

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 and 260.995; repealing chapter 3,
3 Oregon Laws 2007; and prescribing an effective date.”.

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

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

7 **“SECTION 2. (1) As used in this section:**

8 **“(a) ‘Election cycle’ means the period starting on the day after the**
9 **date of a general election and ending on the date of the next general**
10 **election.**

11 **“(b) ‘Small donor political committee’ means a political committee**
12 **that:**

13 **“(A) Registers with the Secretary of State as a small donor political**
14 **committee;**

15 **“(B) Prior to registering as a small donor political committee has**
16 **not accepted a contribution in excess of the contribution limits for**
17 **small donor political committees set forth in this section; and**

18 **“(C) While operating as a small donor political committee, complies**
19 **with the restrictions on receiving contributions set forth in this sec-**
20 **tion.**

21 **“(c) ‘State office,’ notwithstanding ORS 260.005, means the office**

1 of Governor, Secretary of State, State Treasurer, Attorney General,
2 Commissioner of the Bureau of Labor and Industries, state Senator,
3 state Representative, judge of the Supreme Court, judge of the Court
4 of Appeals or circuit court judge.

5 “(2)(a) Except as provided in paragraph (b) of this subsection, a
6 political committee other than the principal campaign committee of
7 a candidate or a small donor political committee may accept unlimited
8 contributions.

9 “(b) A political committee described in paragraph (a) of this sub-
10 section may not accept any contribution from a small donor political
11 committee.

12 “(3)(a) A candidate for state office or the principal campaign com-
13 mittee of a candidate for state office may accept contributions only
14 from the sources and in the amounts described in this section.

15 “(b) Except as provided in paragraph (c) of this subsection, the
16 limits on aggregate contributions that may be accepted by a candidate
17 or the principal campaign committee of a candidate for the office of
18 state Representative under this section also apply to a candidate or the
19 principal campaign committee of a candidate for any elected office
20 that is not a state office.

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

24 “(B) Any contribution limits adopted by a local government under
25 this paragraph must allow a candidate or the principal campaign
26 committee of a candidate for an election contest of the local govern-
27 ment to accept contributions from any political committee from which
28 a candidate or the principal campaign committee of a candidate for the
29 office of state Representative may accept contributions under sub-
30 section (2)(a) of this section.

1 **“(4)(a) Except as provided in paragraph (b) of this subsection, a**
2 **candidate or the principal campaign committee of a candidate for state**
3 **office may not accept aggregate contributions in excess of \$2,900 per**
4 **election from a person or political committee, including the principal**
5 **campaign committee of a candidate.**

6 **“(b) A candidate or the principal campaign committee of a candi-**
7 **date for state office may not accept aggregate contributions from a**
8 **small donor political committee in excess of an amount equal to five**
9 **times the amount set forth in paragraph (a) of this subsection.**

10 **“(5)(a) During a calendar year, a small donor political committee**
11 **may accept contributions that are directly made by:**

12 **“(A) Any person in an aggregate amount of no more than \$250 per**
13 **person.**

14 **“(B) A small donor political committee, in an unlimited amount.**

15 **“(b) For each organization that makes a contribution to a small**
16 **donor political committee, up to \$1,250 worth of time spent by staff**
17 **members employed by the organization that must otherwise be re-**
18 **ported as an in-kind contribution to the small donor political com-**
19 **mittee may not be included when calculating the maximum amount**
20 **the small donor political committee may accept from the organization**
21 **under paragraph (a) of this subsection.**

22 **“(6) A political committee, including a principal campaign commit-**
23 **tee and a small donor political committee, may make a contribution**
24 **to a candidate for state office or the principal campaign committee**
25 **of a candidate for state office only if the political committee is regis-**
26 **tered with the Secretary of State as a political committee.**

27 **“(7) Nothing in this section limits the amount a candidate may**
28 **contribute from the candidate’s personal funds to the candidate or the**
29 **principal campaign committee of the candidate.**

30 **“(8)(a) For purposes of this section, a separate election exists in**

1 each instance in which an individual:

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

4 “(B) Is a candidate for nomination to a state office by an assembly
5 of electors under ORS 249.735 or by individual electors under ORS
6 249.740;

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

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

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

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

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

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

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

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

30 “(9)(a) For purposes of the contribution limits established in this

1 section, contributions made or received by multiple political commit-
2 tees are considered to be made or received by a single political com-
3 mittee if the political committees are established, financed,
4 maintained or controlled by the same person or substantially the same
5 group of persons, including any parent, subsidiary, branch, division,
6 department or local unit of the person or group of persons.

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

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

19 “(11) Prior to the start of each election cycle, the Secretary of State
20 shall adjust the dollar amounts set forth in this section to the greater
21 of:

22 “(a) The contribution limit established under federal law for a
23 Representative in Congress; or

24 “(b) The cumulative change in the Consumer Price Index for All
25 Urban Consumers, West Region (All Items), as published by the Bu-
26 reau of Labor Statistics of the United States Department of Labor, or
27 its successor, since the previous election cycle. The adjustments per-
28 formed under this paragraph shall be rounded to the nearest \$10 in-
29 crement.

30 “(12) The Secretary of State may adopt rules necessary to imple-

1 **ment this section.**

2 **“SECTION 3. (1) A foreign national may not make, directly or in-**
3 **directly, or offer to make:**

4 **“(a) A contribution or expenditure for a candidate, political com-**
5 **mittee or petition committee.**

6 **“(b) A contribution or expenditure for the purpose of influencing**
7 **the outcome of:**

8 **“(A) A nomination for or election to a state or local public office;**

9 **“(B) An election on a measure; or**

10 **“(C) An initiative, referendum or recall petition.**

11 **“(c) A contribution or expenditure for the purpose of paying for all**
12 **or part of a communication in support of or in opposition to a clearly**
13 **identified candidate or measure.**

14 **“(2) A candidate, political committee or petition committee may not**
15 **solicit, accept or receive, directly or indirectly, a contribution or ex-**
16 **penditure from a foreign national.**

17 **“(3) A person may not solicit, accept or receive, directly or indi-**
18 **rectly, a contribution or expenditure from a foreign national that is**
19 **made for the purpose of:**

20 **“(a) Influencing the outcome of:**

21 **“(A) A nomination for or election to a state or local public office;**

22 **“(B) An election on a measure; or**

23 **“(C) An initiative, referendum or recall petition.**

24 **“(b) Paying for all or part of a communication in support of or in**
25 **opposition to a clearly identified candidate or measure.**

26 **“(4) A person may not knowingly or recklessly provide substantial**
27 **assistance to a person in violating subsections (1) to (3) of this section.**

28 **“(5) As used in this section:**

29 **“(a) ‘Communication in support of or in opposition to a clearly**
30 **identified candidate or measure’ has the meaning given that term in**

1 **ORS 260.005 (10)(c).**

2 **“(b) ‘Foreign national’ means:**

3 **“(A) An individual who is not a citizen of the United States and who**
4 **is not lawfully admitted for permanent residence in the United States;**

5 **“(B) A government, or subdivision, of a foreign country;**

6 **“(C) A foreign political party;**

7 **“(D) A partnership, association, corporation, organization or other**
8 **combination of persons organized under the laws of or that has its**
9 **principal place of business in a foreign country;**

10 **“(E) A partnership, association, corporation, organization or other**
11 **combination of persons organized under the laws of or that has its**
12 **principal place of business in the United States, that is foreign owned**
13 **or controlled; or**

14 **“(F) An organization exempt from taxation under section 501(c) of**
15 **the Internal Revenue Code for which the amount of aggregate contri-**
16 **butions received by the organization from foreign nationals is equal**
17 **to 20 percent or more of the organization’s gross receipts received in**
18 **the most recent taxable year or 20 percent or more of the**
19 **organization’s aggregate gross receipts received within the last five**
20 **years.**

21 **“(c) ‘Foreign owned or controlled’ means a partnership, association,**
22 **corporation, organization or other combination of persons for which:**

23 **“(A) One or more foreign nationals or foreign owners hold, own or**
24 **control, directly or indirectly, beneficial ownership of equity or voting**
25 **shares in an aggregate amount equal to or greater than 20 percent of**
26 **total equity or voting shares, but not including any ownership or eq-**
27 **uity interest owned through a United States widely held, diversified**
28 **fund;**

29 **“(B) If it is an organization exempt from taxation under section**
30 **501(c) of the Internal Revenue Code, the amount of aggregate contri-**

1 butions received by the organization from foreign nationals is equal
2 to 20 percent or more of the organization’s gross receipts received in
3 the most recent taxable year or 20 percent or more of the
4 organization’s aggregate gross receipts received within the last five
5 years; or

6 “(C) A foreign national participates in any manner in the decision-
7 making process of the partnership, association, corporation, organ-
8 ization or other combination of persons regarding any contribution or
9 expenditure by the partnership, association, corporation, organization
10 or other combination of persons that a foreign national is prohibited
11 from making under subsection (1) of this section.

12 “(d) ‘Foreign owner’ means a person for which a foreign national
13 holds, owns or control, directly or indirectly, beneficial ownership of
14 equity or voting shares in an amount equal to or greater than 50 per-
15 cent of total equity or outstanding voting shares, but not including
16 any ownership or equity interest owned through a United States widely
17 held, diversified fund.

18 “(e) ‘Widely held, diversified fund’ means an investment fund, in-
19 cluding but not limited to a mutual fund, common trust fund of a fi-
20 nancial institution, pension or deferred compensation plan or pooled
21 investment fund of a limited partnership, that:

22 “(A) Has at least 100 persons as direct or indirect investors;

23 “(B) Holds no more than 5 percent of the value of its portfolio in
24 the securities of an issuer, except the obligations of the United States
25 government, including those of its agencies and instrumentalities, or
26 bonds of a single state, including its subdivisions, within the United
27 States;

28 “(C) Holds no more than 20 percent of its portfolio in any particular
29 economic or geographic sector; and

30 “(D) Is independently managed in a manner where no investor or

1 investor's immediate family member has an ability to exercise control
2 over the financial interests held by the investment fund.

3 **“SECTION 4. (1) The operator of a media outlet or Internet plat-**
4 **form who provides or sells advertising space or time shall establish**
5 **policies, procedures and controls to identify and prevent the distrib-**
6 **ution of a communication made by a foreign national in violation of**
7 **section 3 of this 2021 Act.**

8 **“(2) If the operator of an Internet platform discovers a communi-**
9 **cation has been made on the operator's Internet platform by a foreign**
10 **national in violation of section 3 of this 2021 Act, the operator shall**
11 **immediately remove the communication from the operator's Internet**
12 **platform and report the communication as a violation in the manner**
13 **provided in ORS 260.345.**

14 **“(3) As used in this section:**

15 **“(a) ‘Foreign national’ has the meaning given that term in section**
16 **3 of this 2021 Act.**

17 **“(b) ‘Internet platform’ means a digital service that facilitates**
18 **interactions between two or more distinct but interdependent sets of**
19 **users who interact through the service via the Internet.**

20 **“(c) ‘Media outlet’ means a radio or television station that distrib-**
21 **utes programming by broadcast, cable, satellite or other means.**

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

24 **“260.995. (1) Except as provided in subsection (2) or (3) of this section,**
25 **following an investigation under ORS 260.345, the Secretary of State or At-**
26 **torney General may impose a civil penalty not to exceed \$1,000 for each vi-**
27 **olation of any provision of Oregon Revised Statutes relating to the conduct**
28 **of any election, any rule adopted by the secretary under ORS chapters 246**
29 **to 260 or any other matter preliminary to or relating to an election, for**
30 **which a civil penalty is not otherwise provided.**

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

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

5 **or**

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

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

12 **or**

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

15 **“(3)(a) Except as provided in paragraph (b) of this subsection, for**
16 **each instance in which a candidate for state office or the principal**
17 **campaign committee of a candidate for state office accepts a contri-**
18 **bution in excess of the limits established in section 2 of this 2021 Act,**
19 **the secretary or Attorney General:**

20 **“(A) Shall require the candidate or committee to return all moneys**
21 **accepted in excess of the applicable contribution limit to the person**
22 **that made the nonconforming contribution; and**

23 **“(B) May impose a civil penalty in the form of a fine not to exceed**
24 **150 percent of the total amount of the contribution accepted that re-**
25 **sulted in a violation of the contribution limits established in section**
26 **2 of this 2021 Act.**

27 **“(b)(A) The secretary or Attorney General may not impose a civil**
28 **penalty on a candidate for state office or the principal campaign**
29 **committee of a candidate for state office for receiving contributions**
30 **in excess of the contribution limits established in section 2 of this 2021**

1 **Act if, within the period of time the political committee or candidate**
2 **has to report the nonconforming contribution under ORS 260.057, the**
3 **candidate or committee:**

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

5 **“(ii) Returns all moneys included in the contribution that are in**
6 **excess of the contribution limits established in section 2 of this 2021**
7 **Act.**

8 **“(B) If a candidate for state office or the principal campaign com-**
9 **mittee of a candidate for state office is unable to return all or part**
10 **of a nonconforming contribution to the person that made the contri-**
11 **bution, the return of all or part of a contribution under this paragraph**
12 **may be satisfied by donating the moneys described in subparagraph (A)**
13 **of this paragraph to an organization recognized as tax exempt under**
14 **section 501(c)(3) of the Internal Revenue Code.**

15 **“[(3)] (4) Except as otherwise provided by this section, civil penalties**
16 **under this section shall be imposed as provided in ORS 183.745. In addition**
17 **to the requirements of ORS 183.745, the notice shall include:**

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

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

25 **“[(4)] (5) A hearing on whether to impose a civil penalty and to consider**
26 **circumstances in mitigation shall be held by the secretary or Attorney Gen-**
27 **eral:**

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

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

2 “[5] (6) The person against whom a penalty may be assessed need not
3 appear in person at a hearing held under this section, but instead may sub-
4 mit written testimony or other evidence, sworn to before a notary public, to
5 the secretary or Attorney General for entry in the hearing record. The tes-
6 timony or other evidence must be received by the secretary or Attorney
7 General not later than three business days before the day of the hearing.

8 “[6] (7) All hearings under this section shall be held not later than 45
9 days after the deadline for the person against whom the penalty may be as-
10 sessed to request a hearing. However, if requested by the person against
11 whom the penalty may be assessed, a hearing under subsection [(4)] (5) of
12 this section shall be held not later than 60 days after the deadline for the
13 person against whom the penalty may be assessed to request a hearing.

14 “[7] (8) The secretary or Attorney General shall issue an order not later
15 than 90 days after a hearing or after the deadline for requesting a hearing
16 if no hearing is held.

17 “[8] (9) All penalties recovered under this section shall be paid into the
18 State Treasury and credited to the General Fund.

19 “[9] (10) In the case of a civil penalty imposed under this section for a
20 violation of ORS 260.407, the person against whom the penalty is assessed:

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

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

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

26 **“SECTION 6.** ORS 260.005 is amended to read:

27 “260.005. As used in this chapter:

28 “(1)(a) ‘Candidate’ means:

29 “(A) An individual whose name is printed on a ballot, for whom a decla-
30 ration of candidacy, nominating petition or certificate of nomination to

1 public office has been filed or whose name is expected to be or has been
2 presented, with the individual's consent, for nomination or election to public
3 office;

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

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

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

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

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

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

29 “(A) For the purpose of influencing an election for public office or an
30 election on a measure, or of reducing the debt of a candidate for nomination

1 or election to public office or the debt of a political committee; or

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

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

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

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

15 “(a) Is controlled directly or indirectly by a candidate or a controlled
16 committee; or

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

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

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

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

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

28 “(7) ‘Elector’ means an individual qualified to vote under Article II, sec-
29 tion 2, of the Oregon Constitution.

30 “(8) Except as provided in ORS 260.007, ‘expend’ or ‘expenditure’ includes

1 the payment or furnishing of money or anything of value or the incurring
2 or repayment of indebtedness or obligation by or on behalf of a candidate,
3 political committee or person in consideration for any services, supplies,
4 equipment or other thing of value performed or furnished for any reason,
5 including support of or opposition to a candidate, political committee or
6 measure, or for reducing the debt of a candidate for nomination or election
7 to public office. 'Expenditure' also includes contributions made by a candi-
8 date or political committee to or on behalf of any other candidate or political
9 committee.

10 "(9) 'Filing officer' means:

11 "(a) The Secretary of State:

12 "(A) Regarding a candidate for public office;

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

14 "(C) Regarding any measure; or

15 "(D) Regarding any political committee.

16 "(b) In the case of an irrigation district formed under ORS chapter 545,
17 'filing officer' means:

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

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

25 "(C) The secretary of the irrigation district for any election other than
26 an irrigation district formation election.

27 "(10) 'Independent expenditure' means an expenditure by a person for a
28 communication in support of or in opposition to a clearly identified candi-
29 date or measure that is not made with the cooperation or with the prior
30 consent of, or in consultation with, or at the request or suggestion of, a

1 candidate or any agent or authorized committee of the candidate, or any
2 political committee or agent of a political committee supporting or opposing
3 a measure. For purposes of this subsection **and subsection (3) of this sec-**
4 **tion:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 “(B)(i) The communication involves aggregate expenditures of more than
30 \$250 by a person;

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

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

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

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

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

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

30 “(B) Does not mean providing to the expending person upon request a

1 copy of this chapter or any rules adopted by the Secretary of State relating
2 to independent expenditures.

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

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

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

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

12 “(a) A proposed law.

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

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

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

16 “(e) A proposition or question.

17 “(15) ‘Occupation’ means:

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

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

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

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

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

28 “(a) Received a contribution for the purpose of supporting or opposing a
29 candidate, measure or political party; or

30 “(b) Made an expenditure for the purpose of supporting or opposing a

1 candidate, measure or political party. For purposes of this paragraph, an
2 expenditure does not include:

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

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

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

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

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

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

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

19 **“SECTION 7. Chapter 3, Oregon Laws 2007, is repealed.**

20 **“SECTION 8. It is the intent of the Legislative Assembly that all
21 parts of this 2021 Act are independent and that if any part of this 2021
22 Act is held unconstitutional, all remaining parts shall remain in force.**

23 **“SECTION 9. Sections 2 to 4 of this 2021 Act and the amendments
24 to ORS 260.005 and 260.995 by sections 5 and 6 of this 2021 Act become
25 operative on November 9, 2022.**

26 **“SECTION 10. The Secretary of State and the Attorney General may
27 take any action before the operative date specified in section 9 of this
28 2021 Act that is necessary for the Secretary of State and the Attorney
29 General to exercise, on and after the operative date specified in section
30 9 of this 2021 Act, all of the duties, functions and powers conferred on**

1 the Secretary of State and the Attorney General by sections 2 to 4 of
2 this 2021 Act and the amendments to ORS 260.005 and 260.995 by section
3 5 and 6 of this 2021 Act.

4 “SECTION 11. This 2021 Act takes effect on the 91st day after the
5 date on which the 2021 regular session of the Eighty-first Legislative
6 Assembly adjourns sine die.”.

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