

# House Bill 3108

Sponsored by Representatives J SMITH, SHIELDS (at the request of Joe Smith)

## 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 Patriot Dollars Fund. Directs Secretary of State to mail 50 Patriot Dollars to each elector in calendar year. Allows electors to contribute Patriot Dollars to candidates. Allows candidates to submit contributed Patriot Dollars to secretary for payment from Patriot Dollars Fund. Requires candidates who accept Patriot Dollars to limit all contributions in calendar year to aggregate amounts not exceeding \$500.

Directs secretary to make television time available for statewide and legislative candidates at primary and general elections. Directs secretary to publicize debates and forums of other candidates.

Repeals political tax credit.

Specifies January 1, 2010, operative date.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to elections; creating new provisions; amending ORS 260.005, 260.041, 260.044, 260.054,  
3 260.715, 260.737 and 260.995; repealing ORS 316.102; appropriating money; and declaring an  
4 emergency.

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

6 **SECTION 1. Sections 2 to 11 of this 2009 Act are added to and made a part of ORS**  
7 **chapter 260.**

8 **SECTION 2. (1) Not later than January 31 each calendar year, the Secretary of State**  
9 **shall mail or otherwise deliver 50 Patriot Dollars to each individual who is an elector of this**  
10 **state as of January 1 of the calendar year.**

11 **(2) An individual who becomes an elector after January 1 of a calendar year may apply**  
12 **to the secretary to receive 50 Patriot Dollars. If the secretary determines that the individual**  
13 **is an elector of this state and has not received Patriot Dollars under subsection (1) of this**  
14 **section, the secretary shall mail or otherwise deliver 50 Patriot Dollars for that calendar**  
15 **year to the elector.**

16 **SECTION 3. (1) An elector may contribute Patriot Dollars received by the elector in that**  
17 **calendar year to a candidate for nomination or election to a state or local elective office in**  
18 **any primary election, general election, regular district election or special election in this**  
19 **state. The candidate must, in the calendar year in which the contribution is made, be listed**  
20 **on a primary election, general election, regular district election or special election ballot in**  
21 **this state or have filed in this state one of the following:**

22 **(a) A prospective petition.**

23 **(b) A declaration of candidacy.**

24 **(c) A certificate of nomination.**

25 **(d) A designation of a principal campaign committee.**

26 **(2) Upon receiving a contribution under subsection (1) of this section, a candidate may**  
27 **submit an amount of Patriot Dollars to the Secretary of State for payment.**

**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       **(3) The secretary shall examine each Patriot Dollar submitted by a candidate and deter-**  
 2 **mine whether:**

3       **(a) The candidate is eligible to receive funds from the Patriot Dollars Fund established**  
 4 **under section 8 of this 2009 Act; and**

5       **(b) The candidate is in compliance with the provisions of section 4 (2) and (3) of this 2009**  
 6 **Act.**

7       **(4) If the candidate meets the requirements of subsection (3) of this section, the secre-**  
 8 **tary shall pay the candidate an amount equal to the number of Patriot Dollars submitted by**  
 9 **the candidate out of moneys in the Patriot Dollars Fund established under section 8 of this**  
 10 **2009 Act. The secretary may make payments under this section to the extent there are un-**  
 11 **expended and unobligated moneys available in the fund, but may not make any payment that,**  
 12 **when added to all other payments made by the secretary from the fund for the calendar year,**  
 13 **exceeds the amount credited to the fund for the biennium.**

14       **(5) If a payment is not made under this section, the secretary shall notify the candidate**  
 15 **in writing.**

16       **SECTION 4. (1) The Secretary of State may not mail or otherwise deliver more than 50**  
 17 **Patriot Dollars to a single elector during a calendar year. An elector may not receive or**  
 18 **contribute more than 50 Patriot Dollars during a calendar year.**

19       **(2) A candidate may not accept more than 50 Patriot Dollars from a single elector during**  
 20 **a calendar year. A candidate may not submit more than 50 Patriot Dollars received from a**  
 21 **single elector to the secretary for payment as described in section 3 of this 2009 Act.**

22       **(3) The secretary may not make a payment to a candidate under section 3 of this 2009**  
 23 **Act unless the candidate has filed a declaration of limitation on contributions under section**  
 24 **6 of this 2009 Act stating that the candidate, during the calendar year, will not accept a**  
 25 **contribution in an aggregate amount exceeding \$500 from any person or political committee.**

26       **SECTION 5. (1) Notwithstanding ORS 260.407, payments to candidates from the Patriot**  
 27 **Dollars Fund may be used only for purposes related to the candidate's campaign for nomi-**  
 28 **nation or election to public office.**

29       **(2) Payments to candidates from the Patriot Dollars Fund may not be:**

30       **(a) Contributed to any other candidate or political committee;**

31       **(b) Used to make independent expenditures supporting or opposing any candidate, poli-**  
 32 **tical committee, initiative or referendum petition or measure; or**

33       **(c) Used in connection with the nomination or election of the candidate to any office**  
 34 **other than the office for which the payments were made.**

35       **SECTION 6. (1) Before accepting a contribution of any amount of Patriot Dollars, a**  
 36 **candidate shall file a declaration of limitation on contributions with the Secretary of State**  
 37 **certifying that the candidate, during the calendar year, will not accept contributions in an**  
 38 **aggregate amount exceeding \$500 from a single person or political committee.**

39       **(2) The secretary by rule shall prescribe forms for the filing of a declaration of limitation**  
 40 **on contributions under this section.**

41       **(3) If a candidate accepts a contribution of any amount of Patriot Dollars:**

42       **(a) A person or political committee may not contribute an aggregate amount exceeding**  
 43 **\$500 to the candidate in a calendar year; and**

44       **(b) The candidate may not accept contributions in an aggregate amount exceeding \$500**  
 45 **from a single person or political committee in a calendar year.**

1 (4) Contributions of Patriot Dollars do not count against the \$500 contribution limit es-  
 2 tablished in this section.

3 **SECTION 7.** (1) The Secretary of State shall prescribe the form and content of Patriot  
 4 Dollars.

5 (2) A contribution of Patriot Dollars to a candidate must be accompanied by the name,  
 6 occupation and address of the elector making the contribution.

7 **SECTION 8.** (1) The Patriot Dollars Fund is established separate and distinct from the  
 8 General Fund. Interest earned by the Patriot Dollars Fund shall be credited to the Patriot  
 9 Dollars Fund. All moneys in the Patriot Dollars Fund are continuously appropriated to the  
 10 Secretary of State for the purposes of sections 2 to 11 of this 2009 Act. All moneys described  
 11 in section 9 of this 2009 Act shall be paid into the State Treasury and credited to the Patriot  
 12 Dollars Fund. Moneys in the Patriot Dollars Fund may be invested in the same manner as  
 13 other state moneys.

14 (2) The Secretary of State shall keep a record of all moneys deposited in the fund that  
 15 indicates the source from which the moneys are derived, the interest earned and the activity  
 16 or program against which any withdrawal is charged.

17 (3) If moneys credited to the fund are withdrawn, transferred or otherwise used for  
 18 purposes other than the program or activity for which the fund is established, interest shall  
 19 accrue on the amount withdrawn from the date of withdrawal until carrying out the secre-  
 20 tary's functions and duties under sections 2 to 11 of this 2009 Act.

21 **SECTION 9.** The following shall be deposited in the Patriot Dollars Fund:

22 (1) An amount appropriated by the Legislative Assembly to the Patriot Dollars Fund. For  
 23 each biennium, the amount appropriated under this subsection shall be an amount not less  
 24 than \$50 multiplied by the number of electors registered in this state on January 1 of the last  
 25 year of the preceding biennium. The amount described in this subsection shall be credited  
 26 from the General Fund to the Patriot Dollars Fund on July 1 of each odd-numbered year;

27 (2) Amounts that were distributed to a candidate, that remain unspent at the end of the  
 28 calendar year and that are delivered to the fund as provided in section 11 of this 2009 Act;

29 (3) Amounts delivered by any candidate who withdraws as a candidate for nomination or  
 30 election as provided in section 11 of this 2009 Act;

31 (4) Amounts delivered by any candidate against whom a civil penalty has been imposed,  
 32 as described in section 11 of this 2009 Act;

33 (5) Voluntary contributions made directly to the fund; and

34 (6) Civil penalties as provided in ORS 260.995.

35 **SECTION 10.** (1) For each biennial primary and general election, the Secretary of State  
 36 shall purchase or otherwise secure broadcast or cable television time for the purpose of  
 37 televising candidate forums or debates. The secretary shall make the television time avail-  
 38 able to candidates for statewide office and the offices of state Senator and state Represen-  
 39 tative.

40 (2) For any election, in the case of candidates for public offices not listed in subsection  
 41 (1) of this section, the secretary shall publicize the dates and locations of candidate forums  
 42 or debates.

43 **SECTION 11.** (1) If the account of a candidate who has received payments from the Pa-  
 44 triot Dollars Fund shows an unexpended balance of contributions on December 31 of the  
 45 calendar year in which the payments from the fund were received, the candidate shall deliver

1 **an amount of money equal to the amount described in subsection (3) of this section to the**  
 2 **Secretary of State not later than a date set by the secretary by rule.**

3 **(2) A candidate who withdraws as a candidate for nomination or election as provided in**  
 4 **ORS chapter 249, who has received payments from the Patriot Dollars Fund in the calendar**  
 5 **year of withdrawal and whose account shows an unexpended balance of contributions on the**  
 6 **date the candidate files a statement of withdrawal shall deliver to the secretary an amount**  
 7 **of money equal to the amount described in subsection (3) of this section. The moneys shall**  
 8 **be delivered on the same date that the candidate files a statement of withdrawal.**

9 **(3) A candidate described in subsection (1) or (2) of this section shall deliver an amount**  
 10 **equal to the lesser of the unexpended balance of contributions or the amount received by the**  
 11 **candidate as payments from the Patriot Dollars Fund.**

12 **(4) If the secretary determines that a candidate who withdraws as a candidate for nomi-**  
 13 **nation or election received payments from the Patriot Dollars Fund without intending to be**  
 14 **a serious candidate, the secretary may order the candidate to deliver to the secretary an**  
 15 **amount of money equal to all payments made to the candidate from the fund. The moneys**  
 16 **shall be delivered not later than five business days after the secretary issues an order under**  
 17 **this subsection.**

18 **(5) A candidate against whom a civil penalty has been imposed under ORS 260.995 for vi-**  
 19 **olation of section 6 (3) of this 2009 Act is not eligible to receive payments from the Patriot**  
 20 **Dollars Fund during the calendar year in which the penalty is imposed. At the time the civil**  
 21 **penalty is imposed, the candidate shall deliver to the secretary an amount of money equal**  
 22 **to all payments distributed to the candidate from the Patriot Dollars Fund during the cal-**  
 23 **endar year.**

24 **(6) The secretary shall deposit moneys received under this section in the Patriot Dollars**  
 25 **Fund.**

26 **SECTION 12.** ORS 260.054 is amended to read:

27 260.054. (1) Each political committee shall establish a single exclusive campaign account in a  
 28 financial institution, as defined in ORS 706.008. The financial institution must be located in this  
 29 state and must ordinarily conduct business with the general public in this state.

30 (2) A political committee shall maintain the campaign account in the financial institution in the  
 31 name of the political committee. For purposes of this subsection, acronyms may not be used in the  
 32 name of the political committee.

33 (3) Except as provided in subsection (4) of this section, all expenditures made by the political  
 34 committee shall be drawn from the campaign account and:

35 (a) Issued on a check signed by the candidate on whose behalf the account is established, by the  
 36 treasurer of the political committee or by an individual designated by the candidate; or

37 (b) Paid using a debit card or other form of electronic transaction.

38 (4) Subsection (3) of this section does not prohibit a person from making a cash or other ex-  
 39 penditure on behalf of the political committee and receiving reimbursement from the campaign ac-  
 40 count.

41 (5) A contribution received by a candidate or the treasurer of a political committee, directly or  
 42 indirectly, **and any payment received by a candidate from the Patriot Dollars Fund under**  
 43 **section 3 of this 2009 Act** shall be deposited into the campaign account not later than seven cal-  
 44 endar days after the date the contribution **or payment** is received. This subsection does not apply  
 45 to in-kind contributions received by a candidate or political committee.

1       **(6) A candidate who accepts a contribution of any amount of Patriot Dollars may with-**  
 2 **draw from the campaign account an amount not exceeding \$500 to establish or replenish a**  
 3 **petty cash fund. The total amount in the petty cash fund may not exceed \$500. The petty**  
 4 **cash fund may not be used to make contributions. An expenditure from the petty cash fund:**

5       **(a) May not be made in an amount exceeding \$100;**

6       **(b) May be made only for office supplies, transportation expenses and other necessities;**  
 7 **and**

8       **(c) May not be used for the purchase of time, space or services from the media.**

9       [(6)] (7) This section does not prohibit the transfer of any amount deposited in the campaign  
 10 account into a certificate of deposit, stock fund or other investment instrument.

11       [(7)] (8) The campaign account may not include any private moneys, other than contributions  
 12 received by the political committee.

13       [(8)] (9) A political committee shall retain a copy of each financial institution account statement  
 14 from the campaign account described in this section for not less than two years after the date the  
 15 statement is issued by the financial institution.

16       [(9)] (10) Subsections (1) to [(8)] (9) of this section do not apply to candidates described in ORS  
 17 260.043.

18       **SECTION 13.** ORS 260.995 is amended to read:

19       260.995. (1) Except as provided in [subsection (2)] **subsections (2) and (3)** of this section, fol-  
 20 lowing an investigation under ORS 260.345, the Secretary of State or Attorney General may impose  
 21 a civil penalty not to exceed \$250 for each violation of any provision of Oregon Revised Statutes  
 22 relating to the conduct of any election, any rule adopted by the secretary under ORS chapters 246  
 23 to 260 or any other matter preliminary to or relating to an election, for which no penalty is other-  
 24 wise provided.

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

26       (a) \$1,000 for each violation of ORS 251.049 (3) or 251.405 (3); or

27       (b) \$1,000 plus the amount converted to personal use for each violation of ORS 260.407.

28       **(3) The secretary or Attorney General may impose a civil penalty not to exceed**  
 29 **\$\_\_\_\_\_ for any violation of section 4, 5 or 6 (1) of this 2009 Act. For a violation of section**  
 30 **6 (3) of this 2009 Act, the secretary or Attorney General may impose a civil penalty not to**  
 31 **exceed the greater of \$\_\_\_\_\_ or the amount of any contribution received or made in vio-**  
 32 **lation of section 6 (3) of this 2009 Act.**

33       [(3)] (4) Except as otherwise provided by this section, civil penalties under this section shall be  
 34 imposed as provided in ORS 183.745. In addition to the requirements of ORS 183.745, the notice shall  
 35 include:

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

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

41       [(4)] (5) A hearing on whether to impose a civil penalty and to consider circumstances in miti-  
 42 gation shall be held by the secretary or Attorney General:

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

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

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

[(6)] (7) All hearings under this section shall be held not later than 30 days after the deadline for the person against whom the penalty may be assessed to request a hearing. However, if requested by the person against whom the penalty may be assessed, a hearing under subsection [(4)] (5) of this section shall be held not later than 45 days after the deadline for the person against whom the penalty may be assessed to request a hearing.

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

[(8)] (9) **Except as provided in subsection (11) of this section**, all penalties recovered under this section shall be paid into the State Treasury and credited to the General Fund.

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

- (a) Is personally responsible for the payment of the civil penalty;
- (b) Shall pay the civil penalty from personal funds of the person; and
- (c) May not pay the civil penalty from contributions received by a candidate or the principal campaign committee of a candidate.

**(11) A penalty recovered under subsection (3) of this section shall be deposited in the Patriot Dollars Fund.**

**SECTION 14.** ORS 260.715 is amended to read:

260.715. (1) A person may not knowingly make a false statement, oath or affidavit when a statement, oath or affidavit is required under the election laws.

(2) A person may not request a ballot in a name other than the person’s own name.

(3) A person may not vote or attempt to vote more than once at any election held on the same date.

(4) A person may not vote or attempt to vote both in an election held in this state and in another state on the same date.

(5) A person, except an elections official in performance of duties, may not willfully alter or destroy a ballot cast at an election or the returns of an election.

(6) A person may not willfully place a fraudulent ballot among the genuine ballots.

(7) A person may not falsely write anything purporting to be written by an elections official in performance of duties on the ballot.

(8) A person may not commit theft of a ballot or tally or return sheet, or willfully hinder or delay the delivery of the tally or return sheet to the county clerk, or fraudulently break open a sealed tally or return sheet of the election.

(9) A person may not manufacture or knowingly use a fraudulent ballot return identification envelope or secrecy envelope or sell, offer to sell, purchase or offer to purchase, for money or other valuable consideration, any official ballot, replacement ballot, ballot return identification envelope or secrecy envelope. As used in this subsection, “ballot return identification envelope” and “secrecy envelope” mean those envelopes used to return ballots to the county clerk.

**(10) A person may not sell, offer to sell, purchase or offer to purchase, for money or**

1 **other valuable consideration, any Patriot Dollars.**

2 **SECTION 15.** ORS 260.005 is amended to read:

3 260.005. As used in this chapter:

4 (1)(a) "Candidate" means:

5 (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,  
6 nominating petition or certificate of nomination to public office has been filed or whose name is  
7 expected to be or has been presented, with the individual's consent, for nomination or election to  
8 public office;

9 (B) An individual who has solicited or received and accepted a contribution, made an expendi-  
10 ture, or given consent to an individual, organization, political party or political committee to solicit  
11 or receive and accept a contribution or make an expenditure on the individual's behalf to secure  
12 nomination or election to any public office at any time, whether or not the office for which the in-  
13 dividual will seek nomination or election is known when the solicitation is made, the contribution  
14 is received and retained or the expenditure is made, and whether or not the name of the individual  
15 is printed on a ballot; or

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

17 (b) For purposes of this section and ORS 260.035 to 260.156, "candidate" does not include a  
18 candidate for the office of precinct committeeperson.

19 **(c) For purposes of sections 2 to 11 of this 2009 Act, "candidate" does not include a can-**  
20 **didate for national public office.**

21 (2) "Committee director" means any person who directly and substantially participates in  
22 decision-making on behalf of a political committee concerning the solicitation or expenditure of  
23 funds and the support of or opposition to candidates or measures. The officers of a political party  
24 shall be considered the directors of any political party committee of that party, unless otherwise  
25 provided in the party's bylaws.

26 (3)(a) Except as provided in ORS 260.007, "contribute" or "contribution" includes:

27 (A) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compen-  
28 sation or consideration, of money, **Patriot Dollars**, services other than personal services for which  
29 no compensation is asked or given, supplies, equipment or any other thing of value:

30 (i) For the purpose of influencing an election for public office or an election on a measure, or  
31 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-  
32 itical committee; or

33 (ii) To or on behalf of a candidate, political committee or measure; and

34 (B) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforcea-  
35 ble, to make a contribution.

36 (b) Regarding a contribution made for compensation or consideration of less than equivalent  
37 value, only the excess value of it shall be considered a contribution.

38 (4)(a) "Controlled committee" means a political committee that, in connection with the making  
39 of contributions or expenditures:

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

41 (B) Acts jointly with a candidate or controlled committee.

42 (b) For purposes of this subsection, a candidate controls a political committee if:

43 (A) The candidate, the candidate's agent, a member of the candidate's immediate family or any  
44 other political committee that the candidate controls has a significant influence on the actions or  
45 decisions of the political committee; or

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

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

4 (6) “Elector” means an individual qualified to vote under section 2, Article II of the Oregon  
 5 Constitution.

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

13 (8) “Filing officer” means:

14 (a) The Secretary of State:

15 (A) Regarding a candidate for public office;

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

17 (C) Regarding any measure; or

18 (D) Regarding any political committee.

19 (b) Notwithstanding paragraph (a) of this subsection, in the case of an irrigation district formed  
 20 under ORS chapter 545:

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

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

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

28 (9) “Independent expenditure” means an expenditure by a person for a communication in support  
 29 of or in opposition to a clearly identified candidate or measure that is not made with the cooper-  
 30 ation or with the prior consent of, or in consultation with, or at the request or suggestion of, a  
 31 candidate or any agent or authorized committee of the candidate, or any political committee or  
 32 agent of a political committee supporting or opposing a measure. For purposes of this subsection:

33 (a) A communication is “in support of or in opposition to” a candidate or measure if:

34 (A) The communication, taken in its context, clearly and unambiguously urges the election or  
 35 defeat of a clearly identified candidate for nomination or election to public office, or the passage  
 36 or defeat of a clearly identified measure;

37 (B) The communication, as a whole, seeks action rather than simply conveying information; and

38 (C) It is clear what action the communication advocates.

39 (b) “Agent” means any person who has:

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

43 (B) Been placed in a position within the campaign organization where it would reasonably ap-  
 44 pear that in the ordinary course of campaign-related activities the person may authorize expen-  
 45 ditures.



- 1 (c) “Clearly identified” means, with respect to candidates:  
2 (A) The name of the candidate involved appears;  
3 (B) A photograph or drawing of the candidate appears; or  
4 (C) The identity of the candidate is apparent by unambiguous reference.  
5 (d) “Clearly identified” means, with respect to measures:  
6 (A) The ballot number of the measure appears;  
7 (B) A description of the measure’s subject or effect appears; or  
8 (C) The identity of the measure is apparent by unambiguous reference.  
9 (e) “Made with the cooperation or with the prior consent of, or in consultation with, or at the  
10 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any  
11 political committee or agent of a political committee supporting or opposing a measure”:  
12 (A) Means any arrangement, coordination or direction by the candidate or the candidate’s agent,  
13 or by any political committee or agent of a political committee supporting or opposing a measure,  
14 prior to the publication, distribution, display or broadcast of the communication. An expenditure  
15 shall be presumed to be so made when it is:  
16 (i) Based on information about the plans, projects or needs of the candidate, or of the political  
17 committee supporting or opposing a measure, and provided to the expending person by the candidate  
18 or by the candidate’s agent, or by any political committee or agent of a political committee sup-  
19 porting or opposing a measure, with a view toward having an expenditure made; or  
20 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who  
21 is or has been an officer of a political committee authorized by the candidate or by a political  
22 committee or agent of a political committee supporting or opposing a measure, or who is or has been  
23 receiving any form of compensation or reimbursement from the candidate, the candidate’s principal  
24 campaign committee or agent or from any political committee or agent of a political committee  
25 supporting or opposing a measure; and  
26 (B) Does not include providing to the expending person upon request a copy of this chapter or  
27 any rules adopted by the Secretary of State relating to independent expenditures.  
28 (10) “Initiative petition” means a petition to initiate a measure for which a prospective petition  
29 has been filed but that is not yet a measure.  
30 (11) “Judge” means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon  
31 Tax Court.  
32 (12) “Mass mailing” means more than 200 substantially similar pieces of mail, but does not in-  
33 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other  
34 inquiry.  
35 (13) “Measure” includes any of the following submitted to the people for their approval or re-  
36 jection at an election:  
37 (a) A proposed law.  
38 (b) An Act or part of an Act of the Legislative Assembly.  
39 (c) A revision of or amendment to the Oregon Constitution.  
40 (d) Local, special or municipal legislation.  
41 (e) A proposition or question.  
42 (14) “Occupation” means:  
43 (a) The nature of an individual’s principal business; and  
44 (b) If the individual is employed by another person, the business name and address, by city and  
45 state, of the employer.

1       **(15) “Patriot Dollars” means vouchers in \$1 increments that under sections 2 to 11 of this**  
 2 **2009 Act:**

3       **(a) Are mailed or otherwise delivered by the Secretary of State to electors;**

4       **(b) May be contributed by electors to candidates for elective public office; and**

5       **(c) May be submitted by candidates to the secretary for payment as described in section**  
 6 **3 of this 2009 Act.**

7       [(15)] **(16)** “Person” means an individual, corporation, limited liability company, labor organiza-  
 8 tion, association, firm, partnership, joint stock company, club, organization or other combination of  
 9 individuals having collective capacity.

10       [(16)(a)] **(17)(a)** “Political committee” means a combination of two or more individuals, or a  
 11 person other than an individual, that has:

12       (A) Received a contribution for the purpose of supporting or opposing a candidate, measure or  
 13 political party; or

14       (B) Made an expenditure for the purpose of supporting or opposing a candidate, measure or  
 15 political party.

16       (b) For purposes of paragraph (a)(B) of this subsection, an expenditure does not include:

17       (A) A contribution to a candidate or political committee that is required to report the contri-  
 18 bution on a statement filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS  
 19 260.112; or

20       (B) An independent expenditure for which a statement is required to be filed by a person under  
 21 ORS 260.044 (1).

22       [(17)] **(18)** “Public office” means any national, state, county, district, city office or position, ex-  
 23 cept a political party office, that is filled by the electors.

24       [(18)] **(19)** “Recall petition” means a petition to recall a public officer for which a prospective  
 25 petition has been filed but that is not yet a measure.

26       [(19)] **(20)** “Referendum petition” means a petition to refer a measure for which a prospective  
 27 petition has been filed but that is not yet a measure.

28       [(20)] **(21)** “Regular district election” means the regular district election described in ORS  
 29 255.335.

30       [(21)] **(22)** “Slate mailer” means a mass mailing that supports or opposes a total of three or more  
 31 candidates or measures.

32       [(22)(a)] **(23)(a)** “Slate mailer organization” means, except as provided in paragraph (b) of this  
 33 subsection, any person who directly or indirectly:

34       (A) Is involved in the production of one or more slate mailers and exercises control over the  
 35 selection of the candidates and measures to be supported or opposed in the slate mailers; and

36       (B) Receives or is promised payment for producing one or more slate mailers or for endorsing  
 37 or opposing, or refraining from endorsing or opposing, a candidate or measure in one or more slate  
 38 mailers.

39       (b) Notwithstanding paragraph (a) of this subsection, “slate mailer organization” does not in-  
 40 clude:

41       (A) A political committee organized by a political party; or

42       (B) A political committee organized by the caucus of either the Senate or the House of Repre-  
 43 sentatives of the Legislative Assembly.

44       [(23)] **(24)** “State office” means the office of Governor, Secretary of State, State Treasurer, At-  
 45 torney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public In-

1 instruction, state Senator, state Representative, judge or district attorney.

2 **SECTION 16.** ORS 260.041 is amended to read:

3 260.041. (1) Notwithstanding ORS 260.005 [(16)] (17) and except as provided in ORS 260.043, a  
 4 candidate shall designate a political committee as the candidate’s principal campaign committee. A  
 5 candidate may designate only one political committee as the candidate’s principal campaign com-  
 6 mittee.

7 (2) A political committee may not be designated as the principal campaign committee of more  
 8 than one candidate.

9 **SECTION 17.** ORS 260.044 is amended to read:

10 260.044. (1) A person shall file a statement of independent expenditures if the person makes in-  
 11 dependent expenditures in a total amount of more than \$100 in a calendar year. The statement shall  
 12 be filed with the Secretary of State.

13 (2) A statement described in subsection (1) of this section shall be filed not later than seven  
 14 calendar days after the total amount of independent expenditures exceeds \$100 in a calendar year.  
 15 The accounting period for the statement required by subsection (1) of this section begins on the date  
 16 that an independent expenditure is made. The statement shall specify the candidate or measure  
 17 supported or opposed by the independent expenditure. The secretary by rule shall prescribe the form  
 18 of the statement.

19 (3) Notwithstanding ORS 260.005 [(16)] (17), a person who solicits and receives a contribution  
 20 or contributions is a political committee and shall file a statement of organization under ORS  
 21 260.042 and the statements required by ORS 260.057 or 260.076.

22 (4) For purposes of this section:

23 (a) An independent expenditure does not include a contribution to a candidate or political  
 24 committee that is required to report the contribution on a statement filed under ORS 260.057,  
 25 260.076 or 260.102 or a certificate filed under ORS 260.112;

26 (b) An independent expenditure does not include a contribution to a candidate who is not re-  
 27 quired to file a statement of organization under ORS 260.043; and

28 (c) A person is not a political committee under subsection (3) of this section if all contributions  
 29 received by the person are:

30 (A) Designated to an identified candidate or political committee;

31 (B) Delivered by the person to the designated candidate or political committee not later than  
 32 seven business days after the contribution is received; and

33 (C) Required to be reported as contributions by a candidate or political committee on a state-  
 34 ment filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS 260.112.

35 **SECTION 18.** ORS 260.737 is amended to read:

36 260.737. (1) A slate mailer organization may not send a slate mailer unless all of the following  
 37 are satisfied:

38 (a) The name and address of the slate mailer organization shall be shown on the outside of each  
 39 piece of the slate mailer in a legible size and type.

40 (b) The following notice shall appear in a legible size and type at the top or bottom of the front  
 41 side of the slate mailer:

---

42  
 43  
 44 NOTICE TO VOTERS  
 45

1 THIS DOCUMENT WAS NOT PREPARED BY A POLITICAL PARTY COMMITTEE OR PARTY  
2 CAUCUS COMMITTEE.

3  
4 CANDIDATES AND MEASURES MARKED WITH AN \* PAID FOR APPEARANCE IN THIS  
5 DOCUMENT.

6 \_\_\_\_\_  
7  
8 (c) Each candidate that has paid to appear in the slate mailer and each measure on whose behalf  
9 payment has been received to appear in the slate mailer shall be designated by an asterisk of legible  
10 size immediately following the name of the candidate or the name or number of the measure in each  
11 instance where the name of the candidate or the name or number of the measure appears in the  
12 slate mailer.

13 (2) The Secretary of State by rule shall define “legible size” and “legible size and type” as used  
14 in this section.

15 (3) For purposes of ORS 260.735 and this section, “address” means the address of a residence,  
16 office, headquarters or similar location where the slate mailer organization or a responsible officer  
17 of the slate mailer organization may be conveniently located. If the slate mailer organization is a  
18 political committee, the address shall be the address of the political committee included in the  
19 statement of organization under ORS 260.039 or 260.042.

20 (4) The Secretary of State by rule may define the term “payment” as used in this section and  
21 ORS 260.005 [(22)] (23) and 260.735.

22 **SECTION 19. A credit may not be claimed under ORS 316.102 for a tax year beginning**  
23 **on or after January 1, 2010.**

24 **SECTION 20. ORS 316.102 is repealed on January 1, 2010.**

25 **SECTION 21. Nothing in the repeal of ORS 316.102 by section 20 of this 2009 Act affects**  
26 **the allowance of a tax credit under ORS 316.102 for a tax year beginning before January 1,**  
27 **2010.**

28 **SECTION 22. Sections 2 to 11 of this 2009 Act and the amendments to ORS 260.005,**  
29 **260.041, 260.044, 260.054, 260.715, 260.737 and 260.995 by sections 12 to 18 of this 2009 Act be-**  
30 **come operative on January 1, 2010.**

31 **SECTION 23. The Secretary of State may take any action before January 1, 2010, that is**  
32 **necessary to enable the secretary to exercise, on and after January 1, 2010, all the duties,**  
33 **functions and powers conferred upon the secretary by sections 2 to 11 of this 2009 Act and**  
34 **the amendments to ORS 260.005, 260.041, 260.044, 260.054, 260.715, 260.737 and 260.995 by**  
35 **sections 12 to 18 of this 2009 Act.**

36 **SECTION 24. This 2009 Act being necessary for the immediate preservation of the public**  
37 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**  
38 **on its passage.**