

# Senate Bill 336

Sponsored by Senator GOLDEN (Presession filed.)

## 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**.

Prohibits candidates for state office from accepting contributions in excess of amounts specified and from sources not specified.

Prohibits certain political committees from accepting contributions in excess of amounts specified and from sources not specified.

Creates small donor committee.

## A BILL FOR AN ACT

Relating to elections; creating new provisions; amending ORS 260.005, 260.041, 260.042, 260.044, 260.083, 260.266 and 260.275; and repealing chapter 3, Oregon Laws 2007.

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

**SECTION 1. Sections 2 and 3 of this 2021 Act are added to and made a part of ORS chapter 260.**

**SECTION 2. (1) A candidate for state office or the principal campaign committee of the candidate for state office described in this section may accept contributions only from the sources and in the amounts described in this section.**

**(2)(a) A candidate or the principal campaign committee of the candidate for the office of state Senator, state Representative or judge may not accept aggregate contributions in excess of:**

**(A) \$750 per election from any individual, multi-legislative candidate political committee or principal campaign committee.**

**(B) \$15,000 per election from any small donor committee.**

**(C) \$15,000 per election from a legislative caucus political committee.**

**(D) \$15,000 per election from a political party committee.**

**(b) A candidate or the principal campaign committee of the candidate for the office of Governor, Secretary of State, State Treasurer, Attorney General or Commissioner of the Bureau of Labor and Industries may not accept aggregate contributions in excess of:**

**(A) \$2,000 per election from any individual, multi-legislative candidate political committee or principal campaign committee.**

**(B) \$40,000 per election from any small donor committee.**

**(C) \$40,000 per election from a legislative caucus political committee.**

**(D) \$40,000 per election from a political party committee.**

**(c) A candidate for state office or the principal campaign committee of the candidate for state office described in this subsection may not accept contributions from more than one legislative caucus political committee and from more than one political party committee.**

**(3)(a) Except as provided in paragraph (b) of this subsection, for purposes of this section, each instance in which an individual is a candidate for nomination or election to a state of-**

**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    **office at a primary election or general election, or will appear on the ballot as an incumbent**  
2    **holder of a state office at a recall election, constitutes a separate election.**

3        **(b) An instance in which an individual is a candidate for state office at a general election**  
4        **does not constitute a separate election under this section if the individual received the**  
5        **nomination of a major political party for the state office at a primary election at which no**  
6        **other candidate for that state office was listed on the official ballot of the major political**  
7        **party.**

8        **(4) Nothing in this section limits the amount a candidate may contribute from the**  
9        **candidate's personal funds to the candidate's principal campaign committee.**

10       **(5) In addition to the contribution limits established by subsections (1) and (2) of this**  
11       **section, a candidate may accept an unlimited amount of public campaign financing from a**  
12       **public body.**

13       **(6) The Secretary of State may adopt rules necessary to implement this section.**

14       **SECTION 3. (1) A political committee described in this section may accept contributions**  
15       **only from the sources and in the amounts described in this section.**

16       **(2) A legislative caucus political committee:**

17       **(a) May not accept aggregate contributions in excess of:**

18       **(A) \$2,000 per year from any individual, multi-legislative candidate political committee**  
19       **or principal campaign committee.**

20       **(B) \$40,000 per year from a political party committee.**

21       **(b) May not contribute to a candidate or the principal campaign committee of the candi-**  
22       **date campaigning for an office that is not of the same chamber of the Legislative Assembly**  
23       **from which the members of the legislative caucus political committee hold office.**

24       **(c) May not contribute to a candidate or the principal campaign committee of the candi-**  
25       **date who is not affiliated with the same political party as the members of the legislative**  
26       **caucus political committee.**

27       **(3) A multi-legislative candidate political committee:**

28       **(a) May not accept aggregate contributions in excess of \$200 per election from any indi-**  
29       **vidual, multi-legislative candidate political committee or principal campaign committee.**

30       **(b) May not make independent expenditures.**

31       **(c) May make expenditures for the purpose of influencing the outcome of an election only**  
32       **in the form of contributions.**

33       **(4) A political party committee may not accept aggregate contributions in excess of \$2,000**  
34       **per year from any individual, multi-legislative candidate political committee or principal**  
35       **campaign committee.**

36       **(5) A small donor committee:**

37       **(a) May not accept aggregate contributions in excess of \$200 per election from any indi-**  
38       **vidual, multi-legislative candidate political committee, principal campaign committee or pol-**  
39       **itical party committee.**

40       **(b) May not accept contributions from any individual, multi-legislative candidate political**  
41       **committee, principal campaign committee or political party committee that, when combined**  
42       **with the aggregate amount the person has previously contributed for that election to small**  
43       **donor committees, would result in an aggregate contribution from that person in excess of**  
44       **\$1,000.**

45       **(c) May make expenditures for the purpose of influencing the outcome of an election only**

1 in the form of contributions to a single candidate for state office designated in the  
2 committee's statement of organization filed under ORS 260.042 at the time of formation.

3 (d) May operate only during the election cycle in which the committee is established and  
4 ceases to exist at the end of the election cycle or within 10 days of when the candidate des-  
5 ignated in the committee's statement of organization filed under ORS 260.042 at the time of  
6 formation ceases or suspends the candidate's campaign, whichever occurs first.

7 (6)(a) Except as provided in paragraph (b) of this subsection, for purposes of this section,  
8 each instance in which an individual is a candidate for nomination or election to a state of-  
9 fice at a primary election or general election, or will appear on the ballot as an incumbent  
10 holder of a state office at a recall election, constitutes a separate election.

11 (b) An instance in which an individual is a candidate for state office at a general election  
12 does not constitute a separate election under this section if the individual received the  
13 nomination of a major political party for the state office at a primary election at which no  
14 other candidate for that state office was listed on the official ballot of the major political  
15 party.

16 (7)(a) A person may not control more than one of each of the following types of com-  
17 mittee at one time:

18 (A) Legislative caucus political committee.

19 (B) Multi-legislative candidate political committee.

20 (C) Political party committee.

21 (D) Principal campaign committee.

22 (E) Small donor committee.

23 (b) For the purposes of contribution limits established in this section, contributions made  
24 or received by multiple political committees are considered to be made or received by a single  
25 political committee if:

26 (A) The political committees have filed to operate as the same type of political committee  
27 under ORS 260.042; and

28 (B) The political committees are established, financed, maintained or controlled by the  
29 same person or substantially the same group of persons, including any parent, subsidiary,  
30 branch, division, department or local unit of such person or group of persons.

31 (c) Notwithstanding paragraph (b) of this subsection, having the same individual acting  
32 as the treasurer of two or more political committees is not by itself sufficient to consider  
33 contributions made by the political committees to be contributions made or received by a  
34 single political committee.

35 (8) The Secretary of State may adopt rules necessary to implement this section.

36 **SECTION 4.** ORS 260.005 is amended to read:

37 260.005. As used in this chapter:

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

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

43 (B) An individual who has solicited or received and accepted a contribution, made an expendi-  
44 ture, or given consent to an individual, organization, political party or political committee to solicit  
45 or receive and accept a contribution or make an expenditure on the individual's behalf to secure

1 nomination or election to any public office at any time, whether or not the office for which the in-  
 2 dividual will seek nomination or election is known when the solicitation is made, the contribution  
 3 is received and retained or the expenditure is made, and whether or not the name of the individual  
 4 is printed on a ballot; or

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

6 (b) For purposes of this section and ORS 260.035 to 260.156, “candidate” does not include a  
 7 candidate for the office of precinct committeeperson.

8 (2) “Committee director” means any person who directly and substantially participates in  
 9 decision-making on behalf of a political committee concerning the solicitation or expenditure of  
 10 funds and the support of or opposition to candidates or measures. The officers of a political party  
 11 shall be considered the directors of any political party committee of that party, unless otherwise  
 12 provided in the party’s bylaws.

13 (3) Except as provided in ORS 260.007, “contribute” or “contribution” includes:

14 (a) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compen-  
 15 sation or consideration, of money, services other than personal services for which no compensation  
 16 is asked or given, supplies, equipment or any other thing of value:

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

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

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

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

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

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

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

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

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

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

34 (7) **“Election cycle” means the period starting on the day after the date of a general**  
 35 **election and ending on the date of the next general election.**

36 [(7)] (8) “Elector” means an individual qualified to vote under Article II, section 2, of the Oregon  
 37 Constitution.

38 [(8)] (9) Except as provided in ORS 260.007, “expend” or “expenditure” includes the payment or  
 39 furnishing of money or anything of value or the incurring or repayment of indebtedness or obligation  
 40 by or on behalf of a candidate, political committee or person in consideration for any services,  
 41 supplies, equipment or other thing of value performed or furnished for any reason, including support  
 42 of or opposition to a candidate, political committee or measure, or for reducing the debt of a can-  
 43 didate for nomination or election to public office. “Expenditure” also includes contributions made  
 44 by a candidate or political committee to or on behalf of any other candidate or political committee.

45 [(9)] (10) “Filing officer” means:

- 1 (a) The Secretary of State:
- 2 (A) Regarding a candidate for public office;
- 3 (B) Regarding a statement required to be filed under ORS 260.118;
- 4 (C) Regarding any measure; or
- 5 (D) Regarding any political committee.
- 6 (b) In the case of an irrigation district formed under ORS chapter 545, “filing officer” means:
- 7 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district
- 8 formation election where the proposed district is situated wholly in one county;
- 9 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation
- 10 district will be located, regarding any candidate for office or any measure at an irrigation district
- 11 formation election where the proposed district is situated in more than one county; or
- 12 (C) The secretary of the irrigation district for any election other than an irrigation district
- 13 formation election.
- 14 [(10)] (11) “Independent expenditure” means an expenditure by a person for a communication in
- 15 support of or in opposition to a clearly identified candidate or measure that is not made with the
- 16 cooperation or with the prior consent of, or in consultation with, or at the request or suggestion
- 17 of, a candidate or any agent or authorized committee of the candidate, or any political committee
- 18 or agent of a political committee supporting or opposing a measure. For purposes of this subsection:
- 19 (a) “Agent” means any person who has:
- 20 (A) Actual oral or written authority, either express or implied, to make or to authorize the
- 21 making of expenditures on behalf of a candidate or on behalf of a political committee supporting or
- 22 opposing a measure; or
- 23 (B) Been placed in a position within the campaign organization where it would reasonably ap-
- 24 pear that in the ordinary course of campaign-related activities the person may authorize expen-
- 25 ditures.
- 26 (b)(A) “Clearly identified” means, with respect to candidates:
- 27 (i) The name of the candidate involved appears;
- 28 (ii) A photograph or drawing of the candidate appears; or
- 29 (iii) The identity of the candidate is apparent by unambiguous reference.
- 30 (B) “Clearly identified” means, with respect to measures:
- 31 (i) The ballot number of the measure appears;
- 32 (ii) A description of the measure’s subject or effect appears; or
- 33 (iii) The identity of the measure is apparent by unambiguous reference.
- 34 (c) “Communication in support of or in opposition to a clearly identified candidate or measure”
- 35 means:
- 36 (A)(i) The communication, when taken as a whole and with limited reference to external events,
- 37 such as the proximity to the election, could only be interpreted by a reasonable person as containing
- 38 advocacy for the election or defeat of a clearly identified candidate for nomination or election to
- 39 public office, or the passage or defeat of a clearly identified measure; and
- 40 (ii) The electoral portion of the communication is unmistakable, unambiguous and suggestive of
- 41 only one meaning; or
- 42 (B)(i) The communication involves aggregate expenditures of more than \$250 by a person;
- 43 (ii) The communication refers to a clearly identified candidate or measure that will appear on
- 44 the ballot or to a political party; and
- 45 (iii) The communication is published and disseminated to the relevant electorate within 60 cal-

1 endar days before a primary election, 120 calendar days before a general election or 90 calendar  
2 days before an election other than a primary election or a general election.

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

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

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

14 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who  
15 is or has been an officer of a political committee authorized by the candidate or by a political  
16 committee or agent of a political committee supporting or opposing a measure, or who is or has been  
17 receiving any form of compensation or reimbursement from the candidate, the candidate’s principal  
18 campaign committee or agent or from any political committee or agent of a political committee  
19 supporting or opposing a measure.

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

22 [(11)] (12) “Initiative petition” means a petition to initiate a measure for which a prospective  
23 petition has been filed but that is not yet a measure.

24 [(12)] (13) “Judge” means judge of the Supreme Court, Court of Appeals, circuit court or the  
25 Oregon Tax Court.

26 (14) **“Legislative caucus political committee” means a political committee:**

27 (a) **Established by a caucus of a major political party or a minor political party in the**  
28 **Senate or House of Representatives;**

29 (b) **Established under rules or bylaws created by the caucus by which it was established;**  
30 **and**

31 (c) **Controlled by an elected leader of the caucus by which it was established.**

32 (15) **“Major political party” means a political party that has qualified as a major political**  
33 **party under ORS 248.006.**

34 [(13)] (16) “Mass mailing” means more than 200 substantially similar pieces of mail, but does  
35 not include a form letter or other mail that is sent in response to an unsolicited request, letter or  
36 other inquiry.

37 [(14)] (17) “Measure” includes any of the following submitted to the people for their approval  
38 or rejection at an election:

39 (a) A proposed law.

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

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

42 (d) Local, special or municipal legislation.

43 (e) A proposition or question.

44 (18) **“Minor political party” means a political party that has qualified as a minor political**  
45 **party under ORS 248.008.**

1       **(19) “Multi-legislative candidate political committee” means a political committee that**  
 2 **supports or opposes one or more candidates through the use of direct contributions to the**  
 3 **candidates or the principal campaign committee of the candidates.**

4       [(15)] **(20) “Occupation” means:**

5       (a) The nature of an individual’s principal business; and

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

8       [(16)] **(21) “Person” means an individual, corporation, limited liability company, labor organiza-**  
 9 **tion, association, firm, partnership, joint stock company, club, organization or other combination of**  
 10 **individuals having collective capacity.**

11       [(17)] **(22) “Petition committee” means an initiative, referendum or recall petition committee**  
 12 **organized under ORS 260.118.**

13       [(18)] **(23) “Political committee” means a combination of two or more individuals, or a person**  
 14 **other than an individual, that has:**

15       (a) Received a contribution for the purpose of supporting or opposing a candidate, measure or  
 16 political party; or

17       (b) Made an expenditure for the purpose of supporting or opposing a candidate, measure or  
 18 political party. For purposes of this paragraph, an expenditure does not include:

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

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

24       **(24) “Political party committee” means a political committee that, on a statewide or local**  
 25 **basis:**

26       **(a) Supports or opposes one or more candidates; and**

27       **(b)(A) Represents a major political party or a minor political party; or**

28       **(B) Is established under the bylaws of a major political party or a minor political party.**

29       [(19)] **(25) “Public office” means any national, state, county, district, city office or position, ex-**  
 30 **cept a political party office, that is filled by the electors.**

31       [(20)] **(26) “Recall petition” means a petition to recall a public officer for which a prospective**  
 32 **petition has been filed but that is not yet a measure.**

33       [(21)] **(27) “Referendum petition” means a petition to refer a measure for which a prospective**  
 34 **petition has been filed but that is not yet a measure.**

35       [(22)] **(28) “Regular district election” means the regular district election described in ORS**  
 36 **255.335.**

37       **(29) “Small donor committee” means a political committee that supports or opposes one**  
 38 **candidate designated at the time that the statement of organization is filed.**

39       [(23)] **(30) “State office” means the office of Governor, Secretary of State, State Treasurer, At-**  
 40 **torney General, Commissioner of the Bureau of Labor and Industries, state Senator, state Repre-**  
 41 **sentative, judge or district attorney.**

42       **SECTION 5. ORS 260.042 is amended to read:**

43       260.042. (1) The treasurer of a political committee shall file a statement of organization with the  
 44 filing officer. The statement must include:

45       (a) The name, address and nature of the committee. The address must be the address of a resi-

1 dence, office, headquarters or similar location where the political committee or a responsible officer  
2 of the political committee may be conveniently located.

3 (b) The name, address and occupation of the committee director or directors.

4 (c) The name and address of the committee treasurer.

5 (d) The name and address of any other political committee of which two or more committee di-  
6 rectors are also directors of the committee filing the statement.

7 (e) **Whether the political committee will operate as one of the following:**

8 (i) **Legislative caucus political committee.**

9 (ii) **Multi-legislative candidate political committee.**

10 (iii) **Political party committee.**

11 (iv) **Principal campaign committee.**

12 (v) **Small donor committee.**

13 (f) The name, office sought, and party affiliation of each candidate whom the committee is sup-  
14 porting or specifically opposing or intends to support or specifically oppose, when known, or, if the  
15 committee is supporting or specifically opposing all the candidates of a given party, the name of that  
16 party.

17 [(f)] (g) A designation of any measure that the committee is opposing or supporting, or intends  
18 to support or oppose.

19 [(g)] (h) A statement of whether the committee is a controlled committee.

20 (2) In addition to the information listed in subsection (1) of this section, the statement of or-  
21 ganization must include, or be amended within five business days to include, the name of the finan-  
22 cial institution in which the campaign account required under ORS 260.054 is established, the name  
23 of the account, the name of the account holder and the names of all individuals who have signature  
24 authority for the account. The Secretary of State may not disclose information received by the sec-  
25 retary under this subsection except as necessary for purposes of enforcing the provisions of ORS  
26 chapters 246 to 260.

27 (3) A treasurer may designate an individual to receive any notice provided by a filing officer  
28 under ORS chapters 246 to 260. The treasurer shall include the name and address of the individual  
29 in a statement of organization filed under this section. A filing officer who provides any notice under  
30 ORS chapters 246 to 260 to the treasurer of the political committee shall also provide the notice to  
31 the individual designated by the treasurer under this subsection.

32 (4) A treasurer may designate an elector of this state to be liable for any civil penalty imposed  
33 under ORS 260.232. The treasurer shall include the name and address of any elector designated un-  
34 der this subsection in a statement of organization filed under this section.

35 (5) The statement of organization must be filed not later than the date specified in ORS 260.035.

36 (6) Except as provided in subsection (2) of this section, any change in information submitted in  
37 a statement of organization under subsections (1) and (2) of this section must be indicated in an  
38 amended statement of organization filed not later than the 10th day after the change in information.

39 (7) **A major political party or minor political party may not establish more than one leg-  
40 islative caucus political committee in the Senate and one legislative caucus political com-  
41 mittee in the House of Representatives.**

42 [(7)] (8) This section does not apply to a political committee that is a principal campaign com-  
43 mittee or to a political committee exclusively supporting or opposing one or more candidates for  
44 federal or political party office.

45 **SECTION 6.** ORS 260.041 is amended to read:



1       260.041. (1) Notwithstanding ORS 260.005 [(18)] **(23)** and except as provided in ORS 260.043, a  
2 candidate shall designate a political committee as the candidate's principal campaign committee. A  
3 candidate may designate only one political committee as the candidate's principal campaign com-  
4 mittee.

5       (2) A political committee may not be designated as the principal campaign committee of more  
6 than one candidate.

7       **SECTION 7.** ORS 260.044 is amended to read:

8       260.044. (1) If a person makes independent expenditures in a total amount of more than \$250 in  
9 a calendar year, the person shall use the electronic filing system adopted under ORS 260.057 to file  
10 with the Secretary of State a statement of independent expenditures not later than seven calendar  
11 days after the total amount of independent expenditures exceeds \$250 in a calendar year.

12       (2) A person who files a statement of independent expenditures under subsection (1) of this  
13 section shall use the electronic filing system adopted under ORS 260.057 to file with the secretary  
14 additional statements of independent expenditures made by the person, as described in ORS 260.083.

15       (3) Except as provided in subsections (4) and (5) of this section, a person shall file a statement  
16 described in subsection (2) of this section not later than 30 calendar days after an independent ex-  
17 penditure is made.

18       (4)(a) A person shall file a statement described in subsection (2) of this section not later than  
19 seven calendar days after an independent expenditure is made. This paragraph applies to independ-  
20 ent expenditures made:

21       (A) During the period beginning on the 42nd calendar day before the date of any primary  
22 election and ending on the date of the primary election; and

23       (B) During the period beginning on the 42nd calendar day before the date of any general  
24 election and ending on the date of the general election.

25       (b) If the person makes an independent expenditure prior to the 42nd calendar day before the  
26 date of the primary or general election and the person has not filed a statement under subsection  
27 (3) of this section by the 43rd calendar day before the date of the primary or general election, the  
28 person shall file a statement described in subsection (2) of this section not later than whichever of  
29 the following dates occurs first:

30       (A) The date required under subsection (3) of this section; or

31       (B) The 35th calendar day before the date of the primary or general election.

32       (5) For any special election, the secretary by rule may establish a period during which a person  
33 must file a statement described in subsection (2) of this section. The period may not extend beyond  
34 seven calendar days after an independent expenditure is made.

35       (6) Notwithstanding ORS 260.005 [(18)] **(23)**, a person who solicits and receives a contribution  
36 or contributions is a political committee and shall file a statement of organization under ORS  
37 260.042 and the statements required by ORS 260.057, 260.076 or 260.078.

38       (7) For purposes of this section:

39       (a) An independent expenditure does not include a contribution to a candidate or political  
40 committee that is required to report the contribution on a statement filed under ORS 260.057,  
41 260.076 or 260.078 or a certificate filed under ORS 260.112;

42       (b) An independent expenditure does not include a contribution to a candidate who is not re-  
43 quired to file a statement of organization under ORS 260.043; and

44       (c) A person is not a political committee under subsection (6) of this section if all contributions  
45 received by the person are:

1 (A) Designated to an identified candidate or political committee;

2 (B) Delivered by the person to the designated candidate or political committee not later than  
3 seven business days after the contribution is received; and

4 (C) Required to be reported as contributions by a candidate or political committee on a state-  
5 ment filed under ORS 260.057, 260.076 or 260.078 or a certificate filed under ORS 260.112.

6 **SECTION 8.** ORS 260.083 is amended to read:

7 260.083. (1)(a) For a contribution, except as provided in ORS 260.085, a statement filed under  
8 ORS 260.044, 260.057, 260.076, 260.078 or 260.118 shall list:

9 (A) The name, occupation and address of each person, and the name and address of each poli-  
10 tical committee or petition committee, that contributed an aggregate amount of more than \$100 in  
11 a calendar year on behalf of a candidate or to a political committee or petition committee and the  
12 total amount contributed by that person or committee; and

13 (B) The total amount of other contributions as a single item, but shall specify how those con-  
14 tributions were obtained.

15 (b) For an expenditure, including an independent expenditure, a statement filed under ORS  
16 260.044, 260.057, 260.076, 260.078 or 260.118 shall list:

17 (A) The amount and purpose of each expenditure made in an aggregate amount of more than  
18 \$100 to a payee, the name or, if applicable, the business name of the payee of the expenditure, and  
19 the city, or county if the payee is not located in a city, and state in which the payee is located; and

20 (B) The total amount of other expenditures as a single item.

21 (c) For each loan, whether repaid or not, made by or to a candidate, political committee or pe-  
22 tition committee, a statement filed under ORS 260.044, 260.057, 260.076, 260.078 or 260.118 shall list:

23 (A) The name and address of each person shown as a cosigner or guarantor on a loan and the  
24 amount of the obligation undertaken by each cosigner or guarantor;

25 (B) The name of the lender holding the loan; and

26 (C) The terms of the loan, including the interest rate and repayment schedule.

27 (2) An expenditure shall be reported as an account payable only if the expenditure is not paid  
28 within the time specified in ORS 260.057, 260.076 or 260.118.

29 (3) Anything of value paid for or contributed by any person shall be listed as both an in-kind  
30 contribution and an expenditure by the candidate or committee for whose benefit the payment or  
31 contribution was made.

32 (4) If a candidate, political committee or petition committee under ORS 260.057 or 260.118 makes  
33 an expenditure that must be reported as an in-kind contribution and an expenditure as provided in  
34 subsection (3) of this section, the candidate, political committee or petition committee making the  
35 original expenditure shall, in any statement filed under ORS 260.057, 260.078 or 260.118, identify the  
36 expenditure as an in-kind contribution and identify the candidate, political committee or petition  
37 committee for whose benefit the expenditure was made.

38 (5) If a political committee makes an expenditure that qualifies as an independent expenditure  
39 under ORS 260.005 [(10)] (11), the listing of the expenditure under this section shall identify any  
40 candidates or measures that are the subject of the independent expenditure and state whether the  
41 independent expenditure was used to advocate the election, passage or defeat of the candidates or  
42 measures.

43 (6) As used in this section:

44 (a) "Address" has the meaning given that term in rules adopted by the Secretary of State.

45 (b) "Contribution" and "expenditure" include a contribution or expenditure to or on behalf of

1 an initiative, referendum or recall petition.

2 **SECTION 9.** ORS 260.266 is amended to read:

3 260.266. (1) Except as otherwise provided by a local provision, a communication in support of  
4 or in opposition to a clearly identified candidate must state the name of the persons that paid for  
5 the communication.

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

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

10 (A) The name of the political committee or petition committee; and

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

13 (b) A communication in support of or in opposition to a clearly identified candidate by an indi-  
14 vidual, a for-profit business entity or a candidate or the principal campaign committee of a candidate  
15 must state the name of the individual, for-profit business entity or candidate.

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

18 (i) The name of the person; and

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

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

24 (i) Donations received from an affiliated charitable organization that is tax exempt under section  
25 501(c)(3) of the Internal Revenue Code; and

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

28 (d) Notwithstanding paragraphs (a) to (c) of this subsection, a digital communication may state  
29 only the name of the person that made the communication if the digital communication includes an  
30 active link to a website that prominently displays the additional information required by this sub-  
31 section.

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

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

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

43 (c) A person that both makes multiple digital communications in support of or in opposition to  
44 a clearly identified candidate and uses the method described in subsection (2)(d) of this section to  
45 meet the identification requirements of subsection (2)(a)(B) or (c)(A)(ii) of this section, may use one

1 active link to the same website for all digital communications made by the person, provided that the  
 2 information on the website is accurate as of 10 days before the most recent payment to print or  
 3 transmit a communication.

4 (5) This section does not apply to:

5 (a) Candidates for federal office.

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

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

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

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

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

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

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

19 (B) Skywriting; or

20 (C) Wearable merchandise.

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

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

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

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

29 (7) As used in this section:

30 (a) “Clearly identified” has the meaning given that term in ORS 260.005 [(10)(b)] **(11)(b)**.

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

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

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

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

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

43 (III) The communication is printed or transmitted to the relevant electorate within the time  
 44 frame provided in ORS 260.005 [(10)(c)(B)(iii)] **(11)(c)(B)(iii)**.

45 (B)(i) “Communication in support of or in opposition to a clearly identified candidate” includes

1 but is not limited to communications distributed via print, telephone, radio, television or the Inter-  
2 net.

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

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

8 (B) "Donation" does not include moneys or any other item of value received by a person subject  
9 to subsection (2)(c)(A) of this section in the ordinary course of a trade or business conducted by the  
10 person.

11 (d) "Election cycle" means the period of time starting on the day after the date of a general  
12 election and ending on the date of the next general election.

13 (e) "Local provision" means a charter provision, ordinance, resolution or other provision  
14 adopted by a city, county or other local government.

15 **SECTION 10.** ORS 260.275 is amended to read:

16 260.275. As used in ORS 260.275 to 260.285:

17 (1) "Anonymous donation" means a donation for which the covered organization does not pos-  
18 sess the donor name or address that is required under ORS 260.281.

19 (2) "Communication in support of or in opposition to a clearly identified candidate or measure"  
20 has the meaning given that phrase in ORS 260.005 [(10)(c)] (11)(c).

21 (3) "Covered organization" means a combination of two or more individuals, or a person other  
22 than an individual, political committee, petition committee or a not-for-profit corporation that is tax  
23 exempt under section 501(c)(3) of the Internal Revenue Code, that both accepts donations and makes  
24 political communications.

25 (4)(a) "Donation" means the gift or transfer of moneys or any other item of value to a covered  
26 organization, including any membership fees, dues or assessments.

27 (b) "Donation" does not include moneys or any other item of value received by a covered or-  
28 ganization in the ordinary course of a trade or business conducted by the covered organization.

29 (5) "Donor" means a person that makes a donation to a covered organization.

30 (6) "Election cycle" means the period of time starting on the day after the date of a general  
31 election and ending on the date of the next general election.

32 (7) "Electioneering threshold for a legislative race" means political communications made by a  
33 covered organization of less than \$25,000 for a particular seat of the Legislative Assembly.

34 (8)(a) Except as provided in paragraphs (b) and (c) of this subsection, "electioneering threshold  
35 for a measure" means political communications made by a covered organization of less than \$100,000  
36 for a particular measure.

37 (b) For a city measure in a city with a population of less than 60,000, "electioneering threshold  
38 for a measure" means political communications made by a covered organization of less than \$25,000  
39 for a particular city measure.

40 (c) For a county measure in a county with a population of less than 60,000, "electioneering  
41 threshold for a measure" means political communications made by a covered organization of less  
42 than \$25,000 for a particular county measure.

43 (9) "Electioneering threshold for a political committee" means political communications made  
44 by a covered organization of less than \$100,000 for a particular political committee.

45 (10) "Electioneering threshold for a statewide race" means political communications made by a

1 covered organization of less than \$100,000 for a particular state office as defined in ORS 249.215.

2 (11)(a) "Political communication" means a communication in support of or in opposition to a  
3 clearly identified candidate or measure.

4 (b) "Political communication" does not include:

5 (A) A communication by a covered organization to its current members, stockholders or execu-  
6 tive or administrative personnel;

7 (B) A communication that constitutes lobbying as defined in ORS 171.725; or

8 (C) A communication excluded from the definition of "expenditure" under ORS 260.007.

9 **SECTION 11. Chapter 3, Oregon Laws 2007, is repealed.**

10 **SECTION 12. Sections 2 and 3 of this 2021 Act and amendments to ORS 260.005, 260.041,  
11 260.042, 260.044, 260.083, 260.266 and 260.275 by sections 4 to 10 of this 2021 Act become oper-  
12 ative on November 9, 2022.**

13 **SECTION 13. The Secretary of State may take any action before the operative date  
14 specified in section 12 of this 2021 Act that is necessary for the Secretary of State to exer-  
15 cise, on and after the operative date specified in section 12 of this 2021 Act, all of the duties,  
16 functions and powers conferred on the Secretary of State by this 2021 Act.**

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