

Senate Redistricting April 11, 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

April 11, 1991Hearing Room "B" 3:00 p.m. Tape 30

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

MEMBERS EXCUSED:Sen. Bill Bradbury Sen. John Brenneman Sen. Jim Bunn

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

MEASURES CONSIDERED: SB #1052 - Relating to false political statements, PH SB #690 - Relating to false statements in political solicitations, WS

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TAPE 30, SIDE A

004 CHAIR OTTO: Called the meeting to order at 3:19.

(TAPE 30, SIDE A)

PUBLIC HEARING

SB 1052 RELATING TO FALSE POLITICAL STATEMENTS

Witnesses:Bob Shoemaker, Senator District #3 Patrick Hearn, Executive Director, Oregon Government Ethics Commission

008 BOB SHOEMAKER, SENATOR DISTRICT #3: Reviewed the bill section by section for the committee.

062 OTTO: If the candidate engaged in false advertising, was defeated, and then ran four years later, would it still apply?

064 SHOEMAKER: Yes. Referred to section 4 of the bill. It follows you through the rest of your political career.

073 OTTO: If a candidate does make a false statement, would the Secretary of State identify what the statement was, or would they merely say that a false statement was made?

076 SHOEMAKER: Read from the bill "Shall include with any portrait or statement of the candidate a statement that the candidate violated the act including the date of the violation, and the findings of the Commission." I assume that would not be detailed, but would be a summary of those findings.

083 DUFF: Knowledge means, in this case, if a person has a political committee, and that committee publishes a poster pamphlet, or sign that has a false statement on it, the candidate is responsible for it?

089 SHOEMAKER: That's right. You better know what your committees are doing.

091 DUFF: What happens if the candidate contests this?

092 SHOEMAKER: Then you would have a contested hearing within the Ethics Commission, subject to all of the rules the Ethics Commission has

developed for protection against abuse.

098 DUFF: Is there any anticipated cost to this?

099 RYDER: Distributed fiscal impact statement, Exhibit A.

104 DUFF: What was the time frame in which a complaint can be filed?

105 SHOEMAKER: Read from the bill, "The Commission shall not instigate it's "investigation" or accept a complaint within 90 days of an election, in which the alleged violator is a candidate."

118 DUFF: That complaint covers the entire period, from the date you filed all the way up to the point where it is investigated?

119 SHOEMAKER: The complaint would be of a particular incident, and if there's more than one you can include them in a single complaint.

122 RYDER: The question I was concerned about was, if a group who supported the opponent did advertising for the candidate and it was false, would the candidate be responsible? As I read this I see that it says, "a committee in which the candidate exercises any direction or control," so my question is answered.

137 YIH: When the statement about the false information is put into the voters pamphlet, who pays for the voters pamphlet printing?

140 SHOEMAKER: My hunch is it would come out of the \$100.00 entry that we all pay.

144 YIH: When we file for our voters pamphlet information, we pay for the maximum of 300 words. Are you saying to take away the 300 words and make room for the statement that the candidate doesn't want in there?

148 SHOEMAKER: I don't believe this requires that. We'll probably leave that to the Secretary of State to work out the details.

160 RYDER: What about a candidate who refuses to place an ad in the voters pamphlet?

161 SHOEMAKER: I guess he gets away with it.

164 OTTO: Maybe we should have a list in the front of the voters pamphlet of all the violations of candidates who filed.

165 RYDER: That's a potential fiscal impact.

172 PATRICK HEARN, EXECUTIVE DIRECTOR, OREGON GOVERNMENT ETHICS COMMISSION: The Oregon Government Ethics Commission strongly supports the concepts and the objectives embodied in SB 1052. It does however have some concerns. One of those concerns is the fiscal impact. The fiscal impact statement indicates an indeterminate cost, due to the fact that there's no way of us being able to tell what the number of complaints that the Commission will have to handle. It is conceivable that during an election year there could be a considerable number. Another concern is, this bill would clearly put the Ethics Commission in a new arena from the stand point of giving it responsibilities relative to the enforcement of campaign ethics and elections laws. In response to a question asked earlier, were the Ethics Commission under the proposal of SB 1052, to make a finding of a violation, the matter would conceivably proceed to a contested case hearing, and if the results of that continued to be affirmative then the respondent in the matter would be able to seek judicial review through the court of appeals as currently exists. In regards to the cost of the voters pamphlet, it appears to me that it would be a cost that would be assumed by the Secretary of State for the production cost of the pamphlet.

238 OTTO: Would you be willing to work with our staff to put together the necessary amendments.

239 HEARN: Yes.

(TAPE 30, SIDE)

WORK SESSION

SB 690 RELATING TO FALSE STATEMENTS IN POLITICAL SOLICITATIONS

Witnesses: Nina Johnson, Secretary of State Office

256 RYDER: Distributed the -2 amendments to the committee, Exhibit B.

258 NINA JOHNSON, SECRETARY OF STATE OFFICE: Reviewed the amendments for the committee section by section. I believe these amendments carry out the intent of the original bill, but tighten up a lot of the language, and make it easier for the Secretary of States office to administer and hopefully meet some of the potential legal issues that were in the original bill.

399 RYDER: In your definition of candidate, what about a losing candidate? I think it should be an "or" on line 8 of page two instead of "and."

421 MOTION: SEN. SPRINGER MOVED THE -2 AMENDMENTS WITH THE CORRECTION NOTED BY THE COMMITTEE ADMINISTRATOR TO THE BILL. HEARING NO OBJECTION, SO ORDERED.

434 MOTION: SEN. SPRINGER MOVED SB 690 AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

445 VOTE: MOTION CARRIED, 4-0. (EXCUSED, SEN. BRADBURY, SEN. BRENNEMAN AND SEN BUNN). SEN KERANS WILL CARRY THE BILL.

461 RYDER: Distributed a redistricting package for the committee to review, Exhibit C.

Meeting adjourned at 4:15.

Submitted By:

Reviewed By:

Jayne Hamilton
Assistant

Assistant

Joan Green

EXHIBIT LOG

A - Fiscal impact statement, staff, 1 page B - -2 amendments to SB 690, staff, 2 pages C - Information package on redistricting, staff, 21 pages