

SENATE ETHICS, ELECTIONS, AND CAMPAIGN FINANCE COMMITTEE

February 16, 1993 Hearing Room B 3:00 p.m. Tapes 12 and 13
MEMBERS PRESENT: Senator Grattan Kerans, Chair Senator Neil Bryant
Senator Joan Dukes Senator Rod Johnson Senator Dick Springer STAFF
PRESENT: Annette Talbott, Committee Counsel Tamara Brickman,
Committee Assistant MEASURES CONSIDERED: Public Hearing SB 173 SB 269
SJR3

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 12, SIDE A

006 CHAIR KERANS: Calls meeting to order at 3:11 p.m.

PUBLIC HEARING ON SB 173

WITNESSES: NINA JOHNSON, Executive Assistant, Office of the Secretary of State

CO! ~ EEN SEALOCK, Director, Elections Division, Office of the Secretary of State

016 NINA JOHNSON, Executive Assistant, Office of the Secretary of State: Testifies in favor of SB 173 (Hand Engrossed). (EXHIBIT A)

041 SEN. DUKES: Discusses the definition of "profane" and "obscenity" with Ms. Johnson, Sen. Bryant, and Chair Kerans.

055 CHAIR KERANS: Discusses the distinction between the meanings of profanity and obscenity. Senate Ethics, Elections, and Campaign Finance Committee February 16, 1993 - Page 2

065 SEN. BRYANT: Asks Ms. Johnson how the Secretary of State will enforce the provision against materials submitted to the Voters' Pamphlet regarding sexual orientation without infringing upon First Amendment rights. Asks if all of the pro Measure 9 statements would have been allowed in the last Voters' Pamphlet according to this provision.

078 CO! ~ EEN SEALOCK, Director, Elections Division, Office of the Secretary of State: Responds to Sen. Bryant's questions.

093 SEN. BRYANT: Continues discussion on freedom of speech and freedom of expression.

108 CHAIR KERANS: Asks Ms. Johnson and Ms. Sealock to go over the material in the last Voters' Pamphlet with their Attorney General to determine if any of the material would have been excluded and then distribute that information to the members of the committee.

107 SEN. DUKES: Discusses with Ms. Johnson the issue of whether the Secretary of State has some discretion regarding the Voters' Pamphlet because it is state subsidized.

PUBLIC HEARING ON SB 269

WITNESS: NINA JOHNSON, Executive Assistant, Office of the Secretary of

State

149 ANNETTE TALBOTT, Committee Counsel: Reviews redistricting issues addressed by the interim committee. (EXHIBIT E)

TALBOTT: Discusses the issue of compactness and with Ms. Johnson.

202 CHAIR KERANS: Discusses with Ms. Johnson the definition of compactness and how the Secretary of State's rule would probably follow the known case law concerning compactness.

223 TALBOTT: Discusses the issue of "equal population." Comments on the census block issue regarding redistricting.

253 CHAIR KERANS: Continues the discussion regarding census blocks. He asks if it would be possible to break the smallest population unit used by the Census Bureau.

TALBOTT: States the interim committee's wanted to prohibit the ability to split census blocks, but the language may not have specifically spelled that out.

273 JOHNSON: Continues discussion regarding census blocks, with Chair Kerans.

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311 SEN. SPRINGER: Discusses issues regarding population changes that occur after the Census's enumeration.

334 JOHNSON: Responds to Sen. Springer's statement. Continues the discussion on the splitting of census blocks.

359 CHAIR KERANS: Begins the discussion regarding the establishment of a redistricting task force.

367 TALBOTT: Discusses issues concerning the task force.

379 CHAIR KERANS: Asks Ms. Johnson, whether the Census Bureau usually has a liaison with the legislature and election authority.

391 TALBOTT: Comments that the legislature declined to participate the last time it was asked by the bureau.

397 JOHNSON: Continues the discussion relating to what the task force's duties will be.

420 CHAIR KERANS: Asks whether the task force is included in a budget.

426 TALBOTT: Responds to Chair Kerans question regarding the budget.

435 CHAIR KERANS: Discusses fiscal impact issues regarding the task force. Asks whether this will require any hiring of staff?

TAPE 13, SIDE A

031 TALBOTT: Discusses Section 4.

041 JOHNSON: Responds to Ms. Talbott's discussion regarding Section 4.

PUBLIC HEARING ON SJR3

WITNESSES: NINA JOHNSON, Executive Assistant, Office of the Secretary of State

COLLEEN SEALOCK, Director, Elections Division, Office of the Secretary of State

055 TALBOTT: Reviews the issues addressed in SJR3.

125 JOHNSON: Responds to a question, asked by Ms. Talbott, regarding the filling of vacancies after redistricting.

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131 SEALOCK: Discusses, with Chair Kerans, the problems that currently exist regarding filling vacancies once redistricting has taken place and how SJR3 addresses those problems.

158 TALBOTT: Comments on the provisions regarding midterm senators.

162 JOHNSON: Discusses, with Chair Kerans, the provisions that were made specifically to deal with midterm senators in lines eight through thirteen page 3.

185 TALBOTT: Continues the review of SJR3.

188 CHAIR KERANS: Discusses, with Ms. Johnson, the authority of the Secretary of State to do congressional redistricting in the event that the legislature fails to do it.

240 TALBOTT: Addresses the cost that the Secretary of State incurred in defending the lawsuit regarding redistricting.

247 JOHNSON: Discusses the suit against the Secretary of State's office by the state Republican party regarding the constitutional question on disenfranchising voters who were assigned a senator.

263 SEN. SPRINGER: Asks how to define who the real party in interest is in redistricting litigation.

277 JOHNSON: Responds to Sen. Springer's question.

298 TALBOTT: Reviews the bill's design regarding challenges of redistricting and default plans of the redistricting. Discusses the bill's intent which would allow, for the redistricting plan to be "fixed" pursuant to a court order, rather than defaulting to the Secretary of State's plan. Discusses the memo from Lynn Rosik to Nina Johnson. (EXHIBIT D)

379 SEALOCK: Discusses the process by which the Secretary of State arrives at the number of required signatures on a recall petition for a holdover senator after redistricting has taken place.

392 SEN. BRYANT: Asks for a definition of compactness.

396 TALBOTT: States that she will get the information for the committee.

404 SEN. SPRINGER: Asks a question regarding political boundaries (county lines) in relation to community of interests.

453 JOHNSON: Responds to Sen. Springer's question.

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TAPE 12, SIDE B

036 CHAIR KERANS: Asks whether each of the tests for redistricting need to met individually or if there is a hierarchy.

044 JOHNSON: Responds to Chair Kerans question. Discusses, with Sen. Dukes, issues of redistricting in Wasco and Clatsop counties.

076 TALBOTT: Discusses the population issue as a constitutional requirement.

109 CHAIR KERANS: Adjourns meeting at 4:15 p.m.

Submitted by: Reviewed by:

Tamara Brickman Annette Talbott Assistant Counsel

EXHIBIT LOG A - Hand Engrossed SB 173 - Committee Staff- 1 page B - Preliminary Staff Measure Summary on SB 173 - Committee Staff - 1 page C - Preliminary Staff Measure Summary on SB 269 - Committee Staff - 1 page D - Department of Justice Memorandum - Secretary of State - 2 pages

E - Issue Brief, Legislative and Congressional Redistricting: Assessing the Standards and Process - Committee Staff- 16 pages

F - Fiscal Analysis of SJR3 - Committee Staff- 1 page G - Preliminary Staff Measure Summary on SJR3 - Committee Staff - 1 page H - Table of Deadlines in SJR3 - Committee Staff- 1 page

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