

HB 2716 A STAFF MEASURE SUMMARY

Carrier: Rep. Rayfield

House Committee On Rules

Action Date: 05/30/19
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 4-3-0-0
Yeas: 4 - Holvey, Nosse, Smith Warner, Williamson
Nays: 3 - Boles, Sprenger, Wilson
Fiscal: Fiscal impact issued
Revenue: No revenue impact
Prepared By: Josh Nasbe, Counsel
Meeting Dates: 3/13, 5/23, 5/28, 5/30

WHAT THE MEASURE DOES:

Requires communication in support of or opposition to candidate to state name of person who paid for communication. Requires inclusion of donor information in specified circumstances. Exempts communications in support of federal candidates, candidates who are not required to use ORESTAR, items the Secretary of State determines by rule are too small, law signs, pins, pens, wearable merchandise, skywriting, and items of de minimis value. Allows digital communication to include link to active website. Requires person who makes communication to consider anonymous donation from single person in excess of \$1,000 as donation that may not be used to make communication. Authorizes Secretary to determine form of required statement by rule. Allows Secretary of State or Attorney General to impose civil penalty up to 150 percent of cost of making communication, when disclosure requirements are not met.

ISSUES DISCUSSED:

- Transparency and "dark money"
- Free expression

EFFECT OF AMENDMENT:

Replaces the measure.

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containing similar requirements was likely to violate the State Constitution and the Legislative Assembly subsequently repealed the statute.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).