

House Bill 2278

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Secretary of State Dennis Richardson)

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**.

Includes within definition of "political committee" combination of two or more individuals, or person other than individual, that received contribution or made expenditure for purpose of supporting or opposing initiative petition, recall petition or referendum petition.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to campaign finance reporting for petitions; amending ORS 260.005 and 260.049; and pre-
3 scribing an effective date.

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

5 **SECTION 1.** ORS 260.005, as amended by section 14, chapter 70, Oregon Laws 2018, is amended
6 to read:

7 260.005. As used in this chapter:

8 (1)(a) "Candidate" means:

9 (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,
10 nominating petition or certificate of nomination to public office has been filed or whose name is
11 expected to be or has been presented, with the individual's consent, for nomination or election to
12 public office;

13 (B) An individual who has solicited or received and accepted a contribution, made an expendi-
14 ture, or given consent to an individual, organization, political party or political committee to solicit
15 or receive and accept a contribution or make an expenditure on the individual's behalf to secure
16 nomination or election to any public office at any time, whether or not the office for which the in-
17 dividual will seek nomination or election is known when the solicitation is made, the contribution
18 is received and retained or the expenditure is made, and whether or not the name of the individual
19 is printed on a ballot; or

20 (C) A public office holder against whom a recall petition has been completed and filed.

21 (b) For purposes of this section and ORS 260.035 to 260.156, "candidate" does not include a
22 candidate for the office of precinct committeeperson.

23 (2) "Committee director" means any person who directly and substantially participates in
24 decision-making on behalf of a political committee concerning the solicitation or expenditure of
25 funds and the support of or opposition to candidates, [or] measures, **initiative petitions, referen-**
26 **dum petitions or recall petitions**. The officers of a political party shall be considered the directors
27 of any political party committee of that party, unless otherwise provided in the party's bylaws.

28 (3) Except as provided in ORS 260.007, "contribute" or "contribution" includes:

29 (a) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compen-
30 sation or consideration, of money, services other than personal services for which no compensation

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 is asked or given, supplies, equipment or any other thing of value:

2 (A) For the purpose of influencing an election for public office or an election on a measure, or
 3 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-
 4 itical committee; or

5 (B) To or on behalf of a candidate, political committee or measure; and

6 (b) The excess value of a contribution made for compensation or consideration of less than
 7 equivalent value.

8 (4) “Controlled committee” means a political committee that, in connection with the making of
 9 contributions or expenditures:

10 (a) Is controlled directly or indirectly by a candidate or a controlled committee; or

11 (b) Acts jointly with a candidate or controlled committee.

12 (5) “Controlled directly or indirectly by a candidate” means:

13 (a) The candidate, the candidate’s agent, a member of the candidate’s immediate family or any
 14 other political committee that the candidate controls has a significant influence on the actions or
 15 decisions of the political committee; or

16 (b) The candidate’s principal campaign committee and the political committee both have the
 17 candidate or a member of the candidate’s immediate family as a treasurer or director.

18 (6) “County clerk” means the county clerk or the county official in charge of elections.

19 (7) “Elector” means an individual qualified to vote under Article II, section 2, of the Oregon
 20 Constitution.

21 (8) Except as provided in ORS 260.007, “expend” or “expenditure” includes the payment or fur-
 22 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation
 23 by or on behalf of a candidate, political committee or person in consideration for any services,
 24 supplies, equipment or other thing of value performed or furnished for any reason, including support
 25 of or opposition to a candidate, political committee or measure, or for reducing the debt of a can-
 26 didate for nomination or election to public office. “Expenditure” also includes contributions made
 27 by a candidate or political committee to or on behalf of any other candidate or political committee.

28 (9) “Filing officer” means:

29 (a) The Secretary of State:

30 (A) Regarding a candidate for public office;

31 (B) Regarding a statement required to be filed under ORS 260.118;

32 (C) Regarding any measure; or

33 (D) Regarding any political committee.

34 (b) In the case of an irrigation district formed under ORS chapter 545, “filing officer” means:

35 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district
 36 formation election where the proposed district is situated wholly in one county;

37 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation
 38 district will be located, regarding any candidate for office or any measure at an irrigation district
 39 formation election where the proposed district is situated in more than one county; or

40 (C) The secretary of the irrigation district for any election other than an irrigation district
 41 formation election.

42 (10) “Independent expenditure” means an expenditure by a person for a communication in sup-
 43 port of or in opposition to a clearly identified candidate or measure that is not made with the co-
 44 operation or with the prior consent of, or in consultation with, or at the request or suggestion of,
 45 a candidate or any agent or authorized committee of the candidate, or any political committee or

1 agent of a political committee supporting or opposing a measure. For purposes of this subsection:

2 (a) “Agent” means any person who has:

3 (A) Actual oral or written authority, either express or implied, to make or to authorize the
4 making of expenditures on behalf of a candidate or on behalf of a political committee supporting or
5 opposing a measure; or

6 (B) Been placed in a position within the campaign organization where it would reasonably ap-
7 pear that in the ordinary course of campaign-related activities the person may authorize expen-
8 ditures.

9 (b)(A) “Clearly identified” means, with respect to candidates:

10 (i) The name of the candidate involved appears;

11 (ii) A photograph or drawing of the candidate appears; or

12 (iii) The identity of the candidate is apparent by unambiguous reference.

13 (B) “Clearly identified” means, with respect to measures:

14 (i) The ballot number of the measure appears;

15 (ii) A description of the measure’s subject or effect appears; or

16 (iii) The identity of the measure is apparent by unambiguous reference.

17 (c) “Communication in support of or in opposition to a clearly identified candidate or measure”
18 means:

19 (A)(i) The communication, taken in its context, clearly and unambiguously urges the election or
20 defeat of a clearly identified candidate for nomination or election to public office, or the passage
21 or defeat of a clearly identified measure;

22 (ii) The communication, as a whole, seeks action rather than simply conveying information; and

23 (iii) It is clear what action the communication advocates; or

24 (B)(i) The communication contains aggregate expenditures of more than \$750 by a person;

25 (ii) The communication refers to a clearly identified candidate who will appear on the ballot or
26 to a political party; and

27 (iii) The communication is published and disseminated to the relevant electorate within 30 cal-
28 endar days before a primary election or 60 calendar days before a general election.

29 (d) “Made with the cooperation or with the prior consent of, or in consultation with, or at the
30 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
31 political committee or agent of a political committee supporting or opposing a measure”:

32 (A) Means any arrangement, coordination or direction by the candidate or the candidate’s agent,
33 or by any political committee or agent of a political committee supporting or opposing a measure,
34 prior to the publication, distribution, display or broadcast of the communication. An expenditure
35 shall be presumed to be so made when it is:

36 (i) Based on information about the plans, projects or needs of the candidate, or of the political
37 committee supporting or opposing a measure, and provided to the expending person by the candidate
38 or by the candidate’s agent, or by any political committee or agent of a political committee sup-
39 porting or opposing a measure, with a view toward having an expenditure made; or

40 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who
41 is or has been an officer of a political committee authorized by the candidate or by a political
42 committee or agent of a political committee supporting or opposing a measure, or who is or has been
43 receiving any form of compensation or reimbursement from the candidate, the candidate’s principal
44 campaign committee or agent or from any political committee or agent of a political committee
45 supporting or opposing a measure.

1 (B) Does not mean providing to the expending person upon request a copy of this chapter or any
 2 rules adopted by the Secretary of State relating to independent expenditures.

3 (11) "Initiative petition" means a petition to initiate a measure for which a prospective petition
 4 has been filed but that is not yet a measure.

5 (12) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
 6 Tax Court.

7 (13) "Mass mailing" means more than 200 substantially similar pieces of mail, but does not in-
 8 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other
 9 inquiry.

10 (14) "Measure" includes any of the following submitted to the people for their approval or re-
 11 jection at an election:

12 (a) A proposed law.

13 (b) An Act or part of an Act of the Legislative Assembly.

14 (c) A revision of or amendment to the Oregon Constitution.

15 (d) Local, special or municipal legislation.

16 (e) A proposition or question.

17 (15) "Occupation" means:

18 (a) The nature of an individual's principal business; and

19 (b) If the individual is employed by another person, the business name and address, by city and
 20 state, of the employer.

21 (16) "Person" means an individual, corporation, limited liability company, labor organization,
 22 association, firm, partnership, joint stock company, club, organization or other combination of indi-
 23 viduals having collective capacity.

24 (17) "Petition committee" means an initiative, referendum or recall petition committee organized
 25 under ORS 260.118.

26 (18) "Political committee" means a combination of two or more individuals, or a person other
 27 than an individual, that has:

28 (a) Received a contribution for the purpose of supporting or opposing a candidate, measure,
 29 **initiative petition, referendum petition, recall petition** or political party; or

30 (b) Made an expenditure for the purpose of supporting or opposing a candidate, measure, **initi-**
 31 **ative petition, referendum petition, recall petition** or political party. For purposes of this para-
 32 graph, an expenditure does not include:

33 (A) A contribution to a candidate or political committee that is required to report the contri-
 34 bution on a statement filed under ORS 260.057 or 260.076 or a certificate filed under ORS 260.112;
 35 or

36 (B) An independent expenditure for which a statement is required to be filed by a person under
 37 ORS 260.044.

38 (19) "Public office" means any national, state, county, district, city office or position, except a
 39 political party office, that is filled by the electors.

40 (20) "Recall petition" means a petition to recall a public officer for which a prospective petition
 41 has been filed but that is not yet a measure.

42 (21) "Referendum petition" means a petition to refer a measure for which a prospective petition
 43 has been filed but that is not yet a measure.

44 (22) "Regular district election" means the regular district election described in ORS 255.335.

45 (23) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney

1 General, Commissioner of the Bureau of Labor and Industries, state Senator, state Representative,
2 judge or district attorney.

3 **SECTION 2.** ORS 260.049 is amended to read:

4 260.049. (1) If the major source of revenue of a corporation is paid-in-capital and the primary
5 purpose of the corporation is to support or oppose any candidate, measure, **initiative petition,**
6 **referendum petition, recall petition** or political party, and the corporation has made a contribu-
7 tion or an expenditure for that purpose, the corporation shall report to the Secretary of State the
8 names, addresses and occupations of its shareholders and shall report the amount of paid-in-capital
9 attributable to each shareholder.

10 (2) The information required under subsection (1) of this section, including information on the
11 nature and amount of all expenditures of money and in-kind contributions made by the corporation,
12 shall be filed not later than seven calendar days after the contribution or expenditure is made.

13 (3) The secretary shall adopt by rule a form for the filing of the information required under this
14 section.

15 **SECTION 3. This 2019 Act takes effect on the 91st day after the date on which the 2019**
16 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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