

Senate Redistricting March 19, 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

March 19, 1991Hearing Room "B" 3:00 p.m. Tapes 26 - 27

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 Joan Green, Committee Assistant MEASURES CONSIDERED: SB 770 - Relating to campaign finance, PH SB 893 - Relating to voters' pamphlet explanatory statements, PH/WS SB 856 - Relating to voter registration; appropriating money, PH/WS

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TAPE 26, SIDE A

006 CHAIR OTTO: Called the meeting to order at 3:13 p.m. as a subcommittee.

(TAPE 26, SIDE A)

PUBLIC HEARING

SB 770, RELATING TO CAMPAIGN FINANCE

Witnesses:Ron Grensky, Oregon State Senator, District 25 Steve Lanning, Oregon American Federation of Labor - Congress of Industrial

Organizations Mary Botkin, American Federation of State, County and Municipal Employees Dave Fidanque, Oregon American Civil Liberties Union, Associate Director

009 RON GRENSKY, OREGON STATE SENATOR, DISTRICT 25: Discusses written testimony, Exhibit H. There would need to be penalties in SB 770. Proposes one of two possible penalties for violations; 1. \$500 or three times the amount of the contribution, whichever is more, and 2. if the violation is deliberate, \$1,000 or five times the amount of the contribution, whichever is greater. It would also be necessary to have personal liability to the members of the political action committee (PAC). I believe there is public support for limitation on campaign expenditures, as well as campaign contributions.

070 OTTO: Labor organizations are listed on pg. 1, ln. 21, does that classify the Oregon American Federation of Labor - Congress of Industrial Organizations (AFL-CIO) as a labor union?

072 GRENSKY: I believe so, as defined in §2(3)(a).

075 OTTO: That would limit the AFL-CIO to a contribution of \$5,000?

078 GRENSKY: Yes, and that is in the aggregate.

081 OTTO: If the International Brotherhood of Electrical Workers, (IBEW) Local 48 were to give \$5,000 to a candidate, no other union could contribute \$5,000, correct?

088 GRENSKY: No.

089 OTTO: They are a member of the AFL-CIO.

090 GRENSKY: It would be a difficult interpretation because it gets into the area of the intermediary and conduit language that we are trying to avoid. I believe, however, that if the labor organizations were

distinct and separate then there would not be a problem.

098 OTTO: I think that needs to be clarified in the bill.

099 GRENSKY: Concur, it needs to be resolved one way or the other.

103 OTTO: There are a number of member organizations in the IBEW represented by different locals, could only the IBEW give \$5,000 or could Local 48 give \$5,000, Local 125 give \$5,000, etc.?

112 GRENSKY: There are two questions that would need to be asked: 1. are they separate and distinct organizations, and 2. ORS 260.005 would need to be referred to for the definition of intermediaries and conduits, with regards to the pass through issue.

121 OTTO: It has not happened often, but occasionally members of one IBEW local have been in opposition to the other IBEW local.

126 GRENSKY: It would not be my desire to preclude separate and distinct organizations from making political contributions in the aggregate of \$5,000 simply because they also belong to other organizations. My desire is to avoid a chief organization creating intermediaries under it where they could bypass this law and pass money through these numerous intermediaries, circumventing the \$5,000 requirement. I would not oppose what you are referring to, I believe they are separate organizations and should be entitled to make their own separate campaign contributions within the \$5,000 limit.

140 OTTO: Would the IBEW representing linemen and the IBEW representing indoor wire men be limited to the \$5,000 or would it be \$5,000 each?

145 GRENSKY: Again, if they are separate and not created for purposes of circumventing the law it could be determined on a case by case basis. It would be a judgment call.

153 OTTO: Different locals of the American Federation of State, County and Municipal Employees (AFSCME) endorse different candidates, would they be considered separate organizations?

156 GRENSKY: I believe so.

158 OTTO: Your intent would not be to limit those organizations?

159 GRENSKY: No, it is my belief that they are separate organizations with separate functions. My concern is with the intermediaries created solely for the purposes of channeling money to candidates by circumventing this. I believe there are examples, other than the ones you have cited, that would fall under that type of category, (i.e. separate timber organizations that belong to the Oregon Forest Industries Council (OFIC) or local organizations of teachers that belong to the Oregon Education Association). These groups may wish to endorse different candidates or groups. I have no intention of eliminating the freedom of supporting certain candidates.

178 OTTO: Under your interpretation the Oregon Education Association (OEA) could contribute \$5,000 to one or many candidates and the member organizations could make another contribution?

183 GRENSKY: I believe so, but I would like to be careful so as to avoid funneling money from the OEA through separate teacher organizations. Determining factors could be if the money was raised locally and stayed in that separate organization or if the organization existed prior to the campaign or election cycle. Clarifies intention to provide every organization with the ability to contribute money to ballot measures and/or candidates, but wants to avoid the conduit problem that can occur.

199 SPRINGER: What about independent committees, does this bill deal with those?

206 GRENSKY: Under current law, if you are politically involved in taking money you must file as a PAC, they are included in §2(d).

221 STEVE LANNING, OREGON AMERICAN FEDERATION OF LABOR - CONGRESS OF INDUSTRIAL ORGANIZATIONS: Discusses written testimony, Exhibit A.

313 BRENNEMAN: Don't you sometimes donate members' time in campaigns?

315 LANNING: Yes, sometimes, but mostly it is our local affiliates that involve the people.

323 BRENNEMAN: You report their time as in-kind contributions on the candidates behalf?

324 LANNING: Yes, according to the law, if the time is purchased in a manner that would fall under the in-kind contribution.

330 MARY BOTKIN, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES: Speaks in opposition to SB 770, as currently written. Concurs with Mr. Lanning's testimony. All contributions are carefully reported and available for viewing. We have spent considerable time building our PAC's to give the "little person" a united voice and some political clout. To suggest that any elected officials vote is for sale is an insult, not only to the elected official, but to our members. There are 80 to 100 unions with a separate identity within the State of Oregon with a number of locals under those umbrellas. SB 770, pg. 2, §3 refers to "subsidiaries or branches", we would interpret that to mean local unions and, therefore that \$5,000 would extend to everybody within our union. Ballot measures are the one area where our organization contributes the most money. Cites amount of contribution by our organization to defeat Ballot Measure 5; SB 770 would have prohibited that large of a contribution, the way I read it. It might be time to reexamine the idea of publicly financed campaigns. In response to Sen. Brenneeman's question regarding the donation of membership time in campaigns, organizations donate member time to campaigns and make in-kind donation reports to the Secretary of State's office to account for the time an individual spent on that race.

TAPE 27, SIDE A

032 DAVE FIDANQUE, OREGON AMERICAN CIVIL LIBERTIES UNION, ASSOCIATE DIRECTOR: Distributes handout, Exhibit B. Speaks in favor of public financing of campaigns as an alternative to limitations on expenditures and contributions, therefore we are opposed to SB 770. A major problem with SB 770 appears on pg. 2, §4(a), ln. 14, "either directly or indirectly". Indirect independent expenditures are invited by contribution limitations. In Oregon we have, to a large extent, been able to avoid independent expenditures because of full disclosure rather than limitation. An area of concern to the ACLU is how editorial endorsements would be affected under this legislation. Currently editorial endorsements are not considered to be expenditures on behalf of the candidate, either in-kind or reportable as contributions, but with the broad language in SB 770 they might be swept in to this limitation.

(TAPE 27, SIDE A)

PUBLIC HEARING

SB 856, RELATING TO VOTER REGISTRATION; APPROPRIATING MONEY

Witnesses: Phil Keisling, Secretary of State Randy MacDonald, Sen. Larry Hill's Office Sandra Bishop, League of Women Voters of Oregon Joan Plank, Department of Motor Vehicles

102 PHIL KEISLING, SECRETARY OF STATE: Speaks in support of SB 856. In 1989 the Legislature passed SB 1062 which provided for integration between the car/driver registration system and the voting registration system. The bill provided that this program would become operable contingent on the federal government's mandate. SB 856 simply repeals the contingency part of the bill and allows the motor-voter program to take place. This bill uses creativity and innovation to remove barriers in encouraging people to vote and keeping records up to date on those already registered to vote.

144 KEISLING: There are thirteen states that have motor-voter legislation, either in place or pending. Washington estimates they register over 16% more people per year with motor-voter registration. Colorado cites 10,000 more people per month. I would like to see Oregon adopt this bill without a mandate from the federal government.

180 YIH: What is the process when someone changes their drivers license address, under this bill?

192 KEISLING: SB 856 is modeled on SB 1062 from the 1989 session. If a change of address form is mailed into the Department of Motor Vehicles (DMV) they would enclose a voter registration form with the return mailing. If you walk in it would be part of the paperwork to fill out. Existing law does provide that once this becomes operative the DMV would furnish the Secretary of State's office with a listing of people each month and the Secretary of State would forward that list to affected county clerks, who would follow up with a letter and registration form.

This would not happen unless the federal government mandated a program under current law, SB 856 would enact it immediately.

227 YIH: Under SB 856 DMV would send the voter registration card along with the new drivers license?

232 KEISLING: Correct, reads current law, that is a separate act from the one we just discussed.

253 RANDY MACDONALD, SEN. LARRY HILL'S OFFICE: Discusses written testimony, Exhibit C.

349 YIH: What is the process when someone notifies DMV about a change of address, does DMV send a new drivers license to the applicant?

354 MaCDONALD: It is my understanding that a sticker is sent to be affixed to the back of the drivers license. The information is also provided to the Secretary of State, they forward to the appropriate county clerk, who in turn sends a voter registration card and a letter.

369 YIH: Why can't DMV send a voter registration card at the same time they mail the sticker? Why must they route through the Secretary of State's office, the county clerks, etc.?

377 MaCDONALD: I believe that was discussed two years ago and I can't remember the arguments to it. I am open to that suggestion.

386 YIH: What amount do you want in the blank?

394 RYDER: We were called this morning with an informal fiscal impact statement which would be \$186,544.

399 MaCDONALD: I thought it was \$179,230. Presently the funds are approximately \$186,000, but we questioned that estimate and are in discussions with the Department. The fiscal issue would be determined in Ways and Means. The question today is a policy issue of whether to tie this legislation to the federal governments enactment of a motor-voter program or not.

428 YIH: Does this bill have a subsequent referral to Ways and Means?

430 RYDER: No, it would need to be added.

433 MaCDONALD: Sen. L. Hill would recommend the Committee refer the bill to Ways and Means.

438 JOAN PLANK, DEPARTMENT OF MOTOR VEHICLES: We do not automatically send a

voter registration card to someone changing their address because some people have already re-registered, some will not want to re-register and, most importantly, the county clerks need that information from us to update and purge their records.

460 YIH: Wouldn't it save postage to send a voter registration card at the same time as the sticker and then supply the county clerks with the needed information for purging?

475 PLANK: We could look at that. There are considerations in terms of the size of envelopes used by DMV versus the size of envelope needed for a voter registration card.

TAPE 26, SIDE B

033 SANDRA BISHOP, LEAGUE OF WOMEN VOTERS OF OREGON: Reads written testimony, Exhibit D.

061 RYDER: Distributes written testimony in support of SB 856 from Al Davidson, Exhibit E and Lynn Pinckney, Exhibit F.

WORK SESSION

066 MOTION: SEN. BRENNEMAN MOVED THAT SB 856 BE REFERRED TO THE FLOOR WITH A DO PASS RECOMMENDATION AND THAT IT BE SUBSEQUENTLY REFERRED TO THE WAYS AND MEANS COMMITTEE.

068 VOTE: MOTION CARRIED, 4-0. (EXCUSED: SEN. BRADBURY, SEN. BUNN, SEN. SPRINGER).

(TAPE 26, SIDE B)

PUBLIC HEARING

SB 893, RELATING TO VOTERS' PAMPHLET EXPLANATORY STATEMENTS

Witnesses: Denise McPhail, Portland General Electric

081 DENISE MCPHAIL, PORTLAND GENERAL ELECTRIC: Discusses written testimony, Exhibit G.

OTTO: Are there amendments?

121 McPHAIL: No.

WORK SESSION

126 MOTION: SEN. BRENNEMAN MOVED SB 893 TO THE FLOOR WITH A DO PASS RECOMMENDATION.

130 VOTE: MOTION CARRIED, 5-0. (EXCUSED: SEN. BRADBURY, SEN. BUNN). SEN. OTTO WILL LEAD THE FLOOR DISCUSSION.

140 Meeting adjourned at 4:45 p.m.

Submitted By:

Joan Green
Assistant

Reviewed By:

Jayne Hamilton
Assistant

EXHIBIT LOG

A - Written testimony, Lanning, 2 pgs. B - Policy Guide, Fidanque, 3 pgs. C - Written testimony, Hill, 7 pgs. D - Written testimony, Bishop, 1 pg. E - Written testimony, Davidson, 1 pg. F - Written testimony, Pinckney, 1 pg. G - Written testimony, McPhail, 3 pgs. H - Written testimony, Grensky, 1 pg.