



May 23, 2017

**Oregon Progressive Party
Position on Bill at 2017
Session of Oregon Legislature:**

HB 2874 A: Oppose

Dear Committee:

The Oregon Progressive Party (OPP) opposed this bill in testimony filed on April 4 and still opposes this bill, as amended. The bill's summary states that it:

- Provides exemption from mandatory disclosure of electronic mail addresses that are in possession of offices of legislative department.
- Permits disclosure of electronic mail addresses used to distribute elective officeholder newsletters to current candidates who have filed to run for elective office, if requested.

The bill's summary, above, can be misunderstood. It might be understood to mean that, in the future, any filed candidate for elective office can obtain email addresses used to distribute newsletters by the incumbent officeholder. That is not what the original bill provided. It stated:

(c) This subsection and ORS 244.040 do not prohibit current candidates who have filed to run for elective office from receiving upon request the electronic mail addresses used by elective officeholders for newsletter distribution.

The reference to "current candidates" is to presently filed candidates, not to persons who may in the future file their candidacies. Note the language "current candidates who have filed to run for elective office." The bill did not refer to persons who may file candidacies in the future. It refers to persons who "have filed to run for elective office."

The -1 amendment did not solve this problem. It states:

This subsection and ORS 244.040 do not prohibit the campaign office of the current officeholder or current candidates who have filed to run for that elective office from receiving upon request the electronic mail addresses used by the current officeholder's legislative office for newsletter distribution."

First, this does not require the incumbent to provide any email addresses to any competing candidate. Second, it still refers to "candidates who have filed to run," not to future candidates. Third, the exemption from prohibited disclosure does not apply to all email addresses harvested by the incumbent, only to those at some undefined point "used by the current officeholder's legislative office for newsletter distribution." That does not prohibit the officeholder from using withholding any number of other constituent email addresses in her possession. Fourth, the current officeholder could say, "Well, I am not sending out any more newsletters, so I am not "using" any addresses for that purpose. So I do not have to provide competing candidates with any email addresses."

In email to Rep. Barnhart on April 30, I suggested this language:

Any person who is a candidate for nomination or election to a public office shall be entitled to obtain the electronic mail addresses of the constituents of that public office in the possession of the person currently serving in that public office.

But the House Rules Committee instead drafted and adopted the -1 amendment on May 2, which has the defects noted above.

This is an incumbent protection measure and should not be adopted.

Oregon Progressive Party

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