

**PROPOSED AMENDMENTS TO
HOUSE BILL 3523**

1 On page 1 of the printed bill, line 2, after “ORS” insert “260.005, 260.039,
2 260.042,”.

3 In line 24, delete “otherwise provided in this section” and insert “provided
4 in subsections (4) and (5) of this section”.

5 On page 2, line 19, delete “or 260.076” and insert “, 260.076 or 260.078.”.

6 In line 23, after “260.076” insert “, 260.078”.

7 In line 32, after “260.076” insert “, 260.078”.

8 On page 3, delete lines 42 through 45.

9 On page 4, delete lines 1 through 20 and insert:

10 “(4)(a) A candidate for nomination or election at any primary or general
11 election or a political committee supporting or opposing a candidate or
12 measure at any primary or general election shall file a statement of contri-
13 butions received not later than two business days after a contribution is re-
14 ceived that brings the aggregate amount of contributions received from a
15 single donor during the period to \$1,000 or more, and for each subsequent
16 contribution received from the donor thereafter. This paragraph applies to
17 contributions received:

18 “(A) During the period beginning on the 14th calendar day before the date
19 of any primary election and ending on the date of the primary election; and

20 “(B) During the period beginning on the 14th calendar day before the date
21 of any general election and ending on the date of the general election.

22 “(b) If the candidate or political committee receives an aggregate amount

1 of contributions from a single donor that totals \$1,000 or more prior to the
2 14th calendar day before the date of the primary or general election and the
3 candidate or political committee has not filed a statement of the contribu-
4 tions under subsection (3) of this section by the 15th calendar day before the
5 date of the primary or general election, the candidate or political committee
6 shall file a statement of contributions received not later than the 12th cal-
7 endar day before the date of the primary or general election.

8 “(5) For any special election, the secretary by rule may establish a period
9 during which a candidate for nomination or election at the special election
10 or a political committee supporting or opposing a candidate or measure at
11 the special election must file a statement described in subsection (1)(a) of
12 this section. The period may not extend beyond:

13 “(a) Fourteen calendar days after a contribution is received or an ex-
14 penditure is made; and

15 “(b) Two business days after a contribution is received, if the aggregate
16 amount of contributions received from a single donor during the special
17 election period equals or exceeds \$1,000.”.

18 On page 5, line 8, after “260.076” insert “, 260.078”.

19 In line 17, after “260.076” insert “, 260.078”.

20 In line 23, after “260.076” insert “, 260.078”.

21 Delete lines 29 and 30.

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

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

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

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

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

27 “260.005. As used in this chapter:

28 “(1)(a) ‘Candidate’ means:

29 “(A) An individual whose name is printed on a ballot, for whom a decla-
30 ration of candidacy, nominating petition or certificate of nomination to

1 public office has been filed or whose name is expected to be or has been
2 presented, with the individual's consent, for nomination or election to public
3 office;

4 “(B) An individual who has solicited or received and accepted a contri-
5 bution, made an expenditure, or given consent to an individual, organization,
6 political party or political committee to solicit or receive and accept a con-
7 tribution or make an expenditure on the individual's behalf to secure nomi-
8 nation or election to any public office at any time, whether or not the office
9 for which the individual will seek nomination or election is known when the
10 solicitation is made, the contribution is received and retained or the ex-
11 penditure is made, and whether or not the name of the individual is printed
12 on a ballot; or

13 “(C) A public office holder against whom a recall petition has been com-
14 pleted and filed.

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

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

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

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

29 “(A) For the purpose of influencing an election for public office or an
30 election on a measure, or of reducing the debt of a candidate for nomination

1 or election to public office or the debt of a political committee; or

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

3 “[*(b) Any unfulfilled pledge, subscription, agreement or promise, whether*
4 *or not legally enforceable, to make a contribution; and*]

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

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

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

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

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

13 “(a) The candidate, the candidate’s agent, a member of the candidate’s
14 immediate family or any other political committee that the candidate con-
15 trols has a significant influence on the actions or decisions of the political
16 committee; or

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

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

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

24 “(8) Except as provided in ORS 260.007, ‘expend’ or ‘expenditure’ includes
25 the payment or furnishing of money or anything of value or the incurring
26 or repayment of indebtedness or obligation by or on behalf of a candidate,
27 political committee or person in consideration for any services, supplies,
28 equipment or other thing of value performed or furnished for any reason,
29 including support of or opposition to a candidate, political committee or
30 measure, or for reducing the debt of a candidate for nomination or election

1 to public office. 'Expenditure' also includes contributions made by a candi-
2 date or political committee to or on behalf of any other candidate or political
3 committee.

4 "(9) 'Filing officer' means:

5 "(a) The Secretary of State:

6 "(A) Regarding a candidate for public office;

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

8 "(C) Regarding any measure; or

9 "(D) Regarding any political committee.

10 "(b) In the case of an irrigation district formed under ORS chapter 545,
11 'filing officer' means:

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

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

19 "(C) The secretary of the irrigation district for any election other than
20 an irrigation district formation election.

21 "(10) 'Independent expenditure' means an expenditure by a person for a
22 communication in support of or in opposition to a clearly identified candi-
23 date or measure that is not made with the cooperation or with the prior
24 consent of, or in consultation with, or at the request or suggestion of, a
25 candidate or any agent or authorized committee of the candidate, or any
26 political committee or agent of a political committee supporting or opposing
27 a measure. For purposes of this subsection:

28 "(a) 'Agent' means any person who has:

29 "(A) Actual oral or written authority, either express or implied, to make
30 or to authorize the making of expenditures on behalf of a candidate or on

1 behalf of a political committee supporting or opposing a measure; or
2 “(B) Been placed in a position within the campaign organization where
3 it would reasonably appear that in the ordinary course of campaign-related
4 activities the person may authorize expenditures.
5 “(b)(A) ‘Clearly identified’ means, with respect to candidates:
6 “(i) The name of the candidate involved appears;
7 “(ii) A photograph or drawing of the candidate appears; or
8 “(iii) The identity of the candidate is apparent by unambiguous reference.
9 “(B) ‘Clearly identified’ means, with respect to measures:
10 “(i) The ballot number of the measure appears;
11 “(ii) A description of the measure’s subject or effect appears; or
12 “(iii) The identity of the measure is apparent by unambiguous reference.
13 “(c) ‘Communication in support of or in opposition to a clearly identified
14 candidate or measure’ means:
15 “(A) The communication, taken in its context, clearly and unambiguously
16 urges the election or defeat of a clearly identified candidate for nomination
17 or election to public office, or the passage or defeat of a clearly identified
18 measure;
19 “(B) The communication, as a whole, seeks action rather than simply
20 conveying information; and
21 “(C) It is clear what action the communication advocates.
22 “(d) ‘Made with the cooperation or with the prior consent of, or in con-
23 sultation with, or at the request or suggestion of, a candidate or any agent
24 or authorized committee of the candidate, or any political committee or
25 agent of a political committee supporting or opposing a measure’:
26 “(A) Means any arrangement, coordination or direction by the candidate
27 or the candidate’s agent, or by any political committee or agent of a political
28 committee supporting or opposing a measure, prior to the publication, dis-
29 tribution, display or broadcast of the communication. An expenditure shall
30 be presumed to be so made when it is:

1 “(i) Based on information about the plans, projects or needs of the can-
2 didate, or of the political committee supporting or opposing a measure, and
3 provided to the expending person by the candidate or by the candidate’s
4 agent, or by any political committee or agent of a political committee sup-
5 porting or opposing a measure, with a view toward having an expenditure
6 made; or

7 “(ii) Made by or through any person who is or has been authorized to
8 raise or expend funds, who is or has been an officer of a political committee
9 authorized by the candidate or by a political committee or agent of a poli-
10 tical committee supporting or opposing a measure, or who is or has been
11 receiving any form of compensation or reimbursement from the candidate,
12 the candidate’s principal campaign committee or agent or from any political
13 committee or agent of a political committee supporting or opposing a meas-
14 ure.

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

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

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

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

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

27 “(a) A proposed law.

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

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

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

1 “(e) A proposition or question.

2 “(15) ‘Occupation’ means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 “(a) The name, address, occupation, office sought and party affiliation of
10 the candidate. The address shall be the address of a residence, office, head-
11 quarters or similar location where the candidate may be conveniently lo-
12 cated.

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

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

18 “(B) The name, address and occupation of the committee director or di-
19 rectors, if any.

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

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

24 “(c) The name of the financial institution in which the campaign account
25 required under ORS 260.054 is established, the name [*and number*] of the
26 account, the name of the account holder and the names of all individuals
27 who have signature authority for the account. The Secretary of State may
28 not disclose information received by the secretary under this paragraph ex-
29 cept as necessary for purposes of enforcing the provisions of ORS chapters
30 246 to 260.

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

8 “(3) Except as provided in ORS 260.043, a candidate who serves as the
9 candidate’s own treasurer shall file the statement of organization not later
10 than the third business day after the candidate first receives a contribution
11 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
13 ORS 260.035.

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

18 “(5) Except as provided in ORS 260.043, a candidate who serves as the
19 candidate’s own treasurer or the treasurer of the principal campaign com-
20 mittee of the candidate shall file a statement of organization under this
21 section not later than the deadline for the candidate to file a nominating
22 petition or declaration of candidacy under ORS 249.037 or a certificate of
23 nomination under ORS 249.722.

24 “(6) Except as provided in ORS 260.043, a candidate who serves as the
25 candidate’s own treasurer or the treasurer of the principal campaign com-
26 mittee of a candidate shall file a new or amended statement of organization
27 not later than the date that the candidate files a nominating petition, dec-
28 laration of candidacy or certificate of nomination.

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

30 “260.042. (1) The treasurer of a political committee shall file a statement

1 of organization with the filing officer. The statement shall include:

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

6 “(b) The name, address and occupation of the committee director or di-
7 rectors.

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

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

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

17 “(f) A designation of any measure that the committee is opposing or sup-
18 porting, or intends to support or oppose.

19 “(g) The name of the financial institution in which the campaign account
20 required under ORS 260.054 is established, the name [*and number*] of the
21 account, the name of the account holder and the names of all individuals
22 who have signature authority for the account. The Secretary of State may
23 not disclose information received by the secretary under this paragraph ex-
24 cept as necessary for purposes of enforcing the provisions of ORS chapters
25 246 to 260.

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

27 “(2) A treasurer may designate an individual to receive any notice pro-
28 vided by a filing officer under ORS chapters 246 to 260. The treasurer shall
29 include the name and address of the individual in a statement of organization
30 filed under this section. A filing officer who provides any notice under ORS

1 chapters 246 to 260 to the treasurer of the political committee shall also
2 provide the notice to the individual designated by the treasurer under this
3 subsection.

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

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

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

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

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

23 **“(2) The Secretary of State may take any action before the opera-**
24 **tive date specified in section 11 of this 2013 Act that is necessary to**
25 **enable the secretary to exercise, on and after the operative date spec-**
26 **ified in section 11 of this 2013 Act, all of the duties, functions and**
27 **powers conferred upon the secretary by section 7 of this 2013 Act and**
28 **the amendments to ORS 260.005, 260.039, 260.042, 260.044, 260.057, 260.083,**
29 **260.118 and 260.232 by sections 1 to 5 and 8 to 10 of this 2013 Act.”.**

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

