

SENATE ETHICS, ELECTIONS, AND CAMPAIGN FINANCE COMMITTEE

May 13, 1993                      Hearing Room B 3:00 p.m.                      Tapes 64 and 65  
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: Executive Appointment  
Timothy Bailey to the Oregon Government Ethics Commission WORK SESSION  
SB 324 PUBLIC HEARING AND WORK SESSION SB 694 PUBLIC HEARING SB 932  
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 64, SIDE A

006 CHAIR KERANS: Calls meeting to order at 3:12 a.m.

EXECUTIVE APPOINTMENT

014 SEN. GENE TIMMS, District 30: Introduces Mr. Bailey and speaks in  
regards to Mr. Bailey's executive appointment to the Oregon Government  
Ethics Commission.

033 TIM BAILEY: Testifies in regard to his appointment to the Oregon  
Government Ethics Commission. (EXHIBIT A)

046 CHAIR KERANS: Discusses the Oregon Government Ethics Commission.  
Discusses legislation that the committee considered in regards to the  
commission during this session.

074 MOTION: CHAIR KERANS: MOVES to the FULL SENATE that the  
appointment of Mr. Timothy Bailey to the Oregon Government Ethics  
Commission BE CONFIRMED. VOTE: CHAIR KERANS: All members are present.  
Hearing no objection the MOTION CARRIES.

WORK SESSION ON SB 324

084 TALBOTT: Refers to the amendments. Comments that the Treasurer's  
office has a drafting concern they Senate Ethics, Elections, and  
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have agreed to leave to Legislative Counsel. Explains the changes, which  
are reflected on line 28B "evaluation" should be "valuation." Explains  
that line 28E reflect the report "list the net value of the 'investment  
classes' instead of the 'investment funds.' 'Investment classes' are by  
type of investment versus the source." Discusses the concern the  
Treasurer's office had regarding the placement of a "comma after the  
word 'loans.'" Discusses page 2 and the report containing a list of the  
"recognized and recorded fees." (EXHIBITS B,C)

113 CHAIR KERANS: "That's their language?"

TALBOTT: Explains that the language found on page 2 is the committee's  
language. (EXHIBIT C)

CHAIR KERANS: "We picked it up from language that they had use  
elsewhere." 119 MOTION: CHAIR KERANS: MOVES the AMENDMENTS dated  
5-13-93, and states that the decision of where to place the comma will  
be decided by Legislative Counsel. VOTE: CHAIR KERANS: All members are  
present. Hearing no objection THE MOTION IS ADOPTED. 128MOTION:

CHAIR KERANS: MOVES SB 324 AS AMENDED to the FLOOR with a DO PASS recommendation and requests that the SUBSEQUENT REFERRAL to the Committee on Business, Housing, and Consumer Affairs be RESCINDED. VOTE: CHAIR KERANS: All members are present. Hearing no objection the MOTION CARRIES.

PUBLIC HEARING ON SB 694 137 KEN TOLLENAAR: Testifies in support of SB 694. Suggests on page 2, line 7 that it should be the "Measure Summary" not the "Ballot Title." 190 CHAIR KERANS: Asks if he wants to strike "title" on line 7. 191 TOLLENAAR: "'Ballot Title' and insert 'Measure Summary.'" 195 SEN. BRYANT: Discusses section 2, subsection 5. Asks what happens to people if the provision is violated.

199 TOLLENAAR: "I believe that there would be a penalty because there is a penalty clause attached to that entire series of sections...This merely says that no person circulating petitions shall advise any person to sign without reading the Measure Summary or having it read to them." 207 SEN. BRYANT: Asks if the same penalties provided under ORS 260.555 would be the penalty applied to this. 211 CHAIR KERANS: "This does not require speech on behalf of the person."

TOLLENAAR: "Right. It does not require any affirmative action on the part of the circulator, but it would penalize the circulator if the circulator were caught advising a person to sign without reading."  
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218 CHAIR KERANS: "It says read it, but you don't need to do that?"

TOLLENAAR: "That's right."

221 SEN. BRYANT: "Mr. Chair, it's a Class C felony."

224 CHAIR KERANS: Discusses adjusting the penalty.

226 TOLLENAAR: Comments that the recommendation was that it be a civil penalty.

239 CHAIR KERANS: Asks for a civil penalty amendment.

WORK SESSION ON SB 694

243 MOTION: CHAIR KERANS: MOVES to amend line 7 to include the words "Measure Summary" in place of the words "Ballot Title" and that the penalty is a civil penalty under ORS 260.995. VOTE: CHAIR KERANS: All members are present. Hearing no objection the MOTION IS ADOPTED.

251 MOTION: CHAIR KERANS: MOVES SB 694 AS AMENDED to the FLOOR with a DO PASS recommendation. VOTE: CHAIR KERANS: All members are present. Hearing no objection the MOTION CARRIES.

PUBLIC HEARING ON SB 932 WITNESSES: WARREN C. DERAS BLAIR BOBIER, Pacific Party REBECCA NESBIT, New Alliance Party KRISTOPHER BARRETT, Libertarian Party SCOTT RAINEY, American Party RALPH COPELAND, Chairman, American Party RICHARD WINGER, Coalition for Free and Open Elections DORIS OLSEN, Libertarian Party CELE HALL, United We Stand, America CAROL AUGER, Democratic Party of Oregon DR. PAUL SMITH, Libertarian Party

266 SEN. BRYANT: Discusses his sponsorship of SB 932. Refers to the amendments. Introduces Warren Deras. (EXHIBIT F) 283 WARREN C. DERAS: Testifies in support of SB 932-3 amendments. Discusses section by section analysis. Reviews party history in Oregon. (EXHIBITS F,G)

TAPE 65, SIDE A

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035 DERAS: Continues testimony. (EXHIBIT G)

288 SEN. SPRINGER: Asks if the State Bar Committee has reviewed the concepts of the SB 932 amendments.

291 DERAS: Discusses a meeting last that the Bar Committee had in regards to this issue. 323 SEN. BRYANT: Asks Mr. Deras to summarize the savings and they would be achieved. 329 DERAS: Discusses fiscal issues with regard to SB 932-3. 381 SEN. JOHNSON: Discusses information given in Mr. Deras' testimony regarding Oregon and Mississippi as the only states to use the Presidential vote "as the exclusive test for a political party definition. ~1 Discusses his concern with Mississippi's open election process.

388 DERAS: Comments "I don't know historically how that developed in Mississippi the use of registration is not a common element, usually they go by vote in a past election or by petition signatures." Discusses the reason for that historically.

444 BLAIR BOBIER, Pacific Party: Testifies in opposition to SB 932. Discusses HB 3304. (EXHIBIT H)

TAPE 64, SIDE B

034 BOBIER: Continues testimony in opposition to SB 932. Discusses ballot access. (EXHIBIT H)

073 CHAIR KERANS: "How many of those uncontested slots where the candidate in the general election was a non incumbent? Zero." 076 BOBIER: Responds to Chair Kerans' statement and continues testimony. Discusses the roles of third parties. (EXHIBIT H)

095 SEN. JOHNSON: "You advocate the need for third and minor parties in our process. Would you support a runoff between the top two vote getters in any general election if neither of them get over 50%?"

098 BOBIER: "I don't. I think that is something that discriminates against the smaller parties...What I would advocate is...some form of proportional representation." Discusses 'la fusion bill, which would allow candidates to cross endorse from different parties, so that would give another role to minor parties, without having to be a spoiler or force runoffs."

110 SEN. BRYANT: Asks what is 1 % of the votes in the last gubernatorial election. 112 BOBIER: Comments that "it's roughly between ten and fifteen thousand signatures. I'

114 CHAIR KERANS: Comments that Mr. Deras said 17,900, which is registration. Discusses numbers.

120 BOBIER: Continues testimony. Discusses making the ballot more accessible to minor parties. Comments that minor parties should be able to nominate their candidates after the primaries. Asks the committee to consider HB 3304. (EXHIBIT H)

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146 REBECCA NESB IT, New-Alliance Party: Testifies in opposition to SB 932. (EXHIBIT I)

201 SEN. JOHNSON: Discusses runoff issues and a 50% vote requirement. Asks Ms. Nesb it to comment on runoff elections. 216 NESB IT: Responds to Sen. Johnson's question. 229 SEN. SPRINGER: Asks if the people testifying have had a chance to see the amendments.

231 KRISTOPHER BARRETT, Chairman, Libertarian Party of Oregon: Responds to Sen. Springer's question. 235 SEN. SPRINGER: Asks that the witnesses submit written comments in regard to the SB 932-3 amendments.

237 BARRETT: Testifies in opposition to SB 932. Asks if the former chair of the party, Dr. Smith, can testify to certain issues.

310 SEN. SPRINGER: Comments that his name will be added to the list and that the committee will try to accommodate his testimony.

316 BARRETT: Continues testimony.

335 SCOTT RAINEY, Member, American Party: Testifies in support of SB 932-3 amendments with the stipulation that it include the amendment brought by the American Party. Discusses the amendment. (EXHIBIT J)

369 RALPH COPELAND, Chairman, American Party: Presents testimony in regards to SB 932-3, with the inclusion of the amendment found in exhibit J. Explains objections to certain portions of the bill. (EXHIBIT J)

TAPE 65, SIDE B

035 COPELAND: Continues testimony.

068 RICHARD WINGER, Coalition for Free and Open Elections: Testifies in support of portions of SB 932- 3 amendments. Discusses his concern with adding a registration requirement to minor parties. Discusses a lawsuit pending in Delaware. (EXHIBITS K,L) 140 DORIS OLSEN, Libertarian Party: Testifies in opposition to SB 932, as written.

199 CELE HALL, State Executive Director, United We Stand, America: Testifies in opposition to SB 932, as written. Comments that she had not seen the amendments, but from the conversion she has "a lot better feeling." 234 CAROL AUGER, Executive Director, Democratic Party of Oregon: Testifies in opposition to SB 932, as written. Addresses issues regarding amendments. (EXHIBIT M) 272 SEN. JOHNSON: Asks Ms. Auger her "feeling about runoffs." \_ 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

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274 AUGER: Comments that she is against runoffs because "we need to pay attention to all of the voters." Comments on the expense of runoff elections.

280 SEN. JOHNSON: "Do you believe that we should have majority rule?"

282 AUGER: Continues to explain that she is against a runoff.

286 SEN. JOHNSON: "She can decline to answer question she wants and I can vote however I want on any bill. "

289 DR. PAUL SMITH, Libertarian Party: Testifies in regard to SB 932. Discusses issues regarding minor political parties. Urges the committee to adopt Mr. Wingers's suggestions. Addresses the issue of runoff elections "implicit in that question is the assumption that if we, the committee, limits the choice to only two people then we'll have majority rule, and that that's the way we should do it."

329 SEN. JOHNSON: "That's not the point. n

SMITH: "But that is implicit because the context of your question is that we need to limit things if we're not going to have a runoff election. I personally am in favor of runoff elections, but I submit to you that a minority President and a minority Governor is better than having no choices at all. Which is what a lot of Americans have when they go to the polls to vote for their local candidates, every November."

339 SEN. JOHNSON: Makes a clarification statement in regards to runoff elections.

354 CHAIR KERANS: Adjourns meeting at 4:59 p.m.

Submitted by: Reviewed by:

Tamara Brickman Annette Talbott Assistant Counsel EXHIBIT LOG

A - Executive Appointment of Timothy Bailey Material - Committee Staff - 13

pages B - Amendment to SB 324-1 dated 5/11/93 - Committee Staff - 1 page  
C - Hand Engrossed SB 324-1 as amended - Committee Staff- 4 pages  
D - Preliminary Staff Measure Summary on SB 932-3 - Committee Staff - 3 pages  
E - Fiscal Analysis of SB 932 - Committee Staff- 1 page  
F - SB 932-3 Amendments dated 5/3/93 - Committee Staff- 42 pages  
G - Materials submitted by Warren Deras on SB 932-3 - Warren Deras - 68 pages  
H - Testimony on SB 932 - Blair Bobier - 3 pages  
I - Testimony on SB 932 - Rebecca NeSB it - 1 page  
J - Proposed Amendments to SB 932-3 Amendments - Ralph Copeland - 1 page  
K - Testimony on SB 932 - Richard Winger - 3 pages  
L - Letter to Senator Neil Bryant - Richard Winger - 2 pages  
M - Testimony on SB 932 - Carol Auger - 1 page

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