

Senate Redistricting February 21, 1991 Page 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 COMMITTEE ON REDISTRICTING

February 21, 1991Hearing Room "B" 3:00 p.m. Tapes 18 -19

MEMBERS PRESENT:Sen. Glenn Otto, Chair Sen. Dick Springer,
Vice-Chair Sen. John Brenneman Sen. Jim Bunn Sen. Scott Duff Sen. Mae Yih

MEMBERS EXCUSED:Sen. Bill Bradbury

STAFF PRESENT: Gail Ryder, Committee Administrator Jayne
Hamilton, Committee Assistant

MEASURES CONSIDERED: SB #349 - Absentee ballots, PH/WS SB
#353 - Ethics, PH SB #358 - Voting by mail, PH/WS Redistricting -
Informational SB #521 - Relating to Election Law Civil Penalties

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TAPE 18, SIDE A

005 CHAIR OTTO: Called the meeting to order at 3:07.

(TAPE 18, SIDE A)

PUBLIC HEARING

SB 349 RELATING TO ABSENTEE BALLOTS SB 358 RELATING TO ELECTION LAW
PENALTIES SB 353 RELATING TO ETHICS

Witnesses:Sen. Ron Grensky, Senator district 25

007 SEN RON GRENSKY, SENATOR DISTRICT 25: Reviewed SB 's 349, 358, and
353 for the committee.

047 OTTO: On SB 353, would it apply to non-incumbent candidates?

049 GRENSKY: The way I read it is that whether you are a candidate or
the incumbent, during either a special session or a regular session, you
are prohibited from seeking campaign contributions.

073 SPRINGER: What would happen if a county decided to do a primary
election vote and a candidate had two counties? Would they be running
two different campaigns with two different target dates?

083 GRENSKY: If your legislative district covered more than one county,
depending on which county got selected to do this test, you could be
running two campaigns during the primary, if you're in the situation of
facing a primary opponent. Maybe the committee should select a
legislator who only has one county.

104 BUNN: Would you have any objections to amendments that stated that
in such a county they would have to provide an open polling place at
each normal voting location so that individuals could personally appear
at their usual polling place and vote by dropping the ballot in the box
if they chose to do so.

109 GRENSKY: Referred to sub-section 2 of the bill.

111 BUNN: My concern would be that we have established voting places to

guarantee people some voting place near their home and a lot of people want to protect that ability to see it dropped in the box.

120 GRENSKY: For this to function in a realistic sense, it's going to be necessary to insure that as many people vote by mail as can and will, so that we can see the results of that. The objective is that everyone can cast their vote who wants to and we can determine whether a vote by mail ballot is a realistic option whose time has come.

(TAPE 18, SIDE A)

PUBLIC HEARING

SB 349 RELATING TO ABSENTEE BALLOTS

Witnesses: Charles Stern, Yamhill County Clerks Association Walter Crews, non Commissioned Officers Association of the United States of

America

148 RYDER: Distributes fiscal impact statement, Exhibit A.

151 CHARLES STERN, YAMHILL COUNTY CLERKS ASSOCIATION: Reviewed SB 349.

175 WALTER CREWS, NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA: Read written testimony, Exhibit B.

223 CREWS: Continues with written testimony.

238 DUFF: I noticed in your testimony you requested absentee ballots should be sent automatically to military and overseas citizens who requested ballots in the last general election. Is that still done?

245 CREWS: I do not know.

WORK SESSION

294 MOTION: SEN. DUFF MOVED TO TABLE SB 349.

302 VOTE: MOTION CARRIED, 4-2. VOTING NO: SEN. BRENNEMAN AND SEN. BUNN (EXCUSED: SEN BRADBURY)

(TAPE 18, SIDE A)

PUBLIC HEARING

SB 358 RELATING TO ELECTION LAW CIVIL PENALTIES

Witnesses: John Kauffman, Clackamas County Clerk David Buchanan, Common Cause

309 JOHN KAUFFMAN, CLACKAMAS COUNTY CLERK: Read written testimony, Exhibit C. Supports SB 358.

409 SPRINGER: There's a cost here that I don't think is factored in, and that's on your example from May 19, 1992. If the number of electors voting is 10,000 and assuming 99% are mail backs at 29 cents for a stamp, the additional cost to the voters would be about \$30,000.00 to add to your \$67,000.00.

440 RYDER: Distributed a fiscal impact statement for SB 358, Exhibit D.

444 YIH: In the March 27, 1990 election you said that voter turn-out was better by mailing vote, but it shows voter turn out was 36.59% compared to 40.16% on the May election which was done at the polls.

458 KAUFFMAN: What you'd need to do, to compare the turn out of the March 1990 election by mail, would be to compare that turn out to another March election at the polls.

TAPE 19 SIDE A

030 DAVID BUCHANAN, COMMON CAUSE: Expressed concern due to the lack of presumed right of a secret ballot. We believe there needs to be an option for people who don't want to vote by mail.

081 BUNN: Would you support the bill if it was amended to guarantee that the existing polling places were maintained?

083 BUCHANAN: Absolutely.

WORK SESSION

113 MOTION: SEN. BUNN MOVED TO TABLE SB 358

116 VOTE: MOTION CARRIED: 4-2. VOTING NO: SEN. YIH AND SEN. OTTO
(EXCUSED: SEN. BRADBURY)

(TAPE 19, SIDE A)

WORK SESSION

SB 353 RELATING TO ETHICS

184 MOTION: SEN. BUNN MOVED TO AMEND SB 353 BY INSERTING "SPECIAL," AND DELETING "ANY OTHER," ON PAGE 1, LINES 20, 26, 27, AND ON PAGE 2 LINES 11, 16, AND 17.

203 SPRINGER: I know as soon as we pass this thing we're going to have a special session in September of 1992. I'm thinking what happens to our campaign if we have a special session within 60 or 90 days of a regular election. Do I understand that we're time barred 30 days after that special session from raising any funds?

211 OTTO: That's what the bill says.

212 SPRINGER: I think that's something we need to be concerned about.

214 MOTION: SEN. BUNN ADDED TO ORIGINAL MOTION A CONCEPTUAL AMENDMENT THAT THE 30 DAY RESTRICTION APPLIES ONLY TO REGULAR SESSION. HEARING NO OBJECTIONS, SO ORDERED.

237 MOTION: SEN BUNN. MOVED SB 353 AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

244 PATRICK HEARN, EXECUTIVE DIRECTOR, OREGON GOVERNMENT ETHICS COMMISSION: The provision in this measure that restricts the acceptance of campaign contributions for a period of 30 days following the conclusion of an assembly does not apply to members of the legislature. It applies to the Governor or candidates or their committees.

261 RYDER: Sen Bunn, on your motion, would it be your intent to have it be that the Governor or the Governor Elect candidate would be able to accept campaign contribution during the 30 days following a special session?

264 BUNN: Yes, my intent is to add only the day of the special session as a prohibition for anyone.

270 RYDER: My understanding is it would only apply to the Governor or Governor Elect as it is now.

271 BUNN: The prohibition as I understand it would prohibit me as a legislator from accepting a contribution during the day of a special session. My intent is also that everyone be on that same footing. We would not change the regulations as they are now, but in adding a special session everyone would only be prohibited from asking during the day or days of special session.

295 VOTE: MOTION CARRIED: 6-0. (EXCUSED SEN. BRADBURY)

(TAPE 19, SIDE A)

INFORMATIONAL MEETING

RELATING TO DATES FOR REDISTRICTING ORIENTATION AND OPEN HOUSE

316 RYDER: Asked the committee what kinds of information they would like to have ready for the redistricting meetings and for orientation.

335 BUNN: At that time will we actually have the numbers in the computer?

337 RYDER: The official opening of the redistricting office will be on the first of March, and you'll have access to the computers on that day.

342 BUNN: When will we actually be able to get maps of the existing districts with the populations per district.

344 RYDER: Sometime next week, prior to the first of March.

(TAPE 19, SIDE A)

WORK SESSION

SB 521 RELATING TO ELECTION LAW CIVIL PENALTIES

Witnesses: Sen. Gold, Senator, District 7

372 RYDER: Mr. Chair you asked Legislative Counsel (LC) for an opinion regarding your amendment to place a \$25,000.00 fine on intentional avoidances of filing this information. Distributed election law penalties from LC, Exhibit E. I also have amendments that were adopted by the committee. Distributed the -3 amendments, Exhibit F. Reviewed the amendments section by section for the committee.

430 SEN. GOLD, SENATE DISTRICT 7: Do I understand now that in lines 1 through 5 on the - 3, what would happen is that, in addition to what's currently in statute, the elections division would have this additional responsibility of notification to the candidate by first class mail?

451 RYDER: That's correct.

453 GOLD: Generally the word person, as it's used in the current statute refers to the treasurer. This would be an additional amount of information given to the candidate directly.

TAPE 18, SIDE B

021 GOLD: Sen. Bunn, I thought you were satisfied with the portion that we had in the bill on the second page lines 2-5 that speak to a maximum civil penalty both for failure to file a statement, and for failure to include proper information.

035 BUNN: In the -3 amendments, lines 8-14 maintain the status quo, but adds a condition that shall not exceed, and then lines 15-18 are the new provisions that set an absolute maximum for non-intentional violation.

045 GOLD: I'm commenting on the portion from lines 8-18 on the -3. I was looking for simplicity in what the original draft of SB 521 was, and thought I had simplicity there, which is fixing some maximum for both kinds of offenses and at the discretion of the Secretary of State.

064 OTTO: How would you suggest that we deal with the problem?

066 GOLD: My first preference is for the original wording of the bill. I share Sen. Bunn's concern about protecting a smaller Political Action Committee, (PAC) and smaller offenses. From what I've seen in other committees that deal with civil penalties, the trend seems to be for simply fixing maximums and permitting the discretion.

087 BUNN: Considering the language that we have in the status quo which is 5% per day, that can become a very substantial penalty in and of itself. I'm not afraid of setting extra maximums, I know it is more complicated but I think we have to have an absolute maximum, but also preferably a sliding maximum based upon the size of the PAC.

102 GOLD: If it's the desire of the committee to keep the choice of the percentage as well as setting the maximum, where the problem arises is that 5%. You might consider changing that percentage, because it's the maximum of the 5% multiplied by the number of days, multiplied by the amount of the error that makes for what I know you probably consider, an exorbitant fine.

117 BUNN: I don't know if we can establish a clear enough legislative

intent. It would be my hope that we would not be saying that we expect that 5% to be implemented but that it is a ceiling.

148 GOLD: I do have some concerns with the last part of the -3 amendments..

177 BUNN: We should remove this section from this bill.

198 MOTION: SEN BUNN MOVED TO AMEND THE -3 AMENDMENTS REMOVING EVERYTHING FROM LINE 18, HEARING NO OBJECTION SO ORDERED.

204 MOTION: SEN BUNN MOVED ON THE -3 AMENDMENTS TO FILL IN THE BLANKS ON LINE 15 AND 17 WITH A FIGURE OF \$10,000.00. HEARING NO OBJECTIONS, SO ORDERED.

218 MOTION: SEN BUNN MOVED SB 521 WITH AMENDMENTS TO JUDICIARY WITH A DO PASS AS RECOMMENDATION.

237 VOTE: MOTION CARRIED, 6-0. (EXCUSED: SEN BRADBURY)

Meeting adjourned at 4:25

Submitted By:

Reviewed By:

Jayne Hamilton
Assistant

Joan Green
Assistant

EXHIBIT LOG

A - Fiscal impact statement on SB 349, staff, 1 page B - Written testimony on SB 349, Walter Crews, 8 pages C - Written testimony on SB 358, John Kauffman, 2 pages D - Fiscal impact statement on SB 358, staff, 1 page E - Election law civil penalties, staff, 2 pages F - Proposed amendments to SB 521, staff, 2 pages