

# House Bill 3233

Sponsored by Representative RAYFIELD

## 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 paid-for-by tagline on political communications by candidate to identify top five large donors to candidate's principal campaign committee.

## A BILL FOR AN ACT

1  
2 Relating to campaign finance disclosure requirements; amending ORS 260.266.

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

4 **SECTION 1.** ORS 260.266 is amended to read:

5 260.266. (1) Except as otherwise provided by a local provision, a communication in support of  
6 or in opposition to a clearly identified candidate must state the name of the persons that paid for  
7 the communication.

8 (2) For the purpose of complying with subsection (1) of this section:

9 (a) Except as provided in paragraph (b) of this subsection, a communication in support of or in  
10 opposition to a clearly identified candidate by a political committee or petition committee must  
11 state:

12 (A) The name of the **principal campaign committee**, political committee or petition committee;  
13 and

14 (B) The names of the five persons that have made the largest aggregate contributions of \$10,000  
15 or more to the committee in the election cycle in which the communication is made.

16 (b) A communication in support of or in opposition to a clearly identified candidate by an  
17 individual[,] **or** a for-profit business entity [*or a candidate or the principal campaign committee of a*  
18 *candidate*] must state the name of the individual[,] **or** for-profit business entity [*or candidate*].

19 (c)(A) A communication in support of or in opposition to a clearly identified candidate by a  
20 person not described in paragraph (a) or (b) of this subsection must state:

21 (i) The name of the person; and

22 (ii) Except as provided in subparagraph (B) of this paragraph, the names of the five persons that  
23 have made the largest aggregate donations of \$10,000 or more to the person in the election cycle in  
24 which the communication is made.

25 (B) In identifying persons that have made aggregate donations of \$10,000 or more, a person de-  
26 scribed in this paragraph may exclude:

27 (i) Donations received from an affiliated charitable organization that is tax exempt under section  
28 501(c)(3) of the Internal Revenue Code; and

29 (ii) Donations and grants received from foundations and other persons that may not be used to  
30 make a communication in support of or in opposition to a clearly identified candidate.

31 (d) Notwithstanding paragraphs (a) to (c) of this subsection, a digital communication may state

**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 only the name of the person that made the communication if the digital communication includes an  
 2 active link to a website that prominently displays the additional information required by this sub-  
 3 section.

4 (3) A person that makes communications in support of or in opposition to a clearly identified  
 5 candidate must consider an anonymous donation of \$1,000 or more from a single person to be a do-  
 6 nation that may not be used to make a communication in support of or in opposition to a clearly  
 7 identified candidate.

8 (4)(a) If a person is required to disclose the names of five persons under subsection (2)(a)(B) or  
 9 (c)(A)(ii) of this section and more than five persons qualify as having made the largest aggregate  
 10 contributions or donations, the person shall disclose the five applicable persons whose contributions  
 11 or donations were made closest to the date of initial printing or transmission of the communication.

12 (b) Except as provided in paragraph (c) of this subsection, the five persons required to be named  
 13 under subsection (2)(a)(B) or (c)(A)(ii) of this section must be accurate as of 10 days before the most  
 14 recent payment to print or transmit the communication.

15 (c) A person that both makes multiple digital communications in support of or in opposition to  
 16 a clearly identified candidate and uses the method described in subsection (2)(d) of this section to  
 17 meet the identification requirements of subsection (2)(a)(B) or (c)(A)(ii) of this section, may use one  
 18 active link to the same website for all digital communications made by the person, provided that the  
 19 information on the website is accurate as of 10 days before the most recent payment to print or  
 20 transmit a communication.

21 (5) This section does not apply to:

22 (a) Candidates for federal office.

23 (b) Candidates other than those described in paragraph (a) of this subsection who are not re-  
 24 quired to use the electronic filing system adopted under ORS 260.057 to file statements of contribu-  
 25 tions received or expenditures made.

26 (c) Petition committees that are not required to use the electronic filing system adopted under  
 27 ORS 260.057 to file statements of contributions received or expenditures made.

28 (d) Political committees that are not required to use the electronic filing system adopted under  
 29 ORS 260.057 to file statements of contributions received or expenditures made.

30 (e) A person that makes independent expenditures and that is exempt under ORS 260.044 from  
 31 being required to file statements of independent expenditures using the electronic filing system  
 32 adopted under ORS 260.057.

33 (f) A communication that is excluded from the definition of “expenditure” under ORS 260.007.

34 (g) Items of de minimis value relating to a candidate, including but not limited to:

35 (A) Lawn signs, pins, pens and other similar items;

36 (B) Skywriting; or

37 (C) Wearable merchandise.

38 (h) Any other item that the Secretary of State by rule determines is too small to feasibly include  
 39 the identifying information required by this section.

40 (6) The Secretary of State by rule shall prescribe the form of statements required on communi-  
 41 cations described in this section. Rules adopted under this subsection must ensure that the infor-  
 42 mation required to be included in communications under this section is:

43 (a) In a font, size and color that are easy for an average person to read, if the communication  
 44 appears in a print or digital format; and

45 (b) Clearly audible to the average person, if the communication appears in an audio format.

1 (7) As used in this section:

2 (a) “Clearly identified” has the meaning given that term in ORS 260.005 (10)(b).

3 (b)(A) Except as provided in subparagraph (B) of this paragraph, “communication in support of  
4 or in opposition to a clearly identified candidate” means:

5 (i)(I) The communication, when taken as a whole and with limited reference to external events,  
6 such as the proximity to the election, could only be interpreted by a reasonable person as containing  
7 advocacy for the election or defeat of a clearly identified candidate for nomination or election to  
8 public office; and

9 (II) The electoral portion of the communication is unmistakable, unambiguous and suggestive  
10 of only one meaning; or

11 (ii)(I) The communication involves aggregate expenditures by a person of more than the amount  
12 provided in ORS 260.044 (1);

13 (II) The communication refers to a clearly identified candidate who will appear on the ballot;  
14 and

15 (III) The communication is printed or transmitted to the relevant electorate within the time  
16 frame provided in ORS 260.005 (10)(c)(B)(iii).

17 (B)(i) “Communication in support of or in opposition to a clearly identified candidate” includes  
18 but is not limited to communications distributed via print, telephone, radio, television or the Inter-  
19 net.

20 (ii) “Communication in support of or in opposition to a clearly identified candidate” does not  
21 include newspaper editorials, printed advertisements with a fair market value of less than \$500 or  
22 communications made via telephone that have a fair market value of less than \$500.

23 (c)(A) “Donation” means the gift or transfer of moneys or any other item of value to a person  
24 subject to subsection (2)(c)(A) of this section, including any membership fees, dues or assessments.

25 (B) “Donation” does not include moneys or any other item of value received by a person subject  
26 to subsection (2)(c)(A) of this section in the ordinary course of a trade or business conducted by the  
27 person.

28 (d) “Election cycle” means the period of time starting on the day after the date of a general  
29 election and ending on the date of the next general election.

30 (e) “Local provision” means a charter provision, ordinance, resolution or other provision  
31 adopted by a city, county or other local government.

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