

SENATE ETHICS, ELECTIONS, AND CAMPAIGN FINANCE COMMITTEE . May 18,
1993 Hearing Room B 3:00 p.m. Tapes 66 and 67

MEMBERS PRESENT: Senator Gratta-n 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: Work Session SB 694 SB 1070
SB 1073 SB 1072 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 66, SIDE A

005 CHAIR KERANS: Calls meeting to order at 3:20 p.m.

WORK SESSION ON SB 694 009 MOTION: CHAIR KERANS: MOVES to RECONSIDER
the VOTE taken on 5/13/93 to send SB 694 as amended to the FLOOR. VOTE:
Hearing no objections the MOTION CARRIES. EXCUSED: Sen. Dukes.

010 CHAIR KERANS: Comments that the bill as amended does not contain
the correct language;" the amendments use the words "measure summary"
which are not the appropriate words. 017ANNETTE TALBOTT, Committee
Counsel: Comments that on page 2, line 7 of the bill the reference to
"ballot title" is correct, "the definition of ballot title includes the
caption, a question, and an impartial statement...if you want to be more
specific, since the reader may not know that ballot title includes the
question and the statement, you could list those out."

024 CHAIR KERANS: "So we could say ballot title comma consisting of
and name those things?" 025 MOTION: CHAIR KERANS: MOVES a conceptual
amendment to include after "ballot title" the words "including the
caption, question, and state ment." VOTE: Hearing no objections the
AMENDMENTS ARE ADOPTED. EXCUSED: Sen. Dukes. 027MOTION: CHAIR
KERANS: MOVES that SB 694 AS AMENDED, be sent to the FLOOR with a DO
PASS recommendation. VOTE: CHAIR KERANS: Hearing no objections the
motion CARRIES. EXCUSED: Sen. Dukes. Senate Ethics, Elections, and
Campaign Finance Committee May 18, 1993 - Page 2

WORK SESSION ON SB 1070

038 TALBOTT: Discusses the constitutionality of requiring use of the
word "for."

047 CHAIR KERANS: "OK we'll let non-incumbents go out there, and
say John Jones State Senator, District 20, and feel the lash of public
opinion for posing as an incumbent... "

052 TALBOTT: Responding to Sen. Johnson explains that there are no
amendments. 055 MOTION: CHAIR KERANS: MOVES SB 1070 to the FLOOR with
a DO PASS recommendation.

VOTE: Hearing no objections the MOTION PASSES. EXCUSED: Sen. Dukes.

WORK SESSION ON SB 1073

065 TALBOTT: Refers to the proposed amendments dated 5/18/93 and the
hand engrossed bill dated 5/18/93. The amendments address the issue
regarding the reference to habitation. Explains the term as found in
Black's Law Dictionary, which was substituted in the bill. (EXHIBITS A
and B) 077 CHAIR KERANS: Comments that this is the "Chair's
amendment." Discusses the amendment, in regards to "habitation. "
(EXHIBIT A) 084 TALBOTT: Discusses lines 26A-D. They address the
issue of the threshold of evidence that the Secretary of State would

need and are at the request of Sen. Springer. (EXHIBIT B) 97 CHAIR KERANS: Asks if there is a hearing process and where a person could appeal if the Secretary of State determines that more probable than not a person does not live in the district. 102 LYNN ROSIK, Assistant Attorney General, Office of the Oregon Attorney General: Comments that there is no hearing process. 105 CHAIR KERANS: "Do I go to the Circuit Court?" 106 ROSIK: "Yes." Explains there is a statute in ORS Chapter 246 which deals with allowing a person to have an "expedited proceeding." 109 CHAIR KERANS: Reads from ORS 246.910. Asks if a person appeals a decision of the Secretary of State to remove that person from the ballot and the court finds in favor of the person filing would the person be placed back on the ballot while the Secretary of State appeals. His question focuses on the issue that all this takes place prior to the filing date deadline. 128 ROSIK: Explains that it would depend upon what the court ordered. 131 CHAIR KERANS: Continues discussion in regards to whether a person could remain on the ballot during a court of appeals pursuit. 136 ROSIK: Explains that there is already the authority for filing officers to remove a person who is not qualified from the ballot. 144 CHAIR KERANS: Comments that he wants to make sure there is due process.

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'47 NINA JOHNSON, Executive Assistant, Office of the Secretary of State: Comments that ORS 246.910 Subsection 4 says that the remedy is not exclusive, which would give a person the ability to file a Writ of Mandamus, etc 151 SEN. BRYANT: Asks why the committee decided to change from the "clear and convincing" language to "more probable than not." 156 CHAIR KERANS: Explains that clear and convincing has an "exceptionally strong test to meet." 162 SEN. SPRINGER: Comments that preponderance of evidence is what applies to "most fact finders, when you determine whether or not a fact or proposition stated is correct." Explains the clear and convincing "generally applies to fraud-like situations." 170 SEN. BRYANT: Asks what the test was in the case to determine whether or not Senator Wes Cooley was an inhabitant. 174 JOHNSON: Comments that there is no standard in the statute. Explains that the Secretary of State proposed the "clear and convincing" language, which is what they used in the Senator Cooley situation. Discusses that there "has not been a consistent flow of standards." Discusses what other options for proposal were discussed. 203 SEN. BRYANT: Asks if there is any foreseeable constitutional problem with the "more probable than not" versus "clear and convincing" language. 207 ROSIK: Comments that she doesn't believe there are any constitutional problems, and that there may not be a necessity to tell the Secretary of State which standard to use. Discusses ORS 254.165. 217 CHAIR KERANS: Comments that the Secretary of State has a general duties clause to "investigate on own motion" any suspected violations of the statutes the office is "obligated to defend." Discusses the decision to set a standard. 235 COLLEEN SEALOCK, Director, Elections Division: Discusses Section 2 Subsection 2 and the "more probable than not" language. Comments that now everyone will know what the "litany" will be. (EXHIBIT B) 243 CHAIR KERANS: "Including but not limited to." Discusses list of criteria in subsection 2 of section 2. (EXHIBIT B) 249 TALBOTT: Discusses the reasoning for continuing reference to income tax (line 19). (EXHIBIT B) 251 CHAIR KERANS: Discusses the

line 20 in regards to utility services. (EXHIBIT B) 260 SEN. BRYANT:
Asks what the word fixed in subparagraph A adds, line 8A. (EXHIBIT B)

266 TALBOTT: Comments the term is from Black's Law Dictionary.

271 CHAIR KERANS: "I would say that makes the definition a little
more concrete." 274 MOTION: CHAIR KERANS: MOVES the SB 1073-1
amendments as shown in the handengrossed version dated 5118/93. VOTE:
Hearing no objections the MOTION IS ADOPTED. EXCUSED: Sen. Dukes.

277 MOTION: SEN. SPRINGER: MOVES SB 1073 AS
AMENDED to the FLOOR with a DO PASS recommendation.
VOTE: Hearing no objections the MOTION PASSES.

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statements made during this session. Only text enclosed in quotation
marks report a speaker's exact words. For complete contents of the
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EXCUSED: Sen. Dukes.

WORK SESSION ON SB 1072

284 TALBOTT: Refers to the SB 1072-3 and SB 1072-4 amendments and the
'Proposed Cost Reductions in State Voters' Pamphlet" for discussion.
(EXHIBITS D, E, and F)

323 TALBOTT: Discusses the SB 1072-3 amendments. Explains that page 5
is the first substantive change, which addresses the fees for and the
amount of space that would be available in the voters' pamphlet for
candidates. The change on line 11, page 6 was suggested by the Secretary
of State. (EXHIBIT D) 348 CHAIR KERANS: Explains that the committee
had 20 square inches, but the "true dimension was 21 square inches."

352 TALBOTT: Discusses that on page 7, lines 5-15, regards the issue
of space for political party statements. Discusses the issue of the
amount of discretion that the committee wants the statute to give the
secretary in setting sizes. (EXHIBIT B) 384 TODD JONES, Assistant to
the Secretary of State: Discusses a proposal to have this section
consistent with the sections on the other "types of statements" by
deleting the provision for the secretary to establish by rule and insert
a provision which would prohibit a statement from exceeding an "x number
of words and x square inch length. " (EXHIBIT B) 396 CHAIR KERANS:
"You take out the bold faced material on lines 5 and 6 and through 7 the
fees period?"

JONES: "Correct. r

398 CHAIR KERANS: "Then it would read the size of the statements
permitted under this section shall no be greater than?"

JONES: "Shall not exceed is the language."

402 MOTION: CHAIR KERANS: MOVES to delete the bold faced material on
lines 5 and 6 and to delete the word "fees." on line 7. On line 8 delete
the word "less" and insert "greater." VOTE: Hearing no objections the
MOTION IS ADOPTED. All members are present. 405 TALBOTT: Comments
that the SB 1072-3 amendments deletes the previous section 16. The
"idea" of the previous section 16 is in the SB 1072-4 amendments.
Explains sections 24 through 26, in regards to former Representative
Stein's concept, which would require "3 statewide interest questions" to
be included in the voters' pamphlet for candidates to answer. Discusses

the issue of the length of the responses in combination with the total amount of words each candidate gets within the voters' pamphlet.

(EXHIBITS D and E) CHAIR KERANS: r 160 words of puff. 456 CHAIR KERANS: "75 plus 250?"

TALBOTT: " Correct. '

457 JONES: Discusses a suggestion of not imposing a minimum or maximum length requirement on the response to the questions, which would leave it up to the candidate. 470 CHAIR KERANS: "You wouldn't by rule later determine something that would set a maximum?"

JONES: Comments there would be no need to. - 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 18, 1993 - Page 5

476 SEN. JOHNSON: Comments that if there were a maximum limit the answers would be more uniform amid the candidates and if a candidate wanted to expand they could with the 250 words. 486 CHAIR KERANS: Continues the discussion on Sen. Johnson's statement and states that 30 words makes sense.

492 SEN. BRYANT: "But if you only use 1 word then you can use the other 29 in your?"

JONES: "As it is, Mr. Chair, right now.."

497 CHAIR KERANS: Comments that you would have to "use them or lose them."

JONES: Explains how the provision is written. "The response of a candidate to any question shall not exceed."

TAPE 67, SIDE A

035 CHAIR KERANS: Discusses the amount of words per different sections. "I think it ought to be compartmentalized 75 words in the first one, maximum, can't export the excess. 90 in the next section, can't export the excess and 160 in to be used in any fashion in the remainder." 046 SEALOCK: Clarifies that the Secretary of State's office would "probably no longer attempt" to contact candidates and let them know they were over the maximum word requirement because of the amount of time it will take to do "4 different word counts.. Suggests that the Secretary of State's office will, for instance, count out 30 words and stop, even in mid sentence. Discusses the issue regarding the statewide questions; they would not be printed in the statement, and there would be different question for types of candidates.

065 CHAIR KERANS: "Any problem with it as described by the chair with simply a maximum of 30 for each (question), and it's 75, 90, and 160?"

068 SEN. BRYANT: "If in the first question you use 2 words then you lose the other 28 allotted for question number 1?" 070 CHAIR KERANS: Explains the intent is in regards to the questions. 074 SEN. JOHNSON: Comments that he doesn't "envision" the questions being "yes or no" questions. 078 SEALOCK: Asks whether the decision is for 30 words per question or 90 words for the three.

CHAIR KERANS: "That's what it says. n

081 TALBOTT: "But to clarify with Sen. Bryant's question let's say you only use 60 for all three, you can't take the other 30 and put them back in the rest of it." 083 SEALOCK: "Or I use 15 words for question one and now I want to use 45 words for question two?"

085 CHAIR KERANS: "Do we care?"

SEN. JOHNSON: "I think it's the same principle we had before, if we are going to have it be comparable..."

087 CHAIR BRANS: Discusses the concept of using 30 words for the first, 30 words for the second, and 30 words for the third question.

092 SEN. JOHNSON: Discusses that the way the bill is currently written doesn't necessarily accomplish the 30 words per each question.

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)06 MOTION: CHAIR KERANS: MOVES a conceptual amendment to set a maximum of 30 words for each, 90 for the section, and a prohibition for exporting the excess. 099 SEN. BRYANT: Discusses the issue regarding

nth, parties might develop some sort of a stock answer that way for the 30 words and especially to help candidates. n 102 CHAIR KERANS:

Continues discussion, with Sen. Bryant, in regards to "stock answers."

111 SEN. JOHNSON: "It seems as if the statutes would be clearer if on page 6 where we had 250 before if instead of it saying 250 then here we put it back to 90 and somewhere we say 30 words for each three answers instead of 90 for the rest of it." 115 CHAIR KERANS: "I'm amending

that by reference." 117 VOTE: Hearing no objection the MOTION being

discussed IS ADOPTED. All members are present. 118 JONES: Asks if a person uses the 30 words in the question, but wanted to "expound" on the

issue how can the person do so in the "optional information" if the statute "specifically says response shall not exceed." 122 CHAIR

KERANS: Responds to, Mr. Jones, explaining that a person would answer questions 1, 2, and 3 and then do with the remainder whatever the person

wants. 131 TALBOTT: "Do you want to clarify that in the remaining 160 the candidate can address anything?" 132 CHAIR KERANS: "They can

address anything. Let's leave it optional." 134 TALBOTT: Discusses the issue of an inconsistency on page 2, line 4 "75 words or seven

square inches" with the previous draft of whether it should be "or" or "and." Discusses Legislative Counsel's interpretation of why it should

be "or." Discusses section 13, the issue regarding Legislative Counsel writing all the explanatory statements, as opposed to a committee

drafting explanatory statements. (EXHIBIT D) 180 JONES: Explains that this would be all measures. Discusses how the committee works for

purposes of drafting explanatory statements. 184 CHAIR KERANS: Discusses the issue that in the event the committee cannot come up with

a statement Legislative Counsel serves as a "default." 185 JONES: Explains current practice in regards to the explanatory statement issue.

190 TALBOTT: Discusses the issue regarding the repeal of the distribution requirement. Discusses the issue of the voters' pamphlets "be

made...not later than the 15th day before a primary, general, or special election."

203 CHAIR KERANS: "Was that your budget balancer or it has just crept

in there?" 205 JONES: "Mr. Chair, I don't think any of us are clear on why it's in there. n 206 MOTION: CHAIR KERANS: MOVES to delete the reference to ORS 251.175 on page 19. 209SEALOCK: Discusses that "at one time" there was some discussion to distribute the voters' pamphlet in an alternative method. - 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 18, 1993 - Page 7

'11 CHAIR KERANS: Comments that section 2 allows the Secretary of State to prescribe by rule the size, format and method of distribution of the voters' pamphlet subject to the limits of ORS Chapter 251. (EXHIBIT D) 213 SEALOCK: Addresses a discussion in regards to the cost effectiveness of distributing the pamphlet to post offices, grocery stores, and others "gathering places." Explains that they have no intention to do that. 225 CHAIR KERANS: Discusses the options available to the Secretary of State under ORS 251.175. 232 SEALOCK: Comments that voters' pamphlets are delivered to universities. 233 CHAIR KERANS: Discusses the issue of the Secretary of State cutting back on some if its distribution to such places as banks, post offices, etc. 237 SEALOCK: Comments that the Secretary of State's office only distributes extras to the post office and county clerks. 245 SCOTT TIGHE, Elections Manager, Elections Division: Addresses the issue that there are some places with one address, such as a retirement community, where additional copies would be sent. 254 VOTE: Hearing no objections the MOTION being discussed IS ADOPTED. All members are present. 256 SEN. DUKES: Asks why the committee deleted the committee for explanatory statements in section 13, on page 10. (EXHIBIT D) 261 CHAIR KERANS: "Because as it turns out right now the committees are starting off with the Legislative Counsel draft in the first place. n .64 SEN. DUKES: "They often work that one over." 266CHAIR KERANS: "Do you want to go the other way and retain the committee?" 268 SEN. DUKES: Discusses the issue of using a committee for the purposes of drafting the explanatory statement. 276 CHAIR KERANS: "The thing they want to get rid of is the words 'and its effect.' n 278 JONES: Explains the reasoning behind the proposal to use Legislative Counsel for drafting the explanatory statements. 311SEN. DUKES: "If you are taking the players out of this and they don't like the explanatory statement are they going to be able to appeal it someplace?" 318 JONES: Explains how the process currently works in regards to Legislative Counsel drafting explanatory statements. Comments that the bill also provides for an appeal process to the courts, which currently happens. 327 SEN. DUKES: Comments that there may be less chance of appeal if the people "are sitting at the table." 330 CHAIR KERANS: Remarks that there is also the possibility for the parties to refuse to come to an agreement. 338 MOTION: CHAIR KERANS: MOVES to delete the language "and its effect" as indicated in the SB 1072- 3 amendment. 339 VOTE: Hearing no objection the MOTION IS ADOPTED. All members are present. 40 CHAIR KERANS: "Motion on the question of leaving Section 13 as it's been amended or to restore the committee.

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43 SEN. DUKES: Comments that she prefers to keep the committee.

350 CHAIR KERANS: Asks the individual members their preference in regards to keeping the committee for the explanatory statement and having Legislative Counsel serve as a backup in the case of the committee not being able to come up with an explanatory statement, or doing what the bill does now. 358 SEN. JOHNSON: Agrees with Sen. Dukes' suggestion to keep the committee. 360 SEN. BRYANT: Concurs with Sen. Dukes' request. 364 MOTION: CHAIR KERANS: MOVES to restore the committee for explanatory statements per Sen. Dukes suggestion. VOTE: Hearing no objections the MOTION IS ADOPTED. All members are present. 376 JONES: Comments that HB 2275A, the omnibus elections bill, also takes out "and its effects. ~ 382 TALBOTT: Explains the SB 1072-4 amendments which address the issue of the ballot measure arguments and how they are selected." References the memo on the different cost options for amount of arguments for and against. Comments that dates need to be filled in for when the arguments would need to be filed. Discusses the issue of Legislative referral of measures to the ballot and whether the Legislature should be able to submit a "pro" argument without paying \$500 and without drawing lots. (EXHIBITS E and F) 406 CHAIR KERANS: "We wanted to include that. " 407 MOTION: CHAIR KERANS: MOVES to fill in the blanks on lines 8 and 9 with the numeral 5. 414 CHAIR KERANS: Asks how far back the Secretary of State's of fice would have to go in regards to lines 10 and 11 of the SB 1072-4 amendments. (EXHIBIT F) 421 SEALOCK: Discusses when measures are certified. Discusses the filing deadline for arguments. "If we would give all these people 21 days to write them from the 105th day, then the arguments would need to be submitted to us by the 84th before the general. ~ 439 CHAIR KERANS: "Why don't we round that up to the 85th?" 442 SEALOCK: Explains that they were also trying to give enough time to the committee to review the arguments. "So then that would give them 20 days...so then that would give us 2 days then to hold the actual lottery. We would then have the arguments ready for processing into the voters' pamphlet by the 63rd day."

455 CHAIR KERANS: "Is it 85 in both instances. In the general election and then special election?"

SEALOCK: Comments that it is.

461 SEN. DUKES: Asks when a person would pay when filing a statement under this provision. 472 CHAIR KERANS: "It is intended that you will. " 473 SEN. DUKES: "What's to stop one side or the other from submitting 100 statements kind of similar, maybe different, or whatever so that their arguments are more likely to be the ones included?" Continues the discussion with respect to the issue of when a person would be required to pay when submitting an argument.

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'91 SEALOCK: Discusses the problem associated with this issue in regards to fiscal accounting.

TAPE 66, SIDE B

035 SEALOCK: Continues the discussion on fiscal accounting. Discusses the scenario if the Secretary of State's offices could not cash the

checks. 042 CHAIR KERANS: "Then let's cash them. n 043 SEN. BRYANT: Suggests that the Secretary of State's office ask people to submit the checks, but not let them know either way if the check will or will not be cashed. 046 CHAIR KERANS: Comments that the decision will be left to the Secretary of State's office as to whether to cash the check or not. "If you want to cash them, then you've got to send a request for a warrant through behind it..."

051 SEALOCK: Discusses the issue that they would have to do a fiscal impact because this would have a cost associated with it. 054 SEN. DUKES: Asks what the procedure would be if the Secretary of State had the five arguments chosen and the check from any one of the (five chosen) submitting parties bounced. 058 SEALOCK: Explains that they would take their current collection action. Asks for some flexibility on deadline dates, in order to avoid Saturdays and Sundays. 067 CHAIR KERANS: "We can do it." ,68 TALBOTT: "On lines 10 and 11 you mean?"

CHAIR KERANS: "Yes. We'll make sure the 85th day is not a Saturday or Sunday."

070 CHAIR KERANS: "Let's also, conceptually, say you can only ring the bell once in the lottery 071 JONES: Discusses, Chair Kerans, conceptual suggestion. 075 CHAIR KERANS: Suggests that if a person's name is chosen, then that name would be disqualified for the remaining drawings. 083 SEALOCK: Comments that would be reasonable. Discusses the concern with PACs that submit arguments, for instance the same PAC may submit an argument, but have different signatures on the argument. Discusses that it may be one entity, but it may also be an "umbrella" entity. 093 CHAIR KERANS: Comments that it would be one per person. 095 TALBOTT: Explains "person" as defined in statute. 096 CHAIR KERANS: Asks which term would be best in order to "generate the greatest variety." 098 SEALOCK: Comments that she would need to look at the form they have to match it to a conceptual idea.

103 CHAIR KERANS: Explains what the term "person" means.

36 SEN. DUKES: Discusses, with Chair Kerans, the cost associated with submitting an argument.

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15 JONES: Comments that subsection 5 does not allow the Secretary of State's office to collect the money when an argument is submitted, only when it is chosen. (EXHIBIT E) 119 CHAIR KERANS: Comments that should be stricken and it should say that the \$500 is paid "when" the argument is submitted. 122 SEN. DUKES: "There is nothing to stop somebody from having 25 different petitions for ballot measure statements. I mean 250 different statements petitions for ballot measure and then getting the same 2,500 people to sign on all of theirs is there?" 126 CHAIR KERANS: Comments that it would be a "monumental task" to accomplish such a thing. 137 SEN. BRYANT: Suggests that a person pay in the form of a cashier's check, which would help to avoid problems with accumulating cash and collection problems on bad checks. 143 CHAIR KERANS: "Shall I submit a cashier's check made out to the order of the Secretary of State in the amount of \$500 per argument...I want to add a sunset...this sunsets December 31, 1996." Discusses the reason for a sunset. "On line

21 and 22 of the 1072-4 amendments strike the word committee and insert the words Secretary of State. n (EXHIBIT E, p. 1)

172 TALBOTT: "They are the ones responsible for drawing the lot?"
173 CHAIR KERANS: "Yes. ~ 179 TIGHE: Asks if the committee chose
the option with 5 arguments for and against. Asks if that is one or two
columns each. 180 CHAIR KERANS: "We thought it was one
182 TALBOTT: Explains that the current language has it two columns.
185 CHAIR KERANS: Asks what is being done now.

TIGHE: Clarifies that they do one column.

188 CHAIR KERANS: Comments that one column is what should be done
now. 195 JONES: Clarifies that if the argument is a legislative
referral there is no fee for an argument. 201 TALBOTT: Asks the
committee if they want the referral arguments to be the same size as the
others. 204 CHAIR KERANS: "We want uniformity. n 206 TALBOTT:
Discusses page 2 line 23 of the 1072-4 amendment. Comments that a
conforming amendment is needed there. 215 CHAIR KERANS: Discusses the
amount the 5 arguments for/against with one column falls short of the
recommended budget appropriation. (EXHIBIT F) 233 MOTION: CHAIR
KERANS: MOVES the conceptual amendments to the SB 1072-4 amendments.

VOTE: Hearing no objections the MOTION IS ADOPTED. All members are present.

236 MOTION: CHAIR KERANS: MOVES to amend those to the bill itself so
they be incorporated-to the dash 3 as adopted. - These minutes contain
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VOTE: Hearing no objections the MOTION IS ADOPTED. All members are present.

242 TALBOTT: Clarifies that the motion includes that conforming
amendments can be done when the committee and other restorations are
done. 245 CHAIR KERANS: "We all understand that.4 252 DAVE
FIDANQUE, Executive Director, American Civil Liberties Union of Oregon:
Comments on the SB 107 2-4 amendments. Suggests an alternative method
for the Secretary of State in choosing the arguments. Suggests that two
committees one for and one against would be responsible for choosing the
arguments for and against respectively. 264 CHAIR KERANS: Continues
discussion in regards to Mr. Fidanque's suggestion. 267 FIDANQUE:
Comments that this would get around what are bona fide arguments and
what are not. Addresses the issue that this could help avoid the
potential of "the opposition~ from selection arguments. 270 CHAIR
KERANS: "Who decides whose an opponent and whose a proponent?."
271 FIDANQUE: "They could be chosen from the people who have
submitted arguments." 273 CHAIR KERANS: Discusses the suggestion with
Mr. Fidanque. 305 SEN. BRYANT: "Those committee would only be picked
if you had more than 5 arguments submitted?" 308 CHAIR KERANS:
"That's correct and they would be picked by the Secretary of State, and
if they chose not to act then the other committee would do the duty."
310 FIDANQUE: "Or they would be chosen by lot." 313 CHAIR KERANS:
Comments on the "lot" issue. 319 DAVID BUCHANAN, Executive Director,
Oregon Common Cause: Comments that the sunset provision is a good
provision. 321 CHAIR KERANS: Comments on the reason for the sunset

clause. 324 BUCHANAN: Continues comments in regards to the sunset provision and comments in regards raising the limit on the amount of arguments. 357 CHAIR KERANS: "We want to include in the conceptual amendments to the SB 107 2-4 was the notion of the refund of all those monies, cashiers checks, taken in

363 MOTION: SEN. SPRINGER: MOVES SB 1072
AS AMENDED to the FLOOR with a DO PASS
recommendation. VOTE: Hearing no objection the MOTION CARRIES. EXCUSED:
Sen. Brgant. 400CHAIR KERANS: Adjourns the meeting at 3:45 p.m.

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Submitted by: Reviewed by:

Tarnara BrickmanAnnette Talbott Assistant Counsel

EXHIBIT LOG A - SB 1073-1 amendments proposed by Sen. Kerans -
Committee Staff- 1 page B - Handengrossed SB 1073 dated 5/18/93 -
Committee Staff- 1 page C - Preliminary Staff Measure Summary to SB
1072-3 and -4 - Committee Staff - 2 pages D - SB 1072-3 Amendments dated
5/14/93 - Committee Staff - 19 pages E - SB 1072-4 Amendments dated
5/14/93 - Committee Staff- 2 pages F - Proposed Cost Reductions in State
Voters' Pamphlet - Secretary of State's Office - 5 pages

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.