

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Rules

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 06/25/15

Action: Do Pass With Different Amendments To The A-Eng Bill. (Printed B-Eng Minority)

Meeting Dates: 06/11, 06/25

Signers of the Report: Sen. Ted Ferrioli, Sen. Brian Boquist

Prepared By: Erin Seiler, Committee Administrator

WHAT THE MEASURE DOES: Removes requirement that person elected to county office provide county clerk with certificate of election. Requires electronic filing of candidate's nominating petition or declaration of candidacy for primary election. Changes certain ballot markings from "Presidential only" to "Federal only." Alters certain filing deadlines. Adds prospective petition to requirement that full text of measure being circulated must be carried by signature-gatherers and available for review. Removes requirement that signature sheets for initiative or referral petition be attached to full and correct copy of measure. Requires Secretary of State (SOS) to establish process for modifying petition templates. Requires one copy of prospective initiative and referral petitions be sent to required officials, rather than two. Permits district attorney to make clerical corrections to ballot title for district measure. Requires all estimates, portraits, statements and arguments for voters' pamphlet be filed electronically. Requires district elections authority include ballot title for district election on measure at time measure is submitted to county elections officials. Provides person, to whom civil penalty may be imposed, ability to request hearing 20 days from service date on notice. Directs SOS prepare and allow electors, chief petitioners and their agents to use electronic signature sheets to collect signatures for prospective initiative petition. Requires SOS verify signatures in certain instances where county clerks currently verify signatures. Requires candidate include current employer in voters' pamphlet statement. Makes knowingly providing false information in required candidate information for voters' pamphlet Class C felony. Requires SOS verify factual accuracy of candidate's statement and report to Attorney General (AG). Requires reporting of all legal and accounting services provided to candidate or political committee. Provides that treasurer is liable for any violations that may occur regarding reporting of campaign finance transactions, except if action of treasurer that results in violation is at direction of candidate, committee director or chief petitioner. Provides that individual designated by candidate or treasurer is liable for violations on campaign finance transaction that they have signed and certified as true, except if action, resulting in violation, is at direction of candidate, committee director, chief petitioner, treasurer of political committee or treasurer of petition committee. Provides that individual designated as treasurer of political committee is responsible for ensuring certification is filed on date amended certification is due. Establishes exceptions. Requires reporting of contribution of any amount. Requires SOS adopt, by rule, method for auditing contribution filings that are \$100 or less. Establishes July 1, 2015 as date for determining total number of voters registered with minor party in order for party to maintain status as minor political party for 2016 general election. Requires information regarding individual's occupation, current employer, educational and occupational background and prior governmental experience be filed in conjunction with campaign finance reports, statements of organization and statements of certification related to reporting of campaign contributions and expenditures. Makes knowingly providing false information Class C Felony. Requires SOS to report to AG for immediate examination and determination if prosecution is warranted. Provides individual notified of potential violation of campaign finance reporting requirements, including statements of organization and statements related to reporting of campaign contributions and expenditures, with 180 calendar days, after receipt of notification, to take corrective action and amend filing. Failure to take corrective action and comply with law within 180 calendar days, constitutes Class C felony. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Extension of liability to alternative treasurer for violations of campaign finance reporting requirements
- Verification of information submitted by candidate in voters' pamphlet statements
- Remedies for submission of false information
- Independent expenditures

EFFECT OF MINORITY AMENDMENT: Requires candidate include current employer in voters' pamphlet statement. Makes knowingly providing false information in required candidate information for voters' pamphlet Class C felony. Requires Secretary of State (SOS) to verify factual accuracy of candidate's statement including candidate's occupation, current employer, educational and occupational background and prior governmental experience and SOS is to report to Attorney General (AG) for immediate examination and determination if prosecution is warranted, if SOS has reasonable belief statement contains objectively false information. Defines "professional services" and adds to definition of contribution for purpose of reporting. Requires reporting of all legal and accounting services provided to candidate or political committee. Provides treasurer is liable for any violations that may occur regarding reporting of campaign finance transactions, except if action resulting in violation is at direction of candidate, committee director, or chief petitioner. Provides that individual designated by candidate or treasurer is liable for violations on campaign finance transaction that they have signed and certified as true, except if action of treasurer that results in violation is at direction of candidate, committee director, chief petitioner, treasurer of political committee or treasurer of petition committee. Provides that individual designated as treasurer of political committee is responsible for ensuring certification is filed on date amended certification is due, except if amended certification is required because of appointment of new treasurer and committee director(s) fail to inform them of requirement to file certification, then committee director(s) are responsible for filing amended certification. Requires reporting of contribution of any amount. Requires SOS adopt, by rule, method for auditing contribution filings that are \$100 or less, and requires information be made public if audit determines that person, political committee or petition committee has contributed more than \$100. Requires SOS audit filings within 10 business days after filing deadline or statement is filed. Specifies exemptions from audits. Removes reference "to excess of any amount (campaign contribution) necessary to defray expenditures" regarding use of contributions by campaign committees to resolve account debt. Establishes July 1, 2015 as date for determining total number of voters registered with minor party in order for party to maintain status as minor political party for 2016 general election. Requires information regarding individual's occupation, current employer, educational and occupational background and prior governmental experience be filed in conjunction with campaign finance reports, statements of organization and statements of certification related to reporting of campaign contributions and expenditures. Makes knowingly providing false information Class C felony. Requires SOS to report to AG for immediate examination and determination if prosecution is warranted, if SOS has reasonable belief that individual has provided false information. Provides individual notified by SOS of potential violation of campaign finances reporting requirements, including statements of organization and statements related to reporting of campaign contributions and expenditures, has 180 calendar days after receipt of notification, to take corrective action and amend filing. Failure to take corrective action and comply with law within 180 calendar days, constitutes Class C felony.

BACKGROUND: Each legislative session the Secretary of State's Elections Division introduces a measure that identifies and resolves technical issues and inconsistencies in election statutes. House Bill 2176-MRB is this measure for the 2015 Legislative Session. The measure addresses a number of issues including: alignment of election administration deadlines, modernization of voters' pamphlet filing procedures, updating signature-gathering process and increasing efficiency for election administration for local governments and county elections officials.