

Senate Redistricting February 26, 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 26, 1991Hearing Room "B" 3:00 p.m. Tapes 20 -21

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, Senior Committee Administrator Jayne Hamilton, Committee Assistant

MEASURES CONSIDERED: SB # 591 - Election of judges, PH HB # 2464 - Precinct committee persons, PH/WS SB #278 - Relating to absentee ballots, WS

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TAPE 20, SIDE A

006 CHAIR OTTO: Called the meeting to order at 3:10.

012 KATHLEEN BEAUFIT, LEGISLATIVE COUNSEL: Reviews legal questions regarding redistricting. Reads criteria under which the legislators must work under and lists them as follows: The district must be contiguous, be of equal population, utilize existing geographic or political boundaries, not divide communities of common interest, be connected by transportation links, no district is to be drawn solely for the purpose of deluding the voting strength of any language or any ethnic minority group, none should be drawn for the purpose of favoring any political party incumbent legislator or other person, and two State representative districts should be wholly included within a single Senatorial district.

039 SPRINGER: Where do we find this in statute?

040 BEAUFIT: In ORS 188.010.

044 BUNN: You read the criteria in which we are to work under. They're all listed equally aren't they?

049 BEAUFIT: I think that they are but if I read the case law accurately, what the case law says is that you strive for equality numerically and you can explain your variation of equality by these other factors.

057 BUNN: One thing I've heard in the last few weeks on redistricting was that courts had upheld projections for purposes of population. Are you aware of Oregon having any case dealing with it?

064 BEAUFIT: I have not encountered that.

075 BUNN: Does Oregon have a different standard that would prohibit the use of projection?

085 BEAUFIT: I'm not familiar with cases that allow projection. There are no Oregon cases. The general review of the cases that I've looked at would suggest to me that the Oregon Supreme Court has perhaps held to a higher standard the State Legislature, or the Legislative

reapportionment plan, than some of the Federal Courts had when they were dealing at a greater distance from the issue. Oregon is one of the early states to have a real laid out plan of how reapportionment was to be done. In the constitution it stresses population equality and does not mention these other factors.

101 BUNN: The concern was to identify if it might be a legitimate use. You felt that clearly if constitutionally it couldn't even be a factor, we would know that, and take it into account.

104 BEAUFIT: We'll look into it and get back to you with a better answer than I gave you today.

105 BUNN: I'll give you the references that I'm referring to.

118 BEAUFIT: There is great stress this time about the openness of the process. With your open hearing process, the fact that you have already gone out and spoken to people in other areas of the state to get feedback on what the voters want, and you making your data available to the public to use, makes me think that isn't going to be a place where attack can come from.

(TAPE 20, SIDE A)

PUBLIC HEARING

SB 591 RELATING TO ELECTION OF JUDGES

Witnesses:Laurie Houck, Representing George M. Joseph Chief Judge Wally Carson, Oregon Supreme Court representing Edwin J. Peterson Michael Gillett, Associate Justice in the Oregon Supreme Court

155 LAURIE HOUCK REPRESENTING GEORGE M. JOSEPH CHIEF JUDGE: Read written testimony, Exhibit A.

235 WALLY CARSON, OREGON SUPREME COURT: Read written testimony, Exhibit B.

270 MICHAEL GILLETT, ASSOCIATE JUSTICE IN THE OREGON SUPREME COURT: I hope to serve a while yet. Were the bill to be implemented it would be implemented during the time that I serve. Because I would be Grandfathered I would continue to have the opportunity to serve based upon the present way I'm selected. It would mean that other people had to be elected from particular congressional districts. Expressed concern about the bill in regards to the requirement of residence. "This bill is a bad idea whose time has not yet come."

377 RYDER: Mr. Robert Grant was not given adequate notification. Perhaps you might want to carry this over to allow him to testify. Distributed fiscal impact statements, Exhibit C.

(TAPE 20, SIDE A)

PUBLIC HEARING

HB 2464 RELATING TO PRECINCT COMMITTEE PERSONS

Witnesses:Scott Bartlett, Administrative Assistant of Bill Dwyer

413 SCOTT BARTLETT, ADMINISTRATIVE ASSISTANT OF BILL DWYER: Reviewed the bill section by section for the committee.

459 BUNN: What is the purpose of the exempt candidate for political party office requirements?

468 BARTLETT: When money is being transacted as a regular event by a candidate there should be the ability to track it. Where precinct people are concerned, very rarely does anyone ever spend money.

WORK SESSION

046 MOTION: SEN. SPRINGER MOVED HB 2464-A TO THE FLOOR WITH A DO PASS RECOMMENDATION

055 VOTE: MOTION CARRIED: 5-0. (EXCUSED SEN. BRADBURY AND SEN. BRENNEMAN.)

TAPE 21, SIDE A

WORK SESSION

SB 278 RELATING TO ABSENTEE BALLOTS

062 MOTION: SEN. BUNN MOVED TO REMOVE SB 278 FROM THE TABLE.

066 VOTE: MOTION CARRIED: 5-0. (EXCUSED: SEN. BRADBURY AND SEN. BRENNEMAN.)

071 VICKI ERVIN, DIRECTION OF ELECTION, MULTNOMAH COUNTY: Reviewed proposed amendments section by section for the committee, Exhibit D.

087 DUFF: How do you track someone who has died?

088 ERVIN: We have several different ways. As far as deaths go we get a death list from the Secretary of State every month showing records of people who have died. If you have a polling place election you get notation in the poll book and when you do an election by mail the mailed ballot comes back to you.

WORK SESSION

098 MOTION: SEN. SPRINGER MOVED THE -3 AMENDMENTS TO SB 278. HEARING NO OBJECTIONS SO ORDERED.

100 BUNN: "No objections, but I would like to state that I am glad to be able to at least help one group of folks. I wish we could help more, but I understand the constitutional needs."

110 MOTION: SEN. SPRINGER MOVED SB 278 AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

112 VOTE: MOTION CARRIED, 5-0. (EXCUSED SEN. BRADBURY AND SEN. BRENNEMAN.)

Witnesses:

Meeting adjourned at

Submitted By:

Reviewed By:

Jayne Hamilton  
Assistant

Joan Green  
Assistant

EXHIBIT LOG

A - Written testimony from Chief Judge George M. Joseph, Laurie Houch, 2 pages  
B - Written testimony from Edwin J. Peterson, Wally Carson 2 pages  
C - Fiscal report for SB 591, staff, 1 page  
D - Proposed amendments to SB 278, Vicki Ervin, 1 page