

House Bill 3530

Sponsored by Representative J SMITH (at the request of R.P. 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. Continuously appropriates moneys in fund to Secretary of State for purposes of 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.

Becomes operative January 1, 2012.

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 and section 34, chapter 913, Oregon Laws 2009; repealing ORS
4 305.759 and 316.102; appropriating money; and declaring an emergency.

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

6 **SECTION 1. Sections 2 to 11 of this 2011 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**

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 submit an amount of Patriot Dollars to the Secretary of State for payment.

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

4 (a) The candidate is eligible to receive funds from the Patriot Dollars Fund established
 5 under section 8 of this 2011 Act; and

6 (b) The candidate is in compliance with the provisions of section 4 (2) and (3) of this 2011
 7 Act.

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

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

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

20 (2) A candidate may not accept more than 50 Patriot Dollars from a single elector during
 21 a calendar year. A candidate may not submit more than 50 Patriot Dollars received from a
 22 single elector to the secretary for payment as described in section 3 of this 2011 Act.

23 (3) The secretary may not make a payment to a candidate under section 3 of this 2011
 24 Act unless the candidate has filed a declaration of limitation on contributions under section
 25 6 of this 2011 Act stating that the candidate, during the calendar year, will not accept a
 26 contribution in an aggregate amount exceeding \$500 from any person or political committee.

27 **SECTION 5.** (1) Notwithstanding ORS 260.407, payments to candidates from the Patriot
 28 Dollars Fund established under section 8 of this 2011 Act may be used only for purposes re-
 29 lated to the candidate's campaign for nomination or election to public office.

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

31 (a) Contributed to any other candidate, political committee or petition committee;

32 (b) Used to make independent expenditures; 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 any 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 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 2011 Act. All moneys described
11 in section 9 of this 2011 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
20 secretary's functions and duties under sections 2 to 11 of this 2011 Act.

21 SECTION 9. The following shall be deposited in the Patriot Dollars Fund established un-
22 der section 8 of this 2011 Act:

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

28 (2) Amounts that were distributed to a candidate, that remain unspent at the end of the
29 calendar year and that are delivered to the fund as provided in section 11 of this 2011 Act;

30 (3) Amounts delivered by any candidate who withdraws as a candidate for nomination or
31 election as provided in section 11 of this 2011 Act;

32 (4) Amounts delivered by any candidate against whom a civil penalty has been imposed,
33 as described in section 11 of this 2011 Act;

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

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

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

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

44 SECTION 11. (1) If the account of a candidate who has received payments from the Pa-
45 triot Dollars Fund established under section 8 of this 2011 Act shows an unexpended balance

1 of contributions on December 31 of the calendar year in which the payments from the fund
 2 were received, the candidate shall deliver an amount of money equal to the amount described
 3 in subsection (3) of this section to the Secretary of State not later than a date set by the
 4 secretary by rule.

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

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

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

20 (5) A candidate against whom a civil penalty has been imposed under ORS 260.995 for vi-
 21 olation of section 6 (3) of this 2011 Act is not eligible to receive payments from the Patriot
 22 Dollars Fund during the calendar year in which the penalty is imposed. At the time the civil
 23 penalty is imposed, the candidate shall deliver to the secretary an amount of money equal
 24 to all payments distributed to the candidate from the Patriot Dollars Fund during the cal-
 25 endar year.

26 (6) The secretary shall deposit moneys received under this section in the Patriot Dollars
 27 Fund.

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

29 260.054. (1) Each political committee shall establish a single exclusive campaign account and
 30 each petition committee organized under ORS 260.118 shall establish a single exclusive petition ac-
 31 count in a financial institution, as defined in ORS 706.008. The financial institution must be located
 32 in this state and must ordinarily conduct business with the general public in this state.

33 (2) A political committee shall maintain the campaign account in the name of the political
 34 committee. A petition committee shall maintain the petition account in the name of the petition
 35 committee.

36 (3) Except as provided in subsection (4) of this section:

37 (a) All expenditures made by the political committee shall be drawn from the campaign account
 38 and:

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

42 (B) Paid using a debit card or other form of electronic transaction.

43 (b) All expenditures made by the petition committee shall be drawn from the petition account
 44 and:

45 (A) Issued on a check signed by the chief petitioner or treasurer of the petition committee or

1 by an individual designated by the chief petitioner or treasurer; or

2 (B) Paid using a debit card or other form of electronic transaction.

3 (4) Subsection (3) of this section does not prohibit a person from making a cash or other ex-
4 penditure on behalf of the political committee or petition committee and receiving reimbursement
5 from the campaign or petition account.

6 (5)(a) Not later than seven calendar days after the date the contribution is received:

7 (A) A contribution received by a candidate or the treasurer of a political committee, directly
8 or indirectly, shall be deposited into the campaign account.

9 (B) A contribution received by a chief petitioner or treasurer of a petition committee, directly
10 or indirectly, shall be deposited into the petition account.

11 **(b) Any payment received by a candidate from the Patriot Dollars Fund under section 3**
12 **of this 2011 Act shall be deposited into the campaign account not later than seven calendar**
13 **days after the date the payment is received.**

14 [(b)] (c) This subsection does not apply to in-kind contributions received by a candidate, political
15 committee or petition committee.

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

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

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

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

24 [(6)] (7) This section does not prohibit the transfer of any amount deposited in a campaign or
25 petition account into a certificate of deposit, stock fund or other investment instrument.

26 [(7)] (8) A campaign or petition account may not include any private moneys, other than con-
27 tributions received by the political committee or petition committee.

28 [(8)] (9) A political committee or petition committee shall retain a copy of each financial insti-
29 tution account statement from the campaign or petition account described in this section for not less
30 than two years after the date the statement is issued by the financial institution.

31 [(9)] (10) This section does not apply to candidates described in ORS 260.043.

32 [(10)] (11) As used in this section, "contribution" and "expenditure" include a contribution or
33 expenditure to or on behalf of an initiative, referendum or recall petition.

34 **SECTION 13.** ORS 260.995, as amended by section 10, chapter 9, Oregon Laws 2010, and section
35 2, chapter 35, Oregon Laws 2010, is amended to read:

36 260.995. (1) Except as provided in [subsection (2)] **subsections (2) and (3)** of this section, fol-
37 lowing an investigation under ORS 260.345, the Secretary of State or Attorney General may impose
38 a civil penalty not to exceed \$250 for each violation of any provision of Oregon Revised Statutes
39 relating to the conduct of any election, any rule adopted by the secretary under ORS chapters 246
40 to 260 or any other matter preliminary to or relating to an election, for which a civil penalty is not
41 otherwise provided.

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

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

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

45 (c) \$10,000 for each violation of ORS 260.555, 260.558, 260.575, 260.695 (1) or 260.715 (1) or sec-

tion 1b, Article IV of the Oregon Constitution.

(3) The secretary or Attorney General may impose a civil penalty not to exceed \$_____ for any violation of section 4, 5 or 6 (1) of this 2011 Act. For a violation of section 6 (3) of this 2011 Act, the secretary or Attorney General may impose a civil penalty not to exceed the greater of \$_____ or the amount of any contribution received or made in violation of section 6 (3) of this 2011 Act.

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

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

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

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

(a) Upon request of the person against whom the penalty may be assessed, if the request is made not later than the 20th day after the date the person received notice sent under subsection [(3)] (4) 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 45 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 60 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, a candidate's principal campaign committee, a political committee or a petition committee.

(11) A penalty recovered under subsection (3) of this section shall be deposited in the Patriot Dollars Fund established under section 8 of this 2011 Act.

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.

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

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

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

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

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

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

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

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

19 **(10) A person may not sell, offer to sell, purchase or offer to purchase, for money or**
20 **other valuable consideration, any Patriot Dollars.**

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

22 260.005. As used in this chapter:

23 (1)(a) “Candidate” means:

24 (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,
25 nominating petition or certificate of nomination to public office has been filed or whose name is
26 expected to be or has been presented, with the individual’s consent, for nomination or election to
27 public office;

28 (B) An individual who has solicited or received and accepted a contribution, made an expendi-
29 ture, or given consent to an individual, organization, political party or political committee to solicit
30 or receive and accept a contribution or make an expenditure on the individual’s behalf to secure
31 nomination or election to any public office at any time, whether or not the office for which the in-
32 dividual will seek nomination or election is known when the solicitation is made, the contribution
33 is received and retained or the expenditure is made, and whether or not the name of the individual
34 is printed on a ballot; or

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

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

38 **(c) For purposes of sections 2 to 11 of this 2011 Act, candidate does not include a candi-**
39 **date for national public office.**

40 (2) “Committee director” means any person who directly and substantially participates in
41 decision-making on behalf of a political committee concerning the solicitation or expenditure of
42 funds and the support of or opposition to candidates or measures. The officers of a political party
43 shall be considered the directors of any political party committee of that party, unless otherwise
44 provided in the party’s bylaws.

45 (3) Except as provided in ORS 260.007, “contribute” or “contribution” includes:

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

4 (A) For the purpose of influencing an election for public office or an election on a measure, or
 5 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-
 6 itical committee; or

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

8 (b) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforcea-
 9 ble, to make a contribution; and

10 (c) The excess value of a contribution made for compensation or consideration of less than
 11 equivalent value.

12 (4) “Controlled committee” means a political committee that, in connection with the making of
 13 contributions or expenditures:

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

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

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

17 (a) The candidate, the candidate’s agent, a member of the candidate’s immediate family or any
 18 other political committee that the candidate controls has a significant influence on the actions or
 19 decisions of the political committee; or

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

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

23 (7) “Elector” means an individual qualified to vote under section 2, Article II of the Oregon
 24 Constitution.

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

32 (9) “Filing officer” means:

33 (a) The Secretary of State:

34 (A) Regarding a candidate for public office;

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

36 (C) Regarding any measure; or

37 (D) Regarding any political committee.

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

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

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

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

1 (10) "Independent expenditure" means an expenditure by a person for a communication in sup-
 2 port of or in opposition to a clearly identified candidate or measure that is not made with the co-
 3 operation or with the prior consent of, or in consultation with, or at the request or suggestion of,
 4 a candidate or any agent or authorized committee of the candidate, or any political committee or
 5 agent of a political committee supporting or opposing a measure. For purposes of this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (d) "Made with the cooperation or with the prior consent of, or in consultation with, or at the
 29 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
 30 political committee or agent of a political committee supporting or opposing a measure":

31 (A) Means any arrangement, coordination or direction by the candidate or the candidate's agent,
 32 or by any political committee or agent of a political committee supporting or opposing a measure,
 33 prior to the publication, distribution, display or broadcast of the communication. An expenditure
 34 shall be presumed to be so made when it is:

35 (i) Based on information about the plans, projects or needs of the candidate, or of the political
 36 committee supporting or opposing a measure, and provided to the expending person by the candidate
 37 or by the candidate's agent, or by any political committee or agent of a political committee sup-
 38 porting or opposing a measure, with a view toward having an expenditure made; or

39 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who
 40 is or has been an officer of a political committee authorized by the candidate or by a political
 41 committee or agent of a political committee supporting or opposing a measure, or who is or has been
 42 receiving any form of compensation or reimbursement from the candidate, the candidate's principal
 43 campaign committee or agent or from any political committee or agent of a political committee
 44 supporting or opposing a measure.

45 (B) Does not mean providing to the expending person upon request a copy of this chapter or any

1 rules adopted by the Secretary of State relating to independent expenditures.

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

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

6 (13) "Mass mailing" means more than 200 substantially similar pieces of mail, but does not in-
7 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other
8 inquiry.

9 (14) "Measure" includes any of the following submitted to the people for their approval or re-
10 jection at an election:

11 (a) A proposed law.

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

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

14 (d) Local, special or municipal legislation.

15 (e) A proposition or question.

16 (15) "Occupation" means:

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

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

20 (16) "**Patriot Dollars**" means vouchers in \$1 increments that under sections 2 to 11 of this
21 **2011 Act:**

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

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

24 (c) **May be submitted by candidates to the secretary for payment as described in section**
25 **3 of this 2011 Act.**

26 [(16)] (17) "Person" means an individual, corporation, limited liability company, labor organiza-
27 tion, association, firm, partnership, joint stock company, club, organization or other combination of
28 individuals having collective capacity.

29 [(17)] (18) "Petition committee" means an initiative, referendum or recall petition committee
30 organized under ORS 260.118.

31 [(18)] (19) "Political committee" means a combination of two or more individuals, or a person
32 other than an individual, that has:

33 (a) Received a contribution for the purpose of supporting or opposing a candidate, measure or
34 political party; or

35 (b) Made an expenditure for the purpose of supporting or opposing a candidate, measure or
36 political party. For purposes of this paragraph, an expenditure does not include:

37 (A) A contribution to a candidate or political committee that is required to report the contri-
38 bution on a statement filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS
39 260.112; or

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

42 [(19)] (20) "Public office" means any national, state, county, district, city office or position, ex-
43 cept a political party office, that is filled by the electors.

44 [(20)] (21) "Recall petition" means a petition to recall a public officer for which a prospective
45 petition has been filed but that is not yet a measure.

1 [(21)] **(22)** “Referendum petition” means a petition to refer a measure for which a prospective
 2 petition has been filed but that is not yet a measure.

3 [(22)] **(23)** “Regular district election” means the regular district election described in ORS
 4 255.335.

5 [(23)] **(24)** “Slate mailer” means a mass mailing that supports or opposes a total of three or more
 6 candidates or measures.

7 [(24)(a)] **(25)(a)** “Slate mailer organization” means any person who directly or indirectly:

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

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

13 (b) “Slate mailer organization” does not include:

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

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

17 [(25)] **(26)** “State office” means the office of Governor, Secretary of State, State Treasurer, At-
 18 torney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public In-
 19 struction, state Senator, state Representative, judge or district attorney.

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

21 260.041. (1) Notwithstanding ORS 260.005 [(18)] **(19)** and except as provided in ORS 260.043, a
 22 candidate shall designate a political committee as the candidate’s principal campaign committee. A
 23 candidate may designate only one political committee as the candidate’s principal campaign com-
 24 mittee.

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

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

28 260.044. (1) A person shall file a statement of independent expenditures if the person makes in-
 29 dependent expenditures in a total amount of more than \$100 in a calendar year. The statement shall
 30 be filed with the Secretary of State.

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

37 (3) Notwithstanding ORS 260.005 [(18)] **(19)**, a person who solicits and receives a contribution
 38 or contributions is a political committee and shall file a statement of organization under ORS
 39 260.042 and the statements required by ORS 260.057 or 260.076.

40 (4) For purposes of this section:

41 (a) An independent expenditure does not include a contribution to a candidate or political
 42 committee that is required to report the contribution on a statement filed under ORS 260.057,
 43 260.076 or 260.102 or a certificate filed under ORS 260.112;

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

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

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

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

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

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

9 260.737. (1) A slate mailer organization may not send a slate mailer unless all of the following
10 are satisfied:

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

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

15 _____
16
17 NOTICE TO VOTERS

18
19 THIS DOCUMENT WAS NOT PREPARED BY A POLITICAL PARTY COMMITTEE OR PARTY
20 CAUCUS COMMITTEE.

21
22 CANDIDATES AND MEASURES MARKED WITH AN * PAID FOR APPEARANCE IN THIS
23 DOCUMENT.
24 _____

25
26 (c) Each candidate that has paid to appear in the slate mailer and each measure on whose behalf
27 payment has been received to appear in the slate mailer shall be designated by an asterisk of legible
28 size immediately following the name of the candidate or the name or number of the measure in each
29 instance where the name of the candidate or the name or number of the measure appears in the
30 slate mailer.

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

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

38 (4) The Secretary of State by rule may define the term “payment” as used in this section and
39 ORS 260.005 [(24)] (25) and 260.735.

40 **SECTION 19.** Section 34, chapter 913, Oregon Laws 2009, is amended to read:

41 **Sec. 34.** A credit may not be claimed under ORS 316.102 for tax years beginning on or after
42 January 1, [2014] 2012.

43 **SECTION 20.** ORS 305.759 and 316.102 are repealed on January 1, 2012.

44 **SECTION 21.** Nothing in the repeal of ORS 316.102 by section 20 of this 2011 Act affects
45 the allowance of a tax credit under ORS 316.102 for a tax year beginning before January 1,

1 2012.

2 **SECTION 22.** Sections 2 to 11 of this 2011 Act and the amendments to ORS 260.005,
3 260.041, 260.044, 260.054, 260.715, 260.737 and 260.995 and section 34, chapter 913, Oregon Laws
4 2009, by sections 12 to 19 of this 2011 Act become operative on January 1, 2012.

5 **SECTION 23.** The Secretary of State may take any action before January 1, 2012, that is
6 necessary to enable the secretary to exercise, on and after January 1, 2012, all the duties,
7 functions and powers conferred upon the secretary by sections 2 to 11 of this 2011 Act and
8 the amendments to ORS 260.005, 260.041, 260.044, 260.054, 260.715, 260.737 and 260.995 and
9 section 34, chapter 913, Oregon Laws 2009, by sections 12 to 19 of this 2011 Act.

10 **SECTION 24.** This 2011 Act being necessary for the immediate preservation of the public
11 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
12 on its passage.
13
