

# House Bill 3136

Sponsored by Representative BUEHLER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires political advertising to include sponsor's name. Requires that political advertising for candidate express political party preference of candidate.

Requires that specified political advertising include statement that "No candidate authorized this ad. It is paid for by (name, address, city, state of sponsor)."

Requires that political advertising by political committee list top five contributors to political committee.

Requires that political advertising of \$1,000 or more supporting or opposing ballot measures made by political committee list top five contributors to political committee.

## A BILL FOR AN ACT

1  
2 Relating to disclosure on political advertising.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 260.**

5 **SECTION 2. (1) If a candidate for partisan office has expressed a major political party,**  
6 **minor political party or nonaffiliated preference on the declaration of candidacy, that poli-**  
7 **tical party or nonaffiliated designation must be clearly identified in electioneering commu-**  
8 **nications, independent expenditures and political advertising.**

9 (2)(a) All written political advertising must include the sponsor's legal name and address.

10 (b) A written electioneering communication or political advertising made as an inde-  
11 pendent expenditure by a person other than a political party must include as part of the  
12 communication:

13 (A) The statement "No candidate authorized this ad. It is paid for by (name, address,  
14 city, state of sponsor)";

15 (B) If the sponsor is a political committee, the words "Top Five Contributors" followed  
16 by a list of the names of the five persons making the largest contributions in excess of \$700  
17 to the political committee during the 12-month period preceding the date on which the com-  
18 munication is initially published or otherwise presented to the public; or

19 (C) If the sponsor is a political committee established, maintained or controlled directly  
20 or indirectly through the formation of one or more political committees by a person, the full  
21 name of the person.

22 (c) The information required by paragraphs (a) and (b) of this subsection must:

23 (A) Appear on the first page or fold of the communication, if applicable;

24 (B) Be in at least 10-point type or in type at least 10 percent of the largest size type used  
25 in the communication, whichever is larger;

26 (C) Not be subject to the half-tone or screening process, if applicable; and

27 (D) Be set apart from any other printed matter.

28 (3)(a) All video political advertising must include the sponsor's legal name.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) In a video electioneering communication or political advertising made as an inde-  
 2 pendent expenditure by a person other than a political party, the statement “No candidate  
 3 authorized this ad. Paid for by (name, city, state of sponsor)” must:

4 (A) Be clearly spoken; or

5 (B) Appear in print, be visible for at least four seconds, appear in letters greater than  
 6 four percent of the visual screen height and have a reasonable color contrast with the  
 7 background.

8 (c) If the communication is undertaken by a person who is not an individual and not a  
 9 political party, the communication must also include the words “Top Five Contributors” fol-  
 10 lowed by a list of the names of the five persons making the largest contributions in excess  
 11 of \$700 to the person during the 12-month period preceding the date on which the communi-  
 12 cation is initially published or otherwise presented to the public. Abbreviations may be used  
 13 to describe contributing persons if the full name of the person has been clearly spoken pre-  
 14 viously during the communication.

15 (4)(a) All audio political advertising must include the sponsor’s legal name.

16 (b) An audio electioneering communication or political advertising made as an independ-  
 17 ent expenditure by a person other than a political party must include the statement “No  
 18 candidate authorized this ad. Paid for by (name, city, state of sponsor).”

19 (c) If the communication is undertaken by a person who is not an individual and not a  
 20 political party, the communication must also include the words “Top Five Contributors” fol-  
 21 lowed by a list of the names of the five persons making the largest contributions in excess  
 22 of \$700 to the person during the 12-month period preceding the date on which the communi-  
 23 cation is initially published or otherwise presented to the public. Abbreviations may be used  
 24 to describe contributing persons if the full name of the person has been clearly spoken pre-  
 25 viously during the communication.

26 (5)(a) Political advertising costing \$1,000 or more supporting or opposing measures spon-  
 27 sored by a political committee must include information on the “Top Five Contributors” in  
 28 the manner provided by this section.

29 (b) A series of political advertising sponsored by the same political committee, each piece  
 30 of which costs less than \$1,000, must include the “Top Five Contributors” information re-  
 31 quired by paragraph (a) of this subsection if the series of political advertising made by the  
 32 political committee costs \$1,000 or more in the aggregate during any 12-month period.

33 (6) The requirement under this section to list the sponsor’s name and address and the  
 34 “Top Five Contributors” does not apply to political advertising in the form of:

35 (a) Balloons;

36 (b) Campaign buttons;

37 (c) Pens or pencils;

38 (d) Skywriting;

39 (e) Yard signs; or

40 (f) Any other form of advertising where the Secretary of State by rule determines that  
 41 identification is impractical.

42 (7) As used in this section:

43 (a) “Electioneering communication”:

44 (A) Means any political advertising that:

45 (i) Clearly identifies a candidate for a state, local or judicial office either by specifically

1 naming the candidate or by identifying the candidate without using the candidate's name;

2 (ii) Is broadcast, transmitted, mailed, erected, distributed or otherwise published within  
3 60 days before any election for the office to which the candidate is seeking election in the  
4 jurisdiction in which the candidate is seeking election; and

5 (iii) Either alone, or in combination with one or more electioneering communications  
6 identifying the same candidate by the same sponsor, has a fair market value of \$1,000 or  
7 more.

8 (B) Does not mean:

9 (i) Usual and customary advertising of a business owned by a candidate, provided that  
10 the candidate has been regularly mentioned in that advertising for at least 12 months pre-  
11 ceding the date the candidate became a candidate;

12 (ii) Advertising for candidate debates or forums when the advertising is paid for by or  
13 on behalf of the debate or forum sponsor, provided that two or more candidates for the same  
14 position have been invited to participate in the debate or forum;

15 (iii) A news item, feature, commentary or editorial in a regularly scheduled news medium  
16 that is:

17 (I) Of primary interest to the general public;

18 (II) In a news medium controlled by a person whose business is that news medium; and

19 (III) Not in a news medium controlled by the candidate featured in the news item or by  
20 the candidate's principal campaign committee;

21 (iv) Sample ballots;

22 (v) Advertising for books, films, dissertations or similar works that are:

23 (I) By a candidate when the candidate entered into a contract for the work at least 12  
24 months before becoming a candidate; or

25 (II) About a candidate;

26 (vi) Public service announcements;

27 (vii) An internal political communication primarily limited to the members of or con-  
28 tributors to a political party organization or political committee, or to the officers, manage-  
29 ment staff or stockholders of a corporation or similar enterprise, or to the members of a  
30 labor organization or other membership organization;

31 (viii) An expenditure by or contribution to the candidate's principle campaign committee;  
32 or

33 (ix) Any other communication exempted by the Secretary of State by rule.

34 (b) "Mass communication" means a communication intended to reach a large audience  
35 through:

36 (A) Advertising displays, newspaper advertisements, billboards or signs;

37 (B) Brochures, articles, tabloids, flyers or periodicals;

38 (C) Radio or television broadcasts;

39 (D) Sample ballots;

40 (E) Internet or other electronic transmission methods;

41 (F) Letters, electronic mail messages, text messages or similar communications that are  
42 identical or substantially similar in nature, directed to 100 or more specific recipients and  
43 sent within a 30-day period; or

44 (G) Other mass means of disseminating political advertising, established by the Secretary  
45 of State by rule.

1       (c) **“Political advertising” means any mass communication used for the purpose of ap-**  
2 **pealing, directly or indirectly, for votes or for financial or other support or opposition in any**  
3 **election campaign.**

4       (d) **“Sponsor” means a person who makes an electioneering communication, independent**  
5 **expenditure or political advertisement.**

6       (e) **“Yard sign” means any outdoor sign with dimensions no greater than eight feet by**  
7 **four feet.**

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