

House Bill 3455

Sponsored by Representative RAYFIELD (at the request of Governor Tina Kotek)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes limits on campaign contributions that may be accepted by candidates and political committees.

Requires political committee to identify as caucus, measure, multicandidate, political party, recall or small donor political committee. Prohibits person from controlling more than one of each committee.

Authorizes Secretary of State and Attorney General to require return of contribution excess of limits and impose civil penalty up to 100 percent of total amount of contribution.

Repeals Ballot Measure 47 (2006), currently held in abeyance, which establishes limits on political campaign contributions and independent expenditures on candidate races and establishes certain campaign finance disclosure requirements.

Establishes Small Donor Elections Program to enable candidates for office of state Representative and state Senator to receive 6-to-1 match on small dollar donations. Limits matching funds.

Allows resident taxpayers to designate contribution to Small Donor Elections Fund on income tax return form.

Directs most election law penalties to Small Donor Elections Fund.

Revises specified threshold amounts that require covered organizations that make political contributions to file with Secretary of State donor identification list that identifies donors that made donations above \$10,000 during election cycle to covered organization.

Becomes operative on November 4, 2026.

A BILL FOR AN ACT

1
2 Relating to campaign finance; creating new provisions; amending ORS 260.005, 260.042, 260.266,
3 260.275, 260.995, 305.754 and 305.796; and repealing chapter 3, Oregon Laws 2007.

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

CONTRIBUTION LIMITS

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8 **SECTION 1. Sections 2 to 4 and 9 of this 2023 Act are added to and made a part of ORS**
9 **chapter 260.**

10 **SECTION 2. As used in sections 2 to 4 and 9 of this 2023 Act:**

11 (1) **“Caucus political committee,” “major political party,” “measure political**
12 **committee,” “minor political party,” “multicandidate political committee,” “political party**
13 **administration committee,” “political party multicandidate committee,” “recall political**
14 **committee” and “small donor political committee” have the meanings given those terms in**
15 **ORS 260.042.**

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

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

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

20 (B) **Has filed all necessary materials to obtain tax exempt status under section 501(c) of**
21 **the Internal Revenue Code with the federal Internal Revenue Service and has not yet had**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 the organization's application approved or denied; or

2 (C) Is fiscally sponsored by an organization that is tax exempt under section 501(c) of the
3 Internal Revenue Code; and

4 (b) Is composed of members who:

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

6 (B) For each year of membership, on an annual or more frequent basis, either pay mon-
7 etary membership dues or make a monetary donation as a condition of maintaining mem-
8 bership in the organization.

9 (4) "State office," notwithstanding ORS 260.005, means the office of Governor, Secretary
10 of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and In-
11 dustries, state Senator, state Representative, judge of the Supreme Court, judge of the Court
12 of Appeals or circuit court judge.

13 **SECTION 3.** (1)(a) A candidate for state office or the principal campaign committee of a
14 candidate for state office may accept contributions only from the sources and in the amounts
15 described in this section.

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

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

23 (B) Any contribution limits adopted by a local government under this paragraph must
24 allow a candidate or the principal campaign committee of a candidate for an election contest
25 of the local government to accept contributions from any political committee from which a
26 candidate or the principal campaign committee of a candidate for the office of state Repre-
27 sentative may accept contributions under subsection (2)(a) of this section.

28 (2) A candidate or the principal campaign committee of a candidate for the office of state
29 Representative:

30 (a) May not accept aggregate contributions in excess of \$500 per election from a person,
31 a multicandidate political committee or the principal campaign committee of a candidate.

32 (b)(A) Except as provided in subparagraph (B) of this paragraph, may not accept aggre-
33 gate contributions in excess of \$10,000 per election from a political party multicandidate
34 committee.

35 (B) A candidate or the principal campaign committee of a candidate for the office of state
36 Representative may not accept aggregate contributions in excess of \$40,000 per election from
37 a political party multicandidate committee established by a political party that has not es-
38 tablished a caucus political committee.

39 (c) May not accept aggregate contributions from a small donor political committee in
40 excess of \$____.

41 (3) A candidate or the principal campaign committee of a candidate for the office of state
42 Senator or circuit court judge:

43 (a) May not accept aggregate contributions in excess of \$500 per election from a person,
44 a multicandidate political committee or the principal campaign committee of a candidate.

45 (b)(A) Except as provided in subparagraph (B) of this paragraph, may not accept aggre-

1 **gate contributions in excess of \$10,000 per election from a political party multicandidate**
 2 **committee.**

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

7 **(c) May not accept aggregate contributions from a small donor political committee in**
 8 **excess of \$_____.**

9 **(4) A candidate or the principal campaign committee of a candidate for a state office not**
 10 **described in subsections (2) or (3):**

11 **(a) May not accept aggregate contributions in excess of \$1,000 per election from a person,**
 12 **a multicandidate political committee or the principal campaign committee of a candidate.**

13 **(b)(A) Except as provided in subparagraph (B) of this paragraph, may not accept aggre-**
 14 **gate contributions in excess of \$30,000 per election from a political party multicandidate**
 15 **committee.**

16 **(B) A candidate or the principal campaign committee of a candidate for a state office not**
 17 **described in subsections (2) or (3) of this section may not accept aggregate contributions in**
 18 **excess of \$40,000 per election from a political party multicandidate committee established by**
 19 **a political party that has not established a caucus political committee.**

20 **(c) May not accept aggregate contributions from a small donor political committee in**
 21 **excess of \$_____.**

22 **(5) A candidate or the principal campaign committee of a candidate for state office may**
 23 **not accept aggregate contributions in excess of \$40,000 per election from a caucus political**
 24 **committee.**

25 **(6)(a) A political committee may make a contribution to a candidate for state office or**
 26 **the principal campaign committee of a candidate for state office only if the political com-**
 27 **mittee is registered with the Secretary of State as a caucus political committee, a multi-**
 28 **candidate political committee, a political party multicandidate committee, the principal**
 29 **campaign committee of a candidate or a small donor political committee.**

30 **(b) A measure political committee, political party administration committee or recall**
 31 **political committee may not make a contribution to a candidate or the principal campaign**
 32 **committee of a candidate for a state office.**

33 **(7)(a) When calculating the aggregate amount of contributions a candidate or the prin-**
 34 **cipal campaign committee of a candidate may accept under this section:**

35 **(A) The first \$_____ based on the aggregate time spent by all staff members of any**
 36 **person, other than an individual, that must otherwise be reported as an in-kind contribution**
 37 **may not be included, provided that the staff time is limited to direct voter contact, commu-**
 38 **nity organizing, community outreach or staff support; and**

39 **(B) Any in-kind contribution not described in subparagraph (A) of this paragraph must**
 40 **be included.**

41 **(b) The Secretary of State by rule shall define “community organizing,” “community**
 42 **outreach,” “direct voter contact” and “staff support” for purposes of this subsection.**

43 **(8)(a) Notwithstanding any other provision of law, a candidate for state office shall re-**
 44 **main eligible to participate in any public financing program for candidates of that state office**
 45 **if the candidate has accepted:**

1 (A) In-kind contributions from any person other than an individual in the amount de-
2 scribed in subsection (7)(a)(A) of this section; or

3 (B) Aggregate contributions from a small donor political committee in the amount per-
4 mitted for that state office under subsections (2) to (4) of this section.

5 (b) A candidate for state office who participates in a public financing program for that
6 state office may not receive any public moneys to match contributions described in para-
7 graphs (a)(A) or (a)(B) of this subsection.

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

11 (10)(a) For purposes of this section, a separate election exists in each instance in which
12 an individual:

13 (A) Is a candidate for nomination to a state office by a major political party or a minor
14 political party;

15 (B) Is a candidate for nomination to a state office by an assembly of electors under ORS
16 249.735 or by individual electors under ORS 249.740;

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

18 (D) Will appear on a general election ballot or a special election ballot as a candidate for
19 state office;

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

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

23 (b) Notwithstanding subsections (2) to (5) of this section, during each election cycle:

24 (A) A candidate or the principal campaign committee of a candidate for state office who
25 has not qualified to appear on the general election ballot may accept contributions for only
26 one election plus any additional elections in which the candidate meets the requirements
27 described in paragraph (a)(F) of this subsection;

28 (B) A candidate or the principal campaign committee of a candidate for state office who
29 will appear on the general election ballot may accept contributions for only two elections plus
30 any additional elections in which the candidate meets the requirements described in para-
31 graph (a)(F) of this subsection; and

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

34 (11)(a) For purposes of the contribution limits established in this section, contributions
35 made or received by multiple political committees are considered to be made or received by
36 a single political committee if:

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

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

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

1 (12) For purposes of the contribution limits established in this section, contributions
 2 made by multiple people other than individuals are considered to be made or received by a
 3 single person if the people other than individuals constitute a branch, division, department
 4 or local unit of the person or group of persons.

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

11 (14) The Secretary of State may adopt rules necessary to implement this section.

12 **SECTION 4.** (1) A political committee other than the principal campaign committee of a
 13 candidate may accept contributions only from the sources and in the amounts described in
 14 this section.

15 (2) A caucus political committee:

16 (a) May not accept aggregate contributions in excess of \$3,000 per calendar year from a
 17 person or a multicandidate political committee; and

18 (b) May not accept aggregate contributions in excess of \$40,000 per election from the
 19 principal campaign committee of a candidate or the candidate committee of a candidate for
 20 federal office.

21 (3) A multicandidate political committee may not accept aggregate contributions in ex-
 22 cess of \$15,000 per calendar year from a person.

23 (4) A political party multicandidate committee may not accept aggregate contributions
 24 in excess of \$3,000 per calendar year from a person, the principal campaign committee of a
 25 candidate or a multicandidate political committee.

26 (5)(a) A measure political committee, a political party administration committee or a
 27 recall political committee may accept unlimited contributions from any person, including any
 28 other political committee.

29 (b) A measure political committee may not make a contribution to a caucus political
 30 committee, a multicandidate political committee, a political party multicandidate committee,
 31 a small donor political committee or a recall political committee.

32 (c) A recall political committee may not make a contribution to a caucus political com-
 33 mittee, a multicandidate political committee, a political party multicandidate committee or
 34 a small donor political committee.

35 (d) A political party administration committee may not make a contribution to a caucus
 36 political committee, a multicandidate political committee, a political party multicandidate
 37 committee, a small donor political committee or a recall political committee.

38 (6)(a) During a calendar year, a small donor political committee may accept contributions
 39 from:

40 (A) Persons, in an aggregate amount of no more than \$250 per person; and

41 (B) Membership organizations, in an amount that does not exceed the aggregate amount
 42 a membership organization may contribute to small donor political committees under para-
 43 graph (b) of this subsection.

44 (b)(A) A membership organization may make contributions to one or more small donor
 45 political committees. The aggregate total contributions, including in-kind contributions, that

1 a membership organization may make to small donor political committees during a calendar
 2 year may not exceed the aggregate total of each individual member's membership dues or
 3 the aggregate total of each individual member's donations that were received by the mem-
 4 bership organization during the previous 12 months, with a limit of \$250 from the combined
 5 aggregate dues and donations paid by each individual member per calendar year.

6 (B) The name and any identifying information about an individual member of a member-
 7 ship organization may not be disclosed as a public record under ORS 192.311 to 192.478.

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

10 (A) Principal campaign committee.

11 (B) Caucus political committee.

12 (C) Measure political committee.

13 (D) Multicandidate political committee.

14 (E) Political party administration committee.

15 (F) Political party multicandidate committee.

16 (G) Recall political committee.

17 (H) Small donor political committee.

18 (b) A person who controls both a small donor political committee and another political
 19 committee may not split a contribution from an individual, so that part of the individual's
 20 contribution goes to the small donor political committee and part of the contribution goes
 21 to the other political committee.

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

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

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

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

34 (8) For purposes of the contribution limits established in this section, contributions made
 35 by multiple people other than individuals are considered to be made or received by a single
 36 person if the people other than individuals are established, financed, maintained or controlled
 37 by the same person or substantially the same group of persons, including any parent, sub-
 38 sidiary, branch, division, department or local unit of the person or group of persons.

39 (9) Prior to the start of each election cycle, the Secretary of State shall adjust the dollar
 40 amounts set forth in this section by the cumulative change in the Consumer Price Index for
 41 All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statis-
 42 tics of the United States Department of Labor, or its successor, since the previous election
 43 cycle. The adjustments performed under this subsection shall be rounded to the nearest \$10
 44 increment.

45 (10) The Secretary of State may adopt rules necessary to implement this section.

SECTION 5. ORS 260.995 is amended to read:

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

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

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

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

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

(c) \$10,000 for each violation of ORS 260.555, 260.558, 260.575, 260.695 (1) or (2) or 260.715 (1) or Article IV, section 1b, of the Oregon Constitution.

(3)(a) Except as provided in paragraph (b) of this subsection, for each instance in which a political committee or a candidate for state office or the principal campaign committee of a candidate for state office accepts a contribution in excess of the limits established in section 3 or 4 of this 2023 Act, the secretary or Attorney General:

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

(B) May impose a civil penalty in the form of a fine not to exceed 100 percent of the total amount of the contribution accepted that resulted in a violation of the contribution limits established in section 3 or 4 of this 2023 Act.

(b)(A) The secretary or Attorney General may not impose a civil penalty on a political committee or a candidate for state office or the principal campaign committee of a candidate for state office for receiving contributions in excess of the contribution limits established in section 3 or 4 of this 2023 Act if, within the period of time the political committee or candidate has to report the nonconforming contribution under ORS 260.057, the candidate or committee:

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

(ii) Returns all moneys included in the contribution that are in excess of the contribution limits established in section 3 or 4 of this 2023 Act.

(B) If a political committee or a candidate for state office or the principal campaign committee of a candidate for state office is unable to return all or part of a nonconforming contribution to the person that made the contribution, the return of all or part of a contribution under this paragraph may be satisfied by donating the moneys described in subparagraph (A) of this paragraph to an organization recognized as tax exempt under section 501(c)(3) of the Internal Revenue Code.

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

1 (a) A statement of the authority and jurisdiction under which the hearing is to be held; and

2 (b) If the person is an agency, corporation or an unincorporated association, a statement that
 3 such person must be represented by an attorney licensed in Oregon, unless the person is a political
 4 committee which may be represented by any officer identified in the most recent statement of or-
 5 ganization filed with the filing officer.

6 [(4)] (5) A hearing on whether to impose a civil penalty and to consider circumstances in miti-
 7 gation shall be held by the secretary or Attorney General:

8 (a) Upon request of the person against whom the penalty may be assessed, if the request is made
 9 not later than the 20th day after the service date on the notice sent under subsection [(3)] (4) of this
 10 section; or

11 (b) Upon the secretary's or Attorney General's own motion.

12 [(5)] (6) The person against whom a penalty may be assessed need not appear in person at a
 13 hearing held under this section, but instead may submit written testimony or other evidence, sworn
 14 to before a notary public, to the secretary or Attorney General for entry in the hearing record. The
 15 testimony or other evidence must be received by the secretary or Attorney General not later than
 16 three business days before the day of the hearing and may be submitted electronically.

17 [(6)] (7) All hearings under this section shall be held not later than 45 days after the deadline
 18 for the person against whom the penalty may be assessed to request a hearing. However, if re-
 19 quested by the person against whom the penalty may be assessed, a hearing under subsection [(4)]
 20 (5) of this section shall be held not later than 60 days after the deadline for the person against
 21 whom the penalty may be assessed to request a hearing.

22 [(7)] (8) The secretary or Attorney General shall issue an order not later than 90 days after a
 23 hearing or after the deadline for requesting a hearing if no hearing is held.

24 [(8)] (9) All penalties recovered under this section shall be paid into the **Small Donor Elections**
 25 **Fund established in section 17 of this 2023 Act** [*State Treasury and credited to the General*
 26 *Fund*].

27 [(9)] (10) In the case of a civil penalty imposed under this section for a violation of ORS 260.407,
 28 the person against whom the penalty is assessed:

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

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

31 (c) May not pay the civil penalty from contributions received by a candidate, a candidate's
 32 principal campaign committee, a political committee or a petition committee.

33 **SECTION 6.** ORS 260.042 is amended to read:

34 260.042. (1) The treasurer of a political committee shall file a statement of organization with the
 35 filing officer. The statement must include:

36 (a) The name[,] **and** address [*and nature*] of the committee. The address must be the address
 37 of a residence, office, headquarters or similar location where the political committee or a responsi-
 38 ble officer of the political committee may be conveniently located.

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

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

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

43 **(e)(A) Whether the political committee will operate as a caucus political committee, a**
 44 **measure political committee, a multicandidate political committee, a political party admin-**
 45 **istration committee, a political party multicandidate committee, a recall political committee**

1 or a small donor political committee.

2 (B) A major political party or minor political party may establish no more than one political party administration committee and no more than one political party multicandidate
3 committee.
4

5 (C) A major political party or minor political party may not establish more than one caucus political committee in the Senate and one caucus political committee in the House
6 of Representatives.
7

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

10 [(e)] (f) The name, office sought, and party affiliation of each candidate whom the committee is
11 supporting or specifically opposing or intends to support or specifically oppose, when known, or, if
12 the committee is supporting or specifically opposing all the candidates of a given party, the name
13 of that party.

14 [(f)] (g) A designation of any measure that the committee is opposing or supporting, or intends
15 to support or oppose. **Only a political committee that operates as a measure political com-
16 mittee may use amounts received as contributions to support or oppose one or more meas-
17 ures.**

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

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

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

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

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

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

38 (7) This section does not apply to a political committee that is a principal campaign committee
39 or to a political committee exclusively supporting or opposing one or more candidates for federal
40 or political party office.

41 (8) **As used in this section:**

42 (a) **“Caucus political committee” means a political committee:**

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

45 (B) **Established under rules or bylaws created by the caucus by which it was established;**

1 and

2 (C) Controlled by an elected leader of the caucus by which it was established.

3 (b) “Major political party” means a political party that has qualified as a major political
4 party under ORS 248.006.

5 (c) “Measure political committee” means a political committee that supports or opposes
6 one or more measures.

7 (d) “Minor political party” means a political party that has qualified as a minor political
8 party under ORS 248.008.

9 (e) “Multicandidate political committee” means a political committee that supports or
10 opposes:

11 (A) One or more candidates; or

12 (B) All candidates affiliated with a major political party or a minor political party.

13 (f) “Political party administration committee” means a political committee that, on a
14 statewide basis:

15 (A) Does not make expenditures in support of or in opposition to one or more candidates;

16 (B) Makes expenditures for the benefit of the political party, including building party
17 membership, developing and expressing policy positions and platforms and lobbying and liti-
18 gation related to public policies, elections or laws affecting political parties; and

19 (C)(i) Represents a major political party or a minor political party; or

20 (ii) Is established under the bylaws of a major political party or a minor political party.

21 (g) “Political party multicandidate committee” means a political committee that:

22 (A) Operates on a statewide basis;

23 (B) Qualifies as a multicandidate political committee; and

24 (C)(i) Represents a major political party or a minor political party; or

25 (ii) Is established under the bylaws of a major political party or a minor political party.

26 (h) “Recall political committee” means a political committee that supports or opposes a
27 person subject to a recall election.

28 (i) “Small donor political committee” means a political committee that:

29 (A) Registers as a small donor political committee under this section;

30 (B) Prior to registering as a small donor political committee has not accepted a contri-
31 bution in excess of the contribution limits for small donor political committees set forth in
32 section 4 of this 2023 Act; and

33 (C) While operating as a small donor political committee, complies with the restrictions
34 on receiving contributions set forth in section 4 of this 2023 Act.

35 **SECTION 7.** Notwithstanding ORS 260.042 (8)(i), a political committee, as defined in ORS
36 260.005, that is not organized as a small donor political committee, as defined in ORS 260.042,
37 may reorganize as a small donor political committee if, during the previous 24-month period,
38 not less than 90 percent of the total amount of moneys contributed to the political committee
39 were contributed by individuals in amounts not exceeding \$250 per individual donor per cal-
40 endar year. Any moneys in the bank accounts of a political committee that reorganizes as
41 a small donor political committee under this section shall transfer to the newly organized
42 small donor political committee and may be used in the same manner as any other moneys
43 contributed to the small donor political committee.

44 **SECTION 8.** Section 7 of this 2023 Act is repealed on March 31, 2027.

45 **SECTION 9.** (1) An individual or entity may not, directly or indirectly:

1 **(a) Require an employee or contractor to make a contribution or independent expenditure**
 2 **to support or oppose any candidate; or**

3 **(b) Provide or promise any benefit or impose or threaten any detriment due to a decision**
 4 **by an employee or contractor on whether to make a contribution or independent expenditure**
 5 **to support or oppose a candidate.**

6 **(2) Any individual who is subjected to a violation of subsection (1) of this section may file**
 7 **a civil action in the appropriate circuit court against the individual or entity alleged to have**
 8 **violated subsection (1) of this section. Upon a finding that an individual or entity has violated**
 9 **subsection (1) of this section, the complainant shall receive a civil award of not less than**
 10 **\$20,000 plus an award of reasonable attorney fees.**

11 **(3) The amount awarded to a complainant under this section is separate from, and in**
 12 **addition to, any penalties imposed on the individual or entity under any other provision of**
 13 **law.**

14 **SECTION 10.** ORS 260.005 is amended to read:

15 260.005. As used in this chapter:

16 (1)(a) “Candidate” means:

17 (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,
 18 nominating petition or certificate of nomination to public office has been filed or whose name is
 19 expected to be or has been presented, with the individual’s consent, for nomination or election to
 20 public office;

21 (B) An individual who has solicited or received and accepted a contribution, made an expendi-
 22 ture, or given consent to an individual, organization, political party or political committee to solicit
 23 or receive and accept a contribution or make an expenditure on the individual’s behalf to secure
 24 nomination or election to any public office at any time, whether or not the office for which the in-
 25 dividual will seek nomination or election is known when the solicitation is made, the contribution
 26 is received and retained or the expenditure is made, and whether or not the name of the individual
 27 is printed on a ballot; or

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

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

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

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

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

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

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

44 (b) The excess value of a contribution made for compensation or consideration of less than
 45 equivalent value[.]; **and**

1 **(c) An expenditure by a person for a communication in support of or in opposition to a**
 2 **clearly identified candidate or measure that is made with the cooperation or with the prior**
 3 **consent of, or in consultation with, or at the request or suggestion of, a candidate or any**
 4 **agent or authorized committee of the candidate, or any political committee or agent of a**
 5 **political committee supporting or opposing a measure.**

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

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

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

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

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

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

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

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

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

26 (9) “Filing officer” means:

27 (a) The Secretary of State:

28 (A) Regarding a candidate for public office;

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

30 (C) Regarding any measure; or

31 (D) Regarding any political committee.

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

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

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

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

40 (10) “Independent expenditure” means an expenditure by a person for a communication in sup-
 41 port of or in opposition to a clearly identified candidate or measure that is not made with the co-
 42 operation or with the prior consent of, or in consultation with, or at the request or suggestion of,
 43 a candidate or any agent or authorized committee of the candidate, or any political committee or
 44 agent of a political committee supporting or opposing a measure. For purposes of this subsection
 45 **and subsection (3) of this section:**

- 1 (a) “Agent” means any person who has:
- 2 (A) Actual oral or written authority, either express or implied, to make or to authorize the
- 3 making of expenditures on behalf of a candidate or on behalf of a political committee supporting or
- 4 opposing a measure; or
- 5 (B) Been placed in a position within the campaign organization where it would reasonably ap-
- 6 pear that in the ordinary course of campaign-related activities the person may authorize expen-
- 7 ditures.
- 8 (b)(A) “Clearly identified” means, with respect to candidates:
- 9 (i) The name of the candidate involved appears;
- 10 (ii) A photograph or drawing of the candidate appears; or
- 11 (iii) The identity of the candidate is apparent by unambiguous reference.
- 12 (B) “Clearly identified” means, with respect to measures:
- 13 (i) The ballot number of the measure appears;
- 14 (ii) A description of the measure’s subject or effect appears; or
- 15 (iii) The identity of the measure is apparent by unambiguous reference.
- 16 (c) “Communication in support of or in opposition to a clearly identified candidate or measure”
- 17 means:
- 18 (A)(i) The communication, when taken as a whole and with limited reference to external events,
- 19 such as the proximity to the election, could only be interpreted by a reasonable person as containing
- 20 advocacy for the election or defeat of a clearly identified candidate for nomination or election to
- 21 public office, or the passage or defeat of a clearly identified measure; and
- 22 (ii) The electoral portion of the communication is unmistakable, unambiguous and suggestive of
- 23 only one meaning; or
- 24 (B)(i) The communication involves aggregate expenditures of more than \$250 by a person;
- 25 (ii) The communication refers to a clearly identified candidate or measure that will appear on
- 26 the ballot or to a political party; and
- 27 (iii) The communication is published and disseminated to the relevant electorate within 60 cal-
- 28 endar days before a primary election, 120 calendar days before a general election or 90 calendar
- 29 days before an election other than a primary election or a general election.
- 30 (d) “Made with the cooperation or with the prior consent of, or in consultation with, or at the
- 31 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
- 32 political committee or agent of a political committee supporting or opposing a measure”:
- 33 (A) Means any arrangement, coordination or direction by the candidate or the candidate’s agent,
- 34 or by any political committee or agent of a political committee supporting or opposing a measure,
- 35 prior to the publication, distribution, display or broadcast of the communication. An expenditure
- 36 shall be presumed to be so made when it is:
- 37 (i) Based on information about the plans, projects or needs of the candidate, or of the political
- 38 committee supporting or opposing a measure, and provided to the expending person by the candidate
- 39 or by the candidate’s agent, or by any political committee or agent of a political committee sup-
- 40 porting or opposing a measure, with a view toward having an expenditure made; or
- 41 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who
- 42 is or has been an officer of a political committee authorized by the candidate or by a political
- 43 committee or agent of a political committee supporting or opposing a measure, or who is or has been
- 44 receiving any form of compensation or reimbursement from the candidate, the candidate’s principal
- 45 campaign committee or agent or from any political committee or agent of a political committee

1 supporting or opposing a measure.

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

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

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

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

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

13 (a) A proposed law.

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

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

16 (d) Local, special or municipal legislation.

17 (e) A proposition or question.

18 (15) "Occupation" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4
5 **PUBLIC FINANCING OF ELECTIONS**

6
7 **SECTION 12. Sections 13 to 18 of this 2023 Act are added to and made a part of ORS**
8 **chapter 260.**

9 **SECTION 13. As used in sections 13 to 18 of this 2023 Act:**

10 (1) "Election cycle" has the meaning given that term in section 2 of this 2023 Act.

11 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, "maximum public
12 match" means the receipt by a candidate for the office of state Senator or state Represen-
13 tative from the Small Donor Elections Fund of an amount of moneys equal to the amount
14 set forth in section 18 of this 2023 Act.

15 (b)(A) For a candidate for the office of state Senator or state Representative who is
16 running unopposed in the primary election, "maximum public match" means a candidate's
17 receipt from the Small Donor Elections Fund of five percent of the amount set forth in
18 paragraph (a) of this subsection during the period ending on the date of the primary election
19 and:

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

23 (ii) If the candidate is not running unopposed in the general election, the total amount
24 of moneys remaining from the amount set forth in paragraph (a) of this subsection after the
25 date of the primary election.

26 (B) For a candidate for the office of state Senator or state Representative who is running
27 unopposed in the general election, "maximum public match" means a candidate's receipt
28 from the Small Donor Elections Fund of five percent of the amount set forth in paragraph
29 (a) of this subsection during the period beginning on the day after the date of the primary
30 election and ending on the date of the general election and:

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

34 (ii) If the candidate is not running unopposed in the primary election, 50 percent of the
35 amount set forth in paragraph (a) of this subsection during the period ending on the date
36 of the primary election.

37 (c) If a candidate has received contributions from a single person in an aggregate amount
38 of more than \$250 during an election cycle but prior to filing a statement of intent under
39 section 14 (1)(a) of this 2023 Act, the maximum public match shall be reduced by the total
40 amount of moneys received in contributions from a single person in an aggregate amount
41 of more than \$250 prior to the candidate filing a statement of intent under section 14 (1)(a)
42 of this 2023 Act.

43 (3) "Minimum amount of in-state qualifying contributions" means the following amount
44 of qualified small donor contributions from in-state individuals that a candidate must receive
45 in order to participate in the Small Donor Elections Program:

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

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

5 (4) “Minimum number of in-state qualifying contributions” means the following number
6 of in-state individuals that a candidate must receive qualified small donor contributions from
7 in order to participate in the Small Donor Elections Program:

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

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

10 (5) “Nonmatching small donor contributions” means, except as otherwise provided by
11 law:

12 (a) Contributions in an aggregate amount of no more than \$250 per election cycle from
13 a person that is not an individual, including a political committee, to a candidate for the of-
14 fice of state Senator or state Representative; or

15 (b) In-kind contributions to a candidate for the office of state Senator or state Repre-
16 sentative that, when combined with nonmatching small donor contributions described in
17 paragraph (a) of this subsection and with qualified small donor contributions, result in an
18 aggregate amount of no more than \$250 from a person per election cycle.

19 (6)(a) Except as provided in paragraph (b) of this subsection, “qualified small donor con-
20 tributions” means contributions in an aggregate amount of no more than \$250 per election
21 cycle from an individual to a candidate for the office of state Senator or state Represen-
22 tative.

23 (b) In-kind contributions are not “qualified small donor contributions.”

24 (7) “Qualifying period” means the 120-day period that begins on the date a candidate for
25 the office of state Senator or state Representative files a statement of intent to participate
26 in the Small Donor Elections Program.

27 **SECTION 14.** (1) In order to participate in the Small Donor Elections Program, a candi-
28 date for the office of state Senator or state Representative:

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

32 (b) Must collect at least the minimum amount of in-state qualifying contributions during
33 the qualifying period;

34 (c) Must collect at least the minimum number of in-state qualifying contributions during
35 the qualifying period;

36 (d) Must sign an affidavit designed by the Secretary of State by rule stating that the
37 candidate will follow the requirements of the Small Donor Elections Program set forth in
38 sections 13 to 18 of this 2023 Act; and

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

42 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, a candidate who
43 satisfies each requirement set forth in subsection (1) of this section shall receive from the
44 Small Donor Elections Fund an amount equal to \$6 for every \$1 in qualified small donor
45 contributions received from an in-state individual, provided that the total amount received

1 by the candidate from the fund does not exceed the maximum public match. The distribution
 2 of moneys from the fund shall be done in the manner set forth in section 15 of this 2023 Act.

3 (b) During the period starting on the day after the date of a general election and ending
 4 on the date of the next primary election, moneys provided from the Small Donor Elections
 5 Fund under paragraph (a) of this subsection may not apply to more than \$125 of the qualified
 6 small donor contributions made by any individual to each candidate.

7 (c) During the period starting on the day after the date of a general election and ending
 8 on the date of the next general election, moneys provided from the Small Donor Elections
 9 Fund under paragraph (a) of this subsection may not apply to more than \$250 of the qualified
 10 small donor contributions made by an individual to each candidate. The moneys provided
 11 from the Small Donor Elections Fund shall apply to all qualified small donor contributions
 12 up to \$250 per individual for each candidate who qualifies for the next general election.

13 (3) In addition to qualified small donor contributions and moneys received from the Small
 14 Donor Elections Fund under subsection (2) of this section and section 15 of this 2023 Act,
 15 candidates who participate in the Small Donor Elections Program may:

16 (a) Receive nonmatching small donor contributions from an unlimited number of donors.

17 (b) Use personal moneys, or moneys raised from any legal source, to establish the
 18 candidate's campaign. Moneys used or raised under this paragraph:

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

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

21 (4)(a) Except as provided in paragraph (b) of this subsection, contributions received by a
 22 candidate who participates in the Small Donor Elections Program may be used in any man-
 23 ner consistent with ORS 260.407.

24 (b) Moneys received from the Small Donor Elections Fund under subsection (2) of this
 25 section or section 15 of this 2023 Act:

26 (A) Shall be used only for legitimate campaign expenses, as determined by rule by the
 27 Secretary of State; and

28 (B) May not be used to:

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

30 (ii) Make purchases from a business or entity owned by the candidate or the candidate's
 31 family;

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

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

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

35 (vi) Make an independent expenditure.

36 (5) A candidate who participates in the Small Donor Elections Program may not:

37 (a) Coordinate election activities with any entity that makes independent expenditures
 38 related to the candidate, the office the candidate is seeking or the election the candidate is
 39 participating in.

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

41 (c) Except as provided in subsection (3) of this section, receive more than an aggregate
 42 amount of \$250 in qualified small donor contributions and nonmatching small donor contri-
 43 butions from a single donor per election cycle.

44 (d) Make or accept a loan in an aggregate amount of more than \$250 to the candidate's
 45 campaign.

1 (6) A candidate who participates in the Small Donor Elections Program and receives a
 2 contribution that exceeds the amount that would constitute a qualified small donor contri-
 3 bution or a nonmatching small donor contribution shall within two weeks:

4 (a) Return to the person making the contribution the amount contributed that is in ex-
 5 cess of the statutory limits; or

6 (b) Withdraw from the program and return to the Secretary of State for deposit into the
 7 Small Donor Elections Fund the total amount of public moneys distributed to the candidate
 8 under subsection (2) of this section or section 15 of this 2023 Act, plus interest.

9 (7)(a) No later than 45 days after each general election, a candidate who participates in
 10 the Small Donor Elections Program shall return to the Secretary of State for deposit into
 11 the Small Donor Elections Fund any unspent public moneys that were provided to the can-
 12 didate under subsection (2) of this section or section 15 of this 2023 Act.

13 (b) In order to ensure the return of unspent public moneys that are required to be re-
 14 turned under this subsection, the candidate shall:

15 (A) Keep detailed records establishing the total amount of moneys from the Small Donor
 16 Elections Fund and the total amount of moneys from other sources that compose the total
 17 amount of moneys deposited into the campaign bank account of the candidate; and

18 (B) After campaign expenses are paid, return a percentage of the total amount of moneys
 19 remaining in the account that is equal to the percentage of the total amount of moneys de-
 20 posited into the account that came from the Small Donor Elections Fund.

21 (8) Except as otherwise provided in section 13 (2) of this 2023 Act, a candidate who par-
 22 ticipates in the Small Donor Elections Program may receive up to 50 percent of the maxi-
 23 mum public match during the primary election.

24 **SECTION 15.** The Secretary of State by rule shall establish a process for distributing
 25 moneys from the Small Donor Elections Fund to candidates who have met all of the re-
 26 quirements set forth in section 14 (1) of this 2023 Act for participation in the Small Donor
 27 Elections Program. As part of this process:

28 (1) The Secretary of State shall certify that a candidate has completed each requirement
 29 set forth in section 14 (1) of this 2023 Act.

30 (2) Except as provided in section 14 (2) of this 2023 Act, upon providing certification under
 31 subsection (1) of this section, the Secretary of State shall provide moneys from the Small
 32 Donor Elections Fund to the candidate in an amount equal to \$6 for every \$1 in qualified
 33 small donor contributions received from an in-state individual, provided that the amount
 34 received by the candidate does not exceed the maximum public match.

35 (3) Following an initial distribution made under subsection (2) of this section, the candi-
 36 date may file with the Secretary of State additional contribution statements seeking moneys
 37 from the Small Donor Elections Fund. Except as provided in subsection (4) of this section,
 38 additional contribution statements:

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

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

42 (4) During the 30 days immediately preceding the general election, a candidate may file
 43 additional contribution statements seeking moneys from the Small Donor Elections Fund
 44 without receiving qualified small donor contributions of at least \$1,500.

45 **SECTION 16.** (1) A candidate participating in the Small Donor Elections Program who

1 knowingly falsifies campaign records or who knowingly violates any provision of sections 13
 2 to 18 of this 2023 Act:

3 (a) May no longer participate in the program;

4 (b) Shall be required to return to the Secretary of State for deposit into the Small Donor
 5 Elections Fund the total amount of public moneys distributed to the candidate under sections
 6 14 (2) and 15 of this 2023 Act, plus interest;

7 (c) Is personally liable for the return of any public moneys that have already been ex-
 8 pended; and

9 (d) Is subject to criminal liability under ORS 260.993 (2) and civil liability under ORS
 10 260.995 (2)(c) for a violation of ORS 260.715 (1).

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

13 (3) A candidate may use the appeal mechanism established in ORS 246.910 to challenge
 14 any decision of the Secretary of State relating to the candidate's ability to participate in the
 15 Small Donor Elections Program.

16 (4) A candidate participating in the Small Donor Elections Program may at any time
 17 voluntarily withdraw from the program by returning to the Secretary of State for deposit
 18 into the Small Donor Elections Fund 100 percent of the total amount of public moneys dis-
 19 tributed to the candidate under sections 14 (2) and 15 of this 2023 Act, plus interest.

20 SECTION 17. (1) The Small Donor Elections Fund is established in the State Treasury,
 21 separate and distinct from the General Fund. Interest earned by the Small Donor Elections
 22 Fund shall be credited to the fund. All moneys in the fund are continuously appropriated to
 23 the Secretary of State for the purpose of administering sections 13 to 18 of this 2023 Act.

24 (2) The fund consists of moneys appropriated to the fund by the Legislative Assembly,
 25 moneys returned to the fund by candidates who participate in the Small Donor Elections
 26 Program in the manner set forth in sections 13 to 18 of this 2023 Act and moneys paid into
 27 the fund under ORS 260.995. The Secretary of State may accept grants, donations, contribu-
 28 tions or gifts from any source for deposit in the fund.

29 SECTION 18. (1) The maximum public match described in section 14 (2) of this 2023 Act
 30 for the period beginning on the day after the 2026 general election and ending on the date
 31 of the 2028 general election shall be:

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

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

34 (2) Prior to the start of each election cycle, the Secretary of State shall adjust the dollar
 35 amounts set forth in this section by the cumulative change in the Consumer Price Index for
 36 All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statis-
 37 tics of the United States Department of Labor, or its successor, since the previous election
 38 cycle. The adjustments performed under this subsection shall be rounded to the nearest \$10
 39 increment.

40 SECTION 19. (1) A resident individual taxpayer who files a full-year Oregon individual
 41 income tax return may designate that a contribution be made to the Small Donor Elections
 42 Fund established in section 17 of this 2023 Act. The resident individual taxpayer shall make
 43 the designation by marking the box or filling in the space provided on the return form pur-
 44 suant to subsection (2) of this section. The amount designated shall be subtracted from any
 45 refund due on the return.

1 **(2)(a) The Department of Revenue shall provide, on the face of the full-year Oregon in-**
2 **dividual income tax return form, a place for resident individual taxpayers to contribute to**
3 **the Small Donor Elections Fund. The department is not required to add a line to a particular**
4 **form if this addition would require the addition of a page to the return form.**

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

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

7 **(B) A blank line in which the individual may write in an amount other than an amount**
8 **designated under subparagraph (A) of this paragraph.**

9 **(c) The instructions for the return form shall adequately explain that any amount des-**
10 **ignated shall be paid to the Small Donor Elections Fund, that the amount designated will**
11 **decrease the refund of the taxpayer by the designated amount and that the designation is**
12 **entirely voluntary.**

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

17 **SECTION 20.** ORS 305.754 is amended to read:

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

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

30 (b) The area on the return form for making the designation shall provide for a checkoff box of
31 \$3. The instructions shall adequately explain that any amount designated shall be paid to the poli-
32 tical party of the taxpayer's choice, that the amount designated will decrease the refund of the
33 taxpayer by the designated amount, and that the designation is entirely voluntary.

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

36 (4) If a joint return is filed and only one political party is designated, that political party shall
37 receive a contribution in the total amount designated. If two political parties are designated on a
38 joint return, each political party shall receive a contribution in the amount designated by each joint
39 filer. If more than two parties are designated, the designations are void and no contribution is made.

40 (5) If an organization that is not a major or minor political party is designated under this sec-
41 tion, the designation is void and no contribution is made.

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

44 (7) If a taxpayer designates both a contribution to a political party under this section and a
45 contribution pursuant to **either** ORS 305.745 **or section 19 of this 2023 Act**, and the refund due the

1 taxpayer is insufficient to satisfy the designated contribution under ORS 305.745 **or section 19 of**
 2 **this 2023 Act**, the designation under this section is void and no contribution to a political party is
 3 made.

4 **SECTION 21.** ORS 305.796 is amended to read:

5 305.796. (1) The Department of Revenue shall provide a means by which personal income tax-
 6 payers may elect to establish an account under ORS 178.335 within the Oregon 529 Savings Network
 7 in the name of a designated beneficiary.

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

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

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

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

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

21 (b) The taxpayer's refund is less than the total of the following:

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

23 (B) Payments of tax as provided in ORS 316.583 that accompany the return;

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

26 (D) All contributions to political parties designated by means of a checkoff as provided in ORS
 27 305.754[.]; **and**

28 **(E) All contributions to the Small Donor Elections Fund as provided in section 19 of this**
 29 **2023 Act.**

30
 31 **DISCLOSURE REQUIREMENTS**

32
 33 **SECTION 22.** ORS 260.266 is amended to read:

34 260.266. (1) Except as otherwise provided by a local provision, a communication in support of
 35 or in opposition to a clearly identified candidate must state the name of the persons that paid for
 36 the communication.

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

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

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

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

45 (b) A communication in support of or in opposition to a clearly identified candidate by an

1 individual[,] **or** a for-profit business entity [*or a candidate or the principal campaign committee of a*
2 *candidate*] must state the name of the individual[,] **or** for-profit business entity [*or candidate*].

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

5 (i) The name of the person; and

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

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

11 (i) Donations received from an affiliated charitable organization that is tax exempt under section
12 501(c)(3) of the Internal Revenue Code; and

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

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

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

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

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

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

36 (5) This section does not apply to:

37 (a) Candidates for federal office.

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

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

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

45 (e) A person that makes independent expenditures and that is exempt under ORS 260.044 from

1 being required to file statements of independent expenditures using the electronic filing system
 2 adopted under ORS 260.057.

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

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

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

6 (B) Skywriting; or

7 (C) Wearable merchandise.

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

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

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

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

16 (7) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

45 (e) “Local provision” means a charter provision, ordinance, resolution or other provision

1 adopted by a city, county or other local government.

2
3 **REVISED DISCLOSURE LIMITS**

4
5 **SECTION 23.** ORS 260.275 is amended to read:

6 260.275. As used in ORS 260.275 to 260.285:

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

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

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

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

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

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

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

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

24 (8)(a) Except as provided in paragraphs (b) and (c) of this subsection, "electioneering threshold
25 for a measure" means political communications made by a covered organization of less than
26 [\$100,000] \$____ for a particular measure.

27 (b) For a city measure in a city with a population of less than 60,000, "electioneering threshold
28 for a measure" means political communications made by a covered organization of less than
29 [\$25,000] \$____ for a particular city measure.

30 (c) For a county measure in a county with a population of less than 60,000, "electioneering
31 threshold for a measure" means political communications made by a covered organization of less
32 than [\$25,000] \$____ for a particular county measure.

33 (9) "Electioneering threshold for a political committee" means political communications made
34 by a covered organization of less than [\$100,000] \$____ for a particular political committee.

35 (10) "Electioneering threshold for a statewide race" means political communications made by a
36 covered organization of less than [\$100,000] \$____ for a particular state office as defined in ORS
37 249.215.

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

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

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

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

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

45

IMPLEMENTATION AND REPORTING REQUIREMENT

1
2
3 **SECTION 24.** (1) The Secretary of State shall hire a full-time employee to provide voter
4 education, support and outreach regarding Oregon's campaign finance laws, including the
5 laws regarding political contributions set forth in sections 2 to 4 and 9 of this 2023 Act and
6 the Small Donor Elections Program established in sections 13 to 18 of this 2023 Act.

7 (2) The Secretary of State shall provide technical assistance to candidates, campaigns and
8 the public to ensure a smooth transition to the newly enacted contribution limit require-
9 ments set forth in sections 2 to 4 and 9 of this 2023 Act and the Small Donor Elections
10 Program established in sections 13 to 18 of this 2023 Act.

11 **SECTION 25.** It is the intent of the Legislative Assembly that all parts of this 2023 Act
12 are independent and that if any part of this 2023 Act is held unconstitutional, all remaining
13 parts shall remain in force.

14 **SECTION 26.** Sections 2 to 4, 9 and 13 to 18 of this 2023 Act and the amendments to ORS
15 260.042, 260.275 and 260.995 by sections 5, 6 and 23 of this 2023 Act become operative on No-
16 vember 4, 2026.

17 **SECTION 27.** (1)(a) The Secretary of State may take any action before the operative date
18 specified in section 26 of this 2023 Act that is necessary for the Secretary of State to exer-
19 cise, on and after the operative date specified in section 26 of this 2023 Act, all of the duties,
20 functions and powers conferred on the Secretary of State by sections 2 to 4, 9 and 13 to 18
21 of this 2023 Act and the amendments to ORS 260.042, 260.275 and 260.995 by sections 5, 6 and
22 23 of this 2023 Act.

23 (b) No later than September 15, 2025, the Secretary of State shall propose rules necessary
24 to implement sections 2 to 4, 9 and 13 to 18 of this 2023 Act and the amendments to ORS
25 260.042, 260.275 and 260.995 by sections 5, 6 and 23 of this 2023 Act.

26 (c) No later than December 1, 2025, the Secretary of State shall propose revisions to the
27 manual on campaign finance that is adopted by administrative rule and made publicly avail-
28 able on the secretary's website to ensure that it incorporates and describes the contents of
29 this 2023 Act in a clear and straightforward manner.

30 (d) No later than January 1, 2026, the Secretary of State shall report to the interim
31 committees of the Legislative Assembly responsible for campaign finance on the actions
32 taken by the secretary to implement the provisions of this 2023 Act.

33 (2)(a) A political committee may take any action before the operative date set forth in
34 section 26 of this 2023 Act that is necessary for the political committee to be in compliance
35 with the requirements set forth in ORS 260.042, as amended by section 6 of this 2023 Act,
36 no later than the operative date set forth in section 26 of this 2023 Act.

37 (b) The Secretary of State shall reorganize as a multicandidate political committee any
38 active political committee that remains organized to operate as a miscellaneous political
39 committee on March 31, 2027. Any moneys in the bank accounts of a political committee
40 described in this paragraph shall transfer to the newly organized multicandidate political
41 committee and may be used in the same manner as any other moneys contributed to the
42 multicandidate political committee.

43 (c) The Secretary of State shall by rule establish a process that provides a miscellaneous
44 political committee that was reorganized under paragraph (b) of this subsection with a single
45 opportunity to reorganize as a measure political committee. The process shall ensure that

1 any moneys in the bank accounts of a political committee described in this paragraph
2 transfer to the newly organized measure political committee and may be used in the same
3 manner as any other moneys contributed to the measure political committee.

4
5 **CAPTIONS**

6
7 **SECTION 28.** The unit captions used in this 2023 Act are provided only for the conven-
8 ience of the reader and do not become part of the statutory law of this state or express any
9 legislative intent in the enactment of this 2023 Act.

10