

Requested by Representative RAYFIELD

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2680**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the  
2 line and delete line 3 and insert “260.005, 260.042, 260.266, 260.995, 305.754 and  
3 305.796; repealing chapter 3, Oregon Laws 2007; and declaring an  
4 emergency.”.

5 Delete lines 5 through 25 and delete pages 2 through 9 and insert:.

6 **“SECTION 1. Sections 2 to 4 and 20 of this 2021 Act are added to and  
7 made a part of ORS chapter 260.**

8 **“SECTION 2. As used in sections 2 to 4 and 20 of this 2021 Act:**

9 **“(1) ‘Caucus political committee,’ ‘major political party,’ ‘measure  
10 political committee,’ ‘minor political party,’ ‘multicandidate political  
11 committee,’ ‘political party administration committee,’ ‘political party  
12 multicandidate committee,’ ‘recall political committee’ and ‘small do-  
13 nor political committee’ have the meanings given those terms in ORS  
14 260.042.**

15 **“(2) ‘Election cycle’ means the period starting on the day after the  
16 date of a general election and ending on the date of the next general  
17 election.**

18 **“(3) ‘Membership organization’ means an organization that:**

19 **“(a)(A) Is tax exempt under section 501(c) of the Internal Revenue  
20 Code;**

21 **“(B) Has filed all necessary materials to obtain tax exempt status**

1 under section 501(c) of the Internal Revenue Code with the federal  
2 Internal Revenue Service and has not yet had the organization's ap-  
3 plication approved or denied; or

4 “(C) Is fiscally sponsored by an organization that is tax exempt  
5 under section 501(c) of the Internal Revenue Code;

6 “(b) Is not formed or operated for the purpose of conducting or  
7 promoting commercial enterprise; and

8 “(c) Is composed of members who:

9 “(A) Have taken action to join the organization; and

10 “(B) For each year of membership, on an annual or more frequent  
11 basis, either pay monetary membership dues, make a monetary do-  
12 nation or volunteer time as a condition of maintaining membership in  
13 the organization.

14 “(4) ‘Person,’ notwithstanding ORS 174.100, means any individual,  
15 labor union or corporation, including any corporation operated for  
16 economic gain or any not-for-profit corporation.

17 “(5) ‘State office,’ notwithstanding ORS 260.005, means the office  
18 of Governor, Secretary of State, State Treasurer, Attorney General,  
19 Commissioner of the Bureau of Labor and Industries, state Senator,  
20 state Representative, judge of the Supreme Court, judge of the Court  
21 of Appeals or circuit court judge.

22 “SECTION 3. (1)(a) A candidate for state office or the principal  
23 campaign committee of a candidate for state office may accept con-  
24 tributions only from the sources and in the amounts described in this  
25 section.

26 “(b) Except as provided in paragraph (c) of this subsection, the  
27 limits on aggregate contributions that may be accepted by a candidate  
28 or the principal campaign committee of a candidate for the office of  
29 state Representative under this section also apply to a candidate or the  
30 principal campaign committee of a candidate for any elected office

1 that is not a state office.

2 “(c)(A) Any local government may adopt contribution limits that  
3 are lower than those required by this section for election contests of  
4 the local government.

5 “(B) Any contribution limits adopted by a local government under  
6 this paragraph must allow a candidate or the principal campaign  
7 committee of a candidate for an election contest of the local govern-  
8 ment to accept contributions from any political committee from which  
9 a candidate or the principal campaign committee of a candidate for the  
10 office of state Representative may accept contributions under sub-  
11 section (2)(a) of this section.

12 “(2)(a)(A) A candidate or the principal campaign committee of a  
13 candidate for the office of state Representative may not accept aggre-  
14 gate contributions in excess of:

15 “(i) \$1,000 per election from a person, a multicandidate political  
16 committee or the principal campaign committee of a candidate; and

17 “(ii) Except as provided in subparagraph (B) of this paragraph,  
18 \$10,000 per election from a political party multicandidate committee.

19 “(B) A candidate or the principal campaign committee of a candi-  
20 date for the office of state Representative may not accept aggregate  
21 contributions in excess of \$40,000 per election from a political party  
22 multicandidate committee established by a political party that has not  
23 established a caucus political committee.

24 “(b)(A) A candidate or the principal campaign committee of a can-  
25 didate for the office of state Senator or circuit court judge may not  
26 accept aggregate contributions in excess of:

27 “(i) \$2,000 per election from a person, a multicandidate political  
28 committee or the principal campaign committee of a candidate; and

29 “(ii) Except as provided in subparagraph (B) of this paragraph,  
30 \$10,000 per election from a political party multicandidate committee.

1       **“(B) A candidate or the principal campaign committee of a candi-**  
2 **date for the office of state Senator or circuit court judge may not ac-**  
3 **cept aggregate contributions in excess of \$40,000 per election from a**  
4 **political party multicandidate committee established by a political**  
5 **party that has not established a caucus political committee.**

6       **“(c)(A) A candidate or the principal campaign committee of a can-**  
7 **didate for a state office not described in paragraph (a) or (b) of this**  
8 **subsection may not accept aggregate contributions in excess of:**

9       **“(i) \$2,900 per election from a person, a multicandidate political**  
10 **committee or the principal campaign committee of a candidate; and**

11       **“(ii) Except as provided in subparagraph (B) of this paragraph,**  
12 **\$30,000 per election from a political party multicandidate committee.**

13       **“(B) A candidate or the principal campaign committee of a candi-**  
14 **date for a state office not described in paragraph (a) or (b) of this**  
15 **subsection may not accept aggregate contributions in excess of \$40,000**  
16 **per election from a political party multicandidate committee estab-**  
17 **lished by a political party that has not established a caucus political**  
18 **committee.**

19       **“(d) A candidate or the principal campaign committee of a candi-**  
20 **date for state office may not accept aggregate contributions in excess**  
21 **of \$40,000 per election from a caucus political committee.**

22       **“(e) A candidate or the principal campaign committee of a candi-**  
23 **date for state office may not accept aggregate contributions from a**  
24 **small donor political committee in excess of an amount equal to the**  
25 **greater of:**

26       **“(A) \$25 per individual who either resides in this state, is enrolled**  
27 **at an institution of education in this state or is employed to work in**  
28 **this state and who contributed to the small donor political committee,**  
29 **including each individual who either resides in this state, is enrolled**  
30 **at an institution of education in this state or is employed to work in**

1 this state and is a member of a membership organization that con-  
2 tributed to the small donor political committee; or

3 “(B) \$25,000 per election.

4 “(3)(a) A political committee may make a contribution to a candi-  
5 date for state office or the principal campaign committee of a candi-  
6 date for state office only if the political committee is registered with  
7 the Secretary of State as a caucus political committee, a multicandi-  
8 date political committee, a political party multicandidate committee,  
9 the principal campaign committee of a candidate or a small donor  
10 political committee.

11 “(b) A measure political committee, political party administration  
12 committee or recall political committee may not make a contribution  
13 to a candidate or the principal campaign committee of a candidate for  
14 a state office.

15 “(4) When calculating the aggregate amount of contributions a  
16 candidate or the principal campaign committee of a candidate may  
17 accept under this section:

18 “(a) The first \$50,000 of time spent by a staff member of any person,  
19 other than an individual, that must otherwise be reported as an in-  
20 kind contribution may not be included; and

21 “(b) Any in-kind contribution not described in paragraph (a) of this  
22 subsection must be included.

23 “(5) Nothing in this section limits the amount a candidate may  
24 contribute from the candidate’s personal funds to the candidate or the  
25 principal campaign committee of the candidate.

26 “(6)(a) For purposes of this section, a separate election exists in  
27 each instance in which an individual:

28 “(A) Is a candidate for nomination to a state office by a major  
29 political party or a minor political party;

30 “(B) Is a candidate for nomination to a state office by an assembly

1 of electors under ORS 249.735 or by individual electors under ORS  
2 249.740;

3 “(C) Is a candidate for nomination to a nonpartisan state office;

4 “(D) Will appear on a general election ballot or a special election  
5 ballot as a candidate for state office;

6 “(E) Is a write-in candidate for state office at a primary election,  
7 general election or special election who has established a principal  
8 campaign committee; or

9 “(F) Will appear on a recall election ballot as the incumbent holder  
10 of a state office.

11 “(b) Notwithstanding subsection (2) of this section, during each  
12 election cycle:

13 “(A) A candidate or the principal campaign committee of a candi-  
14 date for state office who has not qualified to appear on the general  
15 election ballot may accept contributions for only one election plus any  
16 additional elections in which the candidate meets the requirements  
17 described in paragraph (a)(F) of this subsection;

18 “(B) A candidate or the principal campaign committee of a candi-  
19 date for state office who will appear on the general election ballot may  
20 accept contributions for only two elections plus any additional  
21 elections in which the candidate meets the requirements described in  
22 paragraph (a)(F) of this subsection; and

23 “(C) An individual may not accept contributions for more than two  
24 elections in which the individual is a candidate for nomination or  
25 election to a particular state office.

26 “(7)(a) For purposes of the contribution limits established in this  
27 section, contributions made or received by multiple political commit-  
28 tees are considered to be made or received by a single political com-  
29 mittee if:

30 “(A) The political committees have filed to operate as the same type

1 of political committee under ORS 260.042; and

2 “(B) The political committees are established, financed, maintained  
3 or controlled by the same person or substantially the same group of  
4 persons, including any parent, subsidiary, branch, division, depart-  
5 ment or local unit of the person or group of persons.

6 “(b) Notwithstanding paragraph (a) of this subsection, having the  
7 same individual acting as the treasurer of two or more political com-  
8 mittees is not by itself sufficient to consider contributions made by the  
9 political committees to be contributions made or received by a single  
10 political committee.

11 “(8) For purposes of the contribution limits established in this sec-  
12 tion, contributions made by multiple people other than individuals are  
13 considered to be made or received by a single person if the people  
14 other than individuals are established, financed, maintained or con-  
15 trolled by the same person or substantially the same group of persons,  
16 including any parent, subsidiary, branch, division, department or local  
17 unit of the person or group of persons.

18 “(9) Prior to the start of each election cycle, the Secretary of State  
19 shall adjust the dollar amounts set forth in this section by the cumu-  
20 lative change in the Consumer Price Index for All Urban Consumers,  
21 West Region (All Items), as published by the Bureau of Labor Statis-  
22 tics of the United States Department of Labor, or its successor, since  
23 the previous election cycle. The adjustments performed under this  
24 subsection shall be rounded to the nearest \$10 increment.

25 “(10) The Secretary of State may adopt rules necessary to imple-  
26 ment this section.

27 “SECTION 4. (1) A political committee other than the principal  
28 campaign committee of a candidate may accept contributions only  
29 from the sources and in the amounts described in this section.

30 “(2) A caucus political committee:

1       “(a) May not accept aggregate contributions in excess of \$2,900 per  
2 calendar year from a person, a multicandidate political committee or  
3 a political party multicandidate committee; and

4       “(b) May not accept aggregate contributions in excess of \$40,000 per  
5 election from the principal campaign committee of a candidate, a  
6 caucus political committee or the candidate committee of a candidate  
7 for federal office.

8       “(3) A multicandidate political committee or a political party  
9 multicandidate committee may not accept aggregate contributions in  
10 excess of \$2,900 per calendar year from a person, the principal cam-  
11 paign committee of a candidate, a multicandidate political committee,  
12 a political party multicandidate committee or a caucus political com-  
13 mittee.

14       “(4)(a) A measure political committee, a political party adminis-  
15 tration committee or a recall political committee may accept unlim-  
16 ited contributions from any person, including any other political  
17 committee.

18       “(b) A measure political committee may not make a contribution  
19 to a caucus political committee, a multicandidate political committee,  
20 a political party multicandidate committee, a small donor political  
21 committee or a recall political committee.

22       “(c) A recall political committee may not make a contribution to a  
23 caucus political committee, a multicandidate political committee, a  
24 political party multicandidate committee or a small donor political  
25 committee.

26       “(d) A political party administration committee may not make a  
27 contribution to a caucus political committee, a multicandidate poli-  
28 tical committee, a political party multicandidate committee, a small  
29 donor political committee or a recall political committee.

30       “(5)(a) During a calendar year, a small donor political committee



1 **may accept contributions from:**

2 **“(A) Persons, in an aggregate amount of no more than \$250 per**  
3 **person.**

4 **“(B) Membership organizations, in an amount that does not exceed**  
5 **the aggregate amount a membership organization may donate to small**  
6 **donor political committees under paragraph (b) of this subsection.**

7 **“(C) Small donor political committees, in an unlimited amount.**

8 **“(b)(A) A membership organization may make contributions to one**  
9 **or more small donor political committees. Except as provided in sec-**  
10 **tion 3 (4) of this 2021 Act, the aggregate total contributions, including**  
11 **in-kind contributions, that a membership organization may make to**  
12 **small donor political committees may not exceed an aggregate amount**  
13 **of \$250 per member of the membership organization, based on the**  
14 **number of members at the end of the prior calendar year or at the**  
15 **time of the contribution, whichever is larger.**

16 **“(B) The name and any identifying information about an individual**  
17 **member of a membership organization may not be disclosed as a public**  
18 **record under ORS 192.311 to 192.478.**

19 **“(6)(a) A person may not control more than one of each of the fol-**  
20 **lowing types of committee at one time:**

21 **“(A) Principal campaign committee.**

22 **“(B) Caucus political committee.**

23 **“(C) Measure political committee.**

24 **“(D) Multicandidate political committee.**

25 **“(E) Political party administration committee.**

26 **“(F) Political party multicandidate committee.**

27 **“(G) Recall political committee.**

28 **“(H) Small donor political committee.**

29 **“(b) A person who controls both a small donor political committee**  
30 **and another political committee may not split a contribution from an**

1 individual, so that part of the individual's contribution goes to the  
2 small donor political committee and part of the contribution goes to  
3 the other political committee.

4 “(c) For the purpose of the contribution limits established in this  
5 section, contributions made or received by multiple political commit-  
6 tees are considered to be made or received by a single political com-  
7 mittee if:

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

10 “(B) The political committees are established, financed, maintained  
11 or controlled by the same person or substantially the same group of  
12 persons, including any parent, subsidiary, branch, division, depart-  
13 ment or local unit of such person or group of persons.

14 “(d) Notwithstanding paragraph (c) of this subsection, having the  
15 same individual acting as the treasurer of two or more political com-  
16 mittees is not by itself sufficient to consider contributions made by the  
17 political committees to be contributions made or received by a single  
18 political committee.

19 “(7) For purposes of the contribution limits established in this sec-  
20 tion, contributions made by multiple people other than individuals are  
21 considered to be made or received by a single person if the people  
22 other than individuals are established, financed, maintained or con-  
23 trolled by the same person or substantially the same group of persons,  
24 including any parent, subsidiary, branch, division, department or local  
25 unit of the person or group of persons.

26 “(8) Prior to the start of each election cycle, the Secretary of State  
27 shall adjust the dollar amounts set forth in this section by the cumu-  
28 lative change in the Consumer Price Index for All Urban Consumers,  
29 West Region (All Items), as published by the Bureau of Labor Statis-  
30 tics of the United States Department of Labor, or its successor, since

1 **the previous election cycle. The adjustments performed under this**  
2 **subsection shall be rounded to the nearest \$10 increment.**

3 **“(9) The Secretary of State may adopt rules necessary to implement**  
4 **this section.**

5 **“SECTION 5.** ORS 260.995, as amended by section 3, chapter 636, Oregon  
6 Laws 2019, is amended to read:

7 “260.995. (1) Except as provided in subsection (2) **or (3)** of this section,  
8 following an investigation under ORS 260.345, the Secretary of State or At-  
9 torney General may impose a civil penalty not to exceed \$1,000 for each vi-  
10 olation of any provision of Oregon Revised Statutes relating to the conduct  
11 of any election, any rule adopted by the secretary under ORS chapters 246  
12 to 260 or any other matter preliminary to or relating to an election, for  
13 which a civil penalty is not otherwise provided.

14 “(2) The secretary or the Attorney General may impose a civil penalty  
15 not to exceed:

16 “(a)(A) Except as provided in subparagraph (B) of this paragraph, \$1,000  
17 plus the amount converted to personal use for each violation of ORS 260.407;  
18 **or**

19 “(B) Two times the amount of the penalty provision for violating a  
20 nondisclosure agreement that is contained within each nondisclosure agree-  
21 ment entered into in violation of ORS 260.407 or 260.413;

22 “(b) 150 percent of the total cost of printing, transmitting or distributing  
23 a communication in support of or in opposition to a clearly identified can-  
24 didate if the disclosure requirements set forth in ORS 260.266 are not met;  
25 **or**

26 “(c) \$10,000 for each violation of ORS 260.555, 260.558, 260.575, 260.695 (1)  
27 or 260.715 (1) or section 1b, Article IV of the Oregon Constitution.

28 **“(3)(a) Except as provided in paragraph (b) of this subsection, for**  
29 **each instance in which a political committee or a candidate for state**  
30 **office or the principal campaign committee of a candidate for state**

1 office accepts a contribution in excess of the limits established in  
2 section 3 or 4 of this 2021 Act, the secretary or Attorney General:

3 “(A) Shall require the candidate or committee to return all moneys  
4 accepted in excess of the applicable contribution limit to the person  
5 that made the nonconforming contribution; and

6 “(B) May impose a civil penalty in the form of a fine not to exceed  
7 150 percent of the total amount of the contribution accepted that re-  
8 sulted in a violation of the contribution limits established in section  
9 3 or 4 of this 2021 Act.

10 “(b)(A) The secretary or Attorney General may not impose a civil  
11 penalty on a political committee or a candidate for state office or the  
12 principal campaign committee of a candidate for state office for re-  
13 ceiving contributions in excess of the contribution limits established  
14 in section 3 or 4 of this 2021 Act if, within the period of time the pol-  
15 itical committee or candidate has to report the nonconforming con-  
16 tribution under ORS 260.057, the candidate or committee:

17 “(i) Refuses to accept and returns the contribution; or

18 “(ii) Returns all moneys included in the contribution that are in  
19 excess of the contribution limits established in section 3 or 4 of this  
20 2021 Act.

21 “(B) If a political committee or a candidate for state office or the  
22 principal campaign committee of a candidate for state office is unable  
23 to return all or part of a nonconforming contribution to the person  
24 that made the contribution, the return of all or part of a contribution  
25 under this paragraph may be satisfied by donating the moneys de-  
26 scribed in subparagraph (A) of this paragraph to the Small Donor  
27 Elections Fund established in section 14 of this 2021 Act.

28 “[3] (4) Except as otherwise provided by this section, civil penalties  
29 under this section shall be imposed as provided in ORS 183.745. In addition  
30 to the requirements of ORS 183.745, the notice shall include:

1       “(a) A statement of the authority and jurisdiction under which the hear-  
2 ing is to be held; and

3       “(b) If the person is an agency, corporation or an unincorporated associ-  
4 ation, a statement that such person must be represented by an attorney li-  
5 censed in Oregon, unless the person is a political committee which may be  
6 represented by any officer identified in the most recent statement of organ-  
7 ization filed with the filing officer.

8       “[(4)] (5) A hearing on whether to impose a civil penalty and to consider  
9 circumstances in mitigation shall be held by the secretary or Attorney Gen-  
10 eral:

11       “(a) Upon request of the person against whom the penalty may be as-  
12 sessed, if the request is made not later than the 20th day after the date the  
13 person received notice sent under subsection [(3)] (4) of this section; or

14       “(b) Upon the secretary’s or Attorney General’s own motion.

15       “[(5)] (6) The person against whom a penalty may be assessed need not  
16 appear in person at a hearing held under this section, but instead may sub-  
17 mit written testimony or other evidence, sworn to before a notary public, to  
18 the secretary or Attorney General for entry in the hearing record. The tes-  
19 timony or other evidence must be received by the secretary or Attorney  
20 General not later than three business days before the day of the hearing.

21       “[(6)] (7) All hearings under this section shall be held not later than 45  
22 days after the deadline for the person against whom the penalty may be as-  
23 sessed to request a hearing. However, if requested by the person against  
24 whom the penalty may be assessed, a hearing under subsection [(4)] (5) of  
25 this section shall be held not later than 60 days after the deadline for the  
26 person against whom the penalty may be assessed to request a hearing.

27       “[(7)] (8) The secretary or Attorney General shall issue an order not later  
28 than 90 days after a hearing or after the deadline for requesting a hearing  
29 if no hearing is held.

30       “[(8)] (9) All penalties recovered under this section shall be paid into **the**

1 **Small Donor Elections Fund established in section 14 of this 2021 Act**  
2 *[the State Treasury and credited to the General Fund].*

3 “[9] **(10)** In the case of a civil penalty imposed under this section for a  
4 violation of ORS 260.407, the person against whom the penalty is assessed:

5 “(a) Is personally responsible for the payment of the civil penalty;

6 “(b) Shall pay the civil penalty from personal funds of the person; and

7 “(c) May not pay the civil penalty from contributions received by a can-  
8 didate, a candidate’s principal campaign committee, a political committee or  
9 a petition committee.

10 **“SECTION 6.** ORS 260.042 is amended to read:

11 “260.042. (1) The treasurer of a political committee shall file a statement  
12 of organization with the filing officer. The statement must include:

13 “(a) The name[,] **and** address [*and nature*] of the committee. The address  
14 must be the address of a residence, office, headquarters or similar location  
15 where the political committee or a responsible officer of the political com-  
16 mittee may be conveniently located.

17 “(b) The name, address and occupation of the committee director or di-  
18 rectors.

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

20 “(d) The name and address of any other political committee of which two  
21 or more committee directors are also directors of the committee filing the  
22 statement.

23 **“(e)(A) Whether the political committee will operate as a caucus**  
24 **political committee, a measure political committee, a multicandidate**  
25 **political committee, a political party administration committee, a**  
26 **political party multicandidate committee, a recall political committee**  
27 **or a small donor political committee.**

28 **“(B) A major political party or minor political party may establish**  
29 **no more than one political party administration committee and no**  
30 **more than one political party multicandidate committee.**

1       “(C) A major political party or minor political party may not es-  
2       tablish more than one caucus political committee in the Senate and  
3       one caucus political committee in the House of Representatives.

4       “(D) A recall political committee may be formed only after a recall  
5       election is certified to the ballot.

6       “[(e)] (f) The name, office sought, and party affiliation of each candidate  
7       whom the committee is supporting or specifically opposing or intends to  
8       support or specifically oppose, when known, or, if the committee is support-  
9       ing or specifically opposing all the candidates of a given party, the name of  
10      that party.

11      “[(f)] (g) A designation of any measure that the committee is opposing  
12      or supporting, or intends to support or oppose. **Only a political committee**  
13      **that operates as a measure political committee may use amounts re-**  
14      **ceived as contributions to support or oppose one or more measures.**

15      “[(g)] (h) A statement of whether the committee is a controlled commit-  
16      tee.

17      “(2) In addition to the information listed in subsection (1) of this section,  
18      the statement of organization must include, or be amended within five busi-  
19      ness days to include, the name of the financial institution in which the  
20      campaign account required under ORS 260.054 is established, the name of the  
21      account, the name of the account holder and the names of all individuals  
22      who have signature authority for the account. The Secretary of State may  
23      not disclose information received by the secretary under this subsection ex-  
24      cept as necessary for purposes of enforcing the provisions of ORS chapters  
25      246 to 260.

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

1 provide the notice to the individual designated by the treasurer under this  
2 subsection.

3 “(4) A treasurer may designate an elector of this state to be liable for any  
4 civil penalty imposed under ORS 260.232. The treasurer shall include the  
5 name and address of any elector designated under this subsection in a  
6 statement of organization filed under this section.

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

9 “(6) Except as provided in subsection (2) of this section, any change in  
10 information submitted in a statement of organization under subsections (1)  
11 and (2) of this section must be indicated in an amended statement of organ-  
12 ization filed not later than the 10th day after the change in information.

13 “(7) This section does not apply to a political committee that is a princi-  
14 pal campaign committee or to a political committee exclusively supporting  
15 or opposing one or more candidates for federal or political party office.

16 “(8) **As used in this section:**

17 “(a) **‘Caucus political committee’ means a political committee:**

18 “(A) **Established by the caucus of a major political party or a minor**  
19 **political party in the Senate or the House of Representatives;**

20 “(B) **Established under rules or bylaws created by the caucus by**  
21 **which it was established; and**

22 “(C) **Controlled by an elected leader of the caucus by which it was**  
23 **established.**

24 “(b) **‘Major political party’ means a political party that has qualified**  
25 **as a major political party under ORS 248.006.**

26 “(c) **‘Measure political committee’ means a political committee that**  
27 **supports or opposes one or more measures.**

28 “(d) **‘Minor political party’ means a political party that has quali-**  
29 **fied as a minor political party under ORS 248.008.**

30 “(e) **‘Multicandidate political committee’ means a political com-**



1 **mittee that supports or opposes:**

2 **“(A) One or more candidates; or**

3 **“(B) All candidates affiliated with a major political party or a minor**  
4 **political party.**

5 **“(f) ‘Political party administration committee’ is a political com-**  
6 **mittee that, on a statewide basis:**

7 **“(A) Does not make expenditures in support of or in opposition to**  
8 **one or more candidates;**

9 **“(B) Makes expenditures for the benefit of the political party, in-**  
10 **cluding building party membership, developing and expressing policy**  
11 **positions and platforms and lobbying and litigation related to public**  
12 **policies, elections or laws affecting political parties; and**

13 **“(C)(i) Represents a major political party or a minor political party;**  
14 **or**

15 **“(ii) Is established under the bylaws of a major political party or a**  
16 **minor political party.**

17 **“(g) ‘Political party multicandidate committee’ is a political com-**  
18 **mittee that:**

19 **“(A) Operates on a statewide basis;**

20 **“(B) Qualifies as a multicandidate political committee; and**

21 **“(C)(i) Represents a major political party or a minor political party;**  
22 **or**

23 **“(ii) Is established under the bylaws of a major political party or a**  
24 **minor political party.**

25 **“(h) ‘Recall political committee’ means a political committee that**  
26 **supports or opposes a person subject to a recall election.**

27 **“(i) ‘Small donor political committee’ means a political committee**  
28 **that:**

29 **“(A) Registers as a small donor political committee under this sec-**  
30 **tion;**

1       “(B) Prior to registering as a small donor political committee has  
2 not accepted a contribution in excess of the contribution limits for  
3 small donor political committees set forth in section 4 of this 2021 Act;  
4 and

5       “(C) While operating as a small donor political committee, complies  
6 with the restrictions on receiving contributions set forth in section 4  
7 of this 2021 Act.

8       “SECTION 7. Notwithstanding ORS 260.042 (8)(i), a political com-  
9 mittee, as defined in ORS 260.005, that is not organized as a small do-  
10 nor political committee, as defined in ORS 260.042, may reorganize as  
11 a small donor political committee if, during the previous 24-month  
12 period, not less than 90 percent of the total amount of moneys con-  
13 tributed to the political committee were contributed by individuals in  
14 amounts not exceeding \$250 per individual donor per calendar year.  
15 Any moneys in the bank accounts of a political committee that reor-  
16 ganizes as a small donor political committee under this section shall  
17 transfer to the newly organized small donor political committee and  
18 may be used in the same manner as any other moneys contributed to  
19 the small donor political committee.

20       “SECTION 8. Section 7 of this 2021 Act is repealed on March 31,  
21 2023.

22       “SECTION 9. Sections 10 to 15 of this 2021 Act are added to and  
23 made a part of ORS chapter 260.

24       “SECTION 10. As used in sections 10 to 15 of this 2021 Act:

25       “(1) ‘Election cycle’ has the meaning given that term in section 2  
26 of this 2021 Act.

27       “(2)(a) Except as provided in paragraphs (b) and (c) of this sub-  
28 section, ‘maximum public match’ means the receipt by a candidate for  
29 the office of state Senator or state Representative from the Small  
30 Donor Elections Fund of an amount of moneys equal to the amount

1 set forth in section 15 of this 2021 Act.

2 “(b)(A) For a candidate for the office of state Senator or state  
3 Representative who is running unopposed in the primary election,  
4 ‘maximum public match’ means a candidate’s receipt from the Small  
5 Donor Elections Fund of five percent of the amount set forth in par-  
6 agraph (a) of this subsection during the period ending on the date of  
7 the primary election and:

8 “(i) If the candidate is running unopposed in the general election,  
9 five percent of the amount set forth in paragraph (a) of this subsection  
10 during the period beginning on the day after the date of the primary  
11 election and ending on the date of the general election; or

12 “(ii) If the candidate is not running unopposed in the general  
13 election, the total amount of moneys remaining from the amount set  
14 forth in paragraph (a) of this subsection after the date of the primary  
15 election.

16 “(B) For a candidate for the office of state Senator or state Repre-  
17 sentative who is running unopposed in the general election, ‘maximum  
18 public match’ means a candidate’s receipt from the Small Donor  
19 Elections Fund of five percent of the amount set forth in paragraph  
20 (a) of this subsection during the period beginning on the day after the  
21 date of the primary election and ending on the date of the general  
22 election and:

23 “(i) If the candidate is running unopposed in the primary election,  
24 five percent of the amount set forth in paragraph (a) of this subsection  
25 during the period ending on the date of the primary election; or

26 “(ii) If the candidate is not running unopposed in the primary  
27 election, 50 percent of the amount set forth in paragraph (a) of this  
28 subsection during the period ending on the date of the primary  
29 election.

30 “(c) If a candidate has received contributions from a single person

1 in an aggregate amount of more than \$250 during an election cycle but  
2 prior to filing a statement of intent under section 11 (1)(a) of this 2021  
3 Act, the maximum public match shall be reduced by the total amount  
4 of moneys received in contributions from a single person in an aggre-  
5 gate amount of more than \$250 prior to the candidate filing a state-  
6 ment of intent under section 11 (1)(a) of this 2021 Act.

7 “(3) ‘Membership organization’ has the meaning given that term in  
8 section 2 of this 2021 Act.

9 “(4) ‘Minimum amount of in-state qualifying contributions’ means  
10 the following amount of qualified small donor contributions from in-  
11 state individuals that a candidate must receive in order to participate  
12 in the Small Donor Elections Program:

13 “(a) \$10,000 in qualified small donor contributions for candidates for  
14 the office of state Senator; or

15 “(b) \$6,000 in qualified small donor contributions for candidates for  
16 the office of state Representative.

17 “(5) ‘Minimum number of in-state qualifying contributions’ means  
18 the following number of in-state individuals that a candidate must  
19 receive qualified small donor contributions from in order to participate  
20 in the Small Donor Elections Program:

21 “(a) 400 donors for candidates for the office of state Senator; or

22 “(b) 250 donors for candidates for the office of state Representative.

23 “(6) ‘Nonmatching small donor contributions’ means:

24 “(a) Contributions in an aggregate amount of no more than \$250 per  
25 election cycle from a person that is not an individual to a candidate  
26 for the office of state Senator or state Representative; or

27 “(b) In-kind contributions to a candidate for the office of state  
28 Senator or state Representative that, when combined with nonmatch-  
29 ing small donor contributions described in paragraph (a) of this sub-  
30 section and with qualified small donor contributions, result in an

1 aggregate amount of no more than \$250 from a person per election  
2 cycle.

3 “(7)(a) Except as provided in paragraph (b) of this subsection,  
4 ‘qualified small donor contributions’ means contributions in an ag-  
5 gregate amount of no more than \$250 per election cycle from an indi-  
6 vidual to a candidate for the office of state Senator or state  
7 Representative.

8 “(b) In-kind contributions are not ‘qualified small donor contribu-  
9 tions.’

10 “(8) ‘Qualifying period’ means the 120-day period that begins on the  
11 date a candidate for the office of state Senator or state Representative  
12 files a statement of intent to participate in the Small Donor Elections  
13 Program.

14 “(9) ‘Small donor political committee’ has the meaning given that  
15 term in ORS 260.042.

16 **“SECTION 11. (1) In order to participate in the Small Donor**  
17 **Elections Program, a candidate for the office of state Senator or state**  
18 **Representative:**

19 “(a) Must file a statement of intent with the Secretary of State at  
20 any time during the period that begins immediately after the date of  
21 a general election and ends on the date 150 days before the date of the  
22 next general election;

23 “(b) Must collect at least the minimum amount of in-state qualify-  
24 ing contributions during the qualifying period;

25 “(c) Must collect at least the minimum number of in-state qualify-  
26 ing contributions during the qualifying period;

27 “(d) Must sign an affidavit designed by the Secretary of State by  
28 rule stating that the candidate will follow the requirements of the  
29 Small Donor Elections Program set forth in sections 10 to 15 of this  
30 2021 Act; and

1       “(e) May not have made or accepted a loan in an aggregate amount  
2 of more than \$250 to the candidate’s campaign since the date of the  
3 last general election at the time the candidate files a statement under  
4 paragraph (a) of this subsection.

5       “(2)(a) Except as provided in paragraphs (b) and (c) of this sub-  
6 section, a candidate who satisfies each requirement set forth in sub-  
7 section (1) of this section shall receive from the Small Donor Elections  
8 Fund an amount equal to \$6 for every \$1 in qualified small donor  
9 contributions received from an in-state individual, provided that the  
10 total amount received by the candidate from the fund does not exceed  
11 the maximum public match. The distribution of moneys from the fund  
12 shall be done in the manner set forth in section 12 of this 2021 Act.

13       “(b) During the period starting on the day after the date of a gen-  
14 eral election and ending on the date of the next primary election,  
15 moneys provided from the Small Donor Elections Fund under para-  
16 graph (a) of this subsection may not apply to more than \$125 of the  
17 qualified small donor contributions made by any individual to each  
18 candidate.

19       “(c) During the period starting on the day after the date of a gen-  
20 eral election and ending on the date of the next general election,  
21 moneys provided from the Small Donor Elections Fund under para-  
22 graph (a) of this subsection may not apply to more than \$250 of the  
23 qualified small donor contributions made by an individual to each  
24 candidate. The moneys provided from the Small Donor Elections Fund  
25 shall apply to all qualified small donor contributions up to \$250 per  
26 individual for each candidate who qualifies for the next general  
27 election.

28       “(3) In addition to qualified small donor contributions and moneys  
29 received from the Small Donor Elections Fund under subsection (2)  
30 of this section and section 12 of this 2021 Act, candidates who partic-

1 **ipate in the Small Donor Elections Program may:**

2 **“(a) Receive nonmatching small donor contributions from an un-**  
3 **limited number of donors.**

4 **“(b) Receive contributions from a small donor political committee**  
5 **if the contributions do not exceed:**

6 **“(A) \$50 per individual who either resides in this state, is enrolled**  
7 **at an institution of education in this state or is employed to work in**  
8 **this state and who contributed to the small donor political committee,**  
9 **including each individual who either resides in this state, is enrolled**  
10 **at an institution of education in this state or is employed to work in**  
11 **this state and is a member of a membership organization that con-**  
12 **tributed to the small donor political committee; or**

13 **“(B) \$50,000 per election.**

14 **“(c) Receive contributions from a membership organization if the**  
15 **contributions do not exceed \$250 per member per election cycle.**

16 **“(d) Use personal moneys, or moneys raised from any legal source,**  
17 **to establish the candidate’s campaign. Moneys used or raised under**  
18 **this paragraph:**

19 **“(A) May include aggregate amounts in excess of \$250 from any**  
20 **person; and**

21 **“(B) May not be in an aggregate amount of more than \$6,000 per**  
22 **election cycle.**

23 **“(4) If a membership organization reports membership numbers and**  
24 **contributions received by the organization to a state or federal agency,**  
25 **the reported data may be used by the membership organization to de-**  
26 **finitively establish the amount of contributions a candidate who par-**  
27 **ticipates in the Small Donor Elections Program may receive from the**  
28 **membership organization.**

29 **“(5)(a) Except as provided in paragraph (b) of this subsection, con-**  
30 **tributions received by a candidate who participates in the Small Donor**

1 Elections Program may be used in any manner consistent with ORS  
2 260.407.

3 “(b) Moneys received from the Small Donor Elections Fund under  
4 subsection (2) of this section or section 12 of this 2021 Act:

5 “(A) Shall be used only for legitimate campaign expenses, as de-  
6 termined by rule by the Secretary of State; and

7 “(B) May not be used to:

8 “(i) Pay salaries for family members of the candidate;

9 “(ii) Make purchases from a business or entity owned by the can-  
10 didate or the candidate’s family;

11 “(iii) Pay for campaign expenditures at a rate greater than fair  
12 market value;

13 “(iv) Make a contribution to the campaign of another candidate;

14 “(v) Pay for fundraising expenses for any person or entity other  
15 than the candidate; or

16 “(vi) Make an independent expenditure.

17 “(6) A candidate who participates in the Small Donor Elections  
18 Program may not:

19 “(a) Coordinate election activities with any entity that makes in-  
20 dependent expenditures related to the candidate, the office the candi-  
21 date is seeking or the election the candidate is participating in.

22 “(b) Receive contributions that are not authorized by this section.

23 “(c) Except as provided in subsection (3) of this section, receive  
24 more than an aggregate amount of \$250 in qualified small donor con-  
25 tributions and nonmatching small donor contributions from a single  
26 donor per election cycle.

27 “(d) Make or accept a loan in an aggregate amount of more than  
28 \$250 to the candidate’s campaign.

29 “(7) A candidate who participates in the Small Donor Elections  
30 Program and receives a contribution that exceeds the amount that



1 would constitute a qualified small donor contribution or a nonmatch-  
2 ing small donor contribution shall within two weeks:

3 “(a) Return to the person making the contribution the amount  
4 contributed that is in excess of the statutory limits; or

5 “(b) Withdraw from the program and return to the Secretary of  
6 State for deposit into the Small Donor Elections Fund the total  
7 amount of public moneys distributed to the candidate under subsection  
8 (2) of this section or section 12 of this 2021 Act, plus interest.

9 “(8)(a) No later than 45 days after each general election, a candidate  
10 who participates in the Small Donor Elections Program shall return  
11 to the Secretary of State for deposit into the Small Donor Elections  
12 Fund any unspent public moneys that were provided to the candidate  
13 under subsection (2) of this section or section 12 of this 2021 Act.

14 “(b) In order to ensure the return of unspent public moneys that  
15 are required to be returned under this subsection, the candidate shall:

16 “(A) Keep detailed records establishing the total amount of moneys  
17 from the Small Donor Elections Fund and the total amount of moneys  
18 from other sources that compose the total amount of moneys depos-  
19 ited into the campaign bank account of the candidate; and

20 “(B) After campaign expenses are paid, return a percentage of the  
21 total amount of moneys remaining in the account that is equal to the  
22 percentage of the total amount of moneys deposited into the account  
23 that came from the Small Donor Elections Fund.

24 “(9) Except as otherwise provided in section 10 (2) of this 2021 Act,  
25 a candidate who participates in the Small Donor Elections Program  
26 may receive up to 50 percent of the maximum public match during the  
27 primary election.

28 “SECTION 12. The Secretary of State by rule shall establish a pro-  
29 cess for distributing moneys from the Small Donor Elections Fund to  
30 candidates who have met all of the requirements set forth in section

1 11 (1) of this 2021 Act for participation in the Small Donor Elections  
2 Program. As part of this process:

3 “(1) The Secretary of State shall certify that a candidate has com-  
4 pleted each requirement set forth in section 11 (1) of this 2021 Act.

5 “(2) Except as provided in section 11 (2) of this 2021 Act, upon pro-  
6 viding certification under subsection (1) of this section, the Secretary  
7 of State shall provide moneys from the Small Donor Elections Fund  
8 to the candidate in an amount equal to \$6 for every \$1 in qualified  
9 small donor contributions received from an in-state individual, pro-  
10 vided that the amount received by the candidate does not exceed the  
11 maximum public match.

12 “(3) Following an initial distribution made under subsection (2) of  
13 this section, the candidate may file with the Secretary of State addi-  
14 tional contribution statements seeking moneys from the Small Donor  
15 Elections Fund. Except as provided in subsection (4) of this section,  
16 additional contribution statements:

17 “(a) May be filed only after the candidate has received qualified  
18 small donor contributions of at least \$1,500 since the candidate last  
19 filed a statement.

20 “(b) May not be filed more than one time per week.

21 “(4) During the 30 days immediately preceding the general election,  
22 a candidate may file additional contribution statements seeking mon-  
23 eys from the Small Donor Elections Fund without receiving qualified  
24 small donor contributions of at least \$1,500.

25 **“SECTION 13. (1) A candidate participating in the Small Donor**  
26 **Elections Program who knowingly falsifies campaign records or who**  
27 **knowingly violates any provision of sections 10 to 15 of this 2021 Act:**

28 “(a) May no longer participate in the program;

29 “(b) Shall be required to return to the Secretary of State for deposit  
30 into the Small Donor Elections Fund the total amount of public mon-

1 eys distributed to the candidate under sections 11 (2) and 12 of this 2021  
2 Act, plus interest;

3 “(c) Is personally liable for the return of any public moneys that  
4 have already been expended; and

5 “(d) Is subject to criminal liability under ORS 260.993 (2) and civil  
6 liability under ORS 260.995 (2)(c) for a violation of ORS 260.715 (1).

7 “(2) The Secretary of State by rule shall conduct reasonable audits  
8 of participants in the Small Donor Elections Program to ensure the  
9 integrity of the program.

10 “(3) A candidate may use the appeal mechanism established in ORS  
11 246.910 to challenge any decision of the Secretary of State relating to  
12 the candidate’s ability to participate in the Small Donor Elections  
13 Program.

14 “(4) A candidate participating in the Small Donor Elections Pro-  
15 gram may at any time voluntarily withdraw from the program by re-  
16 turning to the Secretary of State for deposit into the Small Donor  
17 Elections Fund 100 percent of the total amount of public moneys dis-  
18 tributed to the candidate under sections 11 (2) and 12 of this 2021 Act,  
19 plus interest.

20 “SECTION 14. (1) The Small Donor Elections Fund is established in  
21 the State Treasury, separate and distinct from the General Fund. In-  
22 terest earned by the Small Donor Elections Fund shall be credited to  
23 the fund. All moneys in the fund are continuously appropriated to the  
24 Secretary of State for the purpose of administering sections 10 to 15  
25 of this 2021 Act.

26 “(2) The fund consists of moneys appropriated to the fund by the  
27 Legislative Assembly, moneys returned to the fund by candidates who  
28 participate in the Small Donor Elections Program in the manner set  
29 forth in sections 10 to 15 of this 2021 Act and moneys paid into the fund  
30 under ORS 260.995. The Secretary of State may accept grants, do-

1 nations, contributions or gifts from any source for deposit in the fund.

2 **“SECTION 15. (1) The maximum public match described in section**  
3 **10 (2) of this 2021 Act for the period beginning on the day after the 2022**  
4 **general election and ending on the date of the 2024 general election**  
5 **shall be:**

6 **“(a) \$600,000 for candidates for the office of state Senator; and**

7 **“(b) \$400,000 for candidates for the office of state Representative.**

8 **“(2) Prior to the start of each election cycle, the Secretary of State**  
9 **shall adjust the dollar amounts set forth in this section by the cumu-**  
10 **lative change in the Consumer Price Index for All Urban Consumers,**  
11 **West Region (All Items), as published by the Bureau of Labor Statis-**  
12 **tics of the United States Department of Labor, or its successor, since**  
13 **the previous election cycle. The adjustments performed under this**  
14 **subsection shall be rounded to the nearest \$10 increment.**

15 **“SECTION 16. (1) A resident individual taxpayer who files a full-**  
16 **year Oregon individual income tax return may designate that a con-**  
17 **tribution be made to the Small Donor Elections Fund established in**  
18 **section 14 of this 2021 Act. The resident individual taxpayer shall make**  
19 **the designation by marking the box or filling in the space provided on**  
20 **the return form pursuant to subsection (2) of this section. The amount**  
21 **designated shall be subtracted from any refund due on the return.**

22 **“(2)(a) The Department of Revenue shall provide, on the face of the**  
23 **full-year Oregon individual income tax return form, a place for resi-**  
24 **dent individual taxpayers to contribute to the Small Donor Elections**  
25 **Fund. The department is not required to add a line to a particular**  
26 **form if this addition would require the addition of a page to the return**  
27 **form.**

28 **“(b) The area on the return form for making the designation shall**  
29 **provide for:**

30 **“(A) A checkoff box of \$5, \$10, \$20 or \$50; and**

1       **“(B) A blank line in which the individual may write in an amount**  
2 **other than an amount designated under subparagraph (A) of this par-**  
3 **agraph.**

4       **“(c) The instructions for the return form shall adequately explain**  
5 **that any amount designated shall be paid to the Small Donor Elections**  
6 **Fund, that the amount designated will decrease the refund of the**  
7 **taxpayer by the designated amount and that the designation is entirely**  
8 **voluntary.**

9       **“(3) If a taxpayer designates both a contribution to the Small Donor**  
10 **Elections Fund under this section and a contribution pursuant to ORS**  
11 **305.745, and the refund due the taxpayer is insufficient to satisfy the**  
12 **designated contribution under ORS 305.745, the designation under this**  
13 **section is void and no contribution to the Small Donor Elections Fund**  
14 **is made.**

15       **“SECTION 17. ORS 305.754 is amended to read:**

16       **“305.754. (1) A resident individual taxpayer who files a full-year Oregon**  
17 **individual income tax return may designate that a contribution be made to**  
18 **the Oregon Political Party Fund for payment to the major or minor political**  
19 **party designated. The resident individual taxpayer shall make the desig-**  
20 **nation by entering a code denoting the party and marking the box provided**  
21 **on the return form pursuant to subsection (2) of this section. The amount**  
22 **designated shall be subtracted from any refund due on the return.**

23       **“(2)(a) The Department of Revenue shall provide, on the face of the full-**  
24 **year Oregon individual income tax return form, a place for resident individ-**  
25 **ual taxpayers to make the designation of a political party provided by this**  
26 **section. The department is not required to add a line to a particular form if**  
27 **this addition would require addition of a page to the return form. All major**  
28 **political parties, as described in ORS 248.006, and all minor political parties,**  
29 **as described in ORS 248.008, shall be listed, with identifying codes, in the**  
30 **instructions to the individual income tax return.**

1 “(b) The area on the return form for making the designation shall provide  
2 for a checkoff box of \$3. The instructions shall adequately explain that any  
3 amount designated shall be paid to the political party of the taxpayer’s  
4 choice, that the amount designated will decrease the refund of the taxpayer  
5 by the designated amount, and that the designation is entirely voluntary.

6 “(3) If a taxpayer filing a full-year Oregon individual income tax return  
7 designates more than one political party to receive the contribution, the  
8 designation is void and no contribution is made.

9 “(4) If a joint return is filed and only one political party is designated,  
10 that political party shall receive a contribution in the total amount desig-  
11 nated. If two political parties are designated on a joint return, each political  
12 party shall receive a contribution in the amount designated by each joint  
13 filer. If more than two parties are designated, the designations are void and  
14 no contribution is made.

15 “(5) If an organization that is not a major or minor political party is  
16 designated under this section, the designation is void and no contribution is  
17 made.

18 “(6) If a designation is void under subsection (3), (4) or (5) of this section,  
19 the department shall adjust the return to reflect the amount designated for  
20 contribution under this section.

21 “(7) If a taxpayer designates both a contribution to a political party under  
22 this section and a contribution pursuant to **either** ORS 305.745 **or section**  
23 **16 of this 2021 Act**, and the refund due the taxpayer is insufficient to satisfy  
24 the designated contribution under ORS 305.745 **or section 16 of this 2021**  
25 **Act**, the designation under this section is void and no contribution to a  
26 political party is made.

27 **“SECTION 18.** ORS 305.796, as amended by section 2, chapter 316, Oregon  
28 Laws 2019, is amended to read:

29 “305.796. (1) The Department of Revenue shall provide a means by which  
30 personal income taxpayers may elect to establish an account under ORS

1 178.335 within the Oregon 529 Savings Network in the name of a designated  
2 beneficiary.

3 “(2) A taxpayer may elect to contribute all or a portion of a refund of  
4 personal income tax to an account that has been established under ORS  
5 178.335 by direct deposit to the financial institution managing the account.  
6 The amount elected to be contributed by the taxpayer must be at least \$25  
7 and may be applied as a contribution only for the tax year in which the re-  
8 fund is issued.

9 “(3) The election to contribute all or a portion of a refund shall be made  
10 on a form prescribed by the department and filed with the taxpayer’s tax  
11 return for the tax year or at such other time and in such other manner as  
12 the department may prescribe by rule. The department shall prescribe by rule  
13 the maximum number of accounts to which a taxpayer may elect to contrib-  
14 ute a portion of the refund.

15 “(4) The election to contribute all or a portion of a refund may not be  
16 changed or revoked.

17 “(5) The election to contribute all or a portion of a refund shall be void,  
18 and no portion of the refund may be contributed to an account that has been  
19 established under ORS 178.335, if:

20 “(a) The taxpayer’s refund is offset to pay amounts owed by the taxpayer;  
21 or

22 “(b) The taxpayer’s refund is less than the total of the following:

23 “(A) The contribution elected in subsection (2) of this section;

24 “(B) Payments of tax as provided in ORS 316.583 that accompany the re-  
25 turn;

26 “(C) All contributions to charitable and governmental entities designated  
27 by means of a checkoff as provided in ORS 305.745; *[and]*

28 “(D) All contributions to political parties designated by means of a  
29 checkoff as provided in ORS 305.754[.]; **and**

30 “(E) **All contributions to the Small Donor Elections Fund as pro-**

1 **vided in section 16 of this 2021 Act.**

2 **“SECTION 19.** ORS 260.266 is amended to read:

3 “260.266. (1) Except as otherwise provided by a local provision, a com-  
4 munication in support of or in opposition to a clearly identified candidate  
5 must state the name of the persons that paid for 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 communi-  
8 cation in support of or in opposition to a clearly identified candidate by a  
9 political committee or petition committee must state:

10 “(A) The name of the **principal campaign committee**, political com-  
11 mittee or petition committee; and

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

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

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

22 “(i) The name of the person; and

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

27 “(B) In identifying persons that have made aggregate donations of \$10,000  
28 or more, a person described in this paragraph may exclude:

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



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

4       “(d) Notwithstanding paragraphs (a) to (c) of this subsection, a digital  
5 communication may state only the name of the person that made the com-  
6 munication if the digital communication includes an active link to a website  
7 that prominently displays the additional information required by this sub-  
8 section.

9       “(3) A person that makes communications in support of or in opposition  
10 to a clearly identified candidate must consider an anonymous donation of  
11 \$1,000 or more from a single person to be a donation that may not be used  
12 to make a communication in support of or in opposition to a clearly identi-  
13 fied candidate.

14       “(4)(a) If a person is required to disclose the names of five persons under  
15 subsection (2)(a)(B) or (c)(A)(ii) of this section and more than five persons  
16 qualify as having made the largest aggregate contributions or donations, the  
17 person shall disclose the five applicable persons whose contributions or do-  
18 nations were made closest to the date of initial printing or transmission of  
19 the communication.

20       “(b) Except as provided in paragraph (c) of this subsection, the five per-  
21 sons required to be named under subsection (2)(a)(B) or (c)(A)(ii) of this  
22 section must be accurate as of 10 days before the most recent payment to  
23 print or transmit the communication.

24       “(c) A person that both makes multiple digital communications in support  
25 of or in opposition to a clearly identified candidate and uses the method  
26 described in subsection (2)(d) of this section to meet the identification re-  
27 quirements of subsection (2)(a)(B) or (c)(A)(ii) of this section, may use one  
28 active link to the same website for all digital communications made by the  
29 person, provided that the information on the website is accurate as of 10  
30 days before the most recent payment to print or transmit a communication.

1 “(5) This section does not apply to:

2 “(a) Candidates for federal office.

3 “(b) Candidates other than those described in paragraph (a) of this sub-  
4 section who are not required to use the electronic filing system adopted un-  
5 der ORS 260.057 to file statements of contributions received or expenditures  
6 made.

7 “(c) Petition committees that are not required to use the electronic filing  
8 system adopted under ORS 260.057 to file statements of contributions re-  
9 ceived or expenditures made.

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

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

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

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

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

21 “(B) Skywriting; or

22 “(C) Wearable merchandise.

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

25 “(6) The Secretary of State by rule shall prescribe the form of statements  
26 required on communications described in this section. Rules adopted under  
27 this subsection must ensure that the information required to be included in  
28 communications under this section is:

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

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

3 “(7) As used in this section:

4 “(a) ‘Clearly identified’ has the meaning given that term in ORS 260.005  
5 (10)(b).

6 “(b)(A) Except as provided in subparagraph (B) of this paragraph, ‘com-  
7 munication in support of or in opposition to a clearly identified candidate’  
8 means:

9 “(i)(I) The communication, when taken as a whole and with limited ref-  
10 erence to external events, such as the proximity to the election, could only  
11 be interpreted by a reasonable person as containing advocacy for the election  
12 or defeat of a clearly identified candidate for nomination or election to  
13 public office; and

14 “(II) The electoral portion of the communication is unmistakable, unam-  
15 biguous and suggestive of only one meaning; or

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

18 “(II) The communication refers to a clearly identified candidate who will  
19 appear on the ballot; and

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

22 “(B)(i) ‘Communication in support of or in opposition to a clearly identi-  
23 fied candidate’ includes but is not limited to communications distributed via  
24 print, telephone, radio, television or the Internet.

25 “(ii) ‘Communication in support of or in opposition to a clearly identified  
26 candidate’ does not include newspaper editorials, printed advertisements with  
27 a fair market value of less than \$500 or communications made via telephone  
28 that have a fair market value of less than \$500.

29 “(c)(A) ‘Donation’ means the gift or transfer of moneys or any other item  
30 of value to a person subject to subsection (2)(c)(A) of this section, including

1 any membership fees, dues or assessments.

2 “(B) ‘Donation’ does not include moneys or any other item of value re-  
3 ceived by a person subject to subsection (2)(c)(A) of this section in the or-  
4 dinary course of a trade or business conducted by the person.

5 “(d) ‘Election cycle’ means the period of time starting on the day after  
6 the date of a general election and ending on the date of the next general  
7 election.

8 “(e) ‘Local provision’ means a charter provision, ordinance, resolution or  
9 other provision adopted by a city, county or other local government.

10 **“SECTION 20. (1) An individual or entity may not, directly or indi-  
11 rectly:**

12 **“(a) Require an employee or contractor to make a contribution or  
13 independent expenditure to support or oppose any candidate; or**

14 **“(b) Provide or promise any benefit or impose or threaten any det-  
15 riment due to a decision by an employee or contractor on whether to  
16 make a contribution or independent expenditure to support or oppose  
17 a candidate.**

18 **“(2) Any individual who is subjected to a violation of subsection (1)  
19 of this section may file a civil action in the appropriate circuit court  
20 against the individual or entity alleged to have violated subsection (1)  
21 of this section. Upon a finding that an individual or entity has violated  
22 subsection (1) of this section, the complainant shall receive a civil  
23 award of not less than \$20,000 plus an award of reasonable attorney  
24 fees.**

25 **“(3) The amount awarded to a complainant under this section is  
26 separate from, and in addition to, any penalties imposed on the indi-  
27 vidual or entity under any other provision of law.**

28 **“SECTION 21. ORS 260.005 is amended to read:**

29 **“260.005. As used in this chapter:**

30 **“(1)(a) ‘Candidate’ means:**

1       “(A) An individual whose name is printed on a ballot, for whom a decla-  
2 ration of candidacy, nominating petition or certificate of nomination to  
3 public office has been filed or whose name is expected to be or has been  
4 presented, with the individual’s consent, for nomination or election to public  
5 office;

6       “(B) An individual who has solicited or received and accepted a contri-  
7 bution, made an expenditure, or given consent to an individual, organization,  
8 political party or political committee to solicit or receive and accept a con-  
9 tribution or make an expenditure on the individual’s behalf to secure nomi-  
10 nation or election to any public office at any time, whether or not the office  
11 for which the individual will seek nomination or election is known when the  
12 solicitation is made, the contribution is received and retained or the ex-  
13 penditure is made, and whether or not the name of the individual is printed  
14 on a ballot; or

15       “(C) A public office holder against whom a recall petition has been com-  
16 pleted and filed.

17       “(b) For purposes of this section and ORS 260.035 to 260.156, ‘candidate’  
18 does not include a candidate for the office of precinct committeeperson.

19       “(2) ‘Committee director’ means any person who directly and substantially  
20 participates in decision-making on behalf of a political committee concerning  
21 the solicitation or expenditure of funds and the support of or opposition to  
22 candidates or measures. The officers of a political party shall be considered  
23 the directors of any political party committee of that party, unless otherwise  
24 provided in the party’s bylaws.

25       “(3) Except as provided in ORS 260.007, ‘contribute’ or ‘contribution’ in-  
26 cludes:

27       “(a) The payment, loan, gift, forgiving of indebtedness, or furnishing  
28 without equivalent compensation or consideration, of money, services other  
29 than personal services for which no compensation is asked or given, supplies,  
30 equipment or any other thing of value:

1 “(A) For the purpose of influencing an election for public office or an  
2 election on a measure, or of reducing the debt of a candidate for nomination  
3 or election to public office or the debt of a political committee; or

4 “(B) To or on behalf of a candidate, political committee or measure;  
5 [*and*]

6 “(b) The excess value of a contribution made for compensation or con-  
7 sideration of less than equivalent value[.]; **and**

8 “(c) **An expenditure by a person for a communication in support**  
9 **of or in opposition to a clearly identified candidate or measure that is**  
10 **made with the cooperation or with the prior consent of, or in consul-**  
11 **tation with, or at the request or suggestion of, a candidate or any**  
12 **agent or authorized committee of the candidate, or any political com-**  
13 **mittee or agent of a political committee supporting or opposing a**  
14 **measure.**

15 “(4) ‘Controlled committee’ means a political committee that, in con-  
16 nection with the making of contributions or expenditures:

17 “(a) Is controlled directly or indirectly by a candidate or a controlled  
18 committee; or

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

20 “(5) ‘Controlled directly or indirectly by a candidate’ means:

21 “(a) The candidate, the candidate’s agent, a member of the candidate’s  
22 immediate family or any other political committee that the candidate con-  
23 trols has a significant influence on the actions or decisions of the political  
24 committee; or

25 “(b) The candidate’s principal campaign committee and the political com-  
26 mittee both have the candidate or a member of the candidate’s immediate  
27 family as a treasurer or director.

28 “(6) ‘County clerk’ means the county clerk or the county official in charge  
29 of elections.

30 “(7) ‘Elector’ means an individual qualified to vote under Article II, sec-

1 tion 2, of the Oregon Constitution.

2 “(8) Except as provided in ORS 260.007, ‘expend’ or ‘expenditure’ includes  
3 the payment or furnishing of money or anything of value or the incurring  
4 or repayment of indebtedness or obligation by or on behalf of a candidate,  
5 political committee or person in consideration for any services, supplies,  
6 equipment or other thing of value performed or furnished for any reason,  
7 including support of or opposition to a candidate, political committee or  
8 measure, or for reducing the debt of a candidate for nomination or election  
9 to public office. ‘Expenditure’ also includes contributions made by a candi-  
10 date or political committee to or on behalf of any other candidate or political  
11 committee.

12 “(9) ‘Filing officer’ means:

13 “(a) The Secretary of State:

14 “(A) Regarding a candidate for public office;

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

16 “(C) Regarding any measure; or

17 “(D) Regarding any political committee.

18 “(b) In the case of an irrigation district formed under ORS chapter 545,  
19 ‘filing officer’ means:

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

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

27 “(C) The secretary of the irrigation district for any election other than  
28 an irrigation district formation election.

29 “(10) ‘Independent expenditure’ means an expenditure by a person for a  
30 communication in support of or in opposition to a clearly identified candi-

1 date or measure that is not made with the cooperation or with the prior  
2 consent of, or in consultation with, or at the request or suggestion of, a  
3 candidate or any agent or authorized committee of the candidate, or any  
4 political committee or agent of a political committee supporting or opposing  
5 a measure. For purposes of this subsection **and subsection (3) of this sec-**  
6 **tion:**

7 “(a) ‘Agent’ means any person who has:

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

11 “(B) Been placed in a position within the campaign organization where  
12 it would reasonably appear that in the ordinary course of campaign-related  
13 activities the person may authorize expenditures.

14 “(b)(A) ‘Clearly identified’ means, with respect to candidates:

15 “(i) The name of the candidate involved appears;

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

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

18 “(B) ‘Clearly identified’ means, with respect to measures:

19 “(i) The ballot number of the measure appears;

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

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

22 “(c) ‘Communication in support of or in opposition to a clearly identified  
23 candidate or measure’ means:

24 “(A)(i) The communication, when taken as a whole and with limited ref-  
25 erence to external events, such as the proximity to the election, could only  
26 be interpreted by a reasonable person as containing advocacy for the election  
27 or defeat of a clearly identified candidate for nomination or election to  
28 public office, or the passage or defeat of a clearly identified measure; and

29 “(ii) The electoral portion of the communication is unmistakable, unam-  
30 biguous and suggestive of only one meaning; or



1 “(B)(i) The communication involves aggregate expenditures of more than  
2 \$250 by a person;

3 “(ii) The communication refers to a clearly identified candidate or meas-  
4 ure that will appear on the ballot or to a political party; and

5 “(iii) The communication is published and disseminated to the relevant  
6 electorate within 60 calendar days before a primary election, 120 calendar  
7 days before a general election or 90 calendar days before an election other  
8 than a primary election or a general election.

9 “(d) ‘Made with the cooperation or with the prior consent of, or in con-  
10 sultation with, or at the request or suggestion of, a candidate or any agent  
11 or authorized committee of the candidate, or any political committee or  
12 agent of a political committee supporting or opposing a measure’:

13 “(A) Means any arrangement, coordination or direction by the candidate  
14 or the candidate’s agent, or by any political committee or agent of a political  
15 committee supporting or opposing a measure, prior to the publication, dis-  
16 tribution, display or broadcast of the communication. An expenditure shall  
17 be presumed to be so made when it is:

18 “(i) Based on information about the plans, projects or needs of the can-  
19 didate, or of the political committee supporting or opposing a measure, and  
20 provided to the expending person by the candidate or by the candidate’s  
21 agent, or by any political committee or agent of a political committee sup-  
22 porting or opposing a measure, with a view toward having an expenditure  
23 made; or

24 “(ii) Made by or through any person who is or has been authorized to  
25 raise or expend funds, who is or has been an officer of a political committee  
26 authorized by the candidate or by a political committee or agent of a poli-  
27 tical committee supporting or opposing a measure, or who is or has been  
28 receiving any form of compensation or reimbursement from the candidate,  
29 the candidate’s principal campaign committee or agent or from any political  
30 committee or agent of a political committee supporting or opposing a meas-

1 ure.

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

5 “(11) ‘Initiative petition’ means a petition to initiate a measure for which  
6 a prospective petition has been filed but that is not yet a measure.

7 “(12) ‘Judge’ means judge of the Supreme Court, Court of Appeals, circuit  
8 court or the Oregon Tax Court.

9 “(13) ‘Mass mailing’ means more than 200 substantially similar pieces of  
10 mail, but does not include a form letter or other mail that is sent in response  
11 to an unsolicited request, letter or other inquiry.

12 “(14) ‘Measure’ includes any of the following submitted to the people for  
13 their approval or rejection at an election:

14 “(a) A proposed law.

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

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

17 “(d) Local, special or municipal legislation.

18 “(e) A proposition or question.

19 “(15) ‘Occupation’ means:

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

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

23 “(16) ‘Person’ means an individual, corporation, limited liability company,  
24 labor organization, association, firm, partnership, joint stock company, club,  
25 organization or other combination of individuals having collective capacity.

26 “(17) ‘Petition committee’ means an initiative, referendum or recall peti-  
27 tion committee organized under ORS 260.118.

28 “(18) ‘Political committee’ means a combination of two or more individ-  
29 uals, or a person other than an individual, that has:

30 “(a) Received a contribution for the purpose of supporting or opposing a

1 candidate, measure or political party; or

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

5 “(A) A contribution to a candidate or political committee that is required  
6 to report the contribution on a statement filed under ORS 260.057 or 260.076  
7 or a certificate filed under ORS 260.112; or

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

10 “(19) ‘Public office’ means any national, state, county, district, city office  
11 or position, except a political party office, that is filled by the electors.

12 “(20) ‘Recall petition’ means a petition to recall a public officer for which  
13 a prospective petition has been filed but that is not yet a measure.

14 “(21) ‘Referendum petition’ means a petition to refer a measure for which  
15 a prospective petition has been filed but that is not yet a measure.

16 “(22) ‘Regular district election’ means the regular district election de-  
17 scribed in ORS 255.335.

18 “(23) ‘State office’ means the office of Governor, Secretary of State, State  
19 Treasurer, Attorney General, Commissioner of the Bureau of Labor and In-  
20 dustries, state Senator, state Representative, judge or district attorney.

21 **“SECTION 22. The Secretary of State shall hire a full-time em-  
22 ployee to provide voter education, support and outreach regarding  
23 Oregon’s campaign finance laws, including the contribution limits es-  
24 tablished in sections 2 to 4 of this 2021 Act and the Small Donor  
25 Elections Program established in sections 10 to 15 of this 2021 Act.**

26 **“SECTION 23. Chapter 3, Oregon Laws 2007, is repealed.**

27 **“SECTION 24. It is the intent of the Legislative Assembly that all  
28 parts of this 2021 Act are independent and that if any part of this 2021  
29 Act is held unconstitutional, all remaining parts shall remain in force.**

30 **“SECTION 25. Sections 2 to 4, 10 to 15 and 20 of this 2021 Act and**

1 the amendments to ORS 260.042 and 260.995 by sections 5 and 6 of this  
2 2021 Act become operative on November 9, 2022.

3 **“SECTION 26. (1)(a) The Secretary of State may take any action**  
4 **before the operative date specified in section 25 of this 2021 Act that**  
5 **is necessary for the Secretary of State to exercise, on and after the**  
6 **operative date specified in section 25 of this 2021 Act, all of the duties,**  
7 **functions and powers conferred on the Secretary of State by sections**  
8 **2 to 4, 10 to 15 and 20 of this 2021 Act and the amendments to ORS**  
9 **260.042 and 260.995 by sections 5 and 6 of this 2021 Act.**

10 **“(b) No later than January 1, 2022, the Secretary of State shall en-**  
11 **act rules necessary to implement sections 2 to 4 and 20 of this 2021**  
12 **Act and the amendments to ORS 260.042 and 260.995 by sections 5 and**  
13 **6 of this 2021 Act.**

14 **“(c) No later than September 1, 2022, the Secretary of State shall**  
15 **revise the manual on campaign finance that is adopted by adminis-**  
16 **trative rule and made publicly available on the secretary’s website to**  
17 **ensure that it incorporates and describes the contents of this 2021 Act**  
18 **in a clear and straightforward manner.**

19 **“(d) No later than September 30, 2022, the Secretary of State shall**  
20 **report to the interim committees of the Legislative Assembly respon-**  
21 **sible for campaign finance on the actions taken by the secretary to**  
22 **implement the provisions of this 2021 Act.**

23 **“(2)(a) A political committee may take any action before the oper-**  
24 **ative date set forth in section 25 of this 2021 Act that is necessary for**  
25 **the political committee to be in compliance with the requirements set**  
26 **forth in ORS 260.042, as amended by section 6 of this 2021 Act, no later**  
27 **than the operative date set forth in section 25 of this 2021 Act.**

28 **“(b) The Secretary of State shall reorganize as a multicandidate**  
29 **political committee any active political committee that remains or-**  
30 **ganized to operate as a miscellaneous political committee on March**

1 31, 2023. Any moneys in the bank accounts of a political committee  
2 described in this paragraph shall transfer to the newly organized  
3 multicandidate political committee and may be used in the same  
4 manner as any other moneys contributed to the multicandidate poli-  
5 tical committee.

6 “(c) The Secretary of State shall by rule establish a process that  
7 provides a miscellaneous political committee that was reorganized  
8 under paragraph (b) of this subsection with a single opportunity to  
9 reorganize as a measure political committee. The process shall ensure  
10 that any moneys in the bank accounts of a political committee de-  
11 scribed in this paragraph transfer to the newly organized measure  
12 political committee and may be used in the same manner as any other  
13 moneys contributed to the measure political committee.

14 “SECTION 27. This 2021 Act being necessary for the immediate  
15 preservation of the public peace, health and safety, an emergency is  
16 declared to exist, and this 2021 Act takes effect on its passage.”.

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