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## 2017 SUMMARY OF LEGISLATION

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# ELECTIONS AND ETHICS

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# ELECTIONS AND ETHICS MEASURES

## Campaign Finance

Enacted: HB 2505, HB 2586

Not Enacted: HB 2578-A, HB 2584-A,  
HB 2702

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## Ethics

Enacted: HB 2298

Not Enacted: HB 2577-A

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## Voters Pamphlet

Enacted: HB 2696

Not Enacted: HB 2349, HB 2428-A

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## Voting

Enacted: HB 2873

Not Enacted: SB 683, SB 888, SJR 2, HB 2927  
HB 2945

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# ELECTIONS AND ETHICS

## TASK FORCES AND REPORTING REQUIREMENTS

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There were no task forces or reporting requirements involving elections and ethics enacted through legislation during the 2017 session.

Bill Number	Requirement	Deadline

[Senate Bill 683](#)

Not Enacted

**Paying Return Postage for Vote by Mail**

**Chief Sponsors:** Sens. Devlin, Dembrow, Manning, Jr.

**Committees Assigned:** Senate Rules, Joint Ways and Means

**Background and Current Law:** Vote-by-mail is an alternative to voting in person at traditional polling places, that permits voters to receive and return their ballots via regular mail. Oregon voters approved Ballot Measure 60 in 1998 to require vote by mail for all elections. For statewide elections, counties are required to send a ballot packet to each active registered voter in advance. Ballot packets must include the appropriate ballot, a secrecy envelope, and a pre addressed return envelope. Once received, the voter marks the ballot, places it in the secrecy envelope, and places the secrecy envelope inside the return envelope. The voter must sign the return envelope in order for the ballot to be counted. Voters may either pay the postage to return the ballot via mail, or drop it off at a site designated by the County Clerk’s Office. Ballots must be received by the county, either through the mail or from a drop-off site, by 8:00 pm on the day of an election.

**Bill Summary:** Senate Bill 683 would have required the state to pay business reply postage for ballot return envelopes for each election held after January 2019.

[Senate Bill 888](#)

Not Enacted

**Requiring Presidential Candidates to Disclose Financial Information**

**Chief Sponsors:** Sen. Burdick; Rep. Williamson

**Committees Assigned:** Senate Rules

**Background and Current Law:** State law requires certain criteria to be met in order for the name of a major political party candidate for President of the United States to be printed on an official primary ballot or general ballot, or in the state voters’ pamphlet, including filing a nomination petition with the Secretary of State with the requisite number of signatures. In 2017, several states introduced legislation to require presidential candidates to disclose certain financial information as well (income tax returns and economic interests) in order to be placed on the ballot, including Arizona, California, Connecticut, Hawaii, Illinois, Michigan, New Jersey, and Rhode Island.

**Bill Summary:** Senate Bill 888 would have required major political party candidates for President or Vice President of the United States to provide the Secretary of State with their most recent federal income tax information by specified deadlines in advance, or provide the Oregon Government Ethics Commission with a statement of economic interests, in order to appear on Oregon’s primary election ballot, general election ballot, or in the state voter’s pamphlet. The measure would also have required candidates to consent to disclosure of federal income tax information as submitted, with provisions for redaction of certain personal information.

[Senate Joint Resolution 2](#)

Not Adopted

**Expanding Voter Registration**

**Chief Sponsor:** Sen. Monroe

**Committees Assigned:** Senate Rules

**Background and Current Law:** The Oregon Constitution entitles citizens of the United States to vote in any election held in the state if they are at least age 18, have resided in the state during the preceding six months (with some exceptions), and are registered to vote at least 20 calendar days before the election. Fourteen other jurisdictions allow “same-day” voter registration to permit otherwise qualified residents to register to vote right up to the day of an election.

**Bill Summary:** Senate Joint Resolution 2 would have referred a proposed amendment to the Oregon Constitution to voters at the next regular general election that, if approved, would have allowed citizens to register to vote no later than the day immediately preceding an election.

[House Bill 2298](#)

Effective Date: January 1, 2018

**Requiring All Primary and General Election Candidates to File Statements of Economic Interest**

**At the Request of:** Governor Brown for Oregon Government Ethics Commission

**Committees Assigned:** House Rules, Senate Rules

**Background and Current Law:** Candidates running for a statewide elected office, judicial position, district attorney, or legislative office are required to file a statement of economic interest (SEI) with the Oregon Government Ethics Commission (OGEC). Most candidates are required to file the SEI by April 15, ahead of the May primary election, since the filing deadline for candidates to declare their candidacy is at least 30 days prior to the SEI deadline.

It is possible for others to become candidates without participating in the May primary election, such as minor party candidates, write-in candidates, nonaffiliated candidates for partisan offices, and candidates who are nominated to fill vacancies after the May primary election. These candidates may not be known by the April 15 SEI filing deadline, which can result in different interpretations of filing requirements being applied to them.

**Bill Summary:** House Bill 2298 clarifies filing requirements for persons who become candidates for a statewide office, judicial position, district attorney, or member of the Legislative Assembly after April 15th, by requiring their SEI to be filed no later than the 40th day before the statewide general election.

**Oregon Laws 2017:** Chapter 64

## Prohibiting Printing or Circulation of Imitation Voters' Pamphlets

**At the Request of:** Secretary of State Atkins

**Committees Assigned:** House Rules, Senate Rules

**Background and Current Law:** Current Oregon law requires the following specific cautionary language on sample or imitation ballots and on the back of any return envelopes: "THIS IS NOT A REAL BALLOT. DO NOT USE TO VOTE." Statements on the ballot must be in bold text at least two times larger than the majority of other text on the ballot, or in 20-point font, whichever is larger. Statements on the back of the envelope must also be bold and must be at least a 36-point font. In addition, the word "UNOFFICIAL" must be superimposed like a watermark, diagonally across the imitation or sample ballot in a lighter ink than other text. The Secretary of State or the Attorney General may impose a civil penalty not to exceed \$10,000 for each violation of these requirements.

**Bill Summary:** House Bill 2349 would have established similar requirements for sample or imitation voters' pamphlets as are applicable to imitation ballots. The sample or imitation voters' pamphlet would have had to display the statement "THIS IS NOT THE OFFICIAL VOTERS' PAMPHLET" in at least a 36-point font with the word "UNOFFICIAL" superimposed diagonally across each page in a lighter ink than other text. As with imitation ballots, the measure would have permitted the Secretary of State or the Attorney General to impose a civil penalty not to exceed \$10,000 for each violation.

## Candidate Space in Voters' Pamphlet

**Chief Sponsor:** Rep. Parrish

**Committees Assigned:** House Rules, Senate Rules

**Background and Current Law:** A candidate running for office may submit a portrait along with a statement for inclusion in the voters' pamphlet for a primary or general election. Candidates have the option of paying a designated fee to the Secretary of State to appear in the pamphlet, or collecting a specific number of signatures from active voters in the district in which they are running. Candidates for a statewide office may pay a fee of \$3,000 or submit a petition with 500 signatures; candidates for state Senator or state Representative can either pay a \$750 fee or submit a petition with 200 signatures; and any candidate for nomination or election to any office other than President or Vice President, or United States Senator or Representative, may pay a \$600 fee or submit a petition with 200 signatures. Candidates must file statements for inclusion in a primary election voters' pamphlet during the period from 120 to 68 days before the relevant election; and for general elections, statements and portraits must be filed in the period from 120 to 70 days before the election. Currently, if a candidate files a petition in lieu of paying the fee, and it is determined that they do not have the required number of active voters' signatures after the filing period has lapsed, they are not permitted to pay the fee instead. As a result, they are excluded from the voters' pamphlet.

**Bill Summary:** House Bill 2428-A would have permitted candidates to do both: pay the fee and submit a signature petition, rather than choose one or the other to reserve space in a voters' pamphlet. Fees would have been collected only when a petition turned out to be insufficient, and would have been returned to candidates whose petitions were verified, to allow all candidates to appear in the pamphlet.

## Expanding Disclosure of Independent Expenditures

**Chief Sponsors:** Rep. Nathanson; Sen. Boquist

**Committees Assigned:** House Rules, Senate Rules

**Background and Current Law:** Independent expenditures are defined as expenditures for communications in support of or in opposition to a clearly identified candidate or measure that are not made with the cooperation or prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any political committee or agent of a political committee supporting or opposing a measure. Persons are required to file a statement in ORESTAR (the Oregon Elections System for Tracking and Reporting) for independent expenditures more than \$750 in a calendar year, and report the following information: the amount and purpose of the independent expenditure; the name, occupation, and address of each payee (each person and each political or petition committee) contributing an aggregate amount of more than \$100 in a calendar year on behalf of a candidate or to a political or petition committee and the total amount contributed by that person or committee, and the total amount of other contributions as a single item; and any candidates or measures supported or opposed by the independent expenditure.

**Bill Summary:** House Bill 2505 expands “communication in support of or in opposition to a clearly identified candidate or measure” within the definition of “independent expenditure” to include aggregate expenditures of \$750 or more on such communications that are distributed to relevant voters within 30 calendar days of a primary election or within 60 calendar days of a general election. The measure also creates exceptions to the expanded reporting requirement for: nonpartisan activities of 501(c)(3) not-for-profit corporations; candidate debates or forums for state office, or publicity for the same when all major political parties have been invited to participate; nonpartisan voters’ guides published by 501(c)(3) organizations; nonpartisan voters’ guides that include or offer inclusion to all major party candidates for each state office referenced; any commercial communication that includes a candidate’s name, image, likeness, or voice exclusively as owner, operator, or employee of a business that existed prior to candidacy; official publications produced or distributed by public employees while on the job during working hours; and communications by labor unions, membership organizations, or corporations to their members, stockholders, executives, or administrative personnel.

**Oregon Laws 2017:** Chapter 419

## Expansion of Lobbyist Disclosure Requirements

**Chief Sponsors:** Rep. Rayfield; Sens. Manning, Jr, Riley, Thatcher

**Committees Assigned:** House Rules, Senate Rules

**Background and Current Law:** People are currently required to register as lobbyists with the Oregon Government Ethics Commission (OGEC) within three business days after: exceeding an aggregate amount of 24 hours lobbying during any calendar quarter; spending an aggregate amount in excess of \$100 lobbying during any calendar quarter; or agreeing to provide personal services for money (or any other consideration) for the purpose of lobbying. Lobbyists are required to file quarterly reports that include amounts expended for food, refreshments, and entertainment for the purpose of lobbying, and the name of any legislative or executive official to whom or for whose benefit, on any one occasion, an expenditure is made for the purposes of lobbying. If the expenditure exceeds \$50 by one or more persons on any one occasion, then the date, name of payee, purpose, and amount of that expenditure must also be reported. This information, and information reported on total expenditures made by clients to lobbyists and lobbying organizations, is currently available in a public, searchable database.

**Bill Summary:** House Bill 2577-A would have expanded the reporting requirements for lobbyists to include specific information about lobbying activities on specific legislative measures and legislative topics, including each measure lobbied, whether in favor or against, and whether the lobbyist sought amendments. The measure would also have expanded the functionality of the OGEC database to account for this new information, and to improve the public's ability to search for and view information about payments made to lobbyists. Finally, the measure would have established an Advisory Committee on Lobbying Transparency to advise and assist in the development, design, testing, and implementation of the expanded database.

## Small Donor Funded Elections program

**Chief Sponsor:** Rep. Rayfield

**Committees Assigned:** House Rules, Joint Ways and Means

**Background and Current Law:** One method that states use to regulate election campaign spending is to provide a mechanism for candidates to accept public funds. Generally, candidates that choose to participate in public campaign financing programs agree not to raise private capital, and may only spend a set amount. Currently, 13 states provide some form of public financing for election campaigns. Each of these plans conditions the receipt of public funds on candidates' promises to limit both how much is spent on the election and how much is received in donations from any one group or individual. The two primary types of public financing programs are "clean elections" programs that offer full campaign funding, and programs that provide matching funds for each qualifying contribution a candidate receives.

**Bill Summary:** House Bill 2578-A would have created the Small Donor Funded Elections Fund program to enable candidates for state office to receive a 6-to-1 match on small-dollar contributions. Candidates for Governor, Secretary of State, State Treasurer, Attorney General, or Commissioner of the Bureau of Labor and Industries would have been able to receive 130 percent of the average amount spent by the elected candidate for the office during the previous two election cycles. Candidates for state Senator, state Representative, judge, or district attorney could have received 130 percent of the average amount spent by the elected candidates in races for that office during the previous two election cycles that were the 20 percent most expensive.

## Independent Expenditure Transparency

**Chief Sponsor:** Rep. Rayfield

**Committees Assigned:** House Rules, Senate Rules

**Background and Current Law:** Independent expenditures are defined as expenditures for communications in support of or in opposition to a clearly identified candidate or measure that are not made in coordination with the candidate or any agent or authorized committee of the candidate, or with any political committee or agent of a political committee supporting or opposing a measure. Persons are required to file a statement in ORESTAR (the Oregon Elections System for Tracking and Reporting) for independent expenditures totaling more than \$750 in a calendar year, and report the following information: the amount and purpose of the independent expenditure; the name, occupation, and address of each payee (each person and each political or petition committee) contributing an aggregate amount of more than \$100 in a calendar year on behalf of a candidate or to a political or petition committee and the total amount contributed by that person or committee, and the total amount of other contributions as a single item; and any candidates or measures supported or opposed by the independent expenditure. Current statutes do not specify what conduct constitutes coordination with a candidate or political committee.

**Bill Summary:** House Bill 2584-A would have deemed certain conduct and circumstances to be coordination, including whenever: a candidate solicited money or appeared at a fundraiser for a group, and the group then made an expenditure to benefit the candidate; a group led by a family member of the candidate or by an individual who was employed as a staff member of the candidate within the preceding 12 months made expenditures that benefitted the candidate's campaign; a candidate provided information to a group about the candidate's campaign needs and the group followed with matching expenditures; a candidate and a group employing the same consultant to provide campaign or fundraising services during the same electoral cycle and the group made expenditures to benefit the candidate; and a group republished or redistributed a candidate's campaign communications materials. The measure would also have lowered the reporting threshold from \$750 to \$250 in a calendar year, and required filing within seven days of reaching it. In addition, the measure would have increased the penalties for failing to report qualifying contributions or expenditures from 10 to 20 percent of the total amount of a contribution or expenditure that was less than \$1,000, and from 10 to 40 percent of the total amount of a contribution or expenditure that was \$1,000 or more.

## Formation of Political Committee

**Chief Sponsor:** Rep. Rayfield

**Committees Assigned:** House Rules, Senate Rules

**Background and Current Law:** Candidates who serve as their own treasurer are not required to file a statement of organization to form a political committee, or establish a single exclusive campaign account, or disclose specified financial information in ORESTAR (the Oregon Elections System for Tracking and Reporting), unless they anticipate receiving aggregate contributions or making aggregate expenditures of more than \$750 during a calendar year. Candidates choosing to submit a portrait along with a statement for inclusion in the voters' pamphlet for a primary or general election have the option of paying a designated fee to the Secretary of State to reserve the space; fees are \$3,000 for candidates for a statewide office, \$750 for candidates for state Senator or state Representative, and \$600 for candidates for nomination or election to any office other than President or Vice President, or United States Senator or Representative. In most cases, the expenditure to cover the voters' pamphlet fee meets or exceeds the \$750 aggregate threshold that triggers the requirement to file a statement of organization to form a political committee, establish a single exclusive campaign account, and report specific financial information in ORESTAR, even if the candidate does not anticipate receiving or expending anything more.

**Bill Summary:** House Bill 2586 keeps the voters' pamphlet fee from being included in calculations of expenditures that trigger other reporting requirements for the formation of a political committee.

**Oregon Laws 2017:** Chapter 80

## Inclusion of Community College District Bonding Measures in State Voters' Pamphlet

**Chief Sponsor:** Rep. McKeown

**Committees Assigned:** House Rules, Senate Rules

**Background and Current Law:** The Secretary of State produces and mails a voters' pamphlet to every household in the state for each primary and general election. The pamphlet provides a complete list of federal and state candidates and measures that will be on the upcoming ballot, as well as instructions for marking the ballot and other information relevant to the voting process. Copies of the state voters' pamphlet are also available at the Secretary of State's office, local post offices, courthouses, and all county elections offices. A county clerk may also prepare and distribute a local voters' pamphlet with information about local candidates and measures. To save on mailing and production costs, a county that prepares a local pamphlet may enter into an agreement with the state to insert the local pamphlet into the state pamphlet. If a county does not produce a local pamphlet, county and local government candidates, including metropolitan service district candidates and city candidates in cities with populations over 50,000, are eligible to appear in the state voters' pamphlet.

**Bill Summary:** House Bill 2696 allows community college district bonding measures to be included in the state voters' pamphlet if the county does not print and distribute a local voters' pamphlet.

**Oregon Laws 2017:** Chapter 392

## Identification of Authorized Political Communications

**Chief Sponsors:** Reps. Rayfield, Kennemer, Wilson; Sen. Roblan

**Committees Assigned:** House Rules

**Background and Current Law:** Prior to 2001, most anonymous political campaign signs, publications, and broadcasts were prohibited by statute: “no person shall cause to be printed, posted, broadcast, mailed, circulated or otherwise published, any written matter, photograph or broadcast relating to any candidate or measure at any election, unless it states the name and address of the person responsible for the publication, including a statement that the publication was authorized by that person.” (Formerly ORS 260.522.) The prohibition was repealed by the legislature after the Attorney General issued an opinion concluding that it violated free expression provisions of Article I, Section 8, of the Oregon Constitution.

**Bill Summary:** House Bill 2702 would have required communications in support of or in opposition to a candidate or measure—including qualifying independent expenditures—to identify whether a candidate, petition committee, or political committee did or did not authorize the communication. Independent expenditures were defined as expenditures for communications in support of or in opposition to a clearly identified candidate or measure that were not made in coordination with a candidate or political committee; such expenditures in excess of \$750 in a calendar year were subject to specific reporting requirements. The disclaimer would have been applicable to most independent expenditures for communications made through media, including print, telephone, radio, television, and internet.

[House Bill 2873](#)

Effective Date: January 1, 2018

**Publication of Notice of Local Option Tax or General Obligation Bond Measure****Requested by:** House Rules**Committees Assigned:** House Rules, Senate Rules

**Background and Current Law:** Currently, there is no centralized source for the public to research and review local option tax measures or general obligation bond measures that will be considered by voters on an upcoming ballot. To obtain this information, a person must call each county elections office.

**Bill Summary:** House Bill 2873 requires the governing body of a county, city, port, school district, union high school district, community college district, or any other public or quasi-public corporation, including a municipal utility or dock commission operated by a separate board or commission, that places a local option tax measure or a general obligation bond measure on a ballot to submit information about the measure to the appropriate county elections officer to file with the Secretary of State for publication on ORESTAR (the Oregon Elections System for Tracking and Reporting).

[House Bill 2927](#)

Not Enacted

**National Popular Vote****Chief Sponsors:** Reps. Keny-Guyer, Rayfield, Clem; Sens. Boquist, Steiner Hayward**Committees Assigned:** House Rules, Senate Rules

**Background and Current Law:** The existing mechanism for selecting the President of the United States is through the Electoral College. Each state is allocated a number of electoral votes according to the size of its Congressional delegation: two votes for each U.S. Senator and one vote for each member of the U.S. House of Representatives. The candidate who receives the most votes statewide receives all the state's electoral votes. Most presidential elections have resulted in the eventual Electoral College winner also winning the popular vote—but not always. The idea of electing the President by national popular vote gained momentum following the presidential elections of 2000 and 2016; years in which the losing candidate won the popular vote but lost the Electoral College. Eleven jurisdictions have enacted legislation to join the National Popular Vote Interstate Compact, an agreement that participating states award their electoral votes to the winner of the popular vote, after certain requirements are met.

**Bill Summary:** House Bill 2927 would have enabled Oregon's participation in the Interstate Compact for Agreement Among the States to Elect the President by National Popular Vote. The compact would have taken effect only if the total electoral votes of all participating states were enough to earn the presidency. The chief election official of each participating state would have separately determined the number of votes for each presidential candidate, and together, the votes would represent "a national popular vote total." The candidate with the largest national popular vote total would have been designated the "national popular vote winner."

## Incumbent Filing Deadline for State Office

**Chief Sponsors:** Reps. McLane, Williamson; Sens. Ferrioli, Burdick

**Committees Assigned:** House Rules, Senate Rules

**Background and Current Law:** The timeline for filing a petition or declaration to run for elected office in Oregon is set in statute: a nominating petition or declaration of candidacy must be submitted no sooner than the 250th day, and no later than the 70th day, before a primary election. A candidate may withdraw within three days of the end of the filing period (i.e., by the 67th day before the primary election).

**Bill Summary:** House Bill 2945 would have required an incumbent state office holder to file for re-election no later than the 77th day, rather than the 70th day, before a primary election. In addition, if an incumbent withdrew during the withdrawal period, but after the filing period has ended, another candidate had three business days from the date of the incumbent's withdrawal, to file for that office.