

HB 2351 A STAFF MEASURE SUMMARY

Carrier: Rep. Smith Warner

House Committee On Rules

Action Date: 04/20/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 9-0-0-0

Yeas: 9 - Barreto, Hack, Holvey, Kennemer, McLane, Nosse, Rayfield, Smith Warner, Williamson

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Erin Seiler, LPRO Analyst

WHAT THE MEASURE DOES:

Requires individual, political committee or petition committee, that receives request for information from Secretary of State, Attorney General or filing officer pursuant to campaign finance investigation, to produce requested information within 45 days of service of request. Permits use of campaign moneys for expenses related to legal proceedings that result from campaign activities: of candidate or official duties of public official; of political committee or of petition committee. Establishes civil penalty of up to 10 percent of campaign moneys improperly converted to personal use in circumstances where conversion is accurately included in timely filed statements of contributions and expenditures.

ISSUES DISCUSSED:

- Provisions of measure
- Possible amendments

EFFECT OF AMENDMENT:

Requires individual, political committee or petition committee, served with a request for information from Secretary of State, Attorney General or filing officer pursuant to campaign finance investigation, to produce said information within 45 days of service. Permits use of campaign moneys for expenses related to legal proceedings that result from campaign activities: of candidate or official duties of public official; of political committee or of petition committee. Removes civil penalty of \$150 when person unintentionally signs ballot belonging to different elector.

BACKGROUND:

The process for filing and investigating a written complaint alleging a violation of elections law or administrative rule adopted by the Secretary of State (SOS) is governed by ORS 260.345. Upon receipt of a complaint by an individual, the SOS or Attorney General (AG) must immediately examine it to determine whether a violation of an election law or rule has occurred and make any investigation considered necessary. The SOS or AG is required to notify the person who is the subject of the complaint within 48 hours, unless the complaint involves 25 or more individuals, political committees or petition committees in any 24-hour period, in which case, notification must be made within 10 business days. During an investigation, the SOS or AG may request information or documents from the subject of the complaint, but there is currently no timeline for the information to be produced. House Bill 2351-A requires the subject of a complaint to provide requested documents to investigating officers within 45 days of being served with a request.

The measure also allows contributions received by candidates, principal campaign committees, political committees or petition committees to be used to pay legal expenses related to a committee's or candidate's campaign activities or the official duties of a public official.