

House Bill 3153

Sponsored by Representative EVANS

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**.

Creates Oregon Campaign Review Commission to investigate complaints of false statements made by candidates or political committees. Establishes sanctions for violations of false statement law.

Applies to campaigns conducted for elections held on or after January 1, 2020.

A BILL FOR AN ACT

1
2 Relating to campaign reform.

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

4 **SECTION 1. (1) The Oregon Campaign Review Commission is established independently**
5 **within the Office of the Secretary of State.**

6 **(2) The commission consists of eight members appointed by the Governor, subject to**
7 **confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565. The Gov-**
8 **ernor shall appoint four members from each of the two major political parties.**

9 **(3) The members of the commission must be residents of this state who are well informed**
10 **on the principles of fair and truthful elections. Each member, before assuming the duties of**
11 **the commission, shall take an oath or affidavit to remain nonpartisan and independent while**
12 **executing the duties of the commission.**

13 **(4) The term of office of each member of the commission is seven years, and the Gover-**
14 **nor may remove a member only for cause as provided in ORS 182.010 or 236.010. Before the**
15 **expiration of the term of a member, the Governor shall appoint a successor whose term be-**
16 **gins on July 1 next following. A member may serve only one term and is not eligible for re-**
17 **appointment. If there is a vacancy for any cause, the Governor shall make an appointment**
18 **to become immediately effective for the unexpired term.**

19 **(5) The commission shall select two of its members, one from each major political party,**
20 **to serve as cochairpersons for a term of one year, with duties and powers necessary for the**
21 **performance of the functions of the office as the commission determines. Members may**
22 **serve no more than two terms as cochairperson.**

23 **(6) A majority of the members of the commission constitutes a quorum for the trans-**
24 **action of business.**

25 **(7) A member of the commission is entitled to compensation and expenses as provided in**
26 **ORS 292.495.**

27 **(8) In accordance with applicable provisions of ORS chapter 183, the commission may**
28 **adopt rules necessary for the administration of section 3 to 5 of this 2019 Act.**

29 **(9)(a) The commission shall appoint a director to serve at the pleasure of the commis-**
30 **sion.**

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) The designation of the director must be by written order, filed with the Secretary of
2 State.

3 (c) Subject to any applicable provisions of ORS chapter 240, the director shall appoint all
4 subordinate officers and employees of the commission, prescribe their duties and fix their
5 compensation.

6 (d) The director shall oversee the officers and employees of the commission.

7 (10) The commission, the director and authorized representatives of the commission may
8 investigate, administer oaths, take depositions and issue subpoenas to compel the attendance
9 of witnesses and the production of documents or other written information necessary to
10 carry out the provisions of sections 3 to 5 of this 2019 Act. If any person fails to comply with
11 a subpoena issued under this section or refuses to testify on matters on which the person
12 lawfully may be interrogated, the procedure set forth in ORS 183.440 shall be followed to
13 compel obedience.

14 **SECTION 2.** Notwithstanding the term of office specified in section 1 of this 2019 Act, of
15 the members first appointed to the commission:

16 (1) Two shall serve for terms ending June 30, 2022.

17 (2) Two shall serve for terms ending June 30, 2024.

18 (3) Two shall serve for terms ending June 30, 2026.

19 (4) Two shall serve for terms ending June 30, 2027.

20 **SECTION 3.** (1) Notwithstanding ORS 260.532 (10), a candidate or political committee
21 aggrieved by a violation of ORS 260.532 may file a complaint with the Oregon Campaign Re-
22 view Commission.

23 (2)(a) When a complaint is filed, the commission shall conduct an initial review of the
24 complaint. Using objective standards established by rule, the commission shall make an ini-
25 tial finding as to whether the complaint is frivolous or merits investigation.

26 (b) If the commission finds the complaint to be frivolous, the commission shall make a
27 report that summarizes the complaint, the commission's finding and the commission's rea-
28 soning. The commission may issue sanctions against the candidate or political committee for
29 filing a frivolous complaint.

30 (c) If the commission finds the complaint merits investigation, the commission shall open
31 an investigation.

32 (3)(a) When the commission opens an investigation, the commission shall assign one or
33 more persons to act as an investigator of the complaint. An investigator shall collect evi-
34 dence and interview witnesses and shall make a report to the commission. An investigator
35 shall have all investigatory powers possessed by the commission.

36 (b) The report to the commission must describe the evidence gathered, the results of
37 witness interviews and any other information considered in preparing the report.

38 (4) Upon receiving the investigator's report, the commission may hold a hearing on the
39 matter.

40 (5) At the close of the investigation or after a hearing, the commission shall issue a final
41 decision. The decision must contain:

42 (a) A statement summarizing the complaint;

43 (b) A statement of factual findings that supports, refutes or explains the complaint;

44 (c) A finding as to whether there is a violation of ORS 260.532; and

45 (d) Any sanctions issued under section 4 of this 2019 Act.

1 (6) A candidate or political committee that has been sanctioned by the commission may
2 appeal for review with the Secretary of State.

3 **SECTION 4.** When the Oregon Campaign Review Commission finds that a candidate or
4 political committee has violated ORS 260.532, the commission shall sanction the candidate
5 or political committee as follows:

6 (1) For the first offense, publish a written statement describing the violation committed
7 by the candidate or political committee.

8 (2) For the second offense, suspend the candidate or political committee from filing a
9 statement in a voters' pamphlet prepared under ORS chapter 251 for one or more election
10 cycles, and publish a written statement explaining the reason for the suspension.

11 (3) For the third offense, permanently ban the candidate or political committee from fil-
12 ing a statement in a voters' pamphlet prepared under ORS chapter 251, and publish a written
13 a statement explaining the reason for the ban.

14 **SECTION 5.** If a complaint is filed under section 3 of this 2019 Act:

15 (1) Within the seven days immediately preceding an election, the Oregon Campaign Re-
16 view Commission shall issue a final decision within three days of the filing, but before the
17 day the election is held.

18 (2) Not more than 14 days and not less than eight days before an election, the commis-
19 sion shall issue a final decision within five days of the filing.

20 (3) Not more than 30 days and not less than 15 days before an election, the commission
21 shall issue a final decision within seven days of the filing.

22 (4) Not more than 60 days and not less than 31 days before an election, the commission
23 shall issue a final decision within 10 days of the filing.

24 (5) At least 61 days before an election, the commission shall issue a final decision within
25 14 days of the filing.

26 **SECTION 6.** Sections 3 to 5 of this 2019 Act apply to campaigns conducted for elections
27 held on or after January 1, 2020.
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