

DRAFT

SUMMARY

Requires candidate for President or Vice President of United States, in order to appear on general election ballot or in general election voters' pamphlet, to provide Secretary of State with copy of candidate's federal income tax returns for five years preceding year of general election and with written consent for public disclosure of tax returns.

Prohibits elector in Oregon who is part of electoral college from voting for candidate who fails to provide tax returns or written consent.

A BILL FOR AN ACT

Relating to disclosure of tax returns for candidates for federal office; creating new provisions; and amending ORS 248.355, 248.370, 251.095, 251.165 and 254.135.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 249.

SECTION 2. (1) The name of a candidate for President or Vice President of the United States may appear on the official general election ballot only if the candidate has filed with the Secretary of State, not later than the 70th day before the date of the general election:

(a) A copy of the candidate's federal income tax returns for the five years preceding the year of the general election; and

(b) Written consent, on a form adopted by the secretary by rule, for the public disclosure of the candidate's federal income tax returns subject to subsection (2) of this section.

(2)(a) The secretary shall make federal income tax returns submit-

ted under subsection (1) of this section publicly available on the Secretary of State's website.

(b) Before making tax returns publicly available under paragraph (a) of this subsection, the secretary shall, in consultation with the Director of the Department of Revenue, redact any:

(A) Personal information listed in ORS 192.504; and

(B) Additional information that the secretary or director determines is required by law to be kept confidential.

SECTION 3. ORS 248.355 is amended to read:

248.355. (1) In a year when a President and Vice President of the United States are to be nominated and elected, each political party nominating candidates for those offices shall select a number of candidates for elector of President and Vice President equal to the total number of Senators and Representatives to which this state is entitled in Congress.

(2)(a) **Subject to paragraph (b) of this subsection**, a candidate for elector when selected shall sign a pledge that, if elected, the candidate will vote in the electoral college for the candidates of the party for President and Vice President. The Secretary of State shall prescribe the form of the pledge. The party shall certify the names of the selected candidates for elector to the Secretary of State not later than the 70th day before the election of electors.

(b) The form of the pledge prescribed by the Secretary of State under paragraph (a) of this subsection shall state that the elector may not vote for a candidate for President or Vice President of the United States who has not complied with the requirements set forth in section 2 of this 2017 Act.

SECTION 4. ORS 248.370 is amended to read:

248.370. The electors of President and Vice President shall convene at the State Capitol on the Monday after the second Wednesday in December following their election. If there is any vacancy in the office of an elector caused by death, refusal to act, neglect to attend or otherwise, the electors present immediately shall fill it by plurality of voice votes. When all the

electors have appeared or the vacancies have been filled, the electors shall perform the duties required of them by the Constitution and laws of the United States. **In performing these duties, the electors may not vote for a candidate for President or Vice President of the United States who has not complied with the requirements set forth in section 2 of this 2017 Act.**

SECTION 5. ORS 254.135 is amended to read:

254.135. (1) The official general or special election ballot shall be styled “Official Ballot” and shall state:

(a) The name of the county for which it is intended.

(b) The date of the election.

(c) The names of all candidates for offices to be filled at the election whose nominations have been made and accepted and who have not died, withdrawn or become disqualified. The ballot may not contain the name of any other person.

(d) The number, ballot title and financial estimates under ORS 250.125 of any measure to be voted on at the election.

(2) The names of candidates for President and Vice President of the United States **who have complied with the requirements set forth in section 2 of this 2017 Act** shall be printed in groups together, under their political party designations. The names of the electors may not be printed on the general election ballot. A vote for the candidates for President and Vice President is a vote for the group of presidential electors supporting those candidates and selected as provided by law. The general election ballot shall state that electors of President and Vice President are being elected and that a vote for the candidates for President and Vice President shall be a vote for the electors supporting those candidates.

(3)(a) The name of each candidate nominated shall be printed on the ballot in but one place, without regard to how many times the candidate may have been nominated. The name of a political party, or names of political parties, shall be printed with the name of a candidate for other than non-

partisan office according to the following rules:

(A) For a candidate not affiliated with a political party who is nominated by a minor political party, the name of the minor political party shall be printed with the name of the candidate;

(B) For a candidate not affiliated with a political party who is nominated by more than one minor political party, the names of not more than three minor political parties selected by the candidate shall be printed with the name of the candidate;

(C) For a candidate who is a member of a political party who is nominated by a political party of which the candidate is not a member, the name of the political party that nominated the candidate shall be printed with the name of the candidate;

(D) For a candidate who is a member of a political party who is nominated by more than one political party of which the candidate is not a member, the names of not more than three political parties selected by the candidate shall be printed with the name of the candidate;

(E) For a candidate who is nominated only by a political party of which the candidate is a member, the name of the political party of which the candidate is a member shall be printed with the name of the candidate; and

(F) For a candidate who is nominated by a political party of which the candidate is a member and by any political party or parties of which the candidate is not a member, the name of the political party of which the candidate is a member and the names of not more than two other political parties selected by the candidate shall be printed with the name of the candidate.

(b) If a candidate is required to select the name of a political party to be printed on the ballot under paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection not later than the 61st day before the day of the election.

(c) The word "incumbent" shall be printed with the name of each candidate for the Supreme Court, Court of Appeals, Oregon Tax Court or circuit

court who is designated the incumbent by the Secretary of State under ORS 254.085.

(d) The word “nonaffiliated” shall be printed with the name of each candidate who is not affiliated with a political party and who is nominated by an assembly of electors or individual electors.

(e) If two or more candidates for the same office have the same or similar surnames, the location of their places of residence shall be printed with their names to distinguish one from another.

(4) Notwithstanding subsection (3)(a) of this section, the name of a candidate nominated for more than one district office that is to be filled at the same election shall be separately printed upon the ballot for each district office for which the candidate is nominated.

SECTION 6. ORS 251.095 is amended to read:

251.095. (1) For space in the voters’ pamphlet:

(a) Each candidate for nomination or election to the office of President or Vice President of the United States shall[,]:

(A) At the time materials are filed under ORS 251.065[,]:

(i) Pay a fee of \$3,500 to the Secretary of State; or

(ii) [may] Submit a petition in a form prescribed by the secretary containing the signatures of 500 active electors of the state; **and**

(B) Comply with the requirements set forth in section 2 of this 2017 Act.

[(b)] (c) Each candidate for nomination or election to the office of United States Senator or any state office to be voted for in the state at large shall, at the time materials are filed under ORS 251.065, pay a fee of \$3,000 to the Secretary of State or may submit a petition in a form prescribed by the secretary containing the signatures of 500 active electors of the state.

[(c)] (d) Each candidate for nomination or election to the office of Representative in Congress shall, at the time materials are filed under ORS 251.065, pay a fee of \$2,500 to the Secretary of State or may submit a petition in a form prescribed by the secretary containing the signatures of 300 active

electors of the candidate's electoral district.

[(d)] (e) Each candidate for nomination or election to the office of state Senator or state Representative shall, at the time materials are filed under ORS 251.065, pay a fee of \$750 to the Secretary of State or may submit a petition in a form prescribed by the secretary containing the signatures of 200 active electors of the candidate's electoral district.

[(e)] (f) Each candidate for nomination or election to any other office shall, at the time materials are filed under ORS 251.065, pay a fee of \$600 to the Secretary of State or may submit a petition in a form prescribed by the secretary containing the signatures of 200 active electors of the candidate's electoral district.

(2)(a) The signatures on a petition submitted under subsection (1) of this section shall be verified by the county clerk or the Secretary of State.

(b) The Secretary of State by rule shall establish procedures for verifying whether a petition submitted under subsection (1) of this section contains the required number of signatures of active electors.

(3) The space allotted to each candidate shall be used for materials filed under ORS 251.065, including the portrait and statement of reasons the candidate should be nominated or elected and the information required under ORS 251.085. The length of the statement may not exceed 325 words. All candidates shall be allowed the same amount of space. The Secretary of State by rule shall prescribe the size of the space allotted to each candidate, except that the space may not be smaller than 30 square inches.

SECTION 7. ORS 251.165 is amended to read:

251.165. (1) The Secretary of State shall prepare:

(a) A list of the names of candidates for nomination or election at the primary election to the offices of President or Vice President of the United States, United States Senator, Representative in Congress, any state office other than justice of the peace and any county or city office or elected office of a metropolitan service district required to be included under ORS 251.067, or a list of names of candidates for election at the general election to the

1 offices of President or Vice President of the United States, United States
2 Senator, Representative in Congress, any state office other than justice of
3 the peace and any county or city office or elected office of a metropolitan
4 service district required to be included under ORS 251.067, along with a
5 designation of the offices for which the candidates are competing;

6 **(b) A list of names of candidates for election at the general election**
7 **to the offices of President or Vice President of the United States who**
8 **have complied with the requirements set forth in section 2 of this 2017**
9 **Act.**

10 [(b)] (c) All portraits and statements filed under ORS 251.065 and 251.115;
11 and

12 [(c)] (d) The information specified in ORS 251.185 relating to measures to
13 be voted upon at the election for which the pamphlet is prepared.

14 (2) For a special election described in ORS 251.022, the Secretary of State
15 shall prepare a list of the names of candidates for nomination or election to
16 the offices of United States Senator or Representative in Congress along
17 with all portraits and statements filed for the special election under ORS
18 251.065.

19 (3) The items specified in subsections (1) and (2) of this section shall be
20 properly compiled, edited, prepared and indexed for printing by the Secretary
21 of State before delivery to the printer.