

## HB 2716 -1 STAFF MEASURE SUMMARY

### House Committee On Rules

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**Prepared By:** Josh Nasbe, Counsel

**Meeting Dates:** 3/13

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#### **WHAT THE MEASURE DOES:**

Requires certain communications in support of, or in opposition to, candidate or measure to state name of person who paid for communication. Conditions effectiveness of Act on approval of constitutional amendment proposed by House Joint Resolution 13.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-1 Requires certain communications in support of, or in opposition to, clearly identified candidate to identify communication as independent expenditure.

##### **BACKGROUND:**

Under federal law, certain election-related communications involving candidates for federal office must include a disclaimer that identifies who paid for, or authorized, the communication. See 52 U.S.C. 30120. The requirement has been upheld against a First Amendment challenge. *Citizens United v. FEC*, 558 U.S. 310 (2010). In 1999, the Oregon Attorney General concluded that a state statute containing similar requirements was likely to violate the State Constitution and the Legislative Assembly subsequently repealed the statute. See 1999 Ore. AG LEXIS 4; ORS 260.522 (1999).

House Bill 2716 establishes a general rule that communications in support of, or in opposition to, a clearly identified candidate or measure must state the name of the person who paid for the communication. The bill also contains a number of exceptions, including those for candidates, petition committees or political committees that are not required to report contributions or expenditures in ORESTAR, candidates for federal office, certain corporate or labor organization communications and other items that are of de minimis value or that the Secretary of State determines are too small to include the disclosure language.

House Bill 2716 does not become effective unless the amendment to the Oregon Constitution proposed by House Joint Resolution 13 is approved by the voters at the 2020 general election.