

Senate Bill 1511

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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 major political party candidate for President or Vice President of United States, in order to appear on primary or general election ballot and voters' pamphlet, either to provide Secretary of State with copy of candidate's federal income tax return for most recent year and with written consent for public disclosure of tax return or to complete and submit statement of economic interest.

A BILL FOR AN ACT

1
2 Relating to disclosure of economic information for candidates for federal office; creating new pro-
3 visions; and amending ORS 249.078, 251.095, 251.165, 254.115 and 254.135.

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

5 **SECTION 1. Section 2 of this 2018 Act is added to and made a part of ORS chapter 249.**

6 **SECTION 2. (1) The name of a major political party candidate for President or Vice**
7 **President of the United States may appear on the official primary election ballot or the of-**
8 **ficial general election ballot only if the candidate has, not later than the deadline described**
9 **in subsection (2) of this section, filed:**

10 (a) **With the Secretary of State:**

11 (A) **A copy of the candidate's most recent federal income tax return; and**

12 (B) **Written consent, on a form adopted by the secretary by rule, for the public disclosure**
13 **of the candidate's federal income tax return subject to subsection (3) of this section; or**

14 (b) **With the Oregon Government Ethics Commission a statement of economic interest**
15 **containing the information required under ORS 244.060.**

16 (2)(a) **In order to appear on the primary election ballot, a candidate for President of the**
17 **United States must submit the information required under subsection (1) of this section not**
18 **later than the 68th day before the date of the primary election.**

19 (b) **In order to appear on the general election ballot, a candidate for President or Vice**
20 **President of the United States must:**

21 (A) **Have complied with the requirements of paragraph (a) of this subsection; or**

22 (B) **Submit the information required under subsection (1) of this section not later than**
23 **the 70th day before the date of the general election.**

24 (3)(a) **The Secretary of State shall make any federal income tax returns submitted under**
25 **this section publicly available on the secretary's website.**

26 (b) **Before making tax returns publicly available under paragraph (a) of this subsection,**
27 **the secretary shall, in consultation with the Director of the Department of Revenue, redact**
28 **any:**

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 (A) Personal information listed in ORS 192.377; and

2 (B) Additional information that the secretary or director determines is required by law
3 to be kept confidential.

4 (4) A statement of economic interest submitted under this section:

5 (a) Is subject to the requirements and penalties set forth in ORS 244.110; and

6 (b) Shall be made publicly available in a searchable format in the manner set forth in
7 ORS 244.290 (6).

8 **SECTION 3.** ORS 249.078 is amended to read:

9 249.078. (1) The name of a candidate for a major political party nomination for President of the
10 United States shall be printed on the ballot only:

11 (a) If the candidate has complied with the requirements set forth in section 2 of this 2018
12 Act; and

13 [(a)] (b)(A) By direction of the Secretary of State who in the secretary's sole discretion has
14 determined that the candidate's candidacy is generally advocated or is recognized in national news
15 media; or

16 [(b)] (B) By nominating petition described in this section and filed with the Secretary of State.

17 (2) A petition nominating a candidate under this section shall contain from each congressional
18 district the signatures of at least 1,000 electors who are registered in the district and who are
19 members of the major political party of the candidate. The electors in each congressional district
20 shall include electors registered in at least five percent of the precincts in each of at least one-
21 fourth of the counties in the congressional district. The petition shall contain the printed name,
22 residence or mailing address and name or number of the precinct, if known, of each elector whose
23 signature appears on the petition. The signatures shall be certified for genuineness by the county
24 clerks or the Secretary of State under ORS 249.008.

25 (3) Before circulating the nominating petition, the chief sponsor shall file with the Secretary of
26 State a signed copy of the prospective petition. The chief sponsor shall include with the prospective
27 petition a statement declaring whether one or more persons will be paid money or other valuable
28 consideration for obtaining signatures of electors on the petition. After the prospective petition is
29 filed, the chief sponsor shall notify the Secretary of State not later than the 10th day after the chief
30 sponsor first has knowledge or should have had knowledge that:

31 (a) Any person is being paid for obtaining signatures, when the statement included with the
32 prospective petition declared that no such person would be paid.

33 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
34 spective petition declared that one or more such persons would be paid.

35 **SECTION 4.** ORS 254.115 is amended to read:

36 254.115. (1) The official primary election ballot shall be styled "Official Primary Nominating
37 Ballot for the _____ Party." and shall state:

38 (a) The name of the county for which it is intended.

39 (b) The date of the primary election.

40 (c) The names of all candidates for nomination at the primary election whose nominating pe-
41 titions or declarations of candidacy have been made and filed, and who have not died, withdrawn
42 or become disqualified.

43 (d) The names of candidates for election as precinct committeeperson.

44 (e) The names of candidates for the party nomination for President of the United States who:

45 (A) Qualified for the ballot under ORS 249.078[.]; and

(B) Complied with the requirements set forth in section 2 of this 2018 Act.

(2) The primary election ballot may include any city, county or nonpartisan office or the number, ballot title and financial estimates under ORS 250.125 of any measure.

(3)(a) The ballot may not contain the name of any person other than those referred to in subsections (1) and (2) of this section.

(b) The name of each candidate for whom a nominating petition or declaration of candidacy has been filed shall be printed on the ballot in but one place, except in circumstances where a candidate may hold more than one office or nomination without violating ORS 249.013.

(c) In the event that two or more candidates for the same nomination or office have the same or similar surnames, the location of their places of residence shall be printed with their names to distinguish one from another.

SECTION 5. ORS 254.135 is amended to read:

254.135. (1) The official general or special election ballot shall be styled "Official Ballot" and shall state:

(a) The name of the county for which it is intended.

(b) The date of the election.

(c) The names of all candidates for offices to be filled at the election whose nominations have been made and accepted and who have not died, withdrawn or become disqualified. The ballot may not contain the name of any other person.

(d) The number, ballot title and financial estimates under ORS 250.125 of any measure to be voted on at the election.

(2) The names of candidates for President and Vice President of the United States **who have complied with the requirements set forth in section 2 of this 2018 Act** shall be printed in groups together, with their political party designations. The names of the electors may not be printed on the general election ballot. A vote for the candidates for President and Vice President is a vote for the group of presidential electors supporting those candidates and selected as provided by law. The general election ballot shall state that electors of President and Vice President are being elected and that a vote for the candidates for President and Vice President shall be a vote for the electors supporting those candidates.

(3)(a) The name of each candidate nominated shall be printed on the ballot in but one place, without regard to how many times the candidate may have been nominated, except in circumstances where a candidate may hold more than one office or nomination without violating ORS 249.013. The name of a political party, or names of political parties, shall be printed with the name of a candidate for other than nonpartisan office according to the following rules:

(A) For a candidate not affiliated with a political party who is nominated by a minor political party, the name of the minor political party shall be printed with the name of the candidate;

(B) For a candidate not affiliated with a political party who is nominated by more than one minor political party, the names of not more than three minor political parties selected by the candidate shall be printed with the name of the candidate;

(C) For a candidate who is a member of a political party who is nominated by a political party of which the candidate is not a member, the name of the political party that nominated the candidate shall be printed with the name of the candidate;

(D) For a candidate who is a member of a political party who is nominated by more than one political party of which the candidate is not a member, the names of not more than three political parties selected by the candidate shall be printed with the name of the candidate;

1 (E) For a candidate who is nominated only by a political party of which the candidate is a
 2 member, the name of the political party of which the candidate is a member shall be printed with
 3 the name of the candidate; and

4 (F) For a candidate who is nominated by a political party of which the candidate is a member
 5 and by any political party or parties of which the candidate is not a member, the name of the poli-
 6 tical party of which the candidate is a member and the names of not more than two other political
 7 parties selected by the candidate shall be printed with the name of the candidate.

8 (b) If a candidate is required to select the name of a political party to be printed on the ballot
 9 under paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection
 10 not later than the 61st day before the day of the election.

11 (c) The word “incumbent” shall be printed with the name of each candidate for the Supreme
 12 Court, Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the
 13 Secretary of State under ORS 254.085.

14 (d) The word “nonaffiliated” shall be printed with the name of each candidate who is not affil-
 15 iated with a political party and who is nominated by an assembly of electors or individual electors.

16 (e) If two or more candidates for the same office have the same or similar surnames, the location
 17 of their places of residence shall be printed with their names to distinguish one from another.

18 (4) Notwithstanding subsection (3)(a) of this section, the name of a candidate nominated for more
 19 than one district office that is to be filled at the same election shall be separately printed upon the
 20 ballot for each district office for which the candidate is nominated.

21 **SECTION 6.** ORS 251.095 is amended to read:

22 251.095. (1) For space in the voters’ pamphlet:

23 (a) Each candidate for nomination or election to the office of President or Vice President of the
 24 United States shall[,]:

25 (A) At the time materials are filed under ORS 251.065[,]:

26 (i) Pay a fee of \$3,500 to the Secretary of State; or *[may]*

27 (ii) Submit a petition in a form prescribed by the secretary containing the signatures of 500
 28 active electors of the state[.]; **and**

29 **(B) Comply with the requirements set forth in section 2 of this 2018 Act.**

30 (b) Each candidate for nomination or election to the office of United States Senator or any state
 31 office to be voted for in the state at large shall, at the time materials are filed under ORS 251.065,
 32 pay a fee of \$3,000 to the Secretary of State or may submit a petition in a form prescribed by the
 33 secretary containing the signatures of 500 active electors of the state.

34 (c) Each candidate for nomination or election to the office of Representative in Congress shall,
 35 at the time materials are filed under ORS 251.065, pay a fee of \$2,500 to the Secretary of State or
 36 may submit a petition in a form prescribed by the secretary containing the signatures of 300 active
 37 electors of the candidate’s electoral district.

38 (d) Each candidate for nomination or election to the office of state Senator or state Represen-
 39 tative shall, at the time materials are filed under ORS 251.065, pay a fee of \$750 to the Secretary
 40 of State or may submit a petition in a form prescribed by the secretary containing the signatures
 41 of 200 active electors of the candidate’s electoral district.

42 (e) Each candidate for nomination or election to any other office shall, at the time materials are
 43 filed under ORS 251.065, pay a fee of \$600 to the Secretary of State or may submit a petition in a
 44 form prescribed by the secretary containing the signatures of 200 active electors of the candidate’s
 45 electoral district.

1 (2)(a) The signatures on a petition submitted under subsection (1) of this section shall be verified
2 by the county clerk or the Secretary of State.

3 (b) The Secretary of State by rule shall establish procedures for verifying whether a petition
4 submitted under subsection (1) of this section contains the required number of signatures of active
5 electors.

6 (3) The space allotted to each candidate shall be used for materials filed under ORS 251.065,
7 including the portrait and statement of reasons the candidate should be nominated or elected and
8 the information required under ORS 251.085. The length of the statement may not exceed 325 words.
9 All candidates shall be allowed the same amount of space. The Secretary of State by rule shall
10 prescribe the size of the space allotted to each candidate, except that the space may not be smaller
11 than 30 square inches.

12 **SECTION 7.** ORS 251.165 is amended to read:

13 251.165. (1) The Secretary of State shall prepare:

14 (a) A list of the names of candidates for nomination or election at the primary election to the
15 offices of President or Vice President of the United States, United States Senator, Representative
16 in Congress, any state office other than justice of the peace and any county or city office or elected
17 office of a metropolitan service district required to be included under ORS 251.067, or a list of names
18 of candidates for election at the general election to the offices of President or Vice President of the
19 United States, United States Senator, Representative in Congress, any state office other than justice
20 of the peace and any county or city office or elected office of a metropolitan service district re-
21 quired to be included under ORS 251.067, along with a designation of the offices for which the can-
22 didates are competing;

23 **(b) A list of names of candidates for nomination at the primary election to the office of**
24 **President of the United States who have complied with the requirements set forth in section**
25 **2 of this 2018 Act;**

26 **(c) A list of names of candidates for election at the general election to the offices of**
27 **President or Vice President of the United States who have complied with the requirements**
28 **set forth in section 2 of this 2018 Act;**

29 [(b)] **(d)** All portraits and statements filed under ORS 251.065 and 251.115; and

30 [(c)] **(e)** The information specified in ORS 251.185 relating to measures to be voted upon at the
31 election for which the pamphlet is prepared.

32 (2) For a special election described in ORS 251.022, the Secretary of State shall prepare a list
33 of the names of candidates for nomination or election to the offices of United States Senator or
34 Representative in Congress along with all portraits and statements filed for the special election
35 under ORS 251.065.

36 (3) The items specified in subsections (1) and (2) of this section shall be properly compiled, ed-
37 ited, prepared and indexed for printing by the Secretary of State before delivery to the printer.

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