

SENATE AMENDMENTS TO SENATE BILL 270

By COMMITTEE ON RULES

February 28

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest of the line and line 3 and
2 insert “and amending ORS 260.005, 260.039, 260.042, 260.083, 260.118 and 260.232.”.

3 After line 4, insert:

4 “**SECTION 1.** ORS 260.005 is amended to read:

5 “260.005. As used in this chapter:

6 “(1)(a) ‘Candidate’ means:

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

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

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

19 “(b) For purposes of this section and ORS 260.035 to 260.156, ‘candidate’ does not include a
20 candidate for the office of precinct committeeperson.

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) Except as provided in ORS 260.007, ‘contribute’ or ‘contribution’ includes:

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

30 “(A) For the purpose of influencing an election for public office or an election on a measure,
31 or of reducing the debt of a candidate for nomination or election to public office or the debt of a
32 political committee; or

33 “(B) 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 enforceable,*
35 *to make a contribution; and*]

1 “[(c)] (b) The excess value of a contribution made for compensation or consideration of less than
2 equivalent value.

3 “(4) ‘Controlled committee’ means a political committee that, in connection with the making of
4 contributions or expenditures:

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

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

7 “(5) ‘Controlled directly or indirectly by a candidate’ means:

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

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

13 “(6) ‘County clerk’ means the county clerk or the county official in charge of elections.

14 “(7) ‘Elector’ means an individual qualified to vote under section 2, Article II of the Oregon
15 Constitution.

16 “(8) Except as provided in ORS 260.007, ‘expend’ or ‘expenditure’ includes the payment or fur-
17 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation
18 by or on behalf of a candidate, political committee or person in consideration for any services,
19 supplies, equipment or other thing of value performed or furnished for any reason, including support
20 of or opposition to a candidate, political committee or measure, or for reducing the debt of a can-
21 didate for nomination or election to public office. ‘Expenditure’ also includes contributions made by
22 a candidate or political committee to or on behalf of any other candidate or political committee.

23 “(9) ‘Filing officer’ means:

24 “(a) The Secretary of State:

25 “(A) Regarding a candidate for public office;

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

27 “(C) Regarding any measure; or

28 “(D) Regarding any political committee.

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

30 “(A) The county clerk, regarding any candidate for office or any measure at an irrigation dis-
31 trict formation election where the proposed district is situated wholly in one county;

32 “(B) The county clerk of the county in which the office of the secretary of the proposed irri-
33 gation district will be located, regarding any candidate for office or any measure at an irrigation
34 district formation election where the proposed district is situated in more than one county; or

35 “(C) The secretary of the irrigation district for any election other than an irrigation district
36 formation election.

37 “(10) ‘Independent expenditure’ means an expenditure by a person for a communication in sup-
38 port of or in opposition to a clearly identified candidate or measure that is not made with the co-
39 operation or with the prior consent of, or in consultation with, or at the request or suggestion of,
40 a candidate or any agent or authorized committee of the candidate, or any political committee or
41 agent of a political committee supporting or opposing a measure. For purposes of this subsection:

42 “(a) ‘Agent’ means any person who has:

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

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

4 “(b)(A) ‘Clearly identified’ means, with respect to candidates:

5 “(i) The name of the candidate involved appears;

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

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

8 “(B) ‘Clearly identified’ means, with respect to measures:

9 “(i) The ballot number of the measure appears;

10 “(ii) A description of the measure’s subject or effect appears; or

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

12 “(c) ‘Communication in support of or in opposition to a clearly identified candidate or measure’
13 means:

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

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

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

19 “(d) ‘Made with the cooperation or with the prior consent of, or in consultation with, or at the
20 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
21 political committee or agent of a political committee supporting or opposing a measure’:

22 “(A) Means any arrangement, coordination or direction by the candidate or the candidate’s
23 agent, or by any political committee or agent of a political committee supporting or opposing a
24 measure, prior to the publication, distribution, display or broadcast of the communication. An ex-
25 penditure shall be presumed to be so made when it is:

26 “(i) Based on information about the plans, projects or needs of the candidate, or of the political
27 committee supporting or opposing a measure, and provided to the expending person by the candidate
28 or by the candidate’s agent, or by any political committee or agent of a political committee sup-
29 porting or opposing a measure, with a view toward having an expenditure made; or

30 “(ii) Made by or through any person who is or has been authorized to raise or expend funds,
31 who is or has been an officer of a political committee authorized by the candidate or by a political
32 committee or agent of a political committee supporting or opposing a measure, or who is or has been
33 receiving any form of compensation or reimbursement from the candidate, the candidate’s principal
34 campaign committee or agent or from any political committee or agent of a political committee
35 supporting or opposing a measure.

36 “(B) Does not mean providing to the expending person upon request a copy of this chapter or
37 any rules adopted by the Secretary of State relating to independent expenditures.

38 “(11) ‘Initiative petition’ means a petition to initiate a measure for which a prospective petition
39 has been filed but that is not yet a measure.

40 “(12) ‘Judge’ means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
41 Tax Court.

42 “(13) ‘Mass mailing’ means more than 200 substantially similar pieces of mail, but does not in-
43 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other
44 inquiry.

45 “(14) ‘Measure’ includes any of the following submitted to the people for their approval or re-

1 jection at an election:

2 “(a) A proposed law.

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

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

5 “(d) Local, special or municipal legislation.

6 “(e) A proposition or question.

7 “(15) ‘Occupation’ means:

8 “(a) The nature of an individual’s principal business; and

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

11 “(16) ‘Person’ means an individual, corporation, limited liability company, labor organization,
12 association, firm, partnership, joint stock company, club, organization or other combination of indi-
13 viduals having collective capacity.

14 “(17) ‘Petition committee’ means an initiative, referendum or recall petition committee organized
15 under ORS 260.118.

16 “(18) ‘Political committee’ means a combination of two or more individuals, or a person other
17 than an individual, that has:

18 “(a) Received a contribution for the purpose of supporting or opposing a candidate, measure or
19 political party; or

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

22 “(A) A contribution to a candidate or political committee that is required to report the contri-
23 bution on a statement filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS
24 260.112; or

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

27 “(19) ‘Public office’ means any national, state, county, district, city office or position, except a
28 political party office, that is filled by the electors.

29 “(20) ‘Recall petition’ means a petition to recall a public officer for which a prospective petition
30 has been filed but that is not yet a measure.

31 “(21) ‘Referendum petition’ means a petition to refer a measure for which a prospective petition
32 has been filed but that is not yet a measure.

33 “(22) ‘Regular district election’ means the regular district election described in ORS 255.335.

34 “(23) ‘Slate mailer’ means a mass mailing that supports or opposes a total of three or more
35 candidates or measures.

36 “(24)(a) ‘Slate mailer organization’ means any person who directly or indirectly:

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

39 “(B) Receives or is promised payment for producing one or more slate mailers or for endorsing
40 or opposing, or refraining from endorsing or opposing, a candidate or measure in one or more slate
41 mailers.

42 “(b) ‘Slate mailer organization’ does not include:

43 “(A) A political committee organized by a political party; or

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

1 “(25) ‘State office’ means the office of Governor, Secretary of State, State Treasurer, Attorney
2 General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction,
3 state Senator, state Representative, judge or district attorney.

4 “**SECTION 2.** ORS 260.039 is amended to read:

5 “260.039. (1) Except as provided in ORS 260.043, a candidate who serves as the candidate’s own
6 treasurer, or the treasurer of the principal campaign committee, shall file a statement of organiza-
7 tion with the filing officer. The statement shall include:

8 “(a) The name, address, occupation, office sought and party affiliation of the candidate. The ad-
9 dress shall be the address of a residence, office, headquarters or similar location where the candi-
10 date may be conveniently located.

11 “(b) In the case of a principal campaign committee:

12 “(A) The name and address of the committee. The address shall be the address of a residence,
13 office, headquarters or similar location where the political committee or a responsible officer of the
14 political committee may be conveniently located.

15 “(B) The name, address and occupation of the committee director or directors, if any.

16 “(C) The name and address of the committee treasurer.

17 “(D) The name and address of any other political committee of which two or more committee
18 directors are also directors of the committee filing the statement.

19 “(c) The name of the financial institution in which the campaign account required under ORS
20 260.054 is established, the name [*and number*] of the account, the name of the account holder and
21 the names of all individuals who have signature authority for the account. The Secretary of State
22 may not disclose information received by the secretary under this paragraph except as necessary for
23 purposes of enforcing the provisions of ORS chapters 246 to 260.

24 “(2) A candidate or treasurer may designate an individual to receive any notice provided by a
25 filing officer under ORS chapters 246 to 260. The candidate or treasurer shall include the name and
26 address of the individual in the statement of organization filed under this section. A filing officer
27 who provides any notice under ORS chapters 246 to 260 to the candidate or treasurer shall also
28 provide the notice to the individual designated by the candidate or treasurer under this subsection.

29 “(3) Except as provided in ORS 260.043, a candidate who serves as the candidate’s own treasurer
30 shall file the statement of organization not later than the third business day after the candidate first
31 receives a contribution or makes an expenditure. The treasurer of a principal campaign committee
32 shall file the statement of organization not later than the date specified in ORS 260.035.

33 “(4) Any change in information submitted in a statement of organization under subsection (1)
34 of this section shall be indicated in an amended statement of organization filed not later than the
35 10th day after the change in information.

36 “(5) Except as provided in ORS 260.043, a candidate who serves as the candidate’s own treasurer
37 or the treasurer of the principal campaign committee of the candidate shall file a statement of or-
38 ganization under this section not later than the deadline for the candidate to file a nominating pe-
39 tition or declaration of candidacy under ORS 249.037 or a certificate of nomination under ORS
40 249.722.

41 “(6) Except as provided in ORS 260.043, a candidate who serves as the candidate’s own treasurer
42 or the treasurer of the principal campaign committee of a candidate shall file a new or amended
43 statement of organization not later than the date that the candidate files a nominating petition,
44 declaration of candidacy or certificate of nomination.

45 “**SECTION 3.** ORS 260.042 is amended to read:

1 “260.042. (1) The treasurer of a political committee shall file a statement of organization with
2 the filing officer. The statement shall include:

3 “(a) The name, address and nature of the committee. The address shall be the address of a res-
4 idence, office, headquarters or similar location where the political committee or a responsible officer
5 of the political committee may be conveniently located.

6 “(b) The name, address and occupation of the committee director or directors.

7 “(c) The name and address of the committee treasurer.

8 “(d) The name and address of any other political committee of which two or more committee
9 directors are also directors of the committee filing the statement.

10 “(e) The name, office sought, and party affiliation of each candidate whom the committee is
11 supporting or specifically opposing or intends to support or specifically oppose, when known, or, if
12 the committee is supporting or specifically opposing all the candidates of a given party, the name
13 of that party.

14 “(f) A designation of any measure that the committee is opposing or supporting, or intends to
15 support or oppose.

16 “(g) The name of the financial institution in which the campaign account required under ORS
17 260.054 is established, the name [*and number*] of the account, the name of the account holder and
18 the names of all individuals who have signature authority for the account. The Secretary of State
19 may not disclose information received by the secretary under this paragraph except as necessary for
20 purposes of enforcing the provisions of ORS chapters 246 to 260.

21 “(h) A statement of whether the committee is a controlled committee.

22 “(2) A treasurer may designate an individual to receive any notice provided by a filing officer
23 under ORS chapters 246 to 260. The treasurer shall include the name and address of the individual
24 in a statement of organization filed under this section. A filing officer who provides any notice under
25 ORS chapters 246 to 260 to the treasurer of the political committee shall also provide the notice to
26 the individual designated by the treasurer under this subsection.

27 “(3) The statement of organization shall be filed not later than the date specified in ORS 260.035.

28 “(4) Any change in information submitted in a statement of organization under subsection (1)
29 of this section shall be indicated in an amended statement of organization filed not later than the
30 10th day after the change in information.

31 “(5) This section does not apply to a political committee that is a principal campaign committee
32 or to a political committee exclusively supporting or opposing one or more candidates for federal
33 or political party office.

34 “**SECTION 4.** ORS 260.083 is amended to read:

35 “260.083. (1) A statement filed under ORS 260.057, 260.076 or 260.118 shall list:

36 “(a) Except as provided in ORS 260.085, for a contribution:

37 “(A) The name, occupation and address of each person, and the name and address of each poli-
38 tical committee or petition committee, that contributed an aggregate amount of more than \$100 in
39 a calendar year on behalf of a candidate or to a political committee or petition committee and the
40 total amount contributed by that person or committee; and

41 “(B) The total amount of other contributions as a single item, but shall specify how those con-
42 tributions were obtained.

43 “(b) For an expenditure:

44 “(A) The amount and purpose of each expenditure made in an aggregate amount of more than
45 \$100 to a payee, the name or, if applicable, the business name of the payee of the expenditure, and

1 the city, or county if the payee is not located in a city, and state in which the payee is located; and

2 “(B) The total amount of other expenditures as a single item.

3 “(c) Each loan, whether repaid or not, made by or to the candidate, political committee or pe-
4 tition committee. The statement shall list:

5 “(A) The name and address of each person shown as a cosigner or guarantor on a loan and the
6 amount of the obligation undertaken by each cosigner or guarantor;

7 “(B) The name of the lender holding the loan; and

8 “(C) The terms of the loan, including the interest rate and repayment schedule.

9 “[2)(a) *A contribution shall be reported as an account receivable only if the contribution is not*
10 *received within the time specified in ORS 260.057, 260.076 or 260.118.*]

11 “[*b*)] (2) An expenditure shall be reported as an account payable only if the expenditure is not
12 paid within the time specified in ORS 260.057, 260.076 or 260.118.

13 “(3) Anything of value paid for or contributed by any person shall be listed as both an in-kind
14 contribution and an expenditure by the candidate or committee for whose benefit the payment or
15 contribution was made.

16 “(4) If a candidate, political committee or petition committee under ORS 260.057 or 260.118
17 makes an expenditure that must be reported as an in-kind contribution and an expenditure as pro-
18 vided in subsection (3) of this section, the candidate, political committee or petition committee
19 making the original expenditure shall, in any statement filed under ORS 260.057 or 260.118, identify
20 the expenditure as an in-kind contribution and identify the candidate, political committee or petition
21 committee for whose benefit the expenditure was made.

22 “(5) If a political committee makes an expenditure that qualifies as an independent expenditure
23 under ORS 260.005 (10), the listing of the expenditure under this section shall identify any candi-
24 dates or measures that are the subject of the independent expenditure and state whether the inde-
25 pendent expenditure was used to advocate the election, passage or defeat of the candidates or
26 measures.

27 “(6) As used in this section:

28 “(a) ‘Address’ has the meaning given that term in rules adopted by the Secretary of State.

29 “(b) ‘Contribution’ and ‘expenditure’ include a contribution or expenditure to or on behalf of an
30 initiative, referendum or recall petition.

31 “**SECTION 5.** ORS 260.118 is amended to read:

32 “260.118. (1) The chief petitioners of an initiative, referendum or recall petition shall appoint a
33 treasurer. The treasurer shall be an elector of this state. Contributions shall be received and
34 expenditures made by or through the treasurer.

35 “(2) The treasurer shall file a statement of organization of a petition committee with the ap-
36 propriate filing officer. The treasurer shall file the statement not later than the third business day
37 after a chief petitioner or the treasurer receives a contribution or makes an expenditure relating
38 to the initiative, referendum or recall petition. The statement shall include:

39 “(a) The name and address of the chief petitioners.

40 “(b) The name and address of the treasurer appointed under subsection (1) of this section.

41 “(c) A designation of the initiative, referendum or recall petition. The designation of the recall
42 petition shall include the name of the officer whose recall is demanded.

43 “(d) The name of the financial institution in which the petition account required under ORS
44 260.054 is established, the name [*and number*] of the account, the name of the account holder and
45 the names of all individuals who have signature authority for the account. The Secretary of State

1 may not disclose information received by the secretary under this paragraph except as necessary for
2 purposes of enforcing the provisions of ORS chapters 246 to 260.

3 “(3) If there is a change in the information submitted in a statement of organization under sub-
4 section (2) of this section, the treasurer shall file an amended statement of organization not later
5 than the 10th day after the change in information.

6 “(4) The treasurer of an initiative, referendum or recall petition committee shall use the elec-
7 tronic filing system adopted under ORS 260.057 to file with the Secretary of State statements of
8 contributions received and expenditures made by the petition committee, as described in ORS
9 260.083.

10 “(5) The treasurer of an initiative petition committee shall file a statement described in sub-
11 section (4) of this section not later than seven calendar days after a contribution is received or an
12 expenditure is made. This subsection applies to contributions received and expenditures made:

13 “(a) During the period beginning on the 42nd calendar day before the date that is four months
14 before a general election and ending on the date that is four months before a general election; and

15 “(b) During the period beginning on the 42nd calendar day before the date of any primary
16 election and ending on the date of the primary election and the period beginning on the 42nd cal-
17 endar day before the date of any general election and ending on the date of the general election.

18 “(6) The treasurer of a referendum petition committee or a recall petition committee shall file
19 a statement described in subsection (4) of this section not later than seven calendar days after a
20 contribution is received or an expenditure is made. This subsection applies:

21 “(a) For a referendum petition committee, to contributions received and expenditures made
22 during the period beginning on the date the treasurer is appointed under subsection (1) of this sec-
23 tion and ending on the deadline for submitting signatures for verification; and

24 “(b) For a recall petition committee, to contributions received and expenditures made during the
25 period beginning on the day after the date on which the statement of contributions received and
26 expenditures made that is required under ORS 249.865 is filed and ending on the deadline for sub-
27 mitting signatures for verification.

28 “(7) Except as provided in subsection (8) of this section, during a period not described in sub-
29 section (5) or (6) of this section, a treasurer of an initiative, referendum or recall petition committee
30 shall file a statement described in subsection (4) of this section not later than 30 calendar days after
31 a contribution is received or an expenditure is made.

32 “(8) If a treasurer of an initiative petition committee receives a contribution or makes an ex-
33 penditure prior to the 42nd calendar day before the date that is four months before a general
34 election, or the 42nd day before the date of the primary election or general election, and the treas-
35 urer has not filed a statement of the contribution or expenditure under subsection (4) of this section
36 by the 43rd calendar day before the date that is four months before a general election, or the 43rd
37 day before the date of the primary election or general election, the treasurer shall file a statement
38 described in subsection (4) of this section not later than the 35th calendar day before the date that
39 is four months before a general election, or the 35th day before the date of the primary election or
40 general election.

41 “(9) For an initiative petition committee, the accounting period for the first statement filed un-
42 der this section begins on the date the treasurer is appointed under subsection (1) of this section.

43 “(10) Each statement required under this section shall be signed and certified as true by the
44 treasurer. Signatures shall be supplied in the manner specified by the secretary by rule.

45 “(11) Subsections (4) to (10) of this section do not apply to petition committees that file certif-

1 icates under ORS 260.112.

2 “(12) As used in this section, ‘contribution’ and ‘expenditure’ include a contribution or expendi-
3 ture to or on behalf of an initiative, referendum or recall petition.”.

4 In line 5, delete “1” and insert “6”.

5 On page 2, delete lines 33 through 37 and insert:

6 **“SECTION 7. (1) The amendments to ORS 260.039, 260.042 and 260.118 by sections 2, 3 and
7 5 of this 2011 Act apply to statements of organization filed by a principal campaign commit-
8 tee, political committee or petition committee on or after the effective date of this 2011 Act.**

9 **“(2) The amendments to ORS 260.005 and 260.083 by sections 1 and 4 of this 2011 Act apply
10 to contributions made on or after the effective date of this 2011 Act.**

11 **“(3) The amendments to ORS 260.232 by section 6 of this 2011 Act apply to statements
12 required to be filed on or after the effective date of this 2011 Act.”.**

13
