

Senate Redistricting May 23, 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

May 23, 1991Hearing Room "B" 3:00 p.m. Tapes 51

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 758 - Relating to lobbying, WS SB 1052 - Relating to false political statements, WS HB 2465 - Relating to election laws, WS

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TAPE 51, SIDE A

004 CHAIR OTTO: Called the meeting to order at 3:13 p.m.

(TAPE 51, SIDE A)

WORK SESSION

SB 758 RELATING TO LOBBYING

009 RYDER: The bracketed language in the -2 amendments to SB 758, dated 05/20/91, Exhibit A, would need to be removed if you share the concerns expressed by Legislative Counsel in the memorandum, Exhibit B. The way the amendment is worded, a legislative official/candidate could not receive or solicit contribution from any political action committee (PAC), if the bracketed language were removed it would be corrected.

029 BUNN: We only limit the individual that can transfer the money, but not where it is coming from?

033 RYDER: In which version?

034 BUNN: I think Legislative Counsel is proposing that on lns. 9-10 we remove "or political committee.", Exhibit A. It would mean the candidate could not solicit . . .

037 RYDER: From any type of political committee.

038 BUNN: From a lobbyist.

038 RYDER: From any kind of political committee, which would include a corporate PAC.

043 BUNN: By removing the bracketed language in the -2 amendments, Exhibit A, the bill would say a lobbyist can't contribute, but a political committee can, including a union, a corporate committee or a PAC?

044 RYDER: Yes.

046 BUNN: Money can be transferred from any of those entities to a candidate, as long as the lobbyist isn't the one doing it?

048 RYDER: Yes, if you remove the bracketed language.

054 SPRINGER: To move the bill, I would encourage Sen. Bunn to allow us to remove the bracketed language in the -2 amendments, Exhibit A. Also, in light of Legislative Counsel's memorandum, Exhibit B, I would request removing the amendment applying this to people subject to the Federal Elections Commission and campaign laws. Otherwise, in its current form it's fatally flawed and I wouldn't be interested in seeing it go to the floor.

062 MOTION: SEN. SPRINGER MOVED THE -2 AMENDMENTS TO SB 758, DATED 05/20/91, EXHIBIT A, WITH THE DELETION OF THE LANGUAGE ON LNS. 9- 10, "OR POLITICAL COMMITTEE.", THE DELETION OF LANGUAGE ON LN. 14, BEGINNING WITH THE WORD "INCLUDING", DELETE LN. 15 AND DELETE REFERENCE TO ANY MEMBER OR MEMBER-ELECT OF THE UNITED STATES CONGRESS IN §3.

070 BUNN: Legislative Counsel's opinion is there is no need for severability because they have already stated the preemption?

074 RYDER: They are saying the Federal Elections Commission prevails on this question and we have no control over that.

076 BUNN: My preference would be to leave it in state statute with the severability, but I will not object.

084 VOTE: MOTION CARRIED: 5-0. (EXCUSED: SEN. BRADBURY, SEN. YIH).

090 MOTION: SEN. SPRINGER MOVED SB 758 TO THE FLOOR WITH A DO PASS AS AMENDED RECOMMENDATION.

093 VOTE: MOTION CARRIED: 4-1. (EXCUSED: SEN. BRADBURY, SEN. YIH. VOTING NO: SEN. BRENNEMAN). SEN. SPRINGER WILL LEAD THE FLOOR DISCUSSION.

(TAPE 51, SIDE A)

WORK SESSION

SB 1052 RELATING TO FALSE POLITICAL STATEMENTS

Witnesses: Patrick Hearn, Oregon Government Ethics Commission, Executive Director Sue Proffitt, Elections Division

105 RYDER: At the last meeting the Committee adopted the -1 amendments and requested that conceptually we apply this to radio and television media. I have not received this back from Legislative Counsel in time for you to see it. Today is the deadline for final action on Senate bills, but if you want to pass the bill to the floor I will distribute amendments to all members before the bill is turned in.

118 MOTION: SEN. BUNN CONCEPTUALLY AMENDS SB 1052 BY REPLACING THE OREGON GOVERNMENT ETHICS COMMISSION WITH THE ELECTIONS DIVISION, AS THE ENFORCEMENT ARM FOR DEALING WITH VIOLATIONS.

133 PATRICK HEARN, OREGON GOVERNMENT ETHICS COMMISSION, EXECUTIVE DIRECTOR: The Ethics Commission would have no opposition to the proposed amendment. Bringing the Ethics Commission into the arena of enforcing elections law subject to ORS 260 has been of concern to the Commission since the bills introduction.

141 SUE PROFFITT, ELECTIONS DIVISION: The Elections Division has no problem with changing the enforcement.

143 DUFF: Meaning?

144 PROFFITT: We would accept the amendment.

146 SPRINGER: I can support that, it is a good idea. I haven't spoken with Sen. Shoemaker, but I think it is consistent with other changes we have adopted.

155 VOTE: MOTION CARRIED BY ACCLAMATION.

158 MOTION: SEN. BUNN MOVED SB 1052 TO THE FLOOR WITH A DO PASS AS AMENDED RECOMMENDATION.

163 RYDER: At the last meeting it was requested that I check to see if there was a subsequent referral on the bill, there is not.

166 VOTE: MOTION CARRIED: 6-0. (EXCUSED: SEN. BRADBURY). SEN. SHOEMAKER WILL LEAD THE FLOOR DISCUSSION.

171 BUNN: I think the Ethics Commission is headed in the right direction, I was only concerned about the Commission taking on a new area that did not need to be shifted away from the Secretary of State's office.

176 SPRINGER: Requests to be excused.

177 OTTO: Excuses Sen. Springer to his other committee obligation.

(TAPE 51, SIDE A)

WORK SESSION

HB 2465 RELATING TO ELECTION LAWS

184 RYDER: At the last Committee meeting the -A5 amendments, suggested by Warren Deras, were adopted. The -A6 amendments to HB 2465, Exhibit C, would add another concept relating to the use of the term "reelect". Distributes a memorandum from Legislative Counsel, Exhibit D.

204 OTTO: What have we done so far?

205 RYDER: You adopted the -A4 amendments. There was also a -A5 set of amendments, I think I'm seeing them for the first time.

225 BUNN: The -A5 amendments were not adopted.

228 RYDER: Sen. Bunn tells me that the -A5 amendments were not adopted. You have adopted the -A4 and need to consider the new -A6 amendments, Exhibit C.

237 MOTION: SEN. BUNN MOVED THE -A6 AMENDMENTS TO HB 2465, DATED 05/20/91, EXHIBIT C.

246 BUNN: Discusses legislative history. Technically these amendments will put fewer people in a position to be prosecuted for violating a law that is unconstitutional. These amendments are probably more restrictive than we have the right to be anyway. We are granting the ability to use the term "reelect" to someone who was elected and is still an incumbent. You could move to another district and actually run for "reelection" under this bill. It breaks the district boundary, for the purpose of "reelection", after redistricting. It doesn't answer the question of someone elected in 1970, who hasn't served since, coming back and running for "reelection". The Attorney General (AG) says they can, the amendment does not.

278 RYDER: It also does not allow someone appointed to office to use the term "reelect".

282 OTTO: Under these amendments you wouldn't have the residency requirement?

284 BUNN: The residency requirement is dealt with in another section of statute that says after a redistricting year the residency is January. To simplify, it would be January 1992 for the '92 election.

295 OTTO: I think we are romancing a lawsuit.

299 BUNN: If someone lives on the edge of their district, and the district line changes so they represent 40% of the district they live in and 60% is in new area, under current statute the term "reelect" could not be used. It is unconstitutional to prohibit that. This is an improvement, it is moving us halfway. To move the whole way is contrary to past legislative action, but that legislative action is unconstitutional. These amendments were drafted to reflect legislative intent, but not to comply with the constitution. They are less unconstitutional than what we have today.

328 BRENNEMAN: If there is a question remaining on the constitutionality, wouldn't it be better to set it over to give Legislative Counsel another opportunity to look at that issue.

331 BUNN: I don't think there is a question; I think it is pretty cut and dried as to whether or not the legislature wants to move all the way and say, as does the AG's opinion, that anyone who was ever elected to the assembly has the right to truthfully state they are seeking "reelection".

340 OTTO: And they would not have to serve continuously?

341 BUNN: Correct. Currently we are so restrictive, that the situation of a district majority shift would be a criminal violation. Use of the term is prohibited by statute, but not by the constitution. We need to decide if we want to address the worst of the problem and not address the issue of someone seeking to be elected again.

361 VOTE: MOTION CARRIED: 5-0. (EXCUSED: SEN. BRADBURY, SEN. SPRINGER).

368 MOTION: CHAIR OTTO MOVED HB 2465-A TO THE FLOOR WITH A DO PASS AS AMENDED RECOMMENDATION.

376 DUFF: This is a (unintelligible)?

377 General acknowledgement.

378 DUFF: I thought we decided to have a bold statement?

379 RYDER: You already adopted that amendment, as contained in the -4 amendments. This would be in addition to.

385 VOTE: MOTION CARRIED: 5-0. (EXCUSED: SEN. BRADBURY, SEN. SPRINGER). SEN. DUFF WILL LEAD THE FLOOR DISCUSSION.

398 Meeting adjourned at 3:40 p.m.

Submitted

By:

Joan Green
Muñiz
Assistant
nt

Reviewed By:

Julie

Assista

EXHIBIT LOG

A - SB 758-2 amendments, Staff, 2 pgs. B - Memorandum, Legislative Counsel, 2 pgs. C - HB 2465-A6 amendments, 1 pg. D - Memorandum, Legislative Counsel, 2 pgs.