

## SB 1018 A STAFF MEASURE SUMMARY

### Senate Committee On Campaign Finance

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**Action Date:** 04/03/19

**Action:** Do pass with amendments. Refer to Rules by prior reference. (Printed A-Eng).

**Vote:** 5-0-0-0

**Yeas:** 5 - Burdick, Girod, Golden, Knopp, Prozanski

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** C. Ross, LPRO Analyst

**Meeting Dates:** 3/27, 4/3

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#### WHAT THE MEASURE DOES:

Requires certain independent expenditures with respect to candidates, to state: "This message was paid for and produced without the coordination or prior consent of any candidate in the election for this position."

#### ISSUES DISCUSSED:

- Whether language should specify that candidate or office-holder must be named in the subject communication, to trigger requirement to include statement
- Whether constitutional amendment required as per Attorney General opinion from many years ago; whether passage of SJR 18 would suffice
- Unclear penalty

#### EFFECT OF AMENDMENT:

Changes statement from "this independent message was paid for and produced without the knowledge, consent or cooperation of any candidate," to "this message was paid for and produced without the coordination or prior consent of any candidate in the election for this position."

#### BACKGROUND:

Candidates, political action committees (PACs), and political parties active in any election in Oregon, including initiative, referendum, and recall petition committees that expect to receive or spend a specified amount within a calendar year, must register with the Elections Division of the Secretary of State's office; must maintain receipts for contributions and expenditures; and must report them by specified deadlines. Generally all campaign finance transactions must be disclosed and filed electronically within 30 days, or within seven days during the six weeks preceding an election, using the Oregon Elections System for Tracking and Reporting (ORESTAR), which is available to the public in a searchable format.

Independent expenditures with respect to candidates, are defined as those made for a communication to support or oppose a clearly identified candidate, without consultation, cooperation or prior consent of the candidate. Independent expenditures that involve an aggregate amount of more than \$750 by a person in a calendar year, distributed to the relevant electorate within 30 days of a primary or 60 days before a general election, are required to be reported on ORESTAR. A variety of communications are exempt from being reported, such as nonpartisan activities of nonprofit corporations; debates involving all major political parties; and commercial communications for a preexisting business that include a candidate exclusively as owner, operator, or employee.

Senate Bill 1018 A modifies the definition of communications made about candidates, to require certain independent expenditures to state, "this message was paid for and produced without the coordination or prior consent of any candidate in the election for this position," and excluding communications concerning candidates

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for federal office; items such as lawn signs, pins, skywriting and other items deemed infeasible by the Secretary of State; newspaper editorials; printed advertisements less than \$500; and telephonic communications less than \$500.