

# House Bill 3282

Sponsored by Representatives BUCKLEY, SHIELDS

## 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**.

Directs person who makes independent expenditures in amount exceeding \$2,000 to prominently disclose in any communication names, addresses and amounts contributed by five largest contributors to person.

Directs person who makes independent expenditures in amount exceeding \$1,000 to report expenditures and sources of funding for expenditures in same manner as political committee.

Directs candidate who contributes amount exceeding \$5,000 to own campaign to prominently disclose in any communication amount candidate has contributed.

Directs Secretary of State to adopt political contribution handle registration system. Directs person from out of state who makes contributions exceeding \$500 during election cycle to obtain handle.

Prohibits corporation or employer from requiring employee or contractor to make contribution or expenditure to support or oppose any candidate. Creates private cause of action for violation. Allows damages of not less than \$50,000.

Directs Secretary of State to make campaign finance statement available for public review on Internet within five days of receiving statement.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to elections; creating new provisions; amending ORS 260.057; and declaring an emergency.

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

4 **SECTION 1. Sections 2 to 7 of this 2007 Act are added to and made a part of ORS chapter**  
5 **260.**

6 **SECTION 2. As used in this section and sections 3 to 7 of this 2007 Act:**

7 (1) **"Dominant contributor"** means a person who contributes more than \$500 during an  
8 election cycle to any candidate, principal campaign committee, political committee, political  
9 party committee or person making independent expenditures.

10 (2) **"Election cycle"** means the period of time between one general election and the next  
11 general election.

12 (3) **"Prominently disclose"** means to provide information:

13 (a) **Comprehensible to a person with average reading, vision and hearing abilities;**

14 (b) **With regard to printed material, printed in at least 8-point type;**

15 (c) **With regard to video material, readable on the screen without closed captioning and**  
16 **displayed for a sufficient time to be read by a person with average vision and reading ability;**  
17 **and**

18 (d) **With regard to auditory material, spoken at a maximum rate of five words per sec-**  
19 **ond.**

20 (4) **"Small campaign items"** means:

21 (a) **Small items worn or carried by individuals, including but not limited to buttons, pins,**  
22 **stickers, bracelets and pens;**

23 (b) **Signs smaller than six square feet;**

**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 (c) A communication for which the required prominent disclosure would violate any fed-  
 2 eral law or regulation; or

3 (d) A distribution of 100 or fewer substantially similar pieces of literature.

4 **SECTION 3.** (1) When a person makes independent expenditures related to a candidate  
 5 in an aggregate amount exceeding \$2,000 during the accounting period described in this sec-  
 6 tion, every communication disseminated by the person after the \$2,000 threshold is exceeded  
 7 must prominently disclose the name and primary business of and the amount contributed  
 8 during the election cycle by each person who has contributed to the person an amount that  
 9 is equal to or greater than the amount contributed by the fifth largest dominant contributor  
 10 to the person during the election cycle.

11 (2) The accounting period begins on the date of the most recent general election before  
 12 an independent expenditure is made and ends on the date that the \$2,000 threshold is ex-  
 13 ceeded.

14 (3) The information required to be disclosed under this section must be current to within  
 15 10 days of the printing of printed material or within five days of the transmitting of a video  
 16 or audio communication.

17 (4) Subsections (1) to (3) of this section do not apply to communications that are small  
 18 campaign items.

19 **SECTION 4.** In addition to any other applicable reporting requirements of this chapter,  
 20 a person who makes one or more independent expenditures in an aggregate amount exceed-  
 21 ing \$1,000 during an election cycle shall report the expenditures and the sources of funding  
 22 for those expenditures in the same manner and on the same schedule as a political commit-  
 23 tee must report contributions and expenditures under ORS 260.057.

24 **SECTION 5.** (1) During an election cycle, if a candidate has contributed an aggregate  
 25 amount exceeding \$5,000 from the candidate's personal funds to the candidate, every com-  
 26 munication related to the nomination or election of the candidate for which the candidate  
 27 makes an expenditure must prominently disclose the name of the candidate and the amount  
 28 that the candidate has contributed from the candidate's personal funds to the candidate  
 29 during the election cycle.

30 (2) The information required to be disclosed under this section must be current to within  
 31 10 days of the printing of printed material or within five days of the transmitting of a video  
 32 or audio communication.

33 (3) Subsections (1) and (2) of this section do not apply to communications that are small  
 34 campaign items.

35 **SECTION 6.** (1) The Secretary of State by rule shall establish and maintain a political  
 36 contribution handle registration system.

37 (2) A person or political committee outside this state or an individual who is not a resi-  
 38 dent of this state who makes contributions in an aggregate amount exceeding \$500 in an  
 39 election cycle shall obtain a political contribution handle from the secretary and provide the  
 40 handle to the recipient of any subsequent contribution made by the person.

41 **SECTION 7.** (1) A corporation, other person or employer may not, directly or indirectly:

42 (a) Require any employee or contractor to make any contribution or independent ex-  
 43 penditure to support or oppose any candidate; or

44 (b) Provide or promise any benefit or impose or threaten any detriment because an em-  
 45 ployee or contractor makes or does not make a contribution or independent expenditure to

1 **support or oppose any candidate.**

2 **(2) Any person subjected to a violation of this section has a civil cause of action against**  
3 **the violator and shall, upon proof of violation, recover damages in an amount of not less than**  
4 **\$50,000 per incident of violation.**

5 **SECTION 8.** ORS 260.057 is amended to read:

6 260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used by  
7 all candidates and political committees to file with the secretary statements of contributions re-  
8 ceived and expenditures made by the candidates and political committees, as described in ORS  
9 260.083.

10 (2)(a) A candidate for nomination or election at any primary or general election or a political  
11 committee supporting or opposing a candidate or measure at any primary or general election shall  
12 file a statement described in subsection (1) of this section not later than seven calendar days after  
13 a contribution is received or an expenditure is made. This paragraph applies to contributions re-  
14 ceived and expenditures made during the period beginning on the 42nd calendar day before the date  
15 of any primary election and ending on the date of the primary election and the period beginning on  
16 the 42nd calendar day before the date of any general election and ending on the date of the general  
17 election.

18 (b) For any special election, the secretary by rule may establish a period during which a can-  
19 didate for nomination or election at the special election or a political committee supporting or op-  
20 posing a candidate or measure at the special election must file a statement described in subsection  
21 (1) of this section not later than seven calendar days after a contribution is received or an expend-  
22 iture is made.

23 (3) Except as provided in subsection (4) of this section, during a period not described in sub-  
24 section (2) of this section, a candidate or political committee shall file a statement described in  
25 subsection (1) of this section not later than 30 calendar days after a contribution is received or an  
26 expenditure is made.

27 (4)(a) If a candidate for nomination or election at any primary election or a political committee  
28 supporting or opposing a candidate or measure at any primary election receives a contribution or  
29 makes an expenditure prior to the 42nd calendar day before the date of the primary election and the  
30 candidate or political committee has not filed a statement of the contribution or expenditure under  
31 subsection (3) of this section by the 43rd calendar day before the date of the primary election, the  
32 candidate or political committee shall file a statement described in subsection (1) of this section not  
33 later than the 35th calendar day before the date of the primary election.

34 (b) If a candidate for nomination or election at any general election or a political committee  
35 supporting or opposing a candidate or measure at any general election receives a contribution or  
36 makes an expenditure prior to the 42nd calendar day before the date of the general election and the  
37 candidate or political committee has not filed a statement of the contribution or expenditure under  
38 subsection (3) of this section by the 43rd calendar day before the date of the general election, the  
39 candidate or political committee shall file a statement described in subsection (1) of this section not  
40 later than the 35th calendar day before the date of the general election.

41 (5) The electronic filing system shall be provided free of charge by the secretary and:

42 (a) Accept electronic files that conform to the format prescribed by the secretary by rule; or

43 (b) Be compatible with any other electronic filing application provided or approved by the sec-  
44 retary.

45 (6) **Not later than five business days after receiving a statement under this section** *[the*

1 *secretary shall make all data filed electronically under this section and all information filed with the*  
 2 *secretary]* **or** under ORS 260.044, 260.045, 260.049, 260.085, 260.102 or 260.118, **the secretary shall**  
 3 **make the statement and all related political contribution handle information** available on the  
 4 Internet to the public free of charge [*according to a schedule adopted by the secretary by rule*]. The  
 5 secretary shall make the [*data*] **statements and handle information** available in a searchable da-  
 6 tabase that is easily accessible by the public.

7 **(7) The searchable database shall enable the user to determine the sources and amounts**  
 8 **of reported contributions:**

9 **(a) Made by or to each principal campaign committee, political committee, political party**  
 10 **and person making independent expenditures; and**

11 **(b) Made by each contributor who has contributed an aggregate amount exceeding \$500**  
 12 **during the election cycle.**

13 [(7)] **(8)** Each statement required by this section shall be signed and certified as true by the  
 14 candidate or treasurer required to file it. Signatures shall be supplied in the manner specified by the  
 15 secretary by rule.

16 [(8)] **(9)** Subsections (1) to [(7)] **(8)** of this section do not apply to:

17 (a) Candidates for federal office;

18 (b) Candidates who are not required to file a statement of organization under ORS 260.043; or

19 (c) Candidates or political committees who file certificates under ORS 260.112.

20 **SECTION 9. (1) Sections 2 to 7 of this 2007 Act and the amendments to ORS 260.057 by**  
 21 **section 8 of this 2007 Act become operative January 1, 2008.**

22 **(2) Until the 2008 general election, as used in sections 2 to 7 of this 2007 Act, “election**  
 23 **cycle” means the period of time beginning January 1, 2008, and ending on the date of the**  
 24 **general election.**

25 **(3) The Secretary of State may adopt rules or take any other action before the operative**  
 26 **date specified in subsection (1) of this section that is necessary to enable the secretary or a**  
 27 **county clerk to exercise, on or after the operative date specified in subsection (1) of this**  
 28 **section, all the duties, functions and powers conferred on the secretary or county clerk by**  
 29 **this 2007 Act.**

30 **SECTION 10. This 2007 Act being necessary for the immediate preservation of the public**  
 31 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
 32 **on its passage.**

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