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Senate Committee on Rules
Oregon Capitol Building
900 Court St NE,
Salem OR 97301

<https://olis.oregonlegislature.gov/liz/2021R1/Testimony/SRULES>

Chair Wagner and members of the Senate Committee on Rules:

I write in support of efforts to address the problem of legislators abdicating their responsibility and oath of office by leaving the chamber simply to abrogate the quorum and prevent legislative business from being conducted.

One of the basic premises on which a representative democracy is constructed is that individuals offer themselves as candidates for legislative chamber positions. Candidates then offer themselves and their proposed legislative agenda (platform) for voters to assess. During the election, voters decide which candidate will represent best their concerns and interests, and vote accordingly. The candidate gleaning the majority of votes is duly elected. When taking the oath of office, the successful candidate is required to: "solemnly swear (or affirm), that I will support the Constitution of the United States and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of the office I presume that faithfully discharging the duties of the office of Representative or Senator would be includes attending assigned committee meetings and attending sessions of the chamber to which one is elected. If a legislator declines to perform these functions, that individual is no longer representing the constituency and constituents who voted during his or her election. Since representative democracy is founded on the premise that elected representatives will represent their constituents, failing to undertake these duties constitutes abrogation of the oath and an arrogant dereliction of the basic representative duty for which one is elected.

In addition, in a representative democracy, the time-honored and usually written principle is that the party holding the most seats in a chamber assumes control of the operations and decision-making in that chamber. Meanwhile, members of parties with fewer seats are expected to honor that basic democratic principle and duly attend committee meeting and chamber sessions to express their views and vote on proposals put before them. In an election where the platform or candidates of one party are sufficiently popular that the party gains a supermajority, the expectations of members of any minority or super-minority party are no different. Representative democracy is not founded on the premise that members of minority or super-minority parties should exert a tyrannous strategy of simply walking out on proposals they don't like and thus preventing the chamber from conducting the business for which its members were elected. **Such behavior represents a frontal attack on the very representative democracy which we value so dearly in this nation.** While serving in the minority is

inevitably frustrating, even more so when in a super-minority, the responsibilities of elected legislators to attend committee meetings and chamber sessions is not diminished.

It is for the above reason that I write in support of efforts to penalize elected legislators who deem it acceptable and consistent with their oath of office to undermine the very democracy we value by simply walking out to break the quorum. Since the current quorum in both Oregon chambers is such that a minority party can exert the tyranny of the minority by walking out of the chamber, I also support efforts to adjust the current quorum to a rational number. Since adjusting the quorum does nothing to prevent members of opposition parties from exerting their democratic and elective right to argue, offer amendments, and vote against proposals before the chamber that they don't like, there is nothing about reducing that quorum that compromises democracy. All that reducing the quorum does is preclude minority parties with unpopular views from behaving in a tyrannous manner to thwart the business of the legislative chamber.

For this reason, I write to support SB261 which prohibits members of Legislative Assembly from soliciting or using contributions to pay fines or legal expenses, replace salary, defray expenses or otherwise compensate members for monetary losses incurred as result of unexcused absences from sessions of Legislative Assembly.

I also support SB262 which prohibits member[s] of Legislative Assembly who is absent and unexcused when Legislative Assembly is in session from receiving salary, per diem or expense reimbursement, and imposes fine of \$500 per day of unexcused absence.

In addition, I support SJ3 which Proposes amendment to Oregon Constitution to provide that member of Legislative Assembly who, without permission or excuse, does not attend 10 or more scheduled legislative floor sessions of Legislative Assembly is deemed to be engaging in disorderly behavior and is disqualified from holding office as Senator or Representative for term following member's current term of office.

Finally, and consistently with the above argument, I support SJR4 which Proposes amendment to Oregon Constitution to modify portion of each house of Legislative Assembly needed to be in attendance for quorum necessary for house to conduct business.

Sincerely,

A handwritten signature in black ink that reads "Alan R.P. Journet". The signature is written in a cursive, flowing style.

Alan R.P. Journet Ph.D.