



HOUSE OF REPRESENTATIVES
900 Court St NE
Salem, OR 97301

Ethics and Campaign Reform Agenda
#Transparency2015

Oregonians are some of the most engaged voters in the nation. They are extremely well-informed, and transparency, honesty, and accessibility to elected officials and candidates both during the campaign season and in governance are a priority for many Oregon voters. Without it, there is no trust.

Further, many statutes, particularly around our ethics laws and the roles and obligations of our elected leaders need a revision for today's 21st century government.

The Oregon Legislature has the opportunity to pass a package of legislation that will increase truth in advertising and hold candidates accountable for their actions during a campaign; create transparency in our campaign finance, shining light on millions of dollars of hidden contributions and expenditures; define the role of the "first spouse" of our Governor; and create a process for the legislature to put a "check" on the chief executive of the state when there is credible evidence of wrong doing.

The Ethics and Campaign Reform Agenda, if passed, will create an environment of accountability and transparency that Oregon voters demand, and will close loopholes on antiquated statutes that need clarification.

HB 2786 – Allows candidates filing for Public office via the Secretary of State's office who could not otherwise afford to have a candidate statement printed in the official Voter Pamphlet Statement to be able to pay a \$25 filing fee for inclusion on the online version of the Voter Pamphlet Statement. This provides a web link to an official candidate statement that can be used on the web and allows overseas military to stay engaged in elections.

HB2788 - Currently in Oregon's statutes, a person with standing in a civil case disputing false advertising in campaigns can only sue for \$2500 and reasonable attorney's fees. In today's modern campaigning, where legislative races can cost nearly one million dollars and the advertising mediums are quickly changing, this statute is antiquated and its liability threshold for false advertising is too low. This bill would increase the civil penalties to \$10,000 per occurrence in restitution to the plaintiff, and a \$10,000 punitive-like damage penalty per occurrence to Legal Aid. The increase in civil penalties for false advertising creates a liability threshold that might make a candidate think twice about distributing false campaign materials. **NOTE: An amendment to this bill will include that damages awarded under this statute cannot be paid by a Legal Defense Fund or Political Action Committee Funds.**

HB2789 – Currently, only the required information for a candidate Voter Pamphlet Statement is subject to laws requiring that the information be truthful, and false representations are subject to fines and possible criminal sanctions. The rest of a candidate's statement is under no legal obligation to be accurate or honest. This bill would subject the entire candidate statement in the Voter Pamphlet to be accurate or subject to fines and possible criminal sanctions.

HB2790 – Currently, the Oregon Legislature does not require that testimony given by elected officials or public agencies be given under oath. Therefore, any testimony that is given to members of the legislature is not subject to Oregon's perjury statutes. We have seen instances, and most recently in the case of Cover Oregon, where the legislature was given false information from the Governor's staff. False testimony is problematic because it becomes part of the public

record, and cannot be trusted to use to as part of a decision-making criteria. This bill would require that elected officials and agency representatives who provide testimony to the legislature do so under oath.

HB 2791 – While HB2790 proposes that the testimony of elected officials and agency representatives be given to the legislature under oath, HB 2791 would subject unsworn false statements to the legislature in public testimony to Oregon’s perjury laws.

HB2792 – Currently, an Oregon voter who believes themselves to be in Active Status on the voter rolls, and who signs a ballot initiative, does so believing that they are a qualified member of the electorate. However, if their status is actually inactive, their signature doesn’t count. This bill would require that a voter who has been a registered voter in Oregon previously, and signs a petition for a ballot initiative, will have their voter status reactivated by virtue of signing the petition. This bill would also then require the signature will count towards qualifying the petition for the ballot.

HB2787 – Currently, several circumstances exist which might cause an Oregon registered voter to be moved from an Active status to Inactive status. This includes things like failure to return a ballot in a Federal election, or failure to respond to a request from a County Clerk to do a signature reconciliation in the instance of a signature on the ballot not matching a signature on record. This leaves thousands of voters in an Inactive electorate status every election, and the state does not send these voters a ballot. This bill would establish a Task Force to examine the high occurrence of the Inactive voter status that exists mainly because of Oregon’s status as a vote-by-mail state. This quirk of Active/Inactive status doesn’t exist in states with traditional in-person voting. Oregon’s vote-by-mail system, while increasing participation dramatically, is also leaving some voters behind and this should be addressed with policy changes that get ballots out to Oregonians.

HB2944 & HB 2945 – Currently, Oregon’s system of reapportionment, or redistricting, has been a highly partisan process which has left Oregon communities carved up in ways that create registration advantages and disadvantages based on political registration. Even in the historic 2011 session where, in a tied House of Representatives, we accomplished redistricting, it was still done so under a partisan lens which left communities, particularly in urban suburbs, being represented by multiple representatives to achieve partisan registration advantages. These bills seek to change the way the state moves reapportionment into a more non-partisan process so that communities are left with representation that best serves the needs of the district, and not partisan politics.

LC 3098 – Oregon’s statutes around the role of a “first spouse” are woefully lacking in defining the position, duties, and legal and ethical obligations that arise from a relationship with a seated Governor. This bill seeks to clarify that role by creating two tracks a Governor may choose in making an appointment of someone to that position. One would create standards for a spouse that would have an active role in public policy, and a track for a spouse who will not be engaged in a policy role during their tenure in that position. It also establishes the role of a “spouse” duties can be someone who is in an unmarried relationship with the Governor, similar to “first lady” duties that have, at our Federal level, been fulfilled by a relative or another person of the executive’s choosing.

LC3159 – Currently, a loophole in Oregon’s campaign finance laws allow contributions and expenditures under \$100 in a calendar year to show up as a “Misc. cash contribution” or a “Misc. campaign expenditure”. This leaves millions of dollars in political action committees effectively being hidden in the dark and outside the public’s purview. In the case of these “small dollar” contributions, it is also unclear if they are coming into Oregon from out of state donors for a specific legislative agenda. Some of the “super-pac” style PACs in Oregon can generate millions of dollars during an election cycle and all outside of the watch of the voters, or the media. Currently, the data is collected by PAC treasurers and entered into Orestar. This bill would require that those transactions be made public, and follow the prescribed reporting times that currently exist in our campaign finance laws.

LC 3968 – Recent events have shown that Oregon’s system of requesting public records is terribly flawed. There is no excuse, given today’s digitized records that any record request should linger for months on end. This bill seeks to clarify Oregon’s public records laws to speed up the process and change the “reasonable fees” that can be charged, particularly for digital records with no tangible materials costs associated with retrieving those records. **NOTE: This bill is still being drafted.**

LC3969 & LC3969.1 – An informal opinion from the non-partisan legislative counsel of the Oregon Legislature is that in the instance when there is cause to investigate a seated Governor over possible legal and ethical violations as defined in statutes and administrative rules, the Oregon Legislature has no authority to compel an investigation of the Governor. These bills address both the current situation with Governor Kitzhaber and create a future law that would allow the legislature, through a Joint Resolution, to direct the Attorney General to open an investigation and make a determination in 60 days whether there are no findings of fact that would require the Attorney General to pursue prosecution, or in the case of legitimate findings of unethical or criminal wrong-doing, LC3969.1 specifically gives the Attorney General the ability to appoint an independent prosecutor in the case.