

SENATE ETHICS, ELECTIONS, AND CAMPAIGN FINANCE COMMITTEE

May 6, 1993                      Hearing Room B 3:00 p.m.                      Tapes 58 and 59  
MEMBERS PRESENT: Senator Grattan Kerans, Chair Senator Neil Bryant  
Senator Joan Dukes Senator Dick Springer MEMBERS EXCUSED:                      Senator Rod  
Johnson STAFF PRESENT: Annette Talbott, Committee Counsel Tamara  
Brickman, Committee Assistant MEASURES CONSIDERED:                      Public Hearing  
SJR33 SB 843 SB 1070 Public Hearing and Work Session SB 979

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 58, SIDE A

009 CHAIR KERANS: Calls meeting to order at 3:16 p.m.

PUBLIC HEARING ON SJR33

WITNESSES:                      SENATOR CATHERINE WEBBER, Senate District 16 SECRETARY OF  
STATE PHIL KEISLING SENATOR GORDON SMITH, Senate District 29 JANA DOERR,  
Chair, Democratic Party of Oregon JANET ARENZ, American Civil Liberties  
Union (ACLU)

015            SEN. WEBBER, Senate District 16: Testifies in support of SJR33.  
Presents amendments to SJR33. (EXHIBITS B, C) 043                      PHIL KEISLING,  
Secretary of State: Testifies in support of SJR33. Discusses  
qualifications of election to the Legislature, comments that this would  
add a qualification. 064 SEN. GORDON SMITH, Senate District 29:  
Testifies in support of SJR33.

082 SEN. SPRINGER: Discusses the issue of a court discretion to "treat certain categories of C felonies as misdemeanors for purposes of sentencing." Asks whether or not that statute should be recognized.  
Senate Ethics, Elections, and Campaign Finance Committee May 6, 1993 -  
Page 2 3:00 p.m. Meeting

089 SEN. WEBBER: "Allow them the option of being a misdemeanor conviction because the sentence is a misdemeanor sentence?"

SEN. SPRINGER: "Correct."

SEN. WEBBER: "I would support that."

091            SEN. SPRINGER: Comments that he believes it applies mostly to C felonies. 095 CHAIR KERANS: Comments that the question is the difference between what a person is convicted of and sentenced to and whether or not they want to discriminate between the two.

098            KEISLING: Urges the committee, if it decides to do so, to ensure the language is "absolutely clear" for purposes of execution of this provision. 110 CHAIR KERANS: Comments that the Senate or House could decide the qualifications and decide what to do. 111 SEN. G. SMITH: Discusses the public's view of felony convictions and that it does not care what the sentence is. "I would say that if it falls into a class C felony or anything above that that should disqualify someone from service in the Legislature, for the period until the obligation to society is satisfied." 119 CHAIR KERANS: "So sentenced as a felon. Would that satisfy you?" \ SEN. G. SMITH: "Yes. It would." SEN. WEBBER: "Yes." 121 CHAIR KERANS: "Alright. So we want to avoid ambiguity."

Asks a question in regards to "such crimes as felony driving while suspended." 123 SEN. SPRINGER: Comments that by the end of session there will be different types of felonies.

128 KEISLING: Comments on the "need to draw a line" and that the line is with a felony.

135 SEN. BRYANT: Comments that a person has to have a long string of prior convictions before falling into the category of felony driving while suspended. 142 SEN. G. SMITH: Discusses that "we do need to be careful what we call a felony," but that a felony is a good threshold, especially in the public's view when it involves a public official.

165 JANA DOERR, Chair, Democratic Party of Oregon: Testifies in support of SJR33. (EXHIBIT E) 189 CHAIR KERANS: Recesses the committee while waiting for Senator Hannon to arrive and testify on SB 843. 196 CHAIR KERANS: Reconvenes the committee and calls last witness on SJR33.

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199 JANET ARENZ, ACLU: Suggests adding a sentence to clarify that a person could run again in the future if that is the committee's intent.

209 CHAIR KERANS: Comments that is the intent.

211 ARENZ: Asks what happens if a person files an appeal. What happens to the person during the appeal and after, especially if the conviction is overturned. 215 CHAIR KERANS: Responds to Ms. Arenz, and discusses issues involved with SJR33 and the appeals process.

#### PUBLIC HEARING ON SB 843

WITNESSES: SENATOR LENN HANNON, Senate District 26 JOHN SANDUSKY, Oregon Shelter Network VICKI ERVIN, Director, Multnomah County Elections and President, Oregon County Clerks Association WALTER CREWS, Non Commissioned Officers Association of the United State States of America, Oregon State NCOA Council

234 SEN. HANNON, Senate District 26: Testifies in support of SB 843.

262 SEN. BRYANT: Asks if a vote by mail ballot would be sent to the person's address in care of the County Clerk's office.

265 SEN. HANNON: Comments that the person would have to go to the County Clerk's office to pick it up.

267 SEN. SPRINGER: Comments that he would like to be able to sign on the bill when it passes.

268 SEN. HANNON: Comments he would be glad to welcome sponsors.

279 JOHN SAN'DUSKY, Chairman of the Board, Oregon Shelter Network: Testifies in support of SB 843. Explains what the Oregon Shelter Network is. Remarks on the number of people that could be affected by this bill.

362 VICKI ERVIN, Director, Multnomah County Elections and President, Oregon County Clerks Association: Testifies in support of SB 843.

379 WALTER CREWS, Legislative Representative, NCOA: Testifies in support of SB 843. (EXHIBIT G)

PUBLIC HEARING ON SB 1070

WITNESSES: NINA JOHNSON, Executive Assistant, Secretary of State LYNN ROSIK, Assistant Attorney General, Oregon Department of Justice

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436 NINA JOHNSON, Executive Assistant, Secretary of State: Testifies in support of SB 1070. Comments that this bill is meant to deal with constitutional issues. Discusses that the bill would repeal "the so called reelect statute" because it is not currently being enforced.

488 SEN. SPRINGER: Asks if "this is intended to reach at that rare situation when a candidate's name appears in large letters and the office for which they're seeking election appears in large letters and the word 'elect' or 'for' appears in...little type or sometimes not at all?"

TAPE 59, SIDE A

036 JOHNSON: Responds to Sen. Springer and explains that this bill would not deal with that issue. Discusses that the bill requires a "false statement of material fact."

042 CHAIR KERANS: Discusses the issue of candidates who are not incumbents not using the words "elect" or "for" in publications.

056 LYNN ROSIK, Assistant Attorney General: Comments that the interpretation "made last fall" which would apply under the language in section 3 "while that may infer incumbency, it is not absolutely false." Comments that people could read and interpret materials by a candidate for an office, without including the words "elect" or "for," as that being the office that the candidate is running for. "We interpret that to mean absolutely false, with no ambiguity to it." 069 CHAIR KERANS: Suggests that would be where a candidate claims to be an incumbent of the office, but actually is not. Comments that isn't helpful to Sen. Springer who is concerned with "people who want to trade on the ambiguity of not qualifying their statement, of either 'for' or 'elect.'" 082 JOHNSON: Discusses the difficulties of crafting legislation to deal with this issue that would be constitutional .

091 SEN. SPRINGER: Discusses the issue of people inferring a candidate to be an incumbent if that candidate does not use the words "for" or "elect. " Asks "if there is any reasonable interpretation it's OK? Is that what the first amendment compels us to do? I don't think so, as far as election laws." 101 ROSIK: Discusses that there have been "quite a few cases in the election law context that have interpreted false statement requirement. . .It has to be absolutely false, with no possible ambiguity where it could be true." 109 CHAIR KERANS: Asks if that is the case The Committee of 1000 v. Eivers.

110 ROSIK: Explains that it is that case and several others.

119 CHAIR KERANS: Asks if there would be any objection to putting

language in "if it passes muster" to require a candidate, who does not qualify as an incumbent by the definition in the bill, to use the word "elect" of "for" in materials.

137 JOHNSON: Comments that she doesn't know if that creates any legal problems and that they would not have "any off the top of our head objection to that." Discusses the requirement placed on people with regard to disclaimers.

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144 CHAIR KERANS: Discusses language suggestions.

149 ROSIK: Discusses that there should be concern with "telling candidates what to say. I think that would have some Article I, Section 8 implications."

PUBLIC HEARING ON SB 979

WITNESSES: NINA JOHNSON, Executive Assistant, Secretary of State VICKI ERVIN, Director, Multnomah County Elections

179 NINA JOHNSON, Executive Assistant, Secretary of State: Testifies in support of SB 979.

216 VICKI ERVIN, Director, Multnomah County Elections: Testifies in support of SB 979.

226 SEN. DUKES: Discusses the language "the Treasurer will lend."

230 JOHNSON: Comments that current law allows the Treasurer to loan money "for purposes of buying voting machines." Discusses that this money would be for counties that do not have "immediate capital cash for the capital investment available." Discusses counties updating election systems.

248 SEN. DUKES: Asks if any intergovernmental agreement has been envisioned between "the three counties to the running of all of this?"

263 ERVIN: Comments that if it is appropriate to do so, then yes. Discusses issues the task force discussed. (EXHIBIT K)

278 SEN. DUKES: Asks if the Secretary of State's office is looking at computer software for purposes of being the model.

286 JOHNSON: Comments that is one of the hopes as a result of this bill.

310 SEN. DUKES: Discusses county election systems.

324 CHAIR KERANS: Discusses the reasons why he is pursuing SB 979.

404 SEN. DUKES: Discusses Chair Kerans' comments.

421 CHAIR KERANS: Discusses giving a " unique identifying number" to voters.

424 SEN. DUKES: Asks if you wouldn't get a unique identifying number every time you gave a different last name.

425 CHAIR KERANS: Comments that it would be issued by the state and that there would only be "one per customer. "

432 JOHNSON: Discusses Chair Kerans' suggestion.

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450 CHAIR KERANS: Discusses an incident when he was involved in a recount.

471 ERVIN: Comments on that SB 979 would "open up some doors."

480 CHAIR KERANS: Discusses a bill which required the Secretary of State's office to "drop in unannounced and do a computer verification of the programming and the machinery to make sure that it's all OK."

TAPE 58, SIDE B

035 CHAIR KERANS: Continues. Discusses the issue with regard to passing SB 979 out to the floor, instead of to the Ways and Means Committee and the budget of the Secretary of State's office.

064 JOHNSON: Comments they would agree to not sending it to Ways and Means, and that the main objective was to guarantee the necessary funding for implementation. 070 CHAIR KERANS:

WORK SESSION ON SB 979

103 MOTION: CHAIR KERANS: MOVES SB 979 to the FLOOR with a DO PASS RECOMMENDATION. VOTE: CHAIR KERANS: Hearing no objection the MOTION IS ADOPTED. Sen. Springer is given unanimous consent to be recorded as an aye vote at the 6:00 p.m. May 6, 1993 hearing. EXCUSED: Sen. Johnson.

108 CHAIR KERANS: Closes the work session on SB 979.

110 CHAIR KERANS: Discusses action on SB 159 by the Committee on House Legislative Rules and Reorganization. Discusses issues with regard to lobbyist fees on SB 111.

164 CHAIR KERANS: Adjourns the meeting at 4:25 p.m. Announces that the committee will reconvene at 6:00 p.m. to hear additional bills.

Submitted by: Reviewed by: Tamara Brickman Annette Talbott  
Assistant Counsel

EXHIBIT LOG

A - Preliminary Staff Measure Summary on SJR33 - Committee Staff - 1 page  
B - Testimony on SJR33 - Senator Catherine Webber - 1 page  
C - Proposed Amendments to SJR33 dated 5/6/93 - Senator Catherine Webber - 1 page  
D - Fiscal Analysis of SJR33 - Committee Staff - 1 page

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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 May 6, 1993 - Page 7 3:00 p.m. Meeting E - Testimony on SJR33 - Jana Doerr - 3 pages F - Preliminary Staff Measure Summary on SB 843 - Committee Staff- 1 page G - Testimony on SB 843 - Walter Crews - 3 pages H - Preliminary Staff Measure Summary on SB 1070 - Committee Staff - 1 page I - Preliminary Staff Measure Summary on SB 979 - Committee Staff - 1 page J - Fiscal Analysis of SB 979 - Committee Staff- 1 page K - Task Force on Local Government Status report - Committee Staff- 7 pages

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SENATE ETHICS, ELECTIONS, AND CAMPAIGN FINANCE COMMITTEE

May 6, 1993                      Hearing Room B 6:00 p.m.                      Tapes 58 - 61 MEMBERS  
PRESENT: Senator Grattan Kerans, Chair Senator Neil Bryant Senator  
Dick Springer MEMBERS EXCUSED: Sen. Joan Dukes Sen. Rod Johnson STAFF  
PRESENT: Annette Talbott, Committee Counsel Tamara Bricnan,  
Committee Assistant MEASURES CONSIDERED: Work Session HB 2277A Public  
Hearing SB 320 Work Session SB 1071 SB 1072

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166 CHAIR KERANS: Calls meeting to order at 6:25 p.m.

168 SEN. SPRINGER: Asks to be recorded as an aye vote on SB 979. He was attending Legislative Business away from the hearing.

170 CHAIR KERANS: Comments that it would not change the outcome. Hearing no objection orders to record Sen. Springer as an AYE vote on SB 979 from the hearing 5/6/93 earlier in the day.

WORK SESSION ON HB 2277A

175 MOTION: CHAIR KERANS: MOVES to RECONSIDER the vote on HB 2277A which was sent to the FLOOR with a DO PASS AS AMENDED recommendation on 514193. VOTE: CHAIR KERANS: The MOTION CARRIES. EXCUSED: Sen. Dukes, Sen. Johnson. 179 CHAIR KERANS: Discusses what will be done with 2277A.

185 SEN. BRYANT: Asks if that was to eliminate the June election date. Senate Ethics, Elections, and Campaign Finance Committee May 6, 1993 - Page 2 6:00 p.m. Meeting

186 CHAIR KERANS: Comments that is what the bill was before the committee amended it. Discusses that it will be heard at a later date.

PUBLIC HEARING ON SB 320

202 MORELLA LARSON, Oregon Real Estate Commissioner: Testifies in support of SB 320. Explains what the Real Estate Agency is. Comments that under current law, in the area of escrow closing, they license the company, not the closers and SB 320 "would fix that." 231 STEVE HAWKS, Deputy Real Estate Commissioner: Discusses issues, with regard to escrow information, contained in SB 320. Discusses current problems with escrow officer regulation. Discusses the issue of real estate licensee exemption "that exemption is for folks who act without special compensation." Discusses the issue of using HB 3121 in place of SB 320 and that with regard to real estate licensee exemption the committee should keep the language found in HB 3121.

TAPE 59, SIDE B 031 SEN. BRYANT: Comments that he sees "a distinction between a closing escrow versus collection escrow as far as financial ability...so from protecting the public from the closing portion of it, when it's with the conjunction with the title company I don't see the risk." Comments that his understanding from Mr. Hawes testimony that collection escrow are required to post any bond.

056 HAWKS: Comments that is not correct. "What I was talking about was the firm that actually used the collection agency, which is a separate license type, and they have a much smaller bond...they're allowed to do collection escrows if they don't hold documents. In other words, they're allowed to collect money and disburse it out."

062 SEN. BRYANT: Discusses redefining a collection escrow "to require some licensing of those people," but that he is concerned about "requiring all escrow closers and collection escrows then to be treated the same way...I think I agree with the provisions in HB 3121."

069 CHAIR KERANS: Asks Mr. Hawes to respond to a question in regards to testimony in regards "to the person who got too close to the builder and the title company had to step up to the mark, but what happens if she or he decides then to go and work someplace else."

073 HAWKS: Comments that the concern is from a "straight regulator's concern." Discusses regulation issues. Discusses issues raised by the Special Investigative Committee on PERS Investments.

104 SEN. BRYANT: Asks if the company was held liable, with regard to the comments made on the Special Investigative Committee.

105 HAWKS: "We haven't gotten to that point."

106 SEN. BRYANT: Discusses the issue regarding company's trepidation to give bad recommendations on someone and says that usually no recommendation will tell a person something. Comments that if there has been actual criminal activity it should be pursued. Discusses the subject of people leaving one area and going to another.

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126 HAWKS: Explains to Sen. Bryant that their records are all public records, in regards to a question of another state calling to get information on an individual, and SB 320 "would continue that."

128 CHAIR KERANS: "As a practical matter you get to do nothing or you get to go in and hammer the licensee and disrupt...other innocent parties who are in that shop at that time."

134 HAWKS: State that that's the trouble and that they have the ability to fine, and "what we end up doing...we end up hitting the escrow agent, i.e company with a fine."

146 CHAIR KERANS: Comments on Mr. Hawes remarks.

152 HAWKS: Comments on the title company's or escrow owner's cooperation in fixing some of "the problems." 157 CHAIR KERANS: Discusses Mr. Hawes comments.

184 HAWKS: "Our object, frankly, is to have a license to revoke in those worse case situations."

204 RAY GRIBLING, Oregon Mortgage Bankers Association: Presents



testimony on SB 320 and HB 3121. (EXHIBITS A,B) 296 GENOA INGRAM, Oregon Association of Realtors: Testifies in opposition to SB 320. Comments that the Oregon Association of Realtors supports HB 3121. (EXHIBIT C) 448 DAVID SHIRK, Oregon Association of Mortgage Brokers, (OAMB): Discusses the concern the Association has with placing regulation under the Real Estate Agency, rather than the Department of Insurance and Finance, and that the OAMB are co-requestors of HB 3121. (EXHIBITS D,E)

TAPE 60, SIDE A

034 SHIRK: Continues.

WORK SESSION ON SB 1071

160 CHAIR KERANS: Asks if Sen. Bryant was present at the last hearing on SB 107 1 on 412 9193.

162 SEN. BRYANT: Discusses Sen. Johnson's concern about disclaimers.

165 CHAIR KERANS: Comments that the "sum of the bill is very straight forward." 172 MOTION: SEN. SPRINGER: MOVES SB 1071 to the FLOOR with a DO PASS recommendation. 176 SEN. BRYANT: Asks if Sen. Johnson's concern would be addressed by SB 107 1.

179 CHAIR KERANS: Comments that the bill goes the other way and that it does not address his concerns.

181 SEN. BRYANT: "I'll vote to get it to the floor. " Asks a question in regard to Sen. Johnson's concern about disclaimers "being on everything." . 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 May 6, 1993 - Page 4 6:00 p.m. Meeting

185 NINA JOHNSON, Executive Assistant, Secretary of State: Responds to Sen. Bryant and explains that currency disclaimers are required on everything, except signs. Explains that this bill makes "everything consistent."

208 CHAIR KERANS: "Everything that we find between lines 19 and 30 on page 1 of the bill." 211JOHNSON: Discusses that SB 1071 reduces "the breadth of the statute in line 7, by deleting relating to any election or to, so that we're at least focusing on any candidate or measure in an election." 216 CHAIR KERANS: Comments that this is supposed to help make the statutes constitutional. 221 SEN. BRYANT: "You probably have rules on what type of teeny type has to be on certain things to give a valid disclosure?" 223 JOHNSON: Comments that it is her understanding that there are no rules regarding type size. 230CHAIR KERANS: "The other option would be to give you rule making authority to exempt things?" 231 JOHNSON: "That would be the other option. I think you'd need to give us some direction on that."

238 SEN. BRYANT: Asks what the disclosure has to say.

240 JOHNSON: Comments that the only requirement is "authorized by."

242 CHAIR KERANS: "FEC is paid for and authorized by."

244 JOHNSON: Discusses what the requirement used to be.

248 SEN. BRYANT: "I'll vote for it to move it to along and I might reconsider when it comes to floor."

251 VOTE: CHAIR KERANS: Hearing no objections THE MOTION CARRIES.  
EXCUSED: Sen. Dukes, Sen. Johnson.

WORK SESSION ON SB 107 2

261 TALBOTT: Refers to the SB 1072-2 amendments. (EXHIBIT F)

275 CHAIR KERANS: Discusses that page 1, allows the Secretary to propose a rule for specifications, size and format of the voters' pamphlet. "You'll tell us all the specifications, size, and format etcetera, and if people wish to come and tell you differently they can do so at a hearing." Discusses that the statement of occupation, educational background, and prior governmental experience will be included. 297 TALBOTT: Comments "that's whether or not the candidate file the optional statement."

300 CHAIR KERANS: Discusses whether the photograph will be included in the free part.

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310 TODD JONES, Assistant to the Secretary of State: Presents an example of what a page in the pamphlet might look like. Explains why the "picture is not part of the freebie." (EXHIBIT G)

331 CHAIR KERANS: "The person who did not buy would have their name, their party, office sought, and then the four elements." 335 JONES:

"That's correct. " 337 CHAIR KERANS: Begins a discussion of page 2, of the amendments. Reads line 4 and asks "that's for the freebie and that's the same now is that not correct? There's no length on that?" (EXHIBIT F) 342 JONES: Comments that it has to be a part of the total

limit on words for the entire statement. 344 SEN. BRYANT: Asks if the candidates for President and Vice-President are required to pay.

346 JONES: "Yes. " 350 CHAIR KERANS: Discusses section 4.

354 JONES: Explains that section 4, "takes the local government candidates out of the state voters' pamphlet." 358 TALBOTT: "City and county and metro council and executive officer." Comments that they could participate in the intergovernmental agreement if they want to share the cost, which is addressed later in the bill. " (EXHIBIT F)

367 CHAIR KERANS: Discusses section 5. (EXHIBIT F) 370 TALBOTT: Explains that section 5 is a conforming amendment. (EXHIBIT F)

372 CHAIR KERANS: Asks what, section 82, chapter 267, Oregon Laws 1987 is in regard to section 6. (EXHIBIT F) 373 JONES: Comments that he believes it is the provision which would allow the Secretary of State's office to change to a regional presidential primary.

381 CHAIR KERANS: In reference to section 7, subsection 4, asks what the size of the portrait is now. (EXHIBIT F) 382 JONES: Explains that it is 2" by 3" and that the photo is currently a big part of the statement. Discusses that by reducing the space for the portrait they are "buying more space for those candidates to put optional words in."

399 CHAIR KERANS: Comments that a 1/2 inch would be taken off the width. 403 SEN. BRYANT: "Mr. Chair, I'd rather have more content and

less photo, so I'm in favor of the idea."

409 JONES: Comments that the size would match the photo that appears in the Legislative Guide that came out

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for this session.

412 CHAIR KERANS: "What would happen if it was 1.75 inches by 2.25 inches? Would you care?"

419 JONES: "I guess as long as they didn't surpass their space limit and their word limit."

420 CHAIR KERANS: "I'm talking about as far as us setting a minimum limit." Comments that 1.5 inches by 1.75 inches is small. 425 COLLEEN SEALOCK, Director, Elections Division: Discusses the issue regarding the choice of the size of the portrait. 453 CHAIR KERANS: Refers to section 8. Discusses the issue of a fee being established by rule. (EXHIBIT F) 462 TALBOTT: Explains that the cost in the pamphlet currently is \$100 for legislative candidates and \$300 for statewide candidates. Comments that SB 1072 changes the amount of space available to a statewide candidate; therefore the price is lowered. Discusses the price for legislative candidates. 471 JONES: Comments that the Secretary of State's office is "open" to working on the prices. "The intent behind having a uniform fee is we want to establish a precedent that says a given amount of space in the voters' pamphlet is reflected by a given value." 485 CHAIR KERANS: Comments that the price should be higher for people who appear in "multiple copies of the voters' pamphlet." Discusses a \$500 fee for statewide candidates as well as presidential candidates.

TAPE 61, SIDE A

035 CHAIR KERANS: In reference to Congressional candidates asks "Charge them \$100 or \$500?" Discusses the fee as it is currently.

040 SEN. BRYANT: Discusses the views of his caucus to raise the rate and minimize the subsidy. 042 CHAIR KERANS: "Let's do this make it \$200. Take out the rule .make it \$200 flat. Let's keep President, Vice-President, United States Senator, or Representative of Congress \$500, and then any state of~lcer to be voted for in the state at-large \$500."

048 TALBOTT: Clarifies the suggestion made by Chair Kerans.

053 SEN. BRYANT: Asks what should be done for statements on ballot measures. 054 JONES: Comments that SB 1072 is limiting the arguments to one pro and one con argument so there would be no charge.

057 CHAIR KERANS: Continues the discussion of section 8 and the length and size of the page. Asks if the size stipulated "would fit a half size?" (EXHIBIT F)

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063 JONES: Comments that an amendment to SB 1072-2 is needed because it should be 21 square inches. (EXHIBIT F) 065 TALBOTT: Comments on the term "or" between "75 words or 7 square inches," and in section 8, subsection 2 "250 words and 20 square inches." Asks if it is meant to be "or." 072 JONES: "I'm pretty sure we want 'and.' It has to fit within the square inch limitation 'and' it has to fit the word limitation." 073 CHAIR KERANS: "Shall not exceed 75 words and 7 square inches?" Discusses the issue of placing the word "and" between the word limitation and square inch requirement. 077 TALBOTT: "The intent is, you get 75 words regardless of what those words are?" 079 JONES: Discusses the reason why there are two measurements. Comments that they have to make sure it will fit in the voters' pamphlet. 087 TALBOTT: "The candidate can always have 75 words, you may have to change the type set to make it fit in that, or which is it?" 090 JONES: "It has to fit. That's why the 'and.'" 091 TALBOTT: "The candidate still has to lay out their 75 words to make sure it fits in there."

092 JONES: Comments that they would notify the candidate if it did not fit and work with them. However, "if we had not cooperation with them I imagine what we would have to do is cut it off."

098 CHAIR KERANS: "So statement shall not exceed 75 word and 7 square inches. Shall not exceed 250 words and 21 square inches."

100 TALBOTT: "And the space is still the same? In other words, the reason why they pay \$500 isn't because they get a bigger space it's because they have a wider distribution?" 104 CHAIR KERANS: "They get the same space, they just get a name in 500,000 copies." Begins a discussion on Section 9, which addresses political parties. (EXHIBIT F) 111 JONES: Comments that they have been given half as much space as they currently have in the voters' pamphlet and increased the fee one and a half times. 113 CHAIR KERANS: "They pay more than the President of United States." Asks why they get a full page.

118 JONES: Comments that currently they have 4 columns. "Under this bill we cut their current space in half, a statewide political party goes from 4 columns to 2. A less than statewide political party goes from 2 columns to 1. The fee on the statewide goes from \$400 to \$600."

123 CHAIR KERANS: "It ought to get to \$1,000. They get twice what the Governor gets."

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125 SEN. BRYANT: "Where does that appear in the book?"

CHAIR KERANS: "In the back."

127 SCOTT TIGHE, Elections Division: Comments that the Republican party did not submit a statement.

129 CHAIR KERANS: Continues the discussion of where political party statements are located in the voters' pamphlet. Comments that a flat fee of \$600 and \$300 should be established and proposes to delete the rule

making provision on line 6. Discusses page 7, line 18. Asks what is being changed there. (EXHIBIT F)

145 JONES: Explains the sections 10 and 11 are "allowing us not to have to work directly through the state printer in order to print the voters' pamphlet." Discusses the reasoning behind this provision and explains the process the Secretary of State went through in printing the last voters' pamphlet for the general election in 1992. 159 CHAIR

KERANS: Begins a discussion on section 13. (EXHIBIT F) 162 JONES: Explains that this is the section which would require Legislative Counsel to write explanatory statements, instead of the current committee system. Explains that section 14 "allows that the statements can still be appealed." Discusses Legislative Counsel's current process for drafting explanatory statements, in regards to the public hearing.

171 CHAIR KERANS: Asks Sen. Springer if anybody has come before the Legislative Counsel Committee to "contest or comment" on explanatory statements. 173 SEN. SPRINGER: "Yes, but very in\*equently."

175 CHAIR KERANS: Refers to section 15. (EXHIBIT F)

176 JONES: Comments that this section begins the limiting of ballot measure arguments.

177 CHAIR KERANS: Reads portions of section 16. Discusses subsection 4.

185 JONES: Comments that the size is one page (2 columns). "We do need to make a correction on page 11, line 9. It says it shall 'be less.' That should 'be shall not be greater.'" Explains that section 17 allows the fiscal impact statement process to begin earlier. (EXHIBIT F)

196 CHAIR KERANS: "They'll appreciate that, won't they?"

203 JONES: Explains that subsection 7 allows "the county clerks to proceed with printing the ballots and meeting their deadlines, if for any reason a fiscal impact statement was held up."

205 CHAIR KERANS: Begins a discussion of section 21. Asks a question of the cost to get county measures into the county pamphlet.

216 TIGHE: Comments that fees are currently set by administrative rule "that the counties can charge candidates and those that submit measure arguments." \_ 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 Ethi - , Elections, and Campaign Fmance Committee May 6, 1993 - Page 9 6:00 p.m. Meeting

218 CHAIR KERANS: Asks if that is the current practice. 221 TIGHE: "That's correct. "

222 CHAIR KERANS: "No change in that?"

TIGHE: "NO. No change."

228 CHAIR KERANS: Comments that on page 14, line 9, the word "or" should be "and." Discusses section 21, subsection 4. Discusses the issue of the Secretary of State being the "bona fide, well known, and generally accepted person to make up this five person committee."

245 JONES: Comments that the Secretary of State is "very open to changing that. I will note for the record that in the explanatory

statement process, right now, the two proponents come from the petitioners, if it's an initiative, and the Secretary of State alone selects the opponents. That was part of the reasoning behind this...because we could not come up with a better (way) that seems sensible."

261 CHAIR KERANS: Continues a discussion on the issue and asks the committee members how they feel about it. 274 SEN. SPRINGER: "I don't think I'm quite there yet, Mr. Chair." 277 CHAIR KERANS: "At the same time I'm not at all unmindful of the problem. I don't know where to go to send you to get a half a million dollars in additional General Fund to underwrite the cost of all the arguments that come walking in the door at \$300 a piece." 282 SEN. BRYANT: "I think my caucus would say we either do something like this, or charge the people a much higher price to help fund it, or we don't do it." 286 CHAIR KERANS: "There is a point at which we could do away with the petition. That is to say getting a page by petition and charge them \$1,000." 290 SEN. SPRINGER: Asks for a cost breakdown of preparation, publication, printing, versus postage. "Is the postage. "The postage is going to be the same whether it's 25 pages or 250 pages, is it not?" 295 CHAIR KERANS: Discusses that postage usually depends upon the weight of the material. 298 SEN. SPRINGER: "I don't know if postage is 10% of the cost or 50% of the cost."

SEN. BRYANT: "There was a break down."

300 CHAIR KERANS: "'How much of it's in postage that you're gaining by a reduction in weight. It can't be a lot."

305 TIGHE: Explains that the voters' pamphlet for the 1992 general election was \$356,399.

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310 CHAIR KERANS: "How much do you think you're going to save if you were to model this thing with one argument pro/con. What does it do to your postage?"

316 SEALOCK: Explains that the way they figured their budget was to "take the general page count number and reduce it down, and then reduce all of the costs that we have broken out proportionally, so a proportionate amount of the cost would be reduced in postage, but we have done so many different things to reduce the postage cost." Explains the way postage has been cut. Explains that the "bulk of the cost" is in preparation and paper cost.

347 CHAIR KERANS: Discusses section 16 lets do this

352 MOTION: CHAIR KERANS: MOVES to ADOPT the SB 1072-2 AMENDMENT AS AMENDED, with the exception of Section 16. VOTE: CHAIR KERANS: Hearing no objection THE MOTION IS ADOPTED. EXCUSED: Sen. Dukes, Sen. Johnson.

360 CHAIR KERANS: Discusses section 16. (EXHIBIT F) 368 SEALOCK: Comments that they looked at how other states approach the issue of arguments in the their voters' pamphlets. Discusses the suggestion of allowing one argument and a rebuttal to the argument. 378 CHAIR

KERANS: "I like doing it by lot." 379 SEALOCK: "We talked about that and if that's the choice of this committee we would carry it out." Discusses the Secretary of State's concern with doing it by lot. 387 TIGHE: Comments on the possible of "loading the punch bowl to get your measure drawn out." 389 CHAIR KERANS: Discusses that there has to be "some way to provide for a method of" 393 SEN. BRYANT: Asks "what if the Secretary of State was required to, in this five citizen committee, to pick people who oppose the measure. Would that add comfort?" 397 CHAIR KERANS: "No, I think it's a matter of citizen access." Discusses the issue of citizen access to the voters' pamphlet. "I would like to explore an amendment just to section 16." Discusses conceptual ideas for an amendment to section 16, which would be to form a committee. 470 SEALOCK: Asks if he envisions the committee to be different for each measure or if the committee would review all the measures. 475 CHAIR KERANS: Comments that he doesn't think there should be different committees for each measure. Discusses suggestions on how the committee might possibly be set up and what its purpose would be.

TAPE 60, SIDE B

037 CHAIR KERANS: Continues. . . - These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks upon a speaker's exact words. For complete contents of the proceedings, please refer to the tapes. Senate Ethics, Elections, and Campaign Finance Committee May 6, 1993 - Page 11 6:00 p.m. Meeting

- 043 JONES: "The village voice notion is a new perspective. When we were considering the changes we tried to take that step backwards and say what is the voters' pamphlet for." Comments they decided "it is a tool to provide information to the voters." Asks what a "series of arguments with different perspectives bring us that one argument with a series of perspectives in it would not bring?" Discusses Chair Kerans' suggestion on the committee and its purpose.

053 CHAIR KERANS: "I would say that not everything can be said in 250 or 500 words. All of the important things that need to be said about a statewide measure can't be said in a single statement. Many different perspectives could be applied to the same measure." 050 SEN. BRYANT: Suggests "allowing people to submit their proposed arguments and having this committee editorialize it to include the different suggestions that are included in the arguments." Discusses his suggestion. 070 JONES: Comments that the state of Ohio "kind of serves that example." 078 CHAIR KERANS: Discusses two directions that the committee can go. Comments that a 3 pro/3 con would be more than a 75% reduction from the last one. Comments on the need to allow for people of modest means to have access. Asks what the price is now? SEALOCK: "\$300." CHAIR KERANS: "What are you suggest we raise it to?" SEALOCK: "Zero." 111 SEALOCK: Discusses that the concern over charging a price is with only selecting the few arguments, then what would be done with the money submitted by those people whose arguments did not get selected. 115 CHAIR KERANS: Discusses Ms. Sealock's comments. 119 SEALOCK: Discusses the concern of having to have an amendment with at "different timeline on it." 125 CHAIR KERANS: Discusses three suggestions for the committee. "Find a number, no more than five, pro and con if there is that many or less submitted by the deadline they all get printed. If there is more than that then you appoint a panel and their job is to determine whether it is a bona fide argument clearly in favor or opposed, without regard to its content." Discusses the Self Righteousness Committee's submission to the voters'

pamphlet on Measure 9, in the 1992 pamphlet. 138 SEALOCK: "The Self Righteousness Committee hold until this very day that argument was submitted as a legitimate argument." 142 CHAIR KERANS: "We know what it was." Continues with his suggestion for the panel in regard to the arguments "assigning numbers to them and draw by lot the requisite number. Then you can have the Secretary of State do it from the list prepared by this committee the way to make it work a little better is it would now cost \$300 or a 1000 signatures, is that right?"

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SEALOCK: Responds that those are the current requirements.

154 CHAIR KERANS: "We ought to make it 2500 signatures and \$500. Would that be alright. Something like that? Let's try that." Asks that to be drafted so that the caucuses can review it.

161 SEN. BRYANT: Comments that his caucus would be interested in requiring the candidates to discuss "three issues, like we talked about" in the voters' pamphlet. 165 CHAIR KERANS: Comments that the

committee planned on bringing that to SB 107 2. "Is it part of the 250 words that they pay for? Yes. We've always assumed that they pay for that." Continues the discussion on section 16. (EXHIBIT F) 177 JONES: "If five or less arguments are submitted they just go in? If more than that number are submitted, a panel, is set up selected by the Secretary of State. That panel reviews the arguments for being legitimate and then the one that are determined to be legitimate from those are drawn?"

185 CHAIR KERANS: "Right. You number them and put the numbers into a hat and then you draw the number. The Secretary of State is ultimately responsible for determining whether the argument got in or not. "

188 SEN. BRYANT: Asks for a cost breakdown on the differences between 3, 4, or 5 arguments. 190 CHAIR KERANS: "In comparison to the 211 you had the last time." 193 JONES: "And then the fees are increased?"

194 CHAIR KERANS: "To \$500."

195 TALBOTT: "The chief petitioners are guaranteed one in this scenario and section 16. Are you talking just about opponents?"

CHAIR KERANS: "No. "

TALBOTT: "So the chief petitioners wouldn't get..."

200 JONES: "Referrals or initiatives."

201 TALBOTT: "I thought we were just talking about initiatives."

202 CHAIR KERANS: "Yeah your right. We wouldn't want to put the chief petitioners into a lottery."

204 SEALOCK: Comments that they can be out. "What you may want to do is say they get one." Adds that if they want to submit more than one than the additional arguments would go into the lottery.

206 JONES: Comments that for referrals they would keep what they have currently, which is that the "Senate President picks one the Speaker picks two, those three come together and submit an argument for the



Legislative referral."

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212 CHAIR KERANS: Discusses bringing former Representative Stein's bill HB 330 5 back as an amendment. The bill deals with the requirement to have candidates answer three questions in the voters' pamphlet.

217 TALBOTT: "I understood that that would be part of the amendments so that that would be part of the 250 words." CHAIR KERANS: "That is correct." 221 SEN. SPRINGER: "I don't know which truth squad is going to decide which answers are responsive or not. I suppose that would be in the eye of the reader." 224 CHAIR KERANS: Discusses with, Sen. Springer, his comments. 235 JONES: Comments they would welcome suggestions for standards. 240 SEN. SPRINGER: Comments that issues of importance might be different in different districts. 243 SEN. BRYANT: Comments that it should be the local candidates that decide the issues. 244 CHAIR KERANS: "I don't think that's what were doing. We're talking about three questions of statewide sign)ficance." Discusses the work plan for SB 1072.

255 CHAIR KERANS: Adjourns the meeting at 8:12 p.m.

Submitted by:

Reviewed by:

Tamara Brickman

Annette Talbott Assistant

Counsel EXHIBIT LOG A - Testimony on HB 3121 - Ray Gribbling - 4 pages B - Section by Section Analysis of HB 3121 - Ray Gribbling - 11 pages C - Testimony on SB 320 - Genoa Ingram - 6 pages D - Phases of Mortgage Lending - David Shirk - 1 page E - The Shirmeyer Report - David Shirk - 1 page F - SB 1072-2 Amendment dated 4/28/93 - Committee Staff-16 pages G - Voters' Pamphlet page - Todd Jones - 1 page H - SB 320-1 Amendment dated 4/27/93 - Committee Staff - 18 pages

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