

SENATE COMMITTEE ON REDISTRICTING

May 2, 1991 Hearing Room IIBII 3:00 p.m. Tapes 41- 42
MEMBERS PRESENT: Sen. Glenn Otto, Chair Sen. Bill Bradbury Sen. John
Brenneman Sen. Jim Bunn Sen. Scott Dun Sen. Mae Yih MEMBERS
TELECONFERENCED: Sen. Dick Springer, Vice-Chair (from 4:00 p.m.
forward) STAFF PRESENT: Gail Ryder, Senior Committee Administrator
Joan Green, Committee Assistant MEASURES CONSIDERED: SB 1000 -
Relating to redistricting, WS HB 2001- Relating to congressional
redistricting, WS SB 1150 - Relating to elections; appropriating money,
PH/VVS SB 1052 - Relating to false political statements, WS

VERBATIM TRANSCRIPTION TAPE 41, SIDE A

001 CHAIR OTTO: Called the meeting to order at 3:25 a.m.

(TAPE 41, SIDE A) PUBLIC HEARING SB 1150 RELATING TO ELECTIONS:
APPROPRIATING MONEY Witnesses: Grattan Kerans, Oregon State Senator,
District 20 Phil Keisling, Secretary of State Genevieve Hoffman, Common
Cause

009 GRATTAN KERANS, OREGON STATE SENATOR, DISTRICT 20: Speaks to SB
1150 Discusses written testimony, (Exhibit A). Discusses matrix,
(Exhibit B). 077 BUNN: "You said it reduces it as you can see in Box
Two"

083 KERANS: Continues review of matrix, (Exhibit B).

131 YIH: "What's your answer?"

132 KERANS: "My answer is no," continues with testimony, (Exhibit A).
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136 YIH: "When you ran did you have heavy PAC contribution?"

138 KERANS: "I ran in 1974 under the Campaign Expenditure Limitation
Law, which allowed me to raise \$4,850, I think, whatever the maximum
limit was, well under \$5,000. This legislature had said that politics in
Oregon had become too costly, that people were buying office, that we
had to have a limitation. I stepped forward and said I can run on that
basis. I don't have a mortgage, and I haven't got a lot of money and I
don't have a lot of cash; I have no parents to go to to get the money
from, but I do have shoe leather and I can do garage sales, and wine &
cheese parties and dunning my friends and that sort of thing to collect
enough money to go out and make a campaign, and I won. Now in Daras vs.
Meiers 1975 the Supreme Court unanimously struck that down and said
'money is voice', and speech cannot be limited. It's a violation of the
Constitution. We lost that. The answer is, if I were at the same age
with the same modest resources, could I do it today when, in my district
#39 the last time it was contested, the winner spent \$111,000 in the
general election and the loser spent \$126,000 in the general election,
the answer to the question is 'hell no! Hell no.' And I managed the
winner's campaign, Mr. Chairman and Sen. Yih. The answer is 'hell no';
couldn't do it without heavy duty PAC support. It isn't possible."

162 YIH: "I respectfully disagree with you. I ran the first time
without PAC money against a 12-14 year incumbent. I think it's more the
shoe leather that helped with the campaign than PAC money. I just ran
last year, I didn't send out one letter for contribution, and my
campaign expenses was only \$13,000, and it was more shoe leather than
anything else. What I'm saying is, do we need this law? People with

commitment or campaigning and getting out to voters can do it without money. So why do we need to limit it? 174 OTTO: "entering a work session. We aren't going to have a work session on it today"

175 YIH: "Oh, I though I would have a chance to talk to..."

176 KERANS: "Oh yes, we can talk about... Mr. Chairman, in response to Sen. Yih, I can tell you I wouldn't go into her district and run against her with a quarter of a million dollars. I think her voters know her, trust her and support her. I'm talking about most..." Continues with written testimony, pg. 5, (Exhibit A).

196 BUNN: "Sen. Kerans, I'm flattered that you found Senate Bill 700 as a yardstick to compare yours to, but as we deal with these bills we do have some similarities, but you include the primary in your bill. A scenario that comes to mind with that \$40,000 limit in the primary; if I file in the primary whether I gather signatures or pay my fee, I contribute \$10,000 to my own campaign. Does that mean that under your fund you contribute \$10,000 to my campaign?"

204 KERANS: "No. Mr. Chairman, no. It's got to be in contributions of \$125 or less from individuals who will be matched from the fund. There's no limitation because we know the court cases tell us that we can't limit how much we may contribute to our own campaign; but if you choose to do that Mr. Chair, Sen. Bunn, then you are not participating in this process. You've chosen to select yourself out by taking that option. The John Connelly option, if you will"

211 BUNN: "So then what I would have to do is someone who wanted to simply abuse the system, if they filed and went out and gathered ten of their friends and said give me \$125 apiece the government will chip in the same amount, in fact we would do that under your bill, Senate Redistricting May 2, 1991 Page 3

wouldn't we.?"

215 KERANS: "No, we would not provide an opportunity for somebody to chisel the public that way; what we would be doing is opening up the political process to people who wanted to come forward and present their ideas in a political marketplace for whatever motivation they might have, and put them in front of the public."

221 BUNN: "I understand that's one of the positives, I just thought while we got the positive we might have a negative that existed, but apparently that's not so."

226 KERANS: "Well Mr. Chairman, Sen. Bunn, there will be that negative in the minds of many who look at this bill. There is a greater negative which I'm trying to obviate by extending the campaign integrity fund support to the primary, and that is, if we say we're only going to do this only in the general then the special interest said great; we can buy them on the cheap in the primary. And they become the gatekeepers to nominations. And that's what I'm trying to cut off; that's the greater evil."

233 BUNN: "How do you account for in-kind contributions in your plan?"

234 KERANS: "In-kind contributions are treated the same as they are today, and they have to qualify under the dollar limitation."

237 BUNN: "So I can contribute something that I consider worth \$125 in value, and that would be matched."

239 KERANS: "No. Actually I take that back. I don't think so. It's permitted, as I recall, in the bill and if you want I can go and look at the, uh, as I've marked that up."

241 OTTO: "Sen. Kerans, would you be available when we..."

242 KERANS: "Yes Mr. Chairman. I get your drift. I'd be more than glad to visit with Sen. Bunn. He sits next to me on the floor; maybe we can visit about that at a later time, if that's your wish, Mr. Chair."

245 OTTO: "Well, we have two more witnesses that have signed up, and we have a conference call at 4:00."

247 KERANS: "Let me excuse myself, and we can discuss later in a work session if one is held and I can return it at your wish. Thank you, Mr. Chairman."

250 OTTO: "Phil Keisling, Secretary of State?"

252 PHIL KEISLING, SECRETARY OF STATE: Discusses written testimony, (Exhibit E).

377 BUNN: Provisions of bill appear to eliminate tax credit.

381 KEISLING: SB 1150?

383 BUNN: Apparently I read it wrong.

384 KEISLING: The true expert is Sen. Kerans. Senate Redistricting May 2, 1991 Page 4

393 GENEVIEVE HOFFMAN, COMMON CAUSE: Discusses written testimony, (Exhibit F). Supports SB 1150.

405 RYDER: Fiscal impact statement, (Exhibit G) and testimony, (Exhibit H).

(TAPE 42, SIDE A) WORK SESSION SB 1000 RELATING TO REDISTRICTING
Witnesses: Gene Timms, State Senator, District #30

041 GENE TIMMS, STATE SENATOR, DISTRICT #30: "Thank you Mr. Chair, members of the committee. I'm here today to bring this amendment before you not because of myself which I think maybe this process has gone to, to a degree, but to my predecessor, after listening to the person that follows me. I represent seven counties now; under the new process with Deschutes County I will represent ten counties-approximately half the state of Oregon the way it is now with Klamath County in there. The amendment you see today puts me in just nine counties, which lowers the distance probably in one part of my district a hundred miles. I think what you're doing in establishing the district that mammoth; you're insuring my election 'til the day I die and especially with Kerans' limitation on campaign expense, because somebody's going to have to spend a lot of money to beat somebody that has name familiarity in what is really bigger than 16 states in the United States. So what I'm asking today is to continue that district into Deschutes County which is currently, I drive through it, of course, Burns, Oregon would probably the natural capital of my district, and most people that probably run

for this office will not be from Burns, Oregon in the future, although it's been that way for most of the last 20 years. They may be from Ontario which is the population center, or they may be from Prineville, or they may be from Baker. If we're on the fringe of that district it increases your miles dramatically over what my miles are. I'd just like the redistricting maybe to look at that fact. It's amazing to me how many people don't realize that one senator, even in this body, represents over one third of the state with redistricting close to half, and it's a pretty tough job, I'll guarantee you that. I would like to see Deschutes County included in that instead of Klamath which you put it clear at the other end down. I do border on all four states; I'm not trying to get away from that, but a little less on California maybe would help out..."

071 OTTO: "Do you border the Pacific Ocean, Senator?"

072 TIMMS: "I said four states! I haven't tried the Pacific Ocean yet, but when I first heard that I was going into Ashland I thought, well I'm getting closer all the time, you know. But that's why I'm here, and I appreciate the opportunity to be here. The reason I haven't been involved in this issue, and I know many of you, especially Sen. Bunn, in our caucuses work very hard in this program; I fear the only place you could run me was into Idaho or someplace so I didn't particularly worry about it, but then I saw Klamath County down there, and I thought, for crying out loud, here's another hundred miles in the process that now is just darn near unbearable. Sixty-thousand miles a year on your automobile; it's asking a little bit too much. Are there any questions? I understand Rep. Pickard is the one that wants this changed, and I think from Klamath Falls to Bend is about 120 miles."

085 OTTO: "I think that's the amendment that we adopted, Sen. Timms, so any amendment you Senate Redistricting May 2, 1991 Page 5

make will result in redoing the district, maybe the plan that we already have." 088 TIMMS: "Mr. Chair, is your plan finalized?"

089 OTTO: "We haven't sent out a committee yet. We have adopted the plan that doesn't do what you wanted it to do---Rep. Pickard's plan."

094 BRADBURY: "Have you had a chance to talk with Rep. Pickard about this? I'm just curious..."

096 TIMMS: "No, I haven't."

096 BRADBURY: "Thank you."

096 OTTO: "Any more questions? What's the feeling of the committee? Sen. Brenneman?"

098 BRENNEMAN: "I'll make the motion that the committee adopt Eastern Amendment #2 (Exhibit D) as presented by Sen. Timms, and I might point out that he wasn't approached, I don't believe, by Rep. Pickard in whether he'd like to see his amendment, so..."

103 TIMMS: "Mr. Chair, in regards to that, I did talk to Denny Jones. Denny Jones is on that side of my district, and he mentioned LaPine, and that's where I thought we were. I didn't find out about Pickard's amendment until, I believe, a couple of days ago, who knows, yesterday or the day before. When I did find out about it I went immediately to the office and talked to Gail..."

109 OTTO: "Any other... you made a motion to..."

109 BRENNEMAN: "I made a motion to adopt Eastern Amendment #2 (Exhibit D) submitted by Sen. Timms."

111 BRADBURY: "Question of staff: Do we have any statistics?"

112 RYDER: "Yes Mr. Chair, in front of you you have a breakdown, actually a comparison between Eastern Amendment #1 and then Eastern Amendment #2 (Exhibit D). The only difference is a slight lowering of the Hispanic population from 12.3 to 12;1. The rest of the figures are fairly close."

118 OTTO: "Any further questions or comments? Motion before us is to adopt Eastern Oregon Amendment #2 (Exhibit D). Will you call the roll please, Joan?"

120 MOTION: SEN. BRENNEMAN MOVED TO ADOPT EASTERN OREGON AMENDMENT #2 (EXHIBIT D) AS SUBMITTED BY SEN. TIMMS. 122 VOTE: MOTION FAILED W. EXCUSED: SEN. SPRINGER. (VOTING NO: SEN. BRADBURY, SEN. DUFF, SEN. YIH, CHAIR OTTO.) 125OTTO: "Motion failed."

128 BRENNEMAN: "Mr. Chairman, I have two amendments with maps here to submit to the committee today; one affects HD #18 (Exhibit J) and one HD #28 (Exhibit I). In working the Senate Redistricting May 2, 1991 Page 6

last figures that we got on Hispanic and black numbers for those districts it makes a much better district...I'd like to move an amendment that I designate district #18 5/2 amendment African-American district that affects district #18. It changes the African-American population figures from the Committee Plan from 43% to 45.26% in the first motion."

142 OTTO: "Was that amendment submitted before 12:00 p.m. on Wednesday?"

143 BRENNEMAN: "Mr. Chairman, we just couldn't possible make that noontime deadline at the time we got those figures and the amount of staff time spent in the committee room. It was just physically impossible to get that done until later in the afternoon. The importance of the minority populations in one district plan, this one (Exhibit J), includes a greater minority voice for African-Americans, the other one (Exhibit I) a greater minority voice for Hispanics; we felt and do feel that it's more important to do that than to meet that arbitrary deadline of noon. There was just no other way to do it."

154 OTTO: "If we open and accept your amendment, are there any more amendments?"

155 BRENNEMAN: "Two."

155 OTTO: "You have two there and that's it?"

156 BRENNEMAN: "That's all."

156 OTTO: "Is that it? Sen. Bunn, you have more?"

157 BUNN: "I'm not aware of others to be offered at this point in time."

157 BRENNEMAN: "These are the only ones I have, Mr. Chairman."

158 OTTO: "What's the feeling of the committee? You want to allow..."

159 BRADBURY: "Mr. Chair, I'd like to look at them if we could get whatever data you have xeroxed or something for us and pass around the picture or whatever. That would certainly make it easier."

163 BRENNEMAN: "I'll start, Sen. Bradbury, with the first motion that I made here; this is Rep. Carter's district (Exhibit J). The other one is Rep. Parkinson's district which is this map here. (Exhibit I) The outline in blue on that is the added territory; the entire district"

176 BUNN: "Mr. Chair, I'd like to point out for the committee's benefit that staff did offer the amendments yesterday afternoon but were told it was past the deadline so we did make an effort to get them in as soon as possible so that they were available."

181 OTTO: "I know, I made the decision that it was after noon, and you had until noon to submit the amendments and I told Gail that they'd had ample time so we shut down the amendment process. If it's the opinion of the committee, I'll abide by the majority."

186 BUNN: "Mr. Chair, I was just trying to clarify and state that we did make the most rapid proposal possible within 24 hours of the time that the plan had been amended by the committee." Senate Redistricting May 2, 1991 Page 7 190 OTTO: "OK, what's the feeling of the committee?"

191 BUNN: "Mr. Chair, I support the amendments. One of the things that attending national state legislature conferences that has been stressed is the need to give minorities the fullest voice possible within this process, and I think it's important to note that under this change we increase the minority voice within this district, let's see, I had the exact numbers in one of the piles of paper, from roughly 43 (I think it's a little bit under 43) but about 43 under the Committee Plan to 45.26. That's an increase of slightly over 2% and I recall Rep. Mason when he presented the Congressional Plan he was concerned about the shift of an additional 2 % Republican population into the first district. If Rep. Mason has come from the House Democrat caucus and expressed to us the concern that 2 percentage points could give an unfair advantage to a Republican candidate, then we need to recognize that a 2% difference could very well make the difference between the minority having the ability to select their candidate and losing that ability. And when we have that opportunity now to protect that minority voting right I think it's critical that we do so".

219 OTTO: "Any more comments on the plan? You made a motion..."

222 BRADBURY: "Mr. Chair, if I could just ask a question about this picture (Exhibit J); I don't know if everyone's had a chance to look at it. The picture here, the green line here, what is this? Is there some significance to the green line here on this picture? Probably the existing district or something; what is that?"

228 BRENNEMAN: "Was this the former..."

229 BUNN: "Yes, that's the past, I believe it's the senate boundary."

230 BRADBURY: "Is that current senate boundary or the current Committee

Plan?"

231 BUNN: "Current 1981 boundary."

234 OTTO: "The only problem I see if we adopt Amendment #1, and I assume you follow it with another amendment, we're throwing the population figures off for the other districts and it's going to require probably quite a bit of work on the part of the staff."

239 BUNN: "Mr. Chair, I believe that in fact we're within two percentage points which is much lower than the deviation in other areas of the state. If you like we could have the staff that worked on the bill come forward and give the details but I think it's within two points".

244 OTTO: "The problem is we would like to get the bill out today and over to the House. Could you follow this scenario in the House and take care of it over there?"

247 BUNN: "Mr. Chair, I think that the two most critical concerns are population equity and minority voting strength, and from the summary that we've provided this would have a .35% deviation, and I think that shows clearly that you can create a minority district with a population percentage significantly higher than 43 %, and under the Voting Rights Act we are required to do that. We have the capability of doing that with a much lower deviation than the plan submitted, and I don't think that it is responsible of us to pass that on to the House. I think that we need to do the best job possible here."

259 OTTO: "OK, we have a motion before us; that's to adopt, should I label them Amendment Senate Redistricting May 2, 1991 Page 8

#1, Sen..."

262 BRENNEMAN: "District #18, Motion #1 is fine."

263 OTTO: "Motion #1 which changes the boundaries in HD #18. Ready for the question? Call the roll please."

266 MOTION: SEN. BRENNEMAN MOVED TO ADOPT DISTRICT #18, MOTION #1 (EXHIBIT J). 267VOTE: MOTION FAILED 2-4. EXCUSED: SEN. SPRINGER. (VOTING NO: SEN. BRADBURY, SEN. DUFF, SEN. YIH, CHAIR OTTO.)

270 OTTO: "Motion failed." 273 BUNN: "Mr. Chairman, the only other one, and I appreciate your taking that motion, would be what then would be called #2 today, and it concerns District #28. Have those been passed out as well? It changes from the Committee Plan of 15.58% Hispanic to 16.48% Hispanic. There is a greater deviation here than in the other plan. There is a deviation of 1,198 and a mean percentage deviation of 2.53, but with that, my map isn't too clear on the one that I have here that Sen. Bradbury has, but the arguments would have to be pretty consistent with the ones we just made on behalf of maintaining the minority representation at the maximum in District #18. This will do likewise with an area there that has a large Hispanic population."

292 OTTO: "OK, Sen. Brenneman made a motion to adopt the report concerning Rep. Parkinson's district; it will now be known as Amendment #2 on this date. We're ready for the question. Call the roll please."

298 MOTION: SEN. BRENNEMAN MOVED TO ADOPT DISTRICT #28, MOTION #2, (EXHIBIT 1). 299VOTE: MOTION FAILED 2-5. (VOTING NO: SEN. BRADBURY, SEN. DUFF, SEN. SPRINGER, SEN. YIH, CHAIR OTTO.) 303 BUNN: "I was just questioning, Mr. Chair, are you allowing a teleconference vote to

take place?" 305OTTO: "Yes."

305 BUNN: "Is that acceptable under Senate rules?"

306 OTTO: "I believe it is."

306 BUNN: "I would "

307 OTTO: "Could we get on with the roll call please, and you can place your objection after we pound the ... gavel? Am I next?" (VOTES)

310 OTTO: "Now, Sen. Bunn?" Senate Redistricting May 2, 1991 Page 9

311 BUNN: "Mr. Chair, I object to a teleconference vote, I was not aware that was allowed under senate rules." 313 OTTO: "OK. The next thing we have on our work session is to repeal the..."

316 RYDER: "Mr. Chair? Before you do that, could I place something on the record? We have in front of you a corrected version of proposed amendments dated 5-1-91, (Exhibit C). We have corrected most of Sen. Yih's section in here but we did discover one or two additional problems under Mid-Valley Amendment #2 at the bottom of the page it should say 'the boundary is restored at the 1981 line.' and the statistics on the next page, on Page 8 in HD 35 should say a +0.02 deviation, and under HD 34 the deviation should be a +0.01 deviation. And also I would like to clarify that the conversation at the last meeting regarding the Coastal Amendment #2 which was submitted by Rep. Tim Josi and Rep. Hedy Rijken. There was considerable discussion regarding whether there was an increase in Indian population. It was my error, and I'd like to apologize to the committee, but we went back and recalculated this and yes, in fact, there is an increase in Indian population by 24 individuals. So I wanted to clarify that for the record."

340 OTTO: "OK. " 342 BUNN: "Gail, what was the percent of the Indian population before and after the (UNINTELLIGIBLE)? "

344 RYDER: "I didn't figure the percentage because it was less than 10%. Twenty-four people additional."

347 BUNN: "And is 10% the level that you had felt was required for a significant impact?"

348 RYDER: "Yes, but I believe the discussion was whether there was an increase or not. And yes, in fact, there was an increase."

350 BUNN: "The reason I...well, I won't go into it. Thanks."

354 OTTO: "Is there a motion to repeal Senate Bill 1000? Gail?"

355 RYDER: "No, you've already amended it."

363 OTTO: "Sen. Springer is not here, because he is in Washington D.C., and we've hooked up with Sen. Springer by conference call. I'll open up the hearing also on the Congressional Redistricting Plan. I think Mr. Goldstein is here?"

(TAPE 41, SIDE A) WORK SESSION HB 2001 RELATING TO CONGRESSIONAL REDISTRICTING Witnesses: Bob Goldstein, Citizen

365 BOB GOLDSTEIN, CITIZEN: "Bob Goldstein here...one of Rep. Mason's

constituents, if you would, in Portland. I have testified multiple times in the subcommittee in the House on Senate Redistricting May 2, 1991 Page 10 this matter. I am not, and I would like to make this clear, going to get involved in the state legislative reapportionment that's going on, or redistricting as you might call it. But it is certainly my intent to follow this through all the way. I have worked diligently at the computer in Room 347 since the first day it was possible for any citizen to have time at that work station, and I appreciate very much that the Legislature saw fit to make room for a citizen to work in the matter of reapportionment. Of most current events that have occurred to me I was able to ask the computer to change a color on a map which I had to use congressional district #6, if you would, which is really #5, and made it possible for me to continue the work that I had begun back in February with the other committee. And I did present to that committee an alternative plan to both the Walden plan and the original Mason plan, and it was---it's in the record, as such. It was not finalized because certainly I couldn't be a majority report, nor could I be a minority report, so as the third and only alternative to the two plans, should there be a conference committee which comes to a stalemate position, if you would, I would like to ask that the Senators bear some weight with the President of the Senate, and those people who are in the House when the time comes to ask the Speaker of the House to have hearings, or at least one hearing in the Conference committee, if that comes to pass. There are other questions I would like to ask, if I may sir, the congressional matter, if there is no concurrence, would not go to the Secretary of State, but would go a federal district court, am I correct in that assumption, or incorrect?"

439 OTTO: "I believe you're correct."

440 GOLDSTEIN: "OK, so the Secretary of State is only empowered to deal with state legislative lines. May I ask where the expertise of the federal court would come into play with the background where their experience would be to make them qualified to come up with the decision for our state in Congress? Do you have any idea?"

449 OTTO: "You can ask the question, and I don't know and I don't think anyone else here knows the answer."

451 GOLDSTEIN: "Do you think that maybe there could be a question on the reliability on that final...would we eventually maybe have to go to an Appeals Court or to the Supreme Court of the United States?"

455 OTTO: "I do not know what the judicial process would be."

456 GOLDSTEIN: "Mr. Mason did make the comment, sir..."

457 OTTO: "I don't know what Mr. Mason said."

458 GOLDSTEIN: "I'm relating to the fact that ten years ago, what I consider a terrible redistricting plan for Congress, or reapportionment, at that time redistricting 'cause it changed the number of districts. At that time there was no court action taken in regard to congressional. And that is my fault, I take full responsibility for an omission and was driven off into the morass of state legislative reapportionment. So there are questions as to whether or not there would be, sir, and I would like to know who makes the decision, if you would, who would entertain the fact that there would be open public hearing during a conference committee. I have no experience in that area, and I ask you if you could tell me..."

478 OTTO: "There will be public hearings during the conference." Senate Redistricting May 2, 1991 Page 11

479 GOLDSTEIN: "There will be? So it's not just strictly a work session with invited testimony?"

480 OTTO: "It's a work session and I'm sure that we'll be taking public comment."

482 GOLDSTEIN: "That is all I'm really asking for. If I may, because of the color change that I was able to effectuate with the help, of course, of the technicians, I would like to put this map up as something that could be conjectured upon, although I know you're dealing with the majority report and the minority report from the House, basically, and those changes you are making here. If you're making changes. I would like to at least put this up, because congressionally, there's only five districts, it's not that difficult to see, and it is not an inflexible plan. I have heard the arguments, sir, from unions and people in the City of Portland (cont.)

TAPE 41, SIDE B

029 GOLDSTEIN: (cont.)and the local hardcore where I live who say that the City of Portland and unions and all those people who want two voices in Congress for the city and for Multnomah County. The other option, from what I have, because I have separated, and joined Clackamas and Washington County together, in part, in portions of each with their extremities attached to the rural portions of another district so it would equal itself in population. The facts and figures that were arrived at, say, at the maximum deviation congressionally now, rather small, would be in the worst contrast, my district #2 and my District #3, 4,866 people, which is a deviation of .00855, less than 1%, and 33 counties have not any intrusions upon them, only the Tri-County counties. I have asked the librarian of the state and he has supplied me with, and I think you gentlemen and ladies, senator, should see when Oregon was first redistricted in 1891, the maps were supplied to me, the figures were supplied to me, no county was violated. In 1911 when they did, we went to three congressional districts, no county was violated, and I have those maps, and I believe the members of this committee and the conference committee and I think the courts too, should look at history here. If you would divide the State of Oregon into two districts today, how would you do it? Or three, or four, or the five that we currently have is what you're working on now. I have those maps here, if the committee would care to have that I would certainly share it with and give it to the committee, but none of this is mine, it belongs to the people of the state. The highest district would be +3,158 out of the ideal of 568,464; and the other way, the furthest away would be 1,708 people. And total them for a 4,866 for the whole state. So that is not objectional, I don't believe any court would have to seek a zero degree of deviation; when you look for perfection, you're never going to find perfection, but if you can come close and justify the fact that Jackson County or Josephine County or Benton County or Polk County or Linn County are not divided in any way, then you would retain that which you have, as members of this committee and those who preceded you said that you shall not violate political lines, political entities. Seventy-five years, as I have stated in the past, no county line been changed come December of this year, Deschutes County, 36 county, no county violated, Multnomah has too many, it must be the combination of Clackamas and Washington must be slimmed down, and I believe, I'm just going to sort

of rely on your taking this as a new concept, something that will help all of the people of Oregon over the long run, and I believe I can make just)fication when I make full disclosure, or the computer has been slow in helping me arrive at a complete picture. The Tri-County area is a problem, but I can work on it and I'm going back into computer tomorrow to continue my work, and as long as it's there I would like when the time comes in conference to submit a complete plan as an alternative to this stalemate I earlier said. So let me thank you for the time, sir, if Senate Redistricting May 2, 1991 Page 12

I may just put that up there and the information, or give it to the staff, if you would duplicate it for those members at this congressional, and I thank the committee very much for its courtesy for allowing me to speak today, even though it just said work session, I was really worried about that. So I would like to ask if there are any questions I would love very much to respond to it, or intend to eventually wind up in the district court would have to justify all the moves that I make after all the testimony I've heard in both houses, and all of the maps that have been, and the work that you gentlemen and ladies have done. It's above partisanship, yet everybody votes partisan. I don't know how that can possibly be true. Which one is right? Communities of interest, by-the-by, are very subjective. I don't think that that's something that the Supreme Court would judge... "

091 OTTO: "Any questions for Mr. Goldstein?"

092 GOLDSTEIN: "None, sir? Thank you. May I place this up there, sir? As something you could use..." Submits proposal to HB 2001, (Exhibit M).

093 RYDER: "I'd be glad to duplicate them for all the members for you, and I'll return them."

098 OTTO: "Anyone else have any comments on the redistricting plan? We're waiting right now for Sen. Yih, she assured me she'd be down shortly, and then we'll take action."

(TAPE 41, SIDE B) WORK SESSION SB 1052 RELATING TO FALSE POLITICAL STATEMENTS Witnesses: Bob Shoemaker, Oregon State Senator, District 3

111 BOB SHOEMAKER, OREGON STATE SENATOR, DISTRICT 3: Discusses -2 amendments, (Exhibit N) and hand-engrossed -1 amendments, (Exhibits K-L).

(TAPE 41, SIDE B) WORK SESSION SB 1000 RELATING TO REDISTRICTING

156 OTTO: "We'll go back to our work session on the redistricting bills. Sen. Springer, are you there?"

158 SPRINGER: "Yes, Mr. Chair, I am. Can you hear me OK?. VIA TELECONFERENCE CALL FROM WASHINGTON, D.C.)

158 OTTO: "Yeah, coming in nice and loudly now."

159 SPRINGER: "Great. Well, I've been able to hear everybody very well, including the testimony from Mr. Goldstein, and it was a full discussion, thank you."

161 BRADBURY: "Mr. Chair, could I ask Sen. Springer how the weather is?" Senate Redistricting May 2, 1991 Page 13

162 SPRINGER: "It's gorgeous!."

163 BRADBURY: "Gorgeous. Well, it is here too."

163 SPRINGER: "Thank you."

164 BUNN: "Mr. Chair, could I ask Sen. Springer a question? Sen. Springer, were you able to hear our discussion on the proposed amendments on HD #18, dealing with the AfricanAmerican population?"

167 SPRINGER: "Yes, Senator, I believe I did. From the time that I connected which was just a minutes after, I believe, 4:00 p.m. your time."

169 BUNN: "Thank you."

170 SPRINGER: "You're welcome."

171 OTTO: "The work session on the redistricting bills is now open."

173 DUFF: "Mr. Chairman? I've been thinking about this and trying maybe to speed up the process, so I thought maybe we should move to insert HB 2001 as amended by the committee into SB 1000."

177 OTTO: "Is that a motion?"

178 DUFF: "Yes, that's a motion."

179 OTTO: "Sen. Duff makes a motion to insert the Congressional Redistricting Plan into the Senate Redistricting Plan for the Senate and House Members, both plans as amended. Any discussion?"

179 MOTION: SEN. DUFF MOVED TO AMEND SB 1000 BY ADDING HB 2001, AS AMENDED. 184

BUNN: "Mr. Chair? SB 2001 is relating to congressional redistricting, SB 100 0 is not. Isn't that a conflict in the relating clause?" 187

RYDER: "Mr. Chairman, Sen. Bunn, I just checked with Kathleen Beaufait on that, the relating clause on SB 1000 is to redistricting in general, which would include both, in her interpretation. " 190

BUNN: HA question to Sen. Duff? Do you support a coterminous plan?" 192 DUFF: "No, I don't. But I think it's---you know we're dealing with a plan that had the components of all our integral, and it's important to consider it, I think, as one block and this will speed up the process." 195

BUNN: "I don't understand how they're integral if you don't have coterminous." 197 DUFF: "They both involve drawing lines for districts on the map, they both involve the same group of electorates, coterminous is not really an issue that has anything to do with the Senate Redistricting - May 2, 1991 Page 14

germaneness of the two motions."

200 BUNN: "Mr. Chair, I oppose the amendment. I don't understand the benefit, if we don't have a coterminous plan coming out of the Senate, of combining them; as I understand, the Senate Democrat Plan has up to 6% deviation in legislative districts, and I believe 0% in the congressional, and everywhere along the process I think the Senate Democrat plans have set different criteria, and I don't understand the benefit of combining them now."

209 OTTO: "OK, any more comments?"

210 BRADBURY: "Mr. Chair, just a comment. I don't think that combining them does any damage to either plan, and it's very clear that the house committee will still have full review of the issue because it is a Senate bill going to the House, so it goes into the house committee and gets worked on fully by the house committee and there's no---I think it makes good sense to combine the two and just get it into one issue."

217 BUNN: "Mr. Chair, we're dealing with different requirements in the Constitution; one, we have a specific constitutional requirement dealing with legislative redistricting. That does not apply to the congressional, they're very different, and I think combining two bills with different requirements is not justified. "

222 OTTO: "Any more comments? OK, the questions is whether or not we combine the congressional redistricting plan with the Senate redistricting plan for legislative positions. Is there any further discussion? Call the roll, please."

229 VOTE: MOTION CARRIED 4 2. EXCUSED: SEN. YIH. (VOTING NO: SEN. BRENNEMAN, SEN. BUNN.) 233 BUNN: "Mr. Chair, I'll again object to the conference vote, and I'll apologize in advance if my understanding is wrong on that issue." 235 OTTO: "Alright, thank you. "

235 BRADBURY: "Mr. Chair, I would like to move SB 1000 as amended to the floor with a do pass recommendation 238 OTTO: "Sen. Bradbury moves SB 1000 as amended, that includes the congressional districts, to the floor with a do pass recommendation. Discussion?" 238 MOTION: SEN. BRADBURY MOVED SB 1000, AS AMENDED, TO THE FLOOR WITH A DO PASS RECOMMENDATION. 242 BUNN: "Mr. Chair, I would like to ask staff if possibly they could tell us, have we had any representatives of the black community come forward and testify about the impact of the plan on the African-American community?" 246 RYDER: "This committee has not. I believe there was some input in the House committees." 248 BUNN: "On legislative lines, or congressional lines?" Senate Redistricting May 2, 1991 Page 15

249 RYDER: "I believe their hearings were regarding legislative and congressional redistricting."

250 SPRINGER: "Mr. Chair, I just wanted to share with Sen. Bunn that I attended the meeting up in northeast Portland at the Martin Luther King Center when redistricting was discussed with the house committee, and had a chance to hear from members of that community."

257 BUNN: "Sen. Springer, did they happen to express a concern that the population with the district should be as high as possible to increase their opportunity to select a representative of their choice?"

261 SPRINGER: "My recollection is, and I don't have any notes so I'd really have to defer to the record that was created during that hearing, and I got there a little late, so I missed a couple of people who testified, my sense was most of their discussion had to do with the congressional lines, and maintaining, again, the best of my recollection, Rep. Carter's and Sen. McCoy's districts as an indivisible unit." 269 BUNN: "Mr. Chair, addressing the amended bill as we have it, we've done several things that I think justify a great deal of concern. The first is, we have created districts of variations of higher than 6%, because some are slightly over 3%, some are slightly under 3%, but at any rate at least in the area of 6% deviations when we have had alternatives that create 0% deviations, the committee has rejected amendments on the three legislative districts that had the highest

percentage minority representation rejecting an African-American district that would be 2-1/4 percentage points higher than the committee Democrat plan. After hearing Rep. Mason testify about the impact of a 2% change with Republican-Democrat, although I must admit the Republicans don't have the advantage of the registration numbers that the Democrats apparently do; in dealing with the two Hispanic districts in the state with the highest percentage of Hispanic votes, in each instance when the committee was offered the opportunity to increase the percentage of Hispanic vote the committee has rejected that. We have, to my knowledge, never held a hearing in the communities to take community input as a Senate committee, the committee has never had an individual from the African-American community come in and testify, and I think we've left some looping, some huge gape in the plane which makes it very questionable whether we have done our job, and I can't support the plan and I believe the committee should reject it, and take care of those problems before we pass the plan out." 299 OITO: "Any other comments?" 300 BRADBURY: "A few comments before we take action on this plan. I think what you have before you today is the result of many months of hard work, and I think while all of us may disagree on various points in both the congressional and the legislative plans, the overall product I believe very strongly can stand on its own two feet. In terms of the issue of protecting communities of interest, I think the proposed plan is very strong. We approached the state on a regional basis, we encouraged consensus among members of both parties and did our best to retain the unique identity of various areas of the state. By rejecting proposals, for example, to link Bend with Ashland, we acknowledged the truly different communities in ways of life that are enjoyed by each region in the state. In terms of acknowledging minority groups and keeping them whole, the plan clearly is very strong. African-Americans in the Portland area retain their strong representation, while Hispanics in Washington and Marion Counties remain as distinct units as well. In addition the Coastal Amendment #2 that we adopted at our last meeting strengthened the Grande Ronde Indian population and made that a more cohesive unit. I think that basic issue with minority population is have you attempted in Senate Redistricting May 2, 1991 Page 16

your plan to divide and weaken the minority populations, the clear answer in this plan is no, we have not, we have kept them united and kept them strong. In acknowledging geographic boundaries and their impact on the lives of Oregonians and their political representation I think the plan is strong again. Eastern Oregon districts, for all practical purposes, stay east of the crest of the Cascade range, southern Oregon is kept whole, the coast remains undiluted in its representation, as does the Willamette Valley and the Portland metropolitan area of the state. In preparing the boundaries on the basis of raw census data and not injecting voter registration figures into the process, the plan is strong because the specter of politics and gerrymandering is ruled out. In terms of moving people around, the Senate version of this plan differs from the House version dramatically in the congressional realignment. Where the House version would change boundaries affecting half a million people, this Senate version on the congressional side would only adjust them for 100,000 or less, 100,000 people which is less than one half of one percent of our state's population. In terms of correcting what several newspaper editorials have described as "a serious mistake. in 1981, the Legislative plan eliminates the so-called "helicopter districts" stretching from Lane County on the south to Clackamas County on the north. In relation to the degree of deviation within reasonable limits, I think the plan is strong once again. It takes into consideration population shifts while reflecting true communities of interest and geographical boundaries

within the parameters of the numbers. House districts deviate no more than about 2.5% in most cases, west of the mountains. In those few situations where we're forced to divide small communities it was choosing really the lesser of two evils, such as which communities to divide. As we all know, the population does not always fall neatly into compact little legislative districts. We've all learned to be flexible and try to adjust the districts for the greater good. Many people have spent a great deal of time on this plan, they've made every effort to be fair and balanced while disrupting the least amount of Oregonians. They have avoided political ramifications and instead concentrated on fairness and equity for all Oregonians. Again, we'll have people who disagree on various points here and there, but in the main, I believe very strongly that the plan is a good one. It should be passed by the Senate knowing we have done as much as reasonably possible to achieve the best product. We have also met the original time line as agreed to with the House. I just wanted to add a note that I wanted to commend the staff for the good work, and the hard work, and the difficult work they've been faced with as we've tried to put this plan together. And I would urge everyone to support this plan."

387 OTTO: "Thank you, Sen. Bradbury. I also want to commend the staff for the work they've done, and the long hours they've put in. The midnight, and 1:00 a.m., and 2:00 a.m. hours, and I appreciate it, and I'm sure the other members of the committee appreciate it. Any other comments?"

393 BUNN: "Mr. Chair, I think it's interesting to note that the Grande Ronde Indian population is used as a basis for dividing Yamhill County even greater than the original plan had done, and to note that that Indian population is less than 10% and yet Rep. Josi admitted when he testified to us that he didn't even know those numbers when he drew the line. I also note that when the plan was put together, the Democrat plan was put together and first presented to the committee that, in at least 84 out of 90 races we and those drawing the lines, as I understand it, did not have the benefit of ethnic populations, so I think we need to be careful about stating that the plan was drawn to protect those groups when in fact we didn't even have that information available to us when we made that decision. I would also like to note that when we deal with communities of interest one set of amendments shows to make Sheridan whole, which is fine, but in the process split Lincoln County and Lincoln City which is certainly somewhat questionable, but then at the same time we rejected an amendment that would have made Newberg whole, while making the Yamhill community whole without splitting anyone Senate Redistricting May 2, 1991 Page 17

for no apparent reason, and I don't understand. We talked about the greater good, well the greater good was there and available to us with no downside, the committee rejected it. Splitting a fourth community in that fashion just doesn't seem justifiable."

427 BRADBURY: "Mr. Chair, I just want to put on the record that I think I certainly don't need, and I know a number of other people don't need a computer to tell us that there are a large number of African-Americans in northeast Portland, and there are a large number of Hispanics in Marion County. We don't need a computer to do that; we know that and the people who live in those districts know that, and we want to keep those people unified, and that's what we've tried to do. I don't think there's any failure on the part of this committee to pay close attention to keeping minority populations strong and well represented."

441 OTTO: "Sen. Duff."

443 DUFF: "I know when I examined the maps that involved my region of the state that American Indian populations and Hispanic populations were available on the computer maps at the time, so I don't see what the concern is about. The numbers were available to anyone who was willing to take the effort to go and look at the district."

452 OTTO: "Alright, we have a motion on the floor to adopt SB 1000 which has been amended to include the congressional districts in the plan; are you ready for the vote?" 458 BUNN: "Mr. Chair, I'd like to make one request, and I'm sorry for the inconvenience, but I believe we should mark on the Washington County new Senate seat that we have two adjacent house seats that are both the same color, and by looking at the map..."

464 RYDER: "I did mark it earlier. It has been marked."

467 OTTO: "Call the roll, please, Joan."

467 VOTE: MOTION CARRIED 4-2. EXCUSED: SEN. YIH. (VOTING NO: SEN. BRENNEMAN, SEN. BUNN.) 474 OTTO: "Motion carried." 474 BUNN: "Mr. Chair, again for the record I would like to object to Sen. Springer's voting when he's not present." 477 BRENNEMAN: "I serve notice of possible minority report." 478 BUNN: "I'll join Sen. Brenneman on that notice." 480 OTTO: "OK, there's notice of possible minority report. Anything else to bring before the committee? If not, we are adjourned." Senate Redistricting May 2, 1991 Page 18

482 Meeting adjourned at 4:58 p.m.

Verbatim Transcription By: Reviewed By:

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EXHIBIT LOG

A - Testimony, Kerans, 5 pas. B - Matrix, Kerans, 3 pas. C - Corrected amendments to SB 1000, Staff, 12 pas. D - Proposed amendment to SB 1000, Staff, 3 pas. E - Testimony, Keisling, 4 pas. F - Testimony, Hoffman, 1 pg. G - Fiscal impact to SB 1150, Staff, 1 pg. H - Letter, Lanning, 3 pas. I - Proposed amendment to SB 1000, Sen. Minority, 2 pas. J - Proposed amendment to SB 1000, Sen. Minority, 2 pas. K - Hand-engrossed SB 1052, Shoemaker, 3 pas. L - SB 1052-1 amendments, Shoemaker, 1 pg. M - Proposal to HB 2001, Goldstein, 2 pas. N - SB 1052-2 amendments, Shoemaker, 1 pg.