

## Elections Division - Chapter 165

### Division 12

## CAMPAIGN FINANCE REGULATIONS

This version of the HB 4024 (2024) draft rules contain tracked changes but do not contain administrative rule history.

A more accessible version of these draft rules with proposed revisions highlighted is available at [OregonVotes.gov](https://OregonVotes.gov).

Provide feedback using the highlighted versions of these draft rules.

These specific Oregon Administrative Rules (OAR) are omitted:

- 165-012-0005 Designating the Campaign Finance Manual and Forms (posted with Manual)
- 165-012-0050 Contribution of Polls, Allocation of Polling Expenses (no change)
- 165-012-0240 Administrative Discontinuation of a Political Committee (no change)

*Reference the highlighted versions of these draft rules for information about submitting feedback.*

**165-012-0525 Application of ORS 260.266 – Campaign Advertising Disclosures**

(1) The purpose of this rule is to establish guidelines for the ~~implementation~~ application of ORS 260.266, ~~and outlines the required disclosure information. When a disclosure is required, all elements are required unless a specific exemption applies.~~

(2) Definitions:

(a) “de minimis” means having a fair market value of approximately \$1.00 or less.

(b) “Digital communication” means a communication that is placed or promoted on an internet or digital platform, including but not limited to search engine marketing, display advertisements, video or audio advertisements, native advertising, and sponsorships. For purposes of the preceding sentence, ‘internet or digital platform’ means a public-facing website, internet-enabled application, or other digital application, including but not limited to a social network, ad network, or search engine that displays, or causes to be displayed, digital communications.

(c) “Name” means:

(A) For candidates ~~in their personal capacity~~, the ~~candidate’s~~ full name ~~as listed on their of the candidate’s~~ principal campaign committee ~~as the committee is~~ registered in ORESTAR.

~~(B)~~ For candidate principal campaign committees, the full name of the candidate’s principal campaign committee as the committee is registered in ORESTAR.

~~(CB)~~ For political action committees and ~~recall~~ petition committees, the full name of the committee as the committee is registered in ORESTAR.

~~(DG)~~ For organizations, the full name by which the organization is registered with the Oregon Secretary of State’s Office, Corporations Division, or comparable agency in the applicable state. If the organization does business under a different name, as reflected in the organization’s website or social media, then ~~that both~~ names ~~must shall~~ be included in the disclosure.

~~(E)~~ For individuals not described in 2(c)(A), the full name by which the individual conducts routine personal business. A preferred name is acceptable so long as it provides the same level of information as a legal name. Initials are not sufficient.

~~(FD)~~ For groups of individuals or other entities not set out in sections 2(c)(A) through (C) above, the name the group or entity most often uses in conjunction with their website or social media accounts, or used in conjunction with their financial records or other official business documentation.

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- (d) “Payment” means “expenditure” as defined and treated under Oregon election law.
- (e) “For the entire placement of the communication” means all costs associated with creating and transmitting the communication including but not limited to staff or consultant time, design costs, postage costs, and dissemination costs.
- (f) “Substantially similar communications” means, regardless of the medium by which they are transmitted, communications that are in support of or in opposition to the same clearly identified candidate or candidates.
- (ge) “Wearable merchandise” includes but is not limited to any form of clothing, hats, gloves, scarves, masks and ~~other face coverings~~. similar clothing items.
- (hf) “Lawn signs” means signs 6 square feet in size or smaller.
- (i) “Election cycle” means the election cycle as defined in ORS 260.005.(xx).
- (j) “Link” means a complete Uniform Resource Locator (URL) address for a web page containing information required by this rule. When a link is used, the referenced page must remain accessible to the public for two years following the election for which the communication is made. Shortened links are acceptable as long as they resolve to the applicable web page and are maintained throughout the two-year period.
- (k) “Active link” means a clickable link, as defined in subparagraph (j) above. The visible portion of the active link must be the complete link so that a person may click or type the information into a browser and see the required information.
- (3) A disclosure must contain the following specific elements, unless a specific exemption applies.
- (a) The disclosure must be in sentence form and include the words “Paid for by” followed by the name of the entity paying for the communication as defined in paragraph (2)(c) of this rule. The communication is considered an in-kind contribution to the candidate and is “Paid for by” the candidate’s principal campaign committee when a communication is made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate.
- (b) Candidates making communications who have contributed more than \$20,000 to their own principal campaign committee during the election cycle must include the statement “[Candidate name as defined in paragraph (2)(a)] has personally contributed more than \$20,000 to their campaign during the election cycle.”
- (c) The disclosure must include the words “The top contributors are” or “The top donors are” whichever is applicable, followed by the names of the top four contributors or donors, or less than four, if there are not four contributors or donors who have made

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aggregate contributions or donations of \$10,000 or more in the election cycle in which the communication is made.

(A) For the purposes of identifying contributors or donors required to be disclosed, the person making the communication must disclose the names of the top aggregate contributors or donors.

(B) If more than four qualify as the largest aggregate contributors or donors, the person making the communication must disclose the names of the contributors or donors that made their contributions or donations closest to the date of printing or transmission of the communication.

(d) If a communication costs more than \$10,000, it must include a link to ORESTAR where a person may view the original sources of funds to the entity that made the expenditure.

(A) The \$10,000 includes all costs for the entire placement of the communication.

(B) The Elections Division will provide each filer with a unique link.

(4) Generally, the disclosure must be made in the same format or formats as the communication. If a communication includes both visual and auditory elements, disclosures in both formats are required. If more than one language is used, the disclosure must be in all languages used in the communication.

(a) Visual communications, including but not limited to mailers, fliers, advertisements, websites, billboards and signs over six square feet must include a visible disclosure.

(A) The font style of the disclosure must be discernable to the average person, including by screen readers without requiring a purchase.

(B) The font size of printed disclosures on physically smaller communications including but not limited to mailers, postcards, and fliers must be no smaller than 10-point font.

(C) The font size of printed disclosures on larger communications including but not limited to billboards and signs larger than six square feet must be no smaller than:

(i) Three inches tall; or

(ii) One-fourth of the font size of the largest font size in the communication.

(iii) For purposes of complying with section (4)(a)(C) of this rule, it is acceptable for only the tallest letters in the disclosure to meet the font size requirements as long as the shorter letters are proportional to the size of the tallest letters.

(D) The font size for a digital disclosure must be in letters at least as large as the majority of the text in the communication.

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(E) The text color on all disclosures must have the same degree of contrast between the background and the text of the disclosure as the majority of the communication made and must be distinct from other text.

(F) On multi-page communications, the disclosure must appear on the front page or back cover and must be distinct from other text.

(G) Disclosures on television communications must appear at the end of the communication for a period of at least four seconds and must occupy at least four percent of the vertical picture height.

(H) Links included on printed or televised communications must meet the same standard for readability as the rest of the disclosure.

(b) Auditory communications, including but not limited to radio, television, and social media video advertisements must include a spoken disclosure.

(A) The disclosure must include closed or text captioning where possible.

(B) The disclosure should be in a volume and cadence sufficient for a reasonable person to hear and understand it. The volume of the disclosure must match the rest of the communication.

(C) All elements of the disclosure must be read as part of the communication if the communication is made in an auditory format.

(5) Disclosures may be adapted for brevity in the following situations:

(a) When a visual presentation of the disclosure is required, a digital communication by a person described in ORS 260.266(2)(b) or (c) must include the required information described in paragraph (3)(a) and (3)(d) of this rule, but may replace the information required in (3)(b) and (3)(c) with an active link for the recipient of the digital communication to immediately view the remainder of the required information. If an auditory presentation is required, it must contain all elements of the disclosure except as provided in paragraph (5)(b) of this rule. Committees described in ORS 260.266(2)(a) are not eligible to adapt their disclosures in this manner.

(b) For communications of 30 seconds or less, the communication must include the information required by paragraph (3)(a) and 3(d), but may omit the information required by paragraph (3)(b) and (3)(c) of this rule from the disclosure. If a visual presentation is required, it must contain all elements except as provided in paragraph (5)(a) of this rule.

~~(3) Excluded items:~~ (6) The following communications do not require a disclosure:

a) A communication made by a political action committee or recall petition committee that costs less than \$10,000 for the entire placement of the communication and substantially similar communications.

~~(ba) Subject to section (3)(b) below, a~~An item is “too small” to feasibly include the disclosures required by ORS 260.266 and this rule if the required information cannot be printed, engraved, or otherwise included on the item using the standards set out in this rule relating to ~~readability~~. **visual disclosure**. Items such as social media, television advertisements, and printed advertisements in a newspaper or other publication and mailers or fliers are examples.

(b) Notwithstanding the exemptions in section (6) of this rule, the following are not considered too small to include the disclosures required by ORS 260.266 and this rule: any communication, distributed in print or other format, such as by social media, television advertisements, and printed advertisements in a newspaper or other publication.

(c) Text messages sent by an individual.

~~(7d)~~ Payments for a communication may not be purposefully split to qualify for the \$500 exemption described in ORS 260.266(7)(b)(B)(ii) **or the \$10,000 exemption described in ORS 260.266(xx)**.

~~(4) Printed or digital disclosures required by ORS 260.266 must be easy to read, if the communication appears in a print or digital format, and shall incorporate the following:~~

~~(a) The format of the disclosure shall be in sentence form, and include information required by statute and rule. The disclosure shall read: “Paid for by”, followed by the required information. If the names of contributors or donors are required, that disclosure shall immediately follow the disclosure about who paid for the communication, and read: “The top contributors are” or “The top donors are”, whichever is applicable, followed by the names of the top five contributors or donors, or less than five, if there are not five contributors or donors who have made aggregate contributions or donations of \$10,000 or more in the election cycle in which the communication is made.~~

~~(b) The font style of the disclosure shall be one that is generally recognizable and discernable. Fonts that can be read by software applications only if the particular font has been purchased by the reader are not acceptable.~~

~~(c) The font size of printed disclosures on communications including mailers, postcards, and flyers shall be no smaller than 10-point font.~~

~~(d) The font size of printed disclosures on communications such as billboards and signs larger than six square feet shall be no smaller than:~~

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- ~~(A) Three inches tall; or~~
- ~~(B) One-fourth of the font size of the largest font size in the communication.~~
- ~~(C) For purposes of complying with section (4)(d) of this rule, it is acceptable for only the tallest letters in the disclosure to meet the font size requirements as long as the shorter letters are proportional to the size of the tallest letters.~~
- ~~(e) The font size for a digital disclosure shall be in letters at least as large as the majority of text in the communication.~~
- ~~(f) The color of the font must have a reasonable degree of color contrast between the background and the printed disclosure.~~
- ~~(g) A disclosure need not appear on the front page or cover of a multiple-page document, as long as the disclosure appears within the communication.~~
- ~~(h) Each communication that would require a disclosure if distributed separately must still display the disclosure when included in a package of materials.~~
- ~~(i) Television communications must contain a clearly readable written disclosure that appears at the end of the communication, for a period of at least four seconds with a reasonable degree of color contrast between the background and the disclosure statement. The written disclosure must occupy at least four percent of the vertical picture height.~~
- ~~(5) Audio disclosures required by ORS 260.266 must be clearly audible and shall incorporate the following:~~
  - ~~(a) The format of the disclosure shall be in sentence form, and include information required by statute and rule. The disclosure shall state: "Paid for by", followed by the required information. If the names of contributors or donors are required, that disclosure shall immediately follow the disclosure about who paid for the communication and state: "The top contributors are" or "The top donors are", whichever is applicable, followed by names of the top five contributors or donors, or less than five, if there are not five contributors or donors who have made aggregate contributions or donations of \$10,000 or more in the election cycle in which the communication is made.~~
  - ~~(b) Closed or text captioning where possible.~~
  - ~~(c) The disclosure should be in a volume and cadence sufficient for a reasonable person to hear and understand it. The volume of the disclosure can be evaluated in relation to the rest of the message.~~

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~~(6) If the communication described in ORS 260.266 includes both audio and visual components that are communications in support of or in opposition to a clearly identified candidate, the communication shall:~~

~~(a) If over 30 seconds long, comply with both sections (4) and (5) of this rule regardless of the medium;~~

~~(b) If 30 seconds or less and not a digital communication, comply with both sections (4) and (5) of this rule except for the provision requiring top contributors or donors to be audibly disclosed; or~~

~~(c) If 30 seconds or less and a digital communication, comply with either:~~

~~(A) Both sections (4) and (5) of this rule except for the provision requiring top contributors or donors to be audibly disclosed; or~~

~~(B) Only section (7) of this rule except that the active link included in the statement does not need to be audibly disclosed.~~

~~(7) To satisfy the requirements of ORS 260.266(2)(d), the digital communication shall:~~

~~(a) State the name of the person that paid for the digital communication; and~~

~~(b) Include an active link for the recipient of the digital communication to immediately view the remainder of the information required under ORS 260.266 and this rule with minimal effort. The link must meet the same requirements for legibility set forth in ORS 260.266 and this rule.~~

~~(8) Notwithstanding ORS 260.266(4)(b), for the purposes of identifying contributors or donors required to be disclosed, the person making the communication shall disclose the names of the top aggregate contributors or donors. If more than five qualify as the largest aggregate contributors or donors, the person making the communication shall disclose the names of the contributors or donors that made their contributions or donations closest to the date of initial printing or transmission of the communication.~~

~~(89) Nothing in this rule prevents a person from re-using communications previously created so long as the disclosure displayed on the communication is accurate as of 10 days before the most recent payment to print or transmit the communication.~~

~~(9) A committee or independent expenditure filer previously exempt from the requirements set forth in ORS 260.266 and this rule must include the appropriate disclosure on any communication made after exceeding the applicable contribution or expenditure threshold.~~

~~(10) For purposes of assessing civil penalties in connection with violations of ORS 260.266 and this administrative rule, the person who paid for the communication is shall~~

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~~be~~ financially responsible for those civil penalties. If more than one person paid for the communication, all of those people ~~are shall be~~ held jointly and severally responsible for those civil penalties.

(a) If civil penalties are assessed for violation(s) of ORS 260.266, the following mitigating circumstances will be considered:

(A) The violation is a direct result of a valid personal emergency of the candidate, treasurer, independent expenditure filer, or other individual responsible for making the required disclosure(s). A valid personal emergency is an emergency, such as a serious personal illness or death in the immediate family of the candidate, treasurer, independent expenditure filer or other responsible individual which caused the violation to occur. A valid personal emergency does not include a common cold or flu, or a long-term illness where other arrangements could have been made. In this case, independent written verification must be provided;

(B) The violation is the direct result of an error by the Secretary of State's Office, Elections Division;

(C) The violation is the direct result of fire, flood, utility failure or other calamitous event, resulting in physical destruction of, or inaccessibility to, campaign finance records. "Calamitous event" means a phenomenon of an exceptional character, the effects of which could not have been reasonably prevented or avoided by the exercise of due care or foresight;

(D) The violation is the direct result of failure of a professional delivery service to deliver documents in the time guaranteed for delivery by written receipt of the service provider. This does not include delivery by fax; and

(E) The violation is the direct result of the failure of a person charged with or hired to produce the communication.

(b) The burden is on the person alleged to have committed the election law violation to show that a mitigating circumstance exists and caused the election law violation.

(c) ~~Form SEL 853 (attached) is the form to be used to request an in-person or telephone hearing, or submit notarized testimony, OAR 165-001-0016 provides instructions for the Respondent to request a hearing~~ to contest violations of ORS 260.266.

(d) Civil penalties assessed in connection with violations of ORS 260.266 and this administrative rule may be assessed during the election cycle and are not required to be held in abeyance until the end of an election cycle.

~~(11) A committee or independent expenditure filer previously exempt from the requirements set forth in ORS 260.266 and this rule must include the appropriate~~

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~~disclosure on any communication made after exceeding the applicable contribution or expenditure threshold.~~

~~(12) The requirements of ORS 260.266 and this rule apply regardless of the language in which the communication is made. The disclosures must be in the same language as the communication. If more than one language is used, the disclosure must be in all languages the communication is made in.~~

~~[ED. NOTE: To view attachments referenced in rule text, click here to view rule.]~~

**Statutory/Other Authority:** ORS 183.341, ORS 183.470, ORS 246.150 ~~&~~, ORS 260.266 ~~&~~ HB 4024 (2024)

**Statutes/Other Implemented:** ORS 260.266, ~~&~~ ORS 260.995 ~~&~~ HB 4024 (2024)

**165-012-xxx1** Adjustments Based on Consumer Price Index

(1) The purpose of this rule is to establish guidelines for implementation of ORS 260.XXX and ORS 260.XXX (HB 4024, Section 5, Subsection 3 and Section 13, Subsection 8).

(2) Definitions:

(a) “Consumer Price Index” or “CPI” means an economic metric, as determined by the Bureau of Labor Statistics, to measure the average change of price paid by consumers on goods and services.

(b) “Election Cycle” means the period starting on January 1 of an odd-numbered year and ending on December 31 of an even-numbered year.

(3) All limits and thresholds will be published in the Campaign Finance Manual adopted under OAR 165-012-0005.

(4) The initial contribution limits and aggregate independent expenditure thresholds for disclosing the original source of funds, as set forth in the Campaign Finance Manual effective January 2027, will be the baseline limits and thresholds for future limits adjustments.

(5) The first adjustment to the initial limits and thresholds will be calculated by measuring the cumulative CPI percentage change from July 2024 to September 2028. This percentage change will be applied to the baseline limits and thresholds rounded to the nearest \$10. These new limits and thresholds will be published in the Campaign Finance Manual effective January 2029.

(6) All subsequent adjustments will be calculated by measuring the cumulative CPI percentage change from July 2024 to the next even year’s September and published four months later in January of the next odd year’s Campaign Finance Manual.

(7) Adjusted limits and thresholds do not go into effect until published in the Campaign Finance Manual in January of the odd year that starts the next election cycle.

(8) Candidates for offices that do not correspond with the election cycle as defined in this rule, may receive contributions under one limit, and have an election after an adjusted limit takes effect. In this circumstance the candidate may accept contributions from a source under the earlier limit and after the adjustments are made, from the same source up to the higher limit.

**Statutory/Other Authority:** HB 4024 (2024)

**Statutes/Other Implemented:** HB 4024 (2024)

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**165-012-xxx2 Campaign Finance Education Fund**

(1) The purpose of this rule is to specify allowable appropriations or transfers of moneys to the Campaign Finance Education Fund created under ORS 260.XXX (HB 4024, Section 5b). For purposes of this rule, the term “Candidate Committee” refers to Candidate Committee as defined by OAR 165-012-0005.

(2) In addition to appropriations or transfers by the Legislative Assembly, moneys can be transferred to this fund by two other methods:

(a) Candidate Committee unexpended funds that remain in the committee’s accounts at the end of an election cycle and that cannot be carried forward to a future election cycle;

(b) Any source identified as an allowable contributor to Candidate Committees by ORS 260.XXX (HB 4024, Section 4(2)-(3)) and OAR 165-012-0005.

**Statutory/Other Authority:** ORS 246.150 & HB 4024 (2024)

**Statutes/Other Implemented:** HB 4024 (2024)

**165-012-xxx3 Political Committee Reorganization and Filer Data Migration**

(1) The purpose of this rule is to specify the process by which political committees will reorganize to comply with HB 4024, Section 6 and the process by which the Secretary of State (Secretary) will migrate filers from the Oregon Election System for Tracking and Reporting (ORESTAR) to the new electronic filing system.

(2) On or before December 31, 2027, the Secretary will migrate data from all filers in ORESTAR to the new electronic filing system.

(3) Beginning on January 1, 2027, the Secretary will begin accepting filings from filers in the new electronic filing system.

(a) Except as provided in (5) and of this rule, all filers registered in ORESTAR that intend to engage in reportable activity must amend their registration to be in compliance with HB 4024, Section 6, and the Campaign Finance Manual effective January 1, 2027, no later than January 11, 2027. Filers that fail to bring their registration into compliance by the deadline will be subject to a civil penalty for failing to amend in a timely manner and will not have access to file campaign finance transactions until the registration is brought into compliance. Failure to file transactions by their due date may result in additional civil penalties.

(A) Through December 31, 2026, filers registered in ORESTAR must continue to amend their existing filing in ORESTAR within 10 days of a change in information to ensure the data migrated to the new electronic filing system on December 31, 2026, is accurate.

(C) Caucus Committees and central committees of a political party registered in ORESTAR that do not meet the definition of a Legislative Caucus Committee or Political Party Committee, respectively, under HB 4024 and the Campaign Finance Manual effective January 1, 2027, may not solicit and receive contributions or make expenditures after December 31, 2026. Committees under this subsection may discontinue their committee not later than December 31, 2026, or re-organize as another type of Political Action Committee no later than January 11, 2027. Committees under this subsection that remain organized as a Caucus Committee or a central committee of a political party committee on January 12, 2027, will be reorganized by the Secretary as a Multicandidate Political Committee. The treasurer of a committee re-organized by the Secretary on January 12, 2027, will be subject to a civil penalty for failing to amend in a timely manner and will not have access to file campaign finance transactions until the registration is brought into compliance. Failure to file transactions by their due date may result in additional civil penalties.

(b) Filers that were not registered in ORESTAR and intend to begin operating effective January 1, 2027, may not solicit contributions or donations or making expenditures until January 1, 2027. Filers under this subsection will not have access to file transactions until January 1, 2027.

(4) Political Action Committees in existence prior to January 1, 2027, will have an opportunity to reorganize as a Small Donor Political Committee if they have met certain conditions for the duration of the 24 months immediately preceding their reorganization including the requirement that 90% or more of the total contributions received by the Political Action Committee were from:

(a) Individual contributors;

(b) Not more than \$250 per individual contributor per calendar year.

(5) Political Action Committees that remain organized as a Miscellaneous Political Committee on March 31, 2027, will be reorganized by the Secretary as a Multicandidate Political Committee. The treasurer of a committee re-organized by the Secretary on March 31, 2027, must take action to supplement the filing with any missing or insufficient information no later than April 12, 2027. Committees under this subsection may not solicit and receive contributions or make expenditures as a Miscellaneous Political Committee after December 31, 2026. Committees under this subsection must operate as a Multicandidate Political Committee beginning on January 1, 2027. Filers that fail to bring their registration into compliance by the deadline will be subject to a civil penalty for failing to amend in a timely manner and will not have access to file campaign finance transactions as a Multicandidate Political Committee until the registration is brought into compliance. Failure to file transactions by their due date may result in additional civil penalties.

(6) A Political Action Committee that was re-organized under (5) of this rule will have a single opportunity to reorganize as a Measure Political Committee. To be eligible for reorganization under this section, the treasurer of a re-organized committee must amend the committee's Statement of Organization in accordance with ORS 260.042 and the Campaign Finance Manual effective January 1, 2027, to indicate that they intend to operate as a Measure Committee under this section not later than June 30, 2027.

**Statutory/Other Authority:** HB 4024 (2024)

**Statutes/Other Implemented:** -HB 4024 (2024)