

# House Bill 2949

Sponsored by Representatives DOHERTY, KENY-GUYER; Representatives BARNHART, EVANS, MALSTROM, MEEK, POWER, RAYFIELD, REARDON, SANCHEZ, SMITH WARNER, SOLLMAN, Senators BURDICK, FREDERICK, GELSER

## 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**.

Requires candidate for President or Vice President of United States, in order to appear on general election ballot or in general election voters' pamphlet, to provide Secretary of State with copy of candidate's federal income tax returns for five years preceding year of general election and with written consent for public disclosure of tax returns.

Prohibits elector in Oregon who is part of electoral college from voting for candidate who fails to provide tax returns or written consent.

## A BILL FOR AN ACT

1  
2 Relating to disclosure of tax returns for candidates for federal office; creating new provisions; and  
3 amending ORS 248.355, 248.370, 251.095, 251.165 and 254.135.

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

5 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 249.**

6 **SECTION 2. (1) The name of a candidate for President or Vice President of the United**  
7 **States may appear on the official general election ballot only if the candidate has filed with**  
8 **the Secretary of State, not later than the 70th day before the date of the general election:**

9 (a) **A copy of the candidate's federal income tax returns for the five years preceding the**  
10 **year of the general election; and**

11 (b) **Written consent, on a form adopted by the secretary by rule, for the public disclosure**  
12 **of the candidate's federal income tax returns subject to subsection (2) of this section.**

13 (2)(a) **The secretary shall make federal income tax returns submitted under subsection**  
14 **(1) of this section publicly available on the Secretary of State's website.**

15 (b) **Before making tax returns publicly available under paragraph (a) of this subsection,**  
16 **the secretary shall, in consultation with the Director of the Department of Revenue, redact**  
17 **any:**

18 (A) **Personal information listed in ORS 192.504; and**

19 (B) **Additional information that the secretary or director determines is required by law**  
20 **to be kept confidential.**

21 **SECTION 3. ORS 248.355 is amended to read:**

22 248.355. (1) In a year when a President and Vice President of the United States are to be nom-  
23 inated and elected, each political party nominating candidates for those offices shall select a number  
24 of candidates for elector of President and Vice President equal to the total number of Senators and  
25 Representatives to which this state is entitled in Congress.

26 (2)(a) **Subject to paragraph (b) of this subsection,** a candidate for elector when selected shall  
27 sign a pledge that, if elected, the candidate will vote in the electoral college for the candidates of  
28 the party for President and Vice President. The Secretary of State shall prescribe the form of the

**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 pledge. The party shall certify the names of the selected candidates for elector to the Secretary of  
 2 State not later than the 70th day before the election of electors.

3 **(b) The form of the pledge prescribed by the Secretary of State under paragraph (a) of**  
 4 **this subsection shall state that the elector may not vote for a candidate for President or Vice**  
 5 **President of the United States who has not complied with the requirements set forth in**  
 6 **section 2 of this 2017 Act.**

7 **SECTION 4.** ORS 248.370 is amended to read:

8 248.370. The electors of President and Vice President shall convene at the State Capitol on the  
 9 Monday after the second Wednesday in December following their election. If there is any vacancy  
 10 in the office of an elector caused by death, refusal to act, neglect to attend or otherwise, the elec-  
 11 tors present immediately shall fill it by plurality of voice votes. When all the electors have appeared  
 12 or the vacancies have been filled, the electors shall perform the duties required of them by the  
 13 Constitution and laws of the United States. **In performing these duties, the electors may not**  
 14 **vote for a candidate for President or Vice President of the United States who has not com-**  
 15 **plied with the requirements set forth in section 2 of this 2017 Act.**

16 **SECTION 5.** ORS 254.135 is amended to read:

17 254.135. (1) The official general or special election ballot shall be styled "Official Ballot" and  
 18 shall state:

19 (a) The name of the county for which it is intended.

20 (b) The date of the election.

21 (c) The names of all candidates for offices to be filled at the election whose nominations have  
 22 been made and accepted and who have not died, withdrawn or become disqualified. The ballot may  
 23 not contain the name of any other person.

24 (d) The number, ballot title and financial estimates under ORS 250.125 of any measure to be  
 25 voted on at the election.

26 (2) The names of candidates for President and Vice President of the United States **who have**  
 27 **complied with the requirements set forth in section 2 of this 2017 Act** shall be printed in  
 28 groups together, under their political party designations. The names of the electors may not be  
 29 printed on the general election ballot. A vote for the candidates for President and Vice President  
 30 is a vote for the group of presidential electors supporting those candidates and selected as provided  
 31 by law. The general election ballot shall state that electors of President and Vice President are  
 32 being elected and that a vote for the candidates for President and Vice President shall be a vote for  
 33 the electors supporting those candidates.

34 (3)(a) The name of each candidate nominated shall be printed on the ballot in but one place,  
 35 without regard to how many times the candidate may have been nominated. The name of a political  
 36 party, or names of political parties, shall be printed with the name of a candidate for other than  
 37 nonpartisan office according to the following rules:

38 (A) For a candidate not affiliated with a political party who is nominated by a minor political  
 39 party, the name of the minor political party shall be printed with the name of the candidate;

40 (B) For a candidate not affiliated with a political party who is nominated by more than one  
 41 minor political party, the names of not more than three minor political parties selected by the can-  
 42 didate shall be printed with the name of the candidate;

43 (C) For a candidate who is a member of a political party who is nominated by a political party  
 44 of which the candidate is not a member, the name of the political party that nominated the candi-  
 45 date shall be printed with the name of the candidate;

1 (D) For a candidate who is a member of a political party who is nominated by more than one  
 2 political party of which the candidate is not a member, the names of not more than three political  
 3 parties selected by the candidate shall be printed with the name of the candidate;

4 (E) For a candidate who is nominated only by a political party of which the candidate is a  
 5 member, the name of the political party of which the candidate is a member shall be printed with  
 6 the name of the candidate; and

7 (F) For a candidate who is nominated by a political party of which the candidate is a member  
 8 and by any political party or parties of which the candidate is not a member, the name of the poli-  
 9 tical party of which the candidate is a member and the names of not more than two other political  
 10 parties selected by the candidate shall be printed with the name of the candidate.

11 (b) If a candidate is required to select the name of a political party to be printed on the ballot  
 12 under paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection  
 13 not later than the 61st day before the day of the election.

14 (c) The word “incumbent” shall be printed with the name of each candidate for the Supreme  
 15 Court, Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the  
 16 Secretary of State under ORS 254.085.

17 (d) The word “nonaffiliated” shall be printed with the name of each candidate who is not affil-  
 18 iated with a political party and who is nominated by an assembly of electors or individual electors.

19 (e) If two or more candidates for the same office have the same or similar surnames, the location  
 20 of their places of residence shall be printed with their names to distinguish one from another.

21 (4) Notwithstanding subsection (3)(a) of this section, the name of a candidate nominated for more  
 22 than one district office that is to be filled at the same election shall be separately printed upon the  
 23 ballot for each district office for which the candidate is nominated.

24 **SECTION 6.** ORS 251.095 is amended to read:

25 251.095. (1) For space in the voters’ pamphlet:

26 (a) Each candidate for nomination or election to the office of President or Vice President of the  
 27 United States shall[,];

28 **(A)** At the time materials are filed under ORS 251.065[,];

29 **(i)** Pay a fee of \$3,500 to the Secretary of State; or

30 **(ii)** [*may*] Submit a petition in a form prescribed by the secretary containing the signatures of  
 31 500 active electors of the state; **and**

32 **(B) Comply with the requirements set forth in section 2 of this 2017 Act.**

33 (b) Each candidate for nomination or election to the office of United States Senator or any state  
 34 office to be voted for in the state at large shall, at the time materials are filed under ORS 251.065,  
 35 pay a fee of \$3,000 to the Secretary of State or may submit a petition in a form prescribed by the  
 36 secretary containing the signatures of 500 active electors of the state.

37 (c) Each candidate for nomination or election to the office of Representative in Congress shall,  
 38 at the time materials are filed under ORS 251.065, pay a fee of \$2,500 to the Secretary of State or  
 39 may submit a petition in a form prescribed by the secretary containing the signatures of 300 active  
 40 electors of the candidate’s electoral district.

41 (d) Each candidate for nomination or election to the office of state Senator or state Represen-  
 42 tative shall, at the time materials are filed under ORS 251.065, pay a fee of \$750 to the Secretary  
 43 of State or may submit a petition in a form prescribed by the secretary containing the signatures  
 44 of 200 active electors of the candidate’s electoral district.

45 (e) Each candidate for nomination or election to any other office shall, at the time materials are

1 filed under ORS 251.065, pay a fee of \$600 to the Secretary of State or may submit a petition in a  
 2 form prescribed by the secretary containing the signatures of 200 active electors of the candidate's  
 3 electoral district.

4 (2)(a) The signatures on a petition submitted under subsection (1) of this section shall be verified  
 5 by the county clerk or the Secretary of State.

6 (b) The Secretary of State by rule shall establish procedures for verifying whether a petition  
 7 submitted under subsection (1) of this section contains the required number of signatures of active  
 8 electors.

9 (3) The space allotted to each candidate shall be used for materials filed under ORS 251.065,  
 10 including the portrait and statement of reasons the candidate should be nominated or elected and  
 11 the information required under ORS 251.085. The length of the statement may not exceed 325 words.  
 12 All candidates shall be allowed the same amount of space. The Secretary of State by rule shall  
 13 prescribe the size of the space allotted to each candidate, except that the space may not be smaller  
 14 than 30 square inches.

15 **SECTION 7.** ORS 251.165 is amended to read:

16 251.165. (1) The Secretary of State shall prepare:

17 (a) A list of the names of candidates for nomination or election at the primary election to the  
 18 offices of President or Vice President of the United States, United States Senator, Representative  
 19 in Congress, any state office other than justice of the peace and any county or city office or elected  
 20 office of a metropolitan service district required to be included under ORS 251.067, or a list of names  
 21 of candidates for election at the general election to the offices of President or Vice President of the  
 22 United States, United States Senator, Representative in Congress, any state office other than justice  
 23 of the peace and any county or city office or elected office of a metropolitan service district re-  
 24 quired to be included under ORS 251.067, along with a designation of the offices for which the can-  
 25 didates are competing;

26 **(b) A list of names of candidates for election at the general election to the offices of**  
 27 **President or Vice President of the United States who have complied with the requirements**  
 28 **set forth in section 2 of this 2017 Act;**

29 [(b)] (c) All portraits and statements filed under ORS 251.065 and 251.115; and

30 [(c)] (d) The information specified in ORS 251.185 relating to measures to be voted upon at the  
 31 election for which the pamphlet is prepared.

32 (2) For a special election described in ORS 251.022, the Secretary of State shall prepare a list  
 33 of the names of candidates for nomination or election to the offices of United States Senator or  
 34 Representative in Congress along with all portraits and statements filed for the special election  
 35 under ORS 251.065.

36 (3) The items specified in subsections (1) and (2) of this section shall be properly compiled, ed-  
 37 ited, prepared and indexed for printing by the Secretary of State before delivery to the printer.