HB 2276-A3 amendments distributed today. (EXHIBIT A)

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189 CHAIR KERANS: Explains to Ms. Auger what committee will be
considering. Discusses Mr. Deras' suggestions, relating to the HB 2276-A
I amendments. (EXHIBITS A,C,D)

196 AUGER: Clarifies that there are no amendments to the HB 2276-A3
amendments. Asks when the "empty numbers" get filled in. CHAIR KERANS:
Explains to Ms. Auger that they will do that on Thursday. 202 AUGER:
Refers to and discusses Rich Botteri's letter, with regard to non profit
status for political parties. (EXHIBIT G) 223 SCOTT RAINEY, American
Party: Testifies in regard to HB 2276A. Discusses the issue regarding
"founding conventions." Discusses page 1, line 20, as a "small timing
issue." (EXHIBIT A) 250 CHAIR KERANS: Discusses Mr. Rainey's remarks
regarding page 1, line 20. "You want to actually count the very last one
to register at the 20th day before..."

256 RAINEY: "48 months plus or minus a couple of days would be the next...presidential or gubernatorial elections. That's going to be an incredibly busy time for the Secretary of State and so as a courtesy to the Secretary of State, this is just my personal suggestion, we define that as maybe 49 months or something, so they have a little bit of leeway." (EXHIBIT A)

262 CHAIR KERANS: Explains that "it's covered ..the number of electors registered would be known. That would be a fixed number 20 days before the election."

266 RAINEY: "And then we don't have day of election registration. So I guess that is covered."

CHAIR KERANS: Comments that he thinks they are "OK on that."

270 RAINEY: Asks if there is a line in the draft which specifies that a party can become a major political party by achieving a "certain percentage of electors registered to that party without getting a certain threshold in the elections? Has that been removed?" (EXHIBIT A)

275 TALBOTT: Responds to Mr. Rainey's question. 284 RAINEY: Responds to Ms. Talbott comments and states that he was under the impression that there "were either or type thresholds, not one then the other." Asks for clarification of whether the American party could nominate Ross Perot, who is not a member of the American party, as a candidate in 1996. 290 TALBOTT: Discusses section 6. (EXHIBIT A)

308 AUGER: Asks where the "opt out clause" is in the draft. (EXHIBIT A) 310 TALBOTT: Explains that she will find the "primary opt out clause" in section 3. (EXHIBIT A) 317 BURKE: Rebuts a point discussed by Mr. Deras regarding the definition of "major party." 348 CHAIR

KERANS: Discusses the committee's work plan for HB 2276A. .- -
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373 CHAIR KERANS: Adjourns the meeting at 4:33 p.m.

Submitted by: .

Reviewed by:

Tamara Brickman
Counsel

Annette Talbott

Assistant

EXHIBIT LOG A - HB 2276-A3 Amendments dated 6/22/93 - Committee Staff- 25 pages B - Preliminary Staff Measure Summary of HB 2276-A ~ - Committee Staff - 3 pages C - HB 2276-A1 Amendments Issue Focus - Warren Deras - 1 page D - Review of HB 2276-A1 Amendments - Warren Deras - 4 pages E - Testimony on HB 2275A - Sen. Mae Yih - 6 pages F - Proposed Amendment to SB 884 dated 6/22/93 - Committee Staff- 1 page G - Letter to the committee re: SB 932 - Carol Auger - 3 pages

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