

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3523**

1 On page 1 of the printed bill, line 2, after “ORS” insert “260.005,”.

2 On page 5, delete lines 29 and 30.

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

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

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

6 “260.005. As used in this chapter:

7 “(1)(a) ‘Candidate’ means:

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

13 “(B) An individual who has solicited or received and accepted a contri-  
14 bution, made an expenditure, or given consent to an individual, organization,  
15 political party or political committee to solicit or receive and accept a con-  
16 tribution or make an expenditure on the individual’s behalf to secure nomi-  
17 nation or election to any public office at any time, whether or not the office  
18 for which the individual will seek nomination or election is known when the  
19 solicitation is made, the contribution is received and retained or the ex-  
20 penditure is made, and whether or not the name of the individual is printed  
21 on a ballot; or

22 “(C) A public office holder against whom a recall petition has been com-

1 pleted and filed.

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

4 “(2) ‘Committee director’ means any person who directly and substantially  
5 participates in decision-making on behalf of a political committee concerning  
6 the solicitation or expenditure of funds and the support of or opposition to  
7 candidates or measures. The officers of a political party shall be considered  
8 the directors of any political party committee of that party, unless otherwise  
9 provided in the party’s bylaws.

10 “(3) Except as provided in ORS 260.007, ‘contribute’ or ‘contribution’ in-  
11 cludes:

12 “(a) The payment, loan, gift, forgiving of indebtedness, or furnishing  
13 without equivalent compensation or consideration, of money, services other  
14 than personal services for which no compensation is asked or given, supplies,  
15 equipment or any other thing of value:

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

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

20 “[*b*] *Any unfulfilled pledge, subscription, agreement or promise, whether*  
21 *or not legally enforceable, to make a contribution; and]*

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

24 “(4) ‘Controlled committee’ means a political committee that, in con-  
25 nection with the making of contributions or expenditures:

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

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

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

30 “(a) The candidate, the candidate’s agent, a member of the candidate’s

1 immediate family or any other political committee that the candidate con-  
2 trols has a significant influence on the actions or decisions of the political  
3 committee; or

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

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

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

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

21 “(9) ‘Filing officer’ means:

22 “(a) The Secretary of State:

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

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

25 “(C) Regarding any measure; or

26 “(D) Regarding any political committee.

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

29 “(A) The county clerk, regarding any candidate for office or any measure  
30 at an irrigation district formation election where the proposed district is

1 situated wholly in one county;

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

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

8 “(10) ‘Independent expenditure’ means an expenditure by a person for a  
9 communication in support of or in opposition to a clearly identified candi-  
10 date or measure that is not made with the cooperation or with the prior  
11 consent of, or in consultation with, or at the request or suggestion of, a  
12 candidate or any agent or authorized committee of the candidate, or any  
13 political committee or agent of a political committee supporting or opposing  
14 a measure. For purposes of this subsection:

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

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

19 “(B) Been placed in a position within the campaign organization where  
20 it would reasonably appear that in the ordinary course of campaign-related  
21 activities the person may authorize expenditures.

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

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

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

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

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

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

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

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

30 “(c) ‘Communication in support of or in opposition to a clearly identified

1 candidate or measure' means:

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

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

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

9       “(d) ‘Made with the cooperation or with the prior consent of, or in con-  
10 sultation with, or at the request or suggestion of, a candidate or any agent  
11 or authorized committee of the candidate, or any political committee or  
12 agent of a political committee supporting or opposing a measure’:

13       “(A) Means any arrangement, coordination or direction by the candidate  
14 or the candidate’s agent, or by any political committee or agent of a political  
15 committee supporting or opposing a measure, prior to the publication, dis-  
16 tribution, display or broadcast of the communication. An expenditure shall  
17 be presumed to be so made when it is:

18       “(i) Based on information about the plans, projects or needs of the can-  
19 didate, or of the political committee supporting or opposing a measure, and  
20 provided to the expending person by the candidate or by the candidate’s  
21 agent, or by any political committee or agent of a political committee sup-  
22 porting or opposing a measure, with a view toward having an expenditure  
23 made; or

24       “(ii) Made by or through any person who is or has been authorized to  
25 raise or expend funds, who is or has been an officer of a political committee  
26 authorized by the candidate or by a political committee or agent of a poli-  
27 tical committee supporting or opposing a measure, or who is or has been  
28 receiving any form of compensation or reimbursement from the candidate,  
29 the candidate’s principal campaign committee or agent or from any political  
30 committee or agent of a political committee supporting or opposing a meas-

1 ure.

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

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

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

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

12 “(14) ‘Measure’ includes any of the following submitted to the people for  
13 their approval or rejection at an election:

14 “(a) A proposed law.

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

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

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

18 “(e) A proposition or question.

19 “(15) ‘Occupation’ means:

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

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

23 “(16) ‘Person’ means an individual, corporation, limited liability company,  
24 labor organization, association, firm, partnership, joint stock company, club,  
25 organization or other combination of individuals having collective capacity.

26 “(17) ‘Petition committee’ means an initiative, referendum or recall peti-  
27 tion committee organized under ORS 260.118.

28 “(18) ‘Political committee’ means a combination of two or more individ-  
29 uals, or a person other than an individual, that has:

30 “(a) Received a contribution for the purpose of supporting or opposing a

1 candidate, measure or political party; or

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

5 “(A) A contribution to a candidate or political committee that is required  
6 to report the contribution on a statement filed under ORS 260.057, 260.076  
7 or 260.102 or a certificate filed under ORS 260.112; or

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

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

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

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

16 “(22) ‘Regular district election’ means the regular district election de-  
17 scribed in ORS 255.335.

18 “(23) ‘State office’ means the office of Governor, Secretary of State, State  
19 Treasurer, Attorney General, Commissioner of the Bureau of Labor and In-  
20 dustries, state Senator, state Representative, judge or district attorney.

21 **“SECTION 9. Section 7 of this 2013 Act and the amendments to ORS  
22 260.005, 260.044, 260.057, 260.083, 260.118 and 260.232 by sections 1 to 5 and  
23 8 of this 2013 Act become operative on September 19, 2013.**

24 **“SECTION 10. (1) Section 7 of this 2013 Act and the amendments to  
25 ORS 260.005, 260.044, 260.057, 260.083, 260.118 and 260.232 by sections 1  
26 to 5 and 8 of this 2013 Act apply to contributions received, expenditures  
27 made and statements of independent expenditures required to be filed  
28 on or after the effective date of this 2013 Act.**

29 **“(2) The Secretary of State may take any action before the opera-  
30 tive date specified in section 9 of this 2013 Act that is necessary to**

1 **enable the secretary to exercise, on and after the operative date spec-**  
2 **ified in section 9 of this 2013 Act, all of the duties, functions and**  
3 **powers conferred upon the secretary by section 7 of this 2013 Act and**  
4 **the amendments to ORS 260.005, 260.044, 260.057, 260.083, 260.118 and**  
5 **260.232 by sections 1 to 5 and 8 of this 2013 Act.”.**

6 In line 13, delete “10” and insert “11”.

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