

Requested by Representative NATHANSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 2505**

1 On page 1 of the printed bill, delete lines 4 through 31 and delete pages
2 2 through 5.

3 On page 6, delete lines 1 through 13 and 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 decla-
8 ration of candidacy, nominating petition or certificate of nomination to
9 public office has been filed or whose name is expected to be or has been
10 presented, with the individual’s consent, for nomination or election to public
11 office;

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

21 “(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) The excess value of a contribution made for compensation or con-
21 sideration of less than equivalent value.

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

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

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

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

28 “(a) The candidate, the candidate’s agent, a member of the candidate’s
29 immediate family or any other political committee that the candidate con-
30 trols has a significant influence on the actions or decisions of the political

1 committee; or

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

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

7 “(7) ‘Elector’ means an individual qualified to vote under Article II, sec-
8 tion 2, of the Oregon Constitution.

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

19 “(9) ‘Filing officer’ means:

20 “(a) The Secretary of State:

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

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

23 “(C) Regarding any measure; or

24 “(D) Regarding any political committee.

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

27 “(A) The county clerk, regarding any candidate for office or any measure
28 at an irrigation district formation election where the proposed district is
29 situated wholly in one county;

30 “(B) The county clerk of the county in which the office of the secretary

1 of the proposed irrigation district will be located, regarding any candidate
2 for office or any measure at an irrigation district formation election where
3 the proposed district is situated in more than one county; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 “(A)(i) The communication, taken in its context, clearly and unambig-

1 uously urges the election or defeat of a clearly identified candidate for
2 nomination or election to public office, or the passage or defeat of a clearly
3 identified measure;

4 “[B] (ii) The communication, as a whole, seeks action rather than simply
5 conveying information; and

6 “[C] (iii) It is clear what action the communication advocates[.]; or

7 **“(B)(i) The communication contains aggregate expenditures of \$750**
8 **or more by a person;**

9 **“(ii) The communication refers to a clearly identified candidate who**
10 **will appear on the ballot or to a political party; and**

11 **“(iii) The communication is published and disseminated to the rel-**
12 **evant electorate within 30 calendar days before a primary election or**
13 **60 calendar days before a general election.**

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

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

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

29 “(ii) Made by or through any person who is or has been authorized to
30 raise or expend funds, who is or has been an officer of a political committee

1 authorized by the candidate or by a political committee or agent of a poli-
2 tical committee supporting or opposing a measure, or who is or has been
3 receiving any form of compensation or reimbursement from the candidate,
4 the candidate's principal campaign committee or agent or from any political
5 committee or agent of a political committee supporting or opposing a meas-
6 ure.

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

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

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

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

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

19 “(a) A proposed law.

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

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

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

23 “(e) A proposition or question.

24 “(15) ‘Occupation’ means:

25 “(a) The nature of an individual's principal business; and

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

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

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

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

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

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

10 “(A) A contribution to a candidate or political committee that is required
11 to report the contribution on a statement filed under ORS 260.057 or 260.076
12 or a certificate filed under ORS 260.112; or

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

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

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

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

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

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

26 “**SECTION 2.** ORS 260.007 is amended to read:

27 “260.007. As used in this chapter, ‘contribute,’ ‘contribution,’ ‘expend’ or
28 ‘expenditure’ does not include:

29 “(1) Any written news story, commentary or editorial distributed through
30 the facilities of any broadcasting station, newspaper, magazine or other reg-

1 ularly published publication, unless a political committee owns the facility.

2 “(2) An individual’s use of the individual’s own personal residence, in-
3 cluding a community room associated with the individual’s residence, to
4 conduct a reception for a candidate or political committee and the
5 individual’s cost of invitations, food and beverages provided at the reception.

6 “(3) A vendor’s sale of food and beverages for use in a candidate’s or
7 political committee’s campaign at a charge less than the normal comparable
8 charge, if the charge is at least equal to the cost of the food or beverages
9 to the vendor.

10 “(4) Any unreimbursed payment for travel expenses an individual, in-
11 cluding a candidate, makes on behalf of a candidate or political committee.

12 “(5) Any loan of money made by a financial institution as defined in ORS
13 706.008, other than any overdraft made with respect to a checking or savings
14 account, if the loan bears the usual and customary interest rate for the cat-
15 egory of loan involved, is made on a basis that ensures repayment, is evi-
16 denced by a written instrument and is subject to a due date or amortization
17 schedule. However, each indorser or guarantor of the loan shall be consid-
18 ered to have contributed that portion of the total amount of the loan for
19 which that person agreed to be liable in a written agreement, except if the
20 indorser or guarantor is the candidate’s spouse.

21 “(6) Nonpartisan activity designed to encourage individuals to vote or to
22 register to vote, **including but not limited to activity that is allowed for**
23 **a not-for-profit corporation that is tax exempt under section 501 (c)(3)**
24 **of the Internal Revenue Code.**

25 “(7) Any communication a membership organization or corporation makes
26 to its members, shareholders or employees if the membership organization
27 or corporation is not organized primarily for the purpose of influencing an
28 election.

29 “(8) The payment of compensation for legal and accounting services ren-
30 dered to a candidate or political committee if the person paying for the ser-

1 vices is the regular employer of the individual rendering the services and the
2 services are solely for the purpose of ensuring compliance with the pro-
3 visions of this chapter.

4 “(9) The payment by a state or local committee of a political party of the
5 costs of preparation, display or mailing or other distribution incurred by the
6 committee with respect to a printed slate card or sample ballot, or other
7 printed listing, of three or more candidates for any public office for which
8 an election is held in this state. This subsection does not apply to costs in-
9 curred by the committee with respect to a display of any such listing made
10 on broadcasting stations or in newspapers, magazines or similar types of
11 general public political advertising.

12 **“(10) A candidate debate or forum for a state office, or a commu-
13 nication publicizing a candidate debate or forum for a state office,
14 when all major political party candidates for the state office have been
15 invited to participate in the candidate debate or forum.**

16 **“(11) The following nonpartisan communications that refer to a
17 candidate or political party within 30 calendar days before a primary
18 election or 60 calendar days before a general election:**

19 **“(a) The publication of a nonpartisan voters’ guide that:**

20 **“(A) Is permitted to be published by a not-for-profit corporation
21 that is tax exempt under section 501 (c)(3) of the Internal Revenue
22 Code; or**

23 **“(B) With respect to each state office referenced in the voters’
24 guide:**

25 **“(i) Includes information from all major political party candidates
26 for the state office referenced; or**

27 **“(ii) Offers all major political party candidates for the state office
28 referenced a reasonable opportunity to be included in the voters’
29 guide.**

30 **“(b) A commercial communication that depicts a candidate’s name,**

1 **image, likeness or voice only in the candidate's capacity as owner,**
2 **operator or employee of a business that existed prior to the candidate's**
3 **declaration of candidacy.**

4 **“(c) Official publications produced or distributed by public employ-**
5 **ees while on the job during working hours.**

6 **“(d) A communication by a labor union, membership organization**
7 **or corporation to its members, stockholders or executive or adminis-**
8 **trative personnel.**

9 **“(e) Any other nonpartisan communication identified by the Secre-**
10 **tary of State by rule.”.**

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