



NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 165
SECRETARY OF STATE
ELECTIONS DIVISION

FILED

09/12/2025 4:05 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Defining terms, outlining requirements and exceptions for disclosures on political communications.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/21/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/07/2025

TIME: 11:30 AM - 12:00 PM

OFFICER: Coline Benson

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 266910903532

SPECIAL INSTRUCTIONS:

Passcode: 9RK2VF6j

NEED FOR THE RULE(S)

The amendments to this rule are needed to implement new requirements and outline changes to existing requirements created by HB 4024 (2024). Further, amendments to this rule are needed to enable regulated stakeholders to comply with and understand the law, and to keep the public informed on the agency's interpretation of the law.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

HB 4024 (2024)

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rule promotes racial equity by protecting against implicit bias and ensuring that the same guidelines and procedures apply consistently to all regulated stakeholders.

FISCAL AND ECONOMIC IMPACT:

The proposed amendments implement new requirements and outline changes to existing requirements created by HB 4024 (2024). The majority of the proposed amendments to these administrative rules do not create additional requirements beyond those found in statute, therefore the fiscal and economic impact of these rules to affected parties is expected to be minimal.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The proposed amendments will create an economic impact on the state Elections Division, local elections offices that also regulate disclosures on political communications, and persons making political communications that are required to comply with this rule. The Elections Division anticipates needing to answer questions and assist regulated stakeholders in understanding and complying with the new requirements and needing to engage in enforcement actions when complaints alleging violations of these rules are filed. Local election offices that also regulate disclosure requirements may experience an economic impact as regulated stakeholders seek information on how to comply with both sets of requirements.

The specific proposed amendments in this rule that will create an economic impact on persons making political communications are tied to terms that are broadly defined and would potentially require earlier disclosure and compliance with these rules. Further, this rule creates a requirement for certain persons to keep certain links active for two years to comply with retention of records requirements. Keeping links active will likely create a cost for these persons. The specific cost that person may bear is dependent on the specific facts of their unique case and circumstances and cannot be readily determined.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

These rules regulate persons making political communications. While small businesses may be involved in providing services to regulated entities, they pass incurred costs on to their clients, the regulated entities. As such, these rules do not regulate small businesses as a class. Further, the costs they would incur and pass on to the regulated entity is dependent on the specific facts of their unique choices and circumstances and cannot be readily determined.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 165-012-0525

RULE SUMMARY: The changes to these rules implement House Bill 4024 (2024) which creates new requirements and changes existing requirements for disclosures included on political communications. This rule defines new terms including "for the entire placement of the communication" and "substantially similar communications" and specifies naming conventions for disclosed entities. These rules also outline the requirements for disclosure on coordinated campaign communications. Exceptions to disclosure requirements and circumstances in which a disclosure can be adapted for brevity are also outlined in this rule.

CHANGES TO RULE:

165-012-0525

Application of ORS 260.266 - Campaign Advertising Political Communication Disclosures

(1) The purpose of this rule is to establish guidelines for the implementation 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 principal campaign committee 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.

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

(D) 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 both that name shall must 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.

(F) 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.

(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.

(g) "Wearable merchandise" includes but is not limited to any form of clothing, hats, gloves, scarves, masks and other face coverings similar clothing items.

(h) "Lawn signs" means signs 6 square feet in size or smaller.

(3) Excluded items:

(a) Subject to section (3)(b) below, 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.

(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 "Election cycle" means the election cycle as defined in section 2, chapter 9, Oregon Laws 2024.

(i) "Link" means a complete Uniform Resource Locator (URL) address directly to a web page containing information required by this rule. When a link is used, the referenced page must prominently display the required information with minimal effort from the user and 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 (i) above. The visible portion of the active link must be the complete link so that a person may click or type the information into as by social media, television advertisements, and printed advertisements in a newspaper or other publication rowser and see the required information.

(3) A disclosure must contain the following specific elements, unless a specific exemption applies.

(a) Text messages sent by he disclosure must be in sentence form and individual.

(d) Payments clude the words "Paid for by" followed by the name of the entity paying for a the communication may not be purposefully split to qualify for the \$500 exemption describas defined in paragraph (2)(c) of this rule./ The communication is considered ian ORS 260.266(7)(b)(B)(ii).

(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 incorpin-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 ate the following:

~~(a) The request or suggestion of, a candidate 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 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 contributors or donors are required, that disclosure shall immediately follow the disclosure about who paid for the communication, and read: ed 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 fiveour contributors or donors, or less than fiveour, if there are not fiveour 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.~~¶

~~(bA) 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. 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.~~ ¶

~~(eB) The font size of printed disclosures on physically smaller communications including but not limited to mailers, postcards, and flyers shallmust be no smaller than 10-point font.~~¶

~~(dC) The font size of printed disclosures on larger communications such asincluding but not limited to billboards and signs larger than six square feet shallmust be no smaller than:~~¶

~~(Ai) Three inches tall; or~~¶

~~(Bii) One-fourth of the font size of the largest font size in the communication.~~¶¶

~~(C)~~¶

~~(/iii) For purposes of complying with section (4)(da)(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.~~¶

~~(eD) The font size for a digital disclosure shallmust be in letters at least as large as the majority of the text in the communication.~~¶

~~(fE) The text color of the font must have a reasonableIn all disclosures must have the same degree of color-contrast between the background and the printed disclosure.~~¶¶

~~(g) A disclosure need not appear text of the disclosure as the majority onf the front page or cover of a communication made and must be distinct from other text.~~¶

~~(F) On multiple-page document, as long as communications, the disclosure must 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 tha on the front page or back cover and must be distinct from other text.~~¶

~~(G) Disclosures on television communications must 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 disclosureand must occupy at least four percent of the vertical picture height.~~¶

~~(5H) 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) 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.¶¶

(eB) 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.¶¶

(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) 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 (53)(d) 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, 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 for the provision requiring top contributors or donors to be audibly disclosed; or 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.¶¶

(eb) If for communications of 30 seconds or less and a digital communication, comply with either:¶¶

(A) Both sections (4), 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 (53)(c) of this rule except for the provis from the disclosure. If a visual presentation is 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 statemented, it must contain all elements except as provided in paragraph (5)(a) of this rule.¶¶

(6) The following communications does not need to be audibly require a disclosed ure:¶¶

(7a) 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 digitalA 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¶¶

(b) Include an active link for the recipient of the digital communication to immediately view the remainder of the information substantially similar communications.¶¶

(b) An item is "too small" to feasibly include the disclosures required underby 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. if the required information cannot be printed, engraved, or otherwise included on the item using the standards set out in this rule relating to visual disclosure. Items such as social media, television advertisements, and printed advertisements in a newspaper or other publication and mailers or fliers are examples.¶¶

(8c) Notwithstanding ORS 260.266(4)(b), for the purposes of identifying contributors or donors requithe exemptions in section (6) of this rule, the following are not considered too 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. 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.¶¶

(d) Text messages sent by an individual.¶¶

(7) 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, section 15(6), chapter 9, Oregon laws 2024.¶¶

(98) 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 ~~shall be~~ financially responsible for those civil penalties. If more than one person paid for the communication, all ~~of those people 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~~ OAR 165-001-0016 provides instructions form to be used to request an in-person or telephone hearing, or submit notarized testimony, ~~he 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 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.~~

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)