

**League of Women Voters of Oregon draft amendments on Independent Expenditures
February 10, 2016**

260.044 Statement of independent expenditures; when person considered political committee or principal campaign committee; electronic filing; time frames; rules. (1)

If a person makes independent expenditures in a total amount of more than \$750 in a calendar year, the person shall use the electronic filing system adopted under ORS 260.057 to file with the Secretary of State a statement of independent expenditures not later than seven calendar days after the total amount of independent expenditures exceeds \$750 in a calendar year.

Commented [NT1]: Lower this amount to \$500?

Commented [NT2]: Lower this amount to \$500?

(2) A person who files a statement of independent expenditures under subsection (1) of this section shall use the electronic filing system adopted under ORS 260.057 to file with the secretary additional statements of independent expenditures made by the person, as described in ORS 260.083.

(3) A person shall file a statement described in subsection (2) of this section not later than seven calendar days after an independent expenditure is made.

(4) Notwithstanding ORS 260.005 (18) ["Political committee"], a person who solicits and receives a contribution or contributions is a political committee and shall file a statement of organization under ORS 260.042 and the statements required by ORS 260.057, 260.076 or 260.078.

(5) For purposes of this section:

(a) An independent expenditure does not include a contribution to a candidate or political committee that is required to report the contribution on a statement filed under ORS 260.057, 260.076 or 260.078 or a certificate filed under ORS 260.112;

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

(c) A person is not a political committee under subsection (4) of this section if all contributions received by the person are:

Commented [NT3]: I believe this subsection excludes bundlers of contributions and, if it is kept, probably should be moved to subsection (4) for clarity.

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

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

(C) Required to be reported as contributions by a candidate or political committee on a statement filed under ORS 260.057, 260.076 or 260.078 or a certificate filed under ORS 260.112. [Formerly 260.158; 1981 c.234 §8; 1981 c.303 §1; 1985 c.808 §54; 1987 c.267 §57; 1987 c.727 §2; 1993 c.493 §§56,57; 1995 c.712 §73; 1999 c.999 §8; 2001 c.82 §3; 2003 c.542 §10; 2005 c.797 §7; 2005 c.809 §§26,28a; 2009 c.818 §6; 2011 c.652 §6; 2013 c.756 §1; 2013 c.758 §3]

260.083 Contents of statements. (1)(a) For a contribution, except as provided in ORS 260.085, a statement filed under ORS 260.044, 260.057, 260.076, 260.078 or 260.118 shall list:

(A) The name, occupation and address of each person, and the name and address of each political committee or petition committee, that contributed an aggregate amount of more than \$100 in a calendar year on behalf of a candidate or to a political committee, petition committee or person making an independent expenditure and the total amount contributed by that person or committee; and

(B) The total amount of other contributions as a single item, but shall specify how those contributions were obtained.

(b) For an expenditure, including an independent expenditure, a statement filed under ORS 260.044, 260.057, 260.076, 260.078 or 260.118 shall list:

(A) The amount and purpose of each expenditure made in an aggregate amount of more than \$100 to a payee, the name or, if applicable, the business name of the payee of the expenditure, and the city, or county if the payee is not located in a city, and state in which the payee is located; and

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

(c) For each loan, whether repaid or not, made by or to a candidate, political committee, petition committee or person making an independent expenditure, a statement filed under ORS 260.044, 260.057, 260.076, 260.078 or 260.118 shall list:

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

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

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

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

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

(4) If a candidate, political committee or petition committee under ORS 260.057 or 260.118 makes an expenditure that must be reported as an in-kind contribution and an expenditure as provided in subsection (3) of this section, the candidate, political committee, petition committee or person making an independent expenditure making the original expenditure shall, in any statement filed under ORS 260.057, 260.076 or 260.118, identify the expenditure as an in-kind contribution and identify the candidate, political committee, petition committee or person making an independent expenditure for whose benefit the expenditure was made.

Commented [NT4]: This seems to require the same disclosure of independent expenditures as contributions to political committees, but including independent expenditures here is clearer.

(5) If a political committee makes an expenditure that qualifies as an independent expenditure under ORS 260.005 (10), the listing of the expenditure under this section shall identify any candidates or measures that are the subject of the independent expenditure and state whether the independent expenditure was used to advocate the election, passage or defeat of the candidates or measures.

(6) As used in this section:

(a) "Address" has the meaning given that term in rules adopted by the Secretary of State.

(b) "Contribution" and "expenditure" include a contribution or expenditure to or on behalf of an initiative, referendum or recall petition. [Formerly 260.162; 1981 c.234 §11; 1985 c.732 §5; 1989 c.80 §4; 1989 c.503 §42; 1989 c.1054 §12; 1991 c.258 §1; 1991 c.719 §15; 1993 c.493 §68; 1995 c.1 §20; 1995 c.607 §87; 1999 c.262 §3; 1999 c.814 §1; 1999 c.999 §10; 2001 c.82 §5; 2001 c.965 §59; 2003 c.542 §14; 2005 c.797 §13; 2005 c.809 §§8,16; 2009 c.818 §10; 2013 c.756 §3]