

HB 2716 -5 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 3/13, 5/23, 5/28

WHAT THE MEASURE DOES:

Requires certain communications in support of, or in opposition to, candidate or measure to state name of person who paid for communication. Conditions effectiveness of Act on approval of constitutional amendment proposed by House Joint Resolution 13.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-5 Replaces the measure. Requires communication in support of or opposition to candidate to state name of person who paid for communication. Requires person who makes communication to include specified donor information, in specified circumstances. Allows digital communication to include link to active website. Requires person who makes communication to consider anonymous donation from single person in excess of \$1,000 as donation that may not be used to make communication. Exempts communications in support of federal candidates and candidates who are not required to use ORESTAR to file statements of contributions received or expenditures made. Exempts communications on items of de minimis value, including law signs, pins, pens, wearable merchandise, skywriting and any other item the Secretary of State determines by rule is too small to include required information. Authorizes Secretary to determine by rule form of required statement. Allows Secretary of State or Attorney General to impose civil penalty up to 150% of cost of making communication, if disclosure requirements are not met.

BACKGROUND:

Under federal law, certain election-related communications involving candidates for federal office must include a disclaimer that identifies who paid for, or authorized, the communication. See 52 U.S.C. 30120. The requirement has been upheld against a First Amendment challenge. *Citizens United v. FEC*, 558 U.S. 310 (2010). In 1999, the Oregon Attorney General concluded that a state statute containing similar requirements was likely to violate the State Constitution and the Legislative Assembly subsequently repealed the statute. See 1999 Ore. AG LEXIS 4; ORS 260.522 (1999).

House Bill 2716 establishes a general rule that communications in support of, or in opposition to, a clearly identified candidate or measure must state the name of the person who paid for the communication. The bill also contains a number of exceptions, including those for candidates, petition committees or political committees that are not required to report contributions or expenditures in ORESTAR, candidates for federal office, certain corporate or labor organization communications and other items that are of de minimis value or that the Secretary of State determines are too small to include the disclosure language.