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TESTIMONY ON HB 2702

Chair Williamson and members of the committee,

This letter is co-authored by Rob Harris of Hillsboro and Sal Peralta of McMinnville, OR. We are testifying on behalf of the Independent Party and its 119,000 members statewide.

This legislation, as amended, adds a tagline requirement to most mass communications sent for or against a political campaign. The tagline would identify the name of the committee sending the communication and whether the communication is authorized by a candidate or a candidate committee.

The Independent Party of Oregon favors such disclaimers. 83% of the more than 1600 IPO members we surveyed in 2016 favor a stronger version of this legislation, that would: Require the names of political committees of industries and labor unions to accurately reflect their purpose; and require that disclaimers on the materials themselves list the true sources of funding behind the communication. Similar versions of these stronger disclosure and disclaimer laws are currently on the books in Washington and California. Multnomah County voters opted for those stronger standards for county elections when they passed IP 26-184 by a margin of 89-11 in 2016.

In past sessions, an undue amount of deference has been given to a 1999 opinion by Attorney General Hardy Myers that argued for striking an earlier statute that banned the anonymous distribution of campaign materials.

There is an important distinction between this legislation and the Oregon statute about which Myers opined. This legislation establishes a \$500 minimum expenditure to trigger the disclaimer requirement, thereby protecting both anonymous speech and the public's right to transparency and disclosure in electioneering.

We also note that both Oregon and federal courts have upheld disclosure and/or disclaimer requirements since the Myers opinion. In *Citizens United (CU)*, the court rejected the CU challenge to both disclaimer and disclosure requirements enacted under the Bipartisan Campaign Finance Reform Act. Similarly, Oregon courts have upheld accurate reporting of contributions and expenditures under Oregon's campaign finance reporting requirements which require disclosure of all expenditures made by campaign committees and only allows anonymity on donations of \$100 or more.

IPO would prefer that the stronger disclaimer standard be adopted in Oregon. However, we see this legislation as a positive incremental step forward.

Rob Harris & Sal Peralta
Independent Party of Oregon