

HOUSE AMENDMENTS TO HOUSE BILL 3523

By COMMITTEE ON RULES

June 4

- 1 On page 1 of the printed bill, line 2, after “ORS” insert “260.005, 260.039, 260.042,”.
- 2 In line 24, delete “otherwise provided in this section” and insert “provided in subsections (4)
- 3 and (5) of this section”.
- 4 On page 2, line 19, delete “or 260.076” and insert “, 260.076 or 260.078”.
- 5 In line 23, after “260.076” insert “, 260.078”.
- 6 In line 32, after “260.076” insert “, 260.078”.
- 7 On page 3, delete lines 42 through 45.
- 8 On page 4, delete lines 1 through 20 and insert:
- 9 “(4)(a) A candidate for nomination or election at any primary or general election or a political
- 10 committee supporting or opposing a candidate or measure at any primary or general election shall
- 11 file a statement of contributions received not later than two business days after a contribution is
- 12 received that brings the aggregate amount of contributions received from a single donor during the
- 13 period to \$1,000 or more, and for each subsequent contribution received from the donor thereafter.
- 14 This paragraph applies to contributions received:
- 15 “(A) During the period beginning on the 14th calendar day before the date of any primary
- 16 election and ending on the date of the primary election; and
- 17 “(B) During the period beginning on the 14th calendar day before the date of any general
- 18 election and ending on the date of the general election.
- 19 “(b) If the candidate or political committee receives an aggregate amount of contributions from
- 20 a single donor that totals \$1,000 or more prior to the 14th calendar day before the date of the pri-
- 21 mary or general election and the candidate or political committee has not filed a statement of the
- 22 contributions under subsection (3) of this section by the 15th calendar day before the date of the
- 23 primary or general election, the candidate or political committee shall file a statement of contribu-
- 24 tions received not later than the 12th calendar day before the date of the primary or general
- 25 election.
- 26 “(5) For any special election, the secretary by rule may establish a period during which a can-
- 27 didate for nomination or election at the special election or a political committee supporting or op-
- 28 posing a candidate or measure at the special election must file a statement described in subsection
- 29 (1)(a) of this section. The period may not extend beyond:
- 30 “(a) Fourteen calendar days after a contribution is received or an expenditure is made; and
- 31 “(b) Two business days after a contribution is received, if the aggregate amount of contributions
- 32 received from a single donor during the special election period equals or exceeds \$1,000.”.
- 33 On page 5, line 8, after “260.076” insert “, 260.078”.
- 34 In line 17, after “260.076” insert “, 260.078”.
- 35 In line 23, after “260.076” insert “, 260.078”.

1 Delete lines 29 and 30.

2 In line 31, delete “(b)” and insert “(2)”.

3 In line 39, after “260.057” insert “, 260.078”.

4 On page 6, line 19, delete “and number”.

5 On page 9, delete lines 1 through 12 and insert:

6 “**SECTION 8.** ORS 260.005 is amended to read:

7 “260.005. As used in this chapter:

8 “(1)(a) ‘Candidate’ means:

9 “(A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,

10 nominating petition or certificate of nomination to public office has been filed or whose name is

11 expected to be or has been presented, with the individual’s consent, for nomination or election to

12 public office;

13 “(B) An individual who has solicited or received and accepted a contribution, made an expend-

14 iture, or given consent to an individual, organization, political party or political committee to solicit

15 or receive and accept a contribution or make an expenditure on the individual’s behalf to secure

16 nomination or election to any public office at any time, whether or not the office for which the in-

17 dividual will seek nomination or election is known when the solicitation is made, the contribution

18 is received and retained or the expenditure is made, and whether or not the name of the individual

19 is printed on a ballot; or

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

21 “(b) For purposes of this section and ORS 260.035 to 260.156, ‘candidate’ does not include a

22 candidate for the office of precinct committeeperson.

23 “(2) ‘Committee director’ means any person who directly and substantially participates in

24 decision-making on behalf of a political committee concerning the solicitation or expenditure of

25 funds and the support of or opposition to candidates or measures. The officers of a political party

26 shall be considered the directors of any political party committee of that party, unless otherwise

27 provided in the party’s bylaws.

28 “(3) Except as provided in ORS 260.007, ‘contribute’ or ‘contribution’ includes:

29 “(a) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent com-

30 pensation or consideration, of money, services other than personal services for which no compen-

31 sation is asked or given, supplies, equipment or any other thing of value:

32 “(A) For the purpose of influencing an election for public office or an election on a measure,

33 or of reducing the debt of a candidate for nomination or election to public office or the debt of a

34 political committee; or

35 “(B) To or on behalf of a candidate, political committee or measure; **and**

36 “[*(b) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforceable,*

37 *to make a contribution; and*]

38 “[*(c)*] **(b)** The excess value of a contribution made for compensation or consideration of less than

39 equivalent value.

40 “(4) ‘Controlled committee’ means a political committee that, in connection with the making of

41 contributions or expenditures:

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

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

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

45 “(a) The candidate, the candidate’s agent, a member of the candidate’s immediate family or any

1 other political committee that the candidate controls has a significant influence on the actions or
2 decisions of the political committee; or

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

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

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

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

15 “(9) ‘Filing officer’ means:

16 “(a) The Secretary of State:

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

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

19 “(C) Regarding any measure; or

20 “(D) Regarding any political committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 “(c) ‘Communication in support of or in opposition to a clearly identified candidate or measure’

5 means:

6 “(A) The communication, taken in its context, clearly and unambiguously urges the election or

7 defeat of a clearly identified candidate for nomination or election to public office, or the passage

8 or defeat of a clearly identified measure;

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

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

11 “(d) ‘Made with the cooperation or with the prior consent of, or in consultation with, or at the

12 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any

13 political committee or agent of a political committee supporting or opposing a measure’:

14 “(A) Means any arrangement, coordination or direction by the candidate or the candidate’s

15 agent, or by any political committee or agent of a political committee supporting or opposing a

16 measure, prior to the publication, distribution, display or broadcast of the communication. An ex-

17 penditure shall be presumed to be so made when it is:

18 “(i) Based on information about the plans, projects or needs of the candidate, or of the political

19 committee supporting or opposing a measure, and provided to the expending person by the candidate

20 or by the candidate’s agent, or by any political committee or agent of a political committee sup-

21 porting or opposing a measure, with a view toward having an expenditure made; or

22 “(ii) Made by or through any person who is or has been authorized to raise or expend funds,

23 who is or has been an officer of a political committee authorized by the candidate or by a political

24 committee or agent of a political committee supporting or opposing a measure, or who is or has been

25 receiving any form of compensation or reimbursement from the candidate, the candidate’s principal

26 campaign committee or agent or from any political committee or agent of a political committee

27 supporting or opposing a measure.

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

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

30 “(11) ‘Initiative petition’ means a petition to initiate a measure for which a prospective petition

31 has been filed but that is not yet a measure.

32 “(12) ‘Judge’ means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon

33 Tax Court.

34 “(13) ‘Mass mailing’ means more than 200 substantially similar pieces of mail, but does not in-

35 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other

36 inquiry.

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

38 jection at an election:

39 “(a) A proposed law.

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

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

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

43 “(e) A proposition or question.

44 “(15) ‘Occupation’ means:

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

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

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

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

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

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

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

14 “(A) A contribution to a candidate or political committee that is required to report the contri-
15 bution on a statement filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS
16 260.112; or

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

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

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

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

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

26 “(23) ‘State office’ means the office of Governor, Secretary of State, State Treasurer, Attorney
27 General, Commissioner of the Bureau of Labor and Industries, state Senator, state Representative,
28 judge or district attorney.

29 “**SECTION 9.** ORS 260.039 is amended to read:

30 “260.039. (1) Except as provided in ORS 260.043, a candidate who serves as the candidate’s own
31 treasurer, or the treasurer of the principal campaign committee, shall file a statement of organiza-
32 tion with the filing officer. The statement shall include:

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

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

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

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

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

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

44 “(c) The name of the financial institution in which the campaign account required under ORS
45 260.054 is established, the name [*and number*] of the account, the name of the account holder and

1 the names of all individuals who have signature authority for the account. The Secretary of State
2 may not disclose information received by the secretary under this paragraph except as necessary for
3 purposes of enforcing the provisions of ORS chapters 246 to 260.

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

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

13 “(4) Any change in information submitted in a statement of organization under subsection (1)
14 of this section shall be indicated in an amended statement of organization filed not later than the
15 10th day after the change in information.

16 “(5) Except as provided in ORS 260.043, a candidate who serves as the candidate’s own treasurer
17 or the treasurer of the principal campaign committee of the candidate shall file a statement of or-
18 ganization under this section not later than the deadline for the candidate to file a nominating pe-
19 tition or declaration of candidacy under ORS 249.037 or a certificate of nomination under ORS
20 249.722.

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

25 “**SECTION 10.** ORS 260.042 is amended to read:

26 “260.042. (1) The treasurer of a political committee shall file a statement of organization with
27 the filing officer. The statement shall include:

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

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

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

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

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

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

41 “(g) The name of the financial institution in which the campaign account required under ORS
42 260.054 is established, the name [and number] of the account, the name of the account holder and
43 the names of all individuals who have signature authority for the account. The Secretary of State
44 may not disclose information received by the secretary under this paragraph except as necessary for
45 purposes of enforcing the provisions of ORS chapters 246 to 260.

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

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

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

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

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

14 “**SECTION 11. Section 7 of this 2013 Act and the amendments to ORS 260.005, 260.039,
15 260.042, 260.044, 260.057, 260.083, 260.118 and 260.232 by sections 1 to 5 and 8 to 10 of this 2013
16 Act become operative on January 1, 2014.**

17 “**SECTION 12. (1) Section 7 of this 2013 Act and the amendments to ORS 260.005, 260.039,
18 260.042, 260.044, 260.057, 260.083, 260.118 and 260.232 by sections 1 to 5 and 8 to 10 of this 2013
19 Act apply to contributions received, expenditures made and statements of independent
20 expenditures required to be filed on or after the operative date specified in section 11 this
21 2013 Act.**

22 “**(2) The Secretary of State may take any action before the operative date specified in
23 section 11 of this 2013 Act that is necessary to enable the secretary to exercise, on and after
24 the operative date specified in section 11 of this 2013 Act, all of the duties, functions and
25 powers conferred upon the secretary by section 7 of this 2013 Act and the amendments to
26 ORS 260.005, 260.039, 260.042, 260.044, 260.057, 260.083, 260.118 and 260.232 by sections 1 to 5
27 and 8 to 10 of this 2013 Act.”.**

28 In line 13, delete “10” and insert “13”.

29