

Senate Bill 888

Sponsored by Senator BURDICK, Representative WILLIAMSON; Representative DOHERTY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires major political party candidate for President or Vice President of United States, in order to appear on primary or general election ballot and voters' pamphlet, either to provide Secretary of State with copy of candidate's federal income tax return for most recent year and with written consent for public disclosure of tax return or to complete and submit statement of economic interest.

A BILL FOR AN ACT

1
2 Relating to disclosure of economic information for candidates for federal office; creating new provisions; and amending ORS 249.078, 251.095, 251.165, 254.115 and 254.135.

3
4 **Be It Enacted by the People of the State of Oregon:**

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

6 **SECTION 2. (1) The name of a major political party candidate for President or Vice**
7 **President of the United States may appear on the official primary election ballot or the of-**
8 **ficial general election ballot only if the candidate has, not later than the deadline described**
9 **in subsection (2) of this section, filed:**

10 (a) **With the Secretary of State:**

11 (A) **A copy of the candidate's most recent federal income tax return; and**

12 (B) **Written consent, on a form adopted by the secretary by rule, for the public disclosure**
13 **of the candidate's federal income tax return subject to subsection (3) of this section; or**

14 (b) **With the Oregon Government Ethics Commission a statement of economic interest**
15 **containing the information required under ORS 244.060.**

16 (2)(a) **In order to appear on the primary election ballot, a candidate for President of the**
17 **United States must submit the information required under subsection (1) of this section not**
18 **later than the 68th day before the date of the primary election.**

19 (b) **In order to appear on the general election ballot, a candidate for President or Vice**
20 **President of the United States must:**

21 (A) **Have complied with the requirements of paragraph (a) of this subsection; or**

22 (B) **Submit the information required under subsection (1) of this section not later than**
23 **the 70th day before the date of the general election.**

24 (3)(a) **The secretary shall make any federal income tax returns submitted under this**
25 **section publicly available on the Secretary of State's website.**

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

29 (A) **Personal information listed in ORS 192.504; and**

30 (B) **Additional information that the secretary or director determines is required by law**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **to be kept confidential.**

2 **(4) A statement of economic interest submitted under this section:**

3 **(a) Is subject to the requirements and penalties set forth in ORS 244.110; and**

4 **(b) Shall be made publicly available in a searchable format in the manner set forth in**
 5 **ORS 244.290 (6).**

6 **SECTION 3.** ORS 249.078 is amended to read:

7 249.078. (1) The name of a candidate for a major political party nomination for President of the
 8 United States shall be printed on the ballot only:

9 **(a) If the candidate has complied with the requirements set forth in section 2 of this 2017**
 10 **Act; and**

11 [(a)] **(b)(A)** By direction of the Secretary of State who in the secretary’s sole discretion has
 12 determined that the candidate’s candidacy is generally advocated or is recognized in national news
 13 media; or

14 [(b)] **(B)** By nominating petition described in this section and filed with the Secretary of State.

15 (2) A petition nominating a candidate under this section shall contain from each congressional
 16 district the signatures of at least 1,000 electors who are registered in the district and who are
 17 members of the major political party of the candidate. The electors in each congressional district
 18 shall include electors registered in at least five percent of the precincts in each of at least one-
 19 fourth of the counties in the congressional district. The petition shall contain the printed name,
 20 residence or mailing address and name or number of the precinct, if known, of each elector whose
 21 signature appears on the petition. The signatures shall be certified for genuineness by the county
 22 clerks under ORS 249.008.

23 (3) Before circulating the nominating petition, the chief sponsor shall file with the Secretary of
 24 State a signed copy of the prospective petition. The chief sponsor shall include with the prospective
 25 petition a statement declaring whether one or more persons will be paid money or other valuable
 26 consideration for obtaining signatures of electors on the petition. After the prospective petition is
 27 filed, the chief sponsor shall notify the Secretary of State not later than the 10th day after the chief
 28 sponsor first has knowledge or should have had knowledge that:

29 (a) Any person is being paid for obtaining signatures, when the statement included with the
 30 prospective petition declared that no such person would be paid.

31 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
 32 spective petition declared that one or more such persons would be paid.

33 **SECTION 4.** ORS 254.115 is amended to read:

34 254.115. (1) The official primary election ballot shall be styled “Official Primary Nominating
 35 Ballot for the _____ Party.” and shall state:

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

37 (b) The date of the primary election.

38 (c) The names of all candidates for nomination at the primary election whose nominating pe-
 39 titions or declarations of candidacy have been made and filed, and who have not died, withdrawn
 40 or become disqualified.

41 (d) The names of candidates for election as precinct committeeperson.

42 (e) The names of candidates for the party nomination for President of the United States who:

43 **(A) Qualified for the ballot under ORS 249.078; and**

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

45 (2) The primary election ballot may include any city, county or nonpartisan office or the number,

1 ballot title and financial estimates under ORS 250.125 of any measure.

2 (3) The ballot may not contain the name of any person other than those referred to in sub-
3 sections (1) and (2) of this section. The name of each candidate for whom a nominating petition or
4 declaration of candidacy has been filed shall be printed on the ballot in but one place. In the event
5 that two or more candidates for the same nomination or office have the same or similar surnames,
6 the location of their places of residence shall be printed with their names to distinguish one from
7 another.

8 **SECTION 5.** ORS 254.135 is amended to read:

9 254.135. (1) The official general or special election ballot shall be styled "Official Ballot" and
10 shall state:

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

12 (b) The date of the election.

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

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

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

26 (3)(a) The name of each candidate nominated shall be printed on the ballot in but one place,
27 without regard to how many times the candidate may have been nominated. The name of a political
28 party, or names of political parties, shall be printed with the name of a candidate for other than
29 nonpartisan office according to the following rules:

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

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

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

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

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

44 (F) For a candidate who is nominated by a political party of which the candidate is a member
45 and by any political party or parties of which the candidate is not a member, the name of the poli-

1 tical party of which the candidate is a member and the names of not more than two other political
 2 parties selected by the candidate shall be printed with the name of the candidate.

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

6 (c) The word “incumbent” shall be printed with the name of each candidate for the Supreme
 7 Court, Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the
 8 Secretary of State under ORS 254.085.

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

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

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

16 **SECTION 6.** ORS 251.095 is amended to read:

17 251.095. (1) For space in the voters’ pamphlet:

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

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

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

22 (ii) [*may*] Submit a petition in a form prescribed by the secretary containing the signatures of
 23 500 active electors of the state; **and**

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

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

29 (c) Each candidate for nomination or election to the office of Representative in Congress shall,
 30 at the time materials are filed under ORS 251.065, pay a fee of \$2,500 to the Secretary of State or
 31 may submit a petition in a form prescribed by the secretary containing the signatures of 300 active
 32 electors of the candidate’s electoral district.

33 (d) Each candidate for nomination or election to the office of state Senator or state Represen-
 34 tative shall, at the time materials are filed under ORS 251.065, pay a fee of \$750 to the Secretary
 35 of State or may submit a petition in a form prescribed by the secretary containing the signatures
 36 of 200 active electors of the candidate’s electoral district.

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

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

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

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

7 **SECTION 7.** ORS 251.165 is amended to read:

8 251.165. (1) The Secretary of State shall prepare:

9 (a) A list of the names of candidates for nomination or election at the primary election to the
10 offices of President or Vice President of the United States, United States Senator, Representative
11 in Congress, any state office other than justice of the peace and any county or city office or elected
12 office of a metropolitan service district required to be included under ORS 251.067, or a list of names
13 of candidates for election at the general election to the offices of President or Vice President of the
14 United States, United States Senator, Representative in Congress, any state office other than justice
15 of the peace and any county or city office or elected office of a metropolitan service district re-
16 quired to be included under ORS 251.067, along with a designation of the offices for which the candi-
17 didates are competing;

18 (b) **A list of names of candidates for nomination at the primary election to the office of**
19 **President of the United States who have complied with the requirements set forth in section**
20 **2 of this 2017 Act;**

21 (c) **A list of names of candidates for election at the general election to the offices of**
22 **President or Vice President of the United States who have complied with the requirements**
23 **set forth in section 2 of this 2017 Act;**

24 [(b)] (d) All portraits and statements filed under ORS 251.065 and 251.115; and

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

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

31 (3) The items specified in subsections (1) and (2) of this section shall be properly compiled, ed-
32 ited, prepared and indexed for printing by the Secretary of State before delivery to the printer.

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