

HB 2870 STAFF MEASURE SUMMARY

House Committee On Rules

Prepared By: Melissa Leoni, LPRO Analyst

Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 5/5

WHAT THE MEASURE DOES:

The measure creates an eight-member Oregon Campaign Review Commission to review, investigate, hold hearings, and issue final decisions, including sanctions, on complaints filed by a candidate or political committee alleging a publication containing a false statement of material fact relating to any candidate, political committee, or measure. The measure applies to campaigns conducted for elections occurring on or after January 1, 2026.

Detailed Summary

Oregon Campaign Review Commission

- Establishes Commission independent of Secretary of State (SOS).
- Requires Governor to appoint eight members, four from each of the two major political parties, who are confirmed by the Senate.
- Requires members to be Oregon residents and to take an oath or affidavit to remain nonpartisan and independent in executing the Commission duties.
- Sets member terms to seven years and limits service to one term.
- Requires members to select one member from each major political party to serve as co-chairpersons for a term of one year, with a limit of serving two terms as co-chairperson.
- Establishes provisions for quorum, compensation and expenses, and adopting administrative rules.
- Requires Commission to appoint a director and designate the director by filing a written order with the SOS.
- Gives the Commission, director, and their authorized representatives the ability to investigate, administer oaths, take depositions, and issues subpoenas to compel the attendance of witnesses and production of documents or other written information needed to carry out its authorities.

Commission Authority

- Allows a candidate or political committee to file a complaint with the Commission for violations of ORS 260.532, which prohibits a person from publishing various materials with knowledge or reckless disregard that it contains a false statement of material fact about a candidate, political committee, or measure.
- Requires the Commission to conduct an initial review of the complaint and make an initial finding as to whether the complaint is frivolous or merits investigation.
- Requires the Commission to make a report summarizing the complaint and the Commission's finding and reasoning if the complaint is found to be frivolous, and allows the Commission to issue sanctions for filing a frivolous complaint.
- Requires the Commission to open an investigation, if merited, and assign one or more persons to act as the investigator to collect evidence, interview witnesses, and report to the Commission.
- Sets the process for Commission to hold a hearing and issue a final decision.
- Requires the Commission to sanction the candidate or political committee if it finds a violation as follows:
 - For first offense, publish a written statement describing the violation committed.
 - For the second offense, suspend the candidate or political committee from filing a statement in the voters' pamphlet for one or more election cycles and publish a written statement explaining the reason for the suspension.
 - For the third offense, permanently ban the candidate or political committee from filing a statement in the voters' pamphlet and publish a written statement explaining the ban.

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- Allows a candidate or political committee sanctioned by the Commission to appear for review with the SOS.
- Sets timelines for Commission decisions within specified days of an election:
 - In the seven days immediately preceding an election, a decision within three days of the filing, but before election day.
 - In the period eight to 14 days before an election, a decision within five days of the filing.
 - In the period 15 to 30 days before an election, a decision within seven days of the filing.
 - In the period 31 to 60 days before an election, a decision within 10 days of the filing.
 - At least 61 days before an election, a decision within 14 days of the filing.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon law (ORS 260.532) prohibits a person from writing, publishing, posting, communicating, or circulating, including by electronic or telephonic means, any letter, circular, bill, placard, poster, photograph or other publication, or causing or paying for an advertisement published or circulated by electronic or telephonic means, with the knowledge of or with reckless disregard that it contains a false statement of material fact relating to any candidate, political committee, or measure. Any candidate or political committee aggrieved by a violation of this prohibition has a right of action against the person alleged to have committed the violation and may file the action in circuit court. To prevail, the plaintiff must demonstrate the violation by clear and convincing evidence. A plaintiff who prevails may recover economic and noneconomic damages, or \$2,500, whichever is greater, and the court may award equitable relief, including a requirement to disseminate a retraction of the false statement.

An action must be filed not later than the 30th day after the election where a publication or advertisement containing a false statement of material fact was made. Consideration by the circuit court must ensure that a final judgment is rendered before the 30th day before the general election on a complaint relating to a primary election or nominating election, and before the term of office begins on a complaint relating to an election to an office.