

Senate Redistricting March 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

March 21, 1991Hearing Room "B" 3:00 p.m. Tapes 28 - 29

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

MEMBERS EXCUSED:Sen. Bill Bradbury Sen. Jim Bunn

STAFF PRESENT: Gail Ryder, Senior Committee Administrator Joan Green, Committee Assistant

MEASURES CONSIDERED: SB 758 - Relating to lobbying, PH/WS

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TAPE 28, SIDE A

006 CHAIR OTTO: Called the meeting to order at 3:09 a.m.

(TAPE 28, SIDE A)

PUBLIC HEARING

SB 758 RELATING TO LOBBYING

Witnesses:Dick Springer, Oregon State Senator, District 6 Steve Lanning, Oregon American Federation of Labor - Congress of Industrial

Organizations, Political Education Coordinator Dave Fidanque, American Civil Liberties Union of Oregon, Associate Director

016 DICK SPRINGER, OREGON STATE SENATOR, DISTRICT 6: Discusses written testimony, Exhibit A.

087 OTTO: Requests Sen. Springer address Mr. Reutlinger's arguments.

090 SPRINGER: Discusses pgs. 3-4, Exhibit A; his concerns are valid.

119 OTTO: Are they only constitutional concerns?

121 SPRINGER: His analysis is limited to constitutional issues.

123 OTTO: Would you be comfortable asking for an Attorney General's (AG) opinion?

124 SPRINGER: Yes, an informal opinion or an appearance before the committee by the AG might expedite things.

133 DUFF: This is aimed at organizations who have a lobbyist directly involved?

135 SPRINGER: That is the way it was initially written.

138 DUFF: An organization that doesn't have a lobbyist involved, but is a political action committee (PAC) and raises money could contribute?

139 SPRINGER: Right.

150 STEVE LANNING, OREGON AMERICAN FEDERATION OF LABOR - CONGRESS OF INDUSTRIAL ORGANIZATIONS, POLITICAL EDUCATION COORDINATOR: Discusses written testimony, Exhibit B.

231 OTTO: Could the bill be amended to address your concerns?

234 LANNING: It is possible. We are under the control of our national affiliate so some coordination would be needed.

241 OTTO: In my opinion this bill treats every special interest group the same.

243 LANNING: Every special interest group does not have 125,000 members, 300 local affiliates and lobbyists who are paid to come out for two or three days. Our concern is that a lot of people who participate in the democratic process of controlling an affiliates PAC money could effectively be cut out.

269 OTTO: The State of Oregon also provides tax credits for a married person, could they not give to their local union and take a tax credit, as provided by the State of Oregon?

275 LANNING: Yes, it would do the same thing if you are talking about 125,000 people who give \$0.05/month. The tax credit requires a substantial amount of money per individual to make a difference.

281 OTTO: The individual is getting all of the money back, this way the individual is out \$0.60/year.

284 LANNING: Correct. We could consider it, and if SB 758 were passed limiting campaign contributions, that would be the direction our organization would take.

294 OTTO: This is a campaign limitation bill, correct?

295 LANNING: Yes.

296 OTTO: One time you say you are in favor of campaign limitation and the next you are opposed to campaign limitation, as provided by this bill.

300 LANNING: We have not seen it as a conflict, the bills are different. We want members to have every avenue available to participate in the political system. The \$0.05/month works well, but that could be redirected, if needed.

314 SPRINGER: How much is spent by your organization on voter registration, etc as opposed to direct candidate support?

324 LANNING: We have several different budgets, the voter registration budget last year was approximately \$80,000. This effort was directed only towards members.

340 SPRINGER: Are you involved with direct support to political parties at the county or state level?

343 LANNING: Yes, but it is limited because we are a bi-partisan organization. Most of the money that we contribute goes directly to the candidates.

365 DAVE FIDANQUE, AMERICAN CIVIL LIBERTIES UNION OF OREGON, ASSOCIATE DIRECTOR: Speaks in opposition to SB 758. The American Civil Liberties Union (ACLU) opposes all contribution and expenditure limitation bills, we would support public financing of election campaigns as an alternative. Speaks to Mr. Reutlinger's letter, pgs. 3-4, Exhibit A. I believe this bill would be overturned under the federal constitution and the Oregon bill of rights. We are talking about the right to petition our government for a redress of grievances under the federal constitution and the right to instruct representatives under the state constitution. The ACLU does not make campaign contributions nor do they endorse or oppose candidates for political office. As an individual, who is employed by the ACLU as a registered lobbyist, I do, on my own time, occasionally make campaign contributions to candidates I support. Were this bill to become law I would be required to choose between continuing my job or making contributions to candidates. I would urge the Committee, if there is a concern about the impropriety of officials soliciting campaign contributions near the time of a legislative session, to extend the dates of the current prohibition of soliciting

during a legislative session.

TAPE 29, SIDE A

034 OTTO: You would favor a bill limiting campaign contributions?

036 FIDANQUE: No, however I don't believe we would oppose a reasonable extension of the current prohibition on legislators to solicit campaign contributions around the time of the legislative session.

040 OTTO: This bill would do that.

041 FIDANQUE: It would do that all the time.

042 OTTO: What is an appropriate time?

045 FIDANQUE: Perhaps a month prior to the start of session. That would allow one more round of letters to go out following an election.

050 OTTO: What would the time limit be if we went to a mail ballot?

052 FIDANQUE: I don't know why that would make a difference.

052 OTTO: There would be a different time table, I think, under a mail ballot. If we don't have a mail election you have within thirty days.

059 FIDANQUE: My intent was if the general election is held in November and the legislative session begins in mid-January, the deadline could be moved for the time between. It is my understanding that one of Sen. Springer's concerns is the appearance of impropriety in soliciting campaign contributions on the eve of the legislative session, particularly by the caucuses. One alternative might be to move that deadline by three or four weeks prior to the legislative session. I don't think that would affect the election date.

075 SPRINGER: Is Mr. Hinkle still involved in the ACLU?

077 FIDANQUE: Yes, occasionally.

078 SPRINGER: Is he still the attorney for the Oregonian?

079 FIDANQUE: Yes.

079 SPRINGER: Do you know if he has spoken to his editorial board as to how they reached the conclusion that they did?

081 FIDANQUE: No.

082 SPRINGER: Has any Oregon Appellate Court been asked to review the constitutionality of the prohibition on contributions to public officials or legislators during the legislative session?

084 FIDANQUE: I am not aware of anyone challenging that statute.

087 SPRINGER: When is the right to petition most effective, during the legislative session?

088 FIDANQUE: Certainly.

088 SPRINGER: Since no one that I am aware of has challenged the constitutionality of prohibition during the session, how different is the prohibition outside the session?

094 FIDANQUE: There are two distinctions: 1. the prohibition on soliciting contributions by legislators may be dealt with differently than the prohibition on making contributions and 2. when the legislature is in session and legislators have the ability to cast votes they presumably are most at risk for being bribed. The court would be more likely to uphold a provision that was aimed at preventing bribery, if it is related to that period of the legislative session as opposed to the election campaign season.

121 SPRINGER: Candidates for public office are more at risk, in terms of the influence of money, when they are campaigning than possibly during the session itself.

126 FIDANQUE: If anyone is making contributions with the direct understanding that a candidate, if elected, will vote in a certain manner on given legislation or a candidate is soliciting contributions with that in mind, that would be a violation of the bribery statutes. "Undue influence" is probably the closest to that fine line between trying to influence and petition public officials versus bribing them. The ACLU's position is that, to the extent the public and public officials are concerned about the influence of money on elected officials, the answer is to provide adequate public funding to eliminate the necessity of seeking those contributions from individuals.

151 SPRINGER: Are you aware of anyone who has been convicted or found to have violated the law as it relates to accepting campaign contributions?

155 FIDANQUE: I am not, in Oregon anyway.

157 SPRINGER: In the history of the law?

157 FIDANQUE: I am not versed on Oregon election and/or political history.

158 RYDER: Volunteers to research that with the Elections Division.

170 SPRINGER: Requests the bill be carried over for a week so he can do further research on it.

176 Meeting adjourned at 3:52 p.m.

Submitted By:

Joan Green
Assistant

EXHIBIT LOG

A - Written testimony, Springer, 5 pgs. B - Written testimony, Lanning, 2 pgs.

Reviewed By:

Jayne Hamilton
Assistant