

# D R A F T

## SUMMARY

Includes within definition of “political committee” combination of two or more individuals, or person other than individual, that received contribution or made expenditure for purpose of supporting or opposing initiative petition, recall petition or referendum petition.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to campaign finance reporting for petitions; amending ORS 260.005  
3 and 260.049; and prescribing an effective date.

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

5 **SECTION 1.** ORS 260.005, as amended by section 14, chapter 70, Oregon  
6 Laws 2018, is amended to read:

7 260.005. As used in this chapter:

8 (1)(a) “Candidate” means:

9 (A) An individual whose name is printed on a ballot, for whom a decla-  
10 ration of candidacy, nominating petition or certificate of nomination to  
11 public office has been filed or whose name is expected to be or has been  
12 presented, with the individual’s consent, for nomination or election to public  
13 office;

14 (B) An individual who has solicited or received and accepted a contribu-  
15 tion, made an expenditure, or given consent to an individual, organization,  
16 political party or political committee to solicit or receive and accept a con-  
17 tribution or make an expenditure on the individual’s behalf to secure nomi-  
18 nation or election to any public office at any time, whether or not the office

1 for which the individual will seek nomination or election is known when the  
2 solicitation is made, the contribution is received and retained or the ex-  
3 penditure is made, and whether or not the name of the individual is printed  
4 on a ballot; or

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

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

9 (2) “Committee director” means any person who directly and substantially  
10 participates in decision-making on behalf of a political committee concerning  
11 the solicitation or expenditure of funds and the support of or opposition to  
12 candidates, [or] measures, **initiative petitions, referendum petitions or**  
13 **recall petitions**. The officers of a political party shall be considered the di-  
14 rectors of any political party committee of that party, unless otherwise pro-  
15 vided in the party’s bylaws.

16 (3) Except as provided in ORS 260.007, “contribute” or “contribution” in-  
17 cludes:

18 (a) The payment, loan, gift, forgiving of indebtedness, or furnishing  
19 without equivalent compensation or consideration, of money, services other  
20 than personal services for which no compensation is asked or given, supplies,  
21 equipment or any other thing of value:

22 (A) For the purpose of influencing an election for public office or an  
23 election on a measure, or of reducing the debt of a candidate for nomination  
24 or election to public office or the debt of a political committee; or

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

26 (b) The excess value of a contribution made for compensation or consid-  
27 eration of less than equivalent value.

28 (4) “Controlled committee” means a political committee that, in con-  
29 nection with the making of contributions or expenditures:

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

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

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

3 (a) The candidate, the candidate’s agent, a member of the candidate’s im-  
4 mediate family or any other political committee that the candidate controls  
5 has a significant influence on the actions or decisions of the political com-  
6 mittee; or

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

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

12 (7) “Elector” means an individual qualified to vote under Article II, sec-  
13 tion 2, of the Oregon Constitution.

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

24 (9) “Filing officer” means:

25 (a) The Secretary of State:

26 (A) Regarding a candidate for public office;

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

28 (C) Regarding any measure; or

29 (D) Regarding any political committee.

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

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

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

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

10 (10) "Independent expenditure" means an expenditure by a person for a  
11 communication in support of or in opposition to a clearly identified candi-  
12 date or measure that is not made with the cooperation or with the prior  
13 consent of, or in consultation with, or at the request or suggestion of, a  
14 candidate or any agent or authorized committee of the candidate, or any  
15 political committee or agent of a political committee supporting or opposing  
16 a measure. For purposes of this subsection:

17 (a) "Agent" means any person who has:

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

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

24 (b)(A) "Clearly identified" means, with respect to candidates:

25 (i) The name of the candidate involved appears;

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

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

28 (B) "Clearly identified" means, with respect to measures:

29 (i) The ballot number of the measure appears;

30 (ii) A description of the measure's subject or effect appears; or

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

1 (c) "Communication in support of or in opposition to a clearly identified  
2 candidate or measure" means:

3 (A)(i) The communication, taken in its context, clearly and unambig-  
4 uously urges the election or defeat of a clearly identified candidate for  
5 nomination or election to public office, or the passage or defeat of a clearly  
6 identified measure;

7 (ii) The communication, as a whole, seeks action rather than simply con-  
8 veying information; and

9 (iii) It is clear what action the communication advocates; or

10 (B)(i) The communication contains aggregate expenditures of more than  
11 \$750 by a person;

12 (ii) The communication refers to a clearly identified candidate who will  
13 appear on the ballot or to a political party; and

14 (iii) The communication is published and disseminated to the relevant  
15 electorate within 30 calendar days before a primary election or 60 calendar  
16 days before a general election.

17 (d) "Made with the cooperation or with the prior consent of, or in con-  
18 sultation with, or at the request or suggestion of, a candidate or any agent  
19 or authorized committee of the candidate, or any political committee or  
20 agent of a political committee supporting or opposing a measure":

21 (A) Means any arrangement, coordination or direction by the candidate  
22 or the candidate's agent, or by any political committee or agent of a political  
23 committee supporting or opposing a measure, prior to the publication, dis-  
24 tribution, display or broadcast of the communication. An expenditure shall  
25 be presumed to be so made when it is:

26 (i) Based on information about the plans, projects or needs of the candi-  
27 date, or of the political committee supporting or opposing a measure, and  
28 provided to the expending person by the candidate or by the candidate's  
29 agent, or by any political committee or agent of a political committee sup-  
30 porting or opposing a measure, with a view toward having an expenditure  
31 made; or

1 (ii) Made by or through any person who is or has been authorized to raise  
2 or expend funds, who is or has been an officer of a political committee au-  
3 thorized by the candidate or by a political committee or agent of a political  
4 committee supporting or opposing a measure, or who is or has been receiving  
5 any form of compensation or reimbursement from the candidate, the  
6 candidate's principal campaign committee or agent or from any political  
7 committee or agent of a political committee supporting or opposing a meas-  
8 ure.

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

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

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

16 (13) "Mass mailing" means more than 200 substantially similar pieces of  
17 mail, but does not include a form letter or other mail that is sent in response  
18 to an unsolicited request, letter or other inquiry.

19 (14) "Measure" includes any of the following submitted to the people for  
20 their approval or rejection at an election:

21 (a) A proposed law.

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

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

24 (d) Local, special or municipal legislation.

25 (e) A proposition or question.

26 (15) "Occupation" means:

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

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

30 (16) "Person" means an individual, corporation, limited liability company,  
31 labor organization, association, firm, partnership, joint stock company, club,

1 organization or other combination of individuals having collective capacity.

2 (17) "Petition committee" means an initiative, referendum or recall peti-  
3 tion committee organized under ORS 260.118.

4 (18) "Political committee" means a combination of two or more individ-  
5 uals, or a person other than an individual, that has:

6 (a) Received a contribution for the purpose of supporting or opposing a  
7 candidate, measure, **initiative petition, referendum petition, recall peti-**  
8 **tion** or political party; or

9 (b) Made an expenditure for the purpose of supporting or opposing a  
10 candidate, measure, **initiative petition, referendum petition, recall peti-**  
11 **tion** or political party. For purposes of this paragraph, an expenditure does  
12 not include:

13 (A) A contribution to a candidate or political committee that is required  
14 to report the contribution on a statement filed under ORS 260.057 or 260.076  
15 or a certificate filed under ORS 260.112; or

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

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

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

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

24 (22) "Regular district election" means the regular district election de-  
25 scribed in ORS 255.335.

26 (23) "State office" means the office of Governor, Secretary of State, State  
27 Treasurer, Attorney General, Commissioner of the Bureau of Labor and In-  
28 dustries, state Senator, state Representative, judge or district attorney.

29 **SECTION 2.** ORS 260.049 is amended to read:

30 260.049. (1) If the major source of revenue of a corporation is paid-in-  
31 capital and the primary purpose of the corporation is to support or oppose

1 any candidate, measure, **initiative petition, referendum petition, recall**  
2 **petition** or political party, and the corporation has made a contribution or  
3 an expenditure for that purpose, the corporation shall report to the Secretary  
4 of State the names, addresses and occupations of its shareholders and shall  
5 report the amount of paid-in-capital attributable to each shareholder.

6 (2) The information required under subsection (1) of this section, includ-  
7 ing information on the nature and amount of all expenditures of money and  
8 in-kind contributions made by the corporation, shall be filed not later than  
9 seven calendar days after the contribution or expenditure is made.

10 (3) The secretary shall adopt by rule a form for the filing of the infor-  
11 mation required under this section.

12 **SECTION 3. This 2019 Act takes effect on the 91st day after the date**  
13 **on which the 2019 regular session of the Eightieth Legislative Assem-**  
14 **bly adjourns sine die.**

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