

# D R A F T

## SUMMARY

Establishes limits on campaign contributions that may be accepted by candidates and political committees.

Requires political committee to identify as caucus, measure, multicandidate, political party, recall or small donor political committee. Prohibits person from controlling more than one of each committee.

Authorizes Secretary of State and Attorney General to require return of contribution excess of limits and impose civil penalty up to 150 percent of total amount of contribution.

Repeals Ballot Measure 47 (2006), currently held in abeyance, which establishes limits on political campaign contributions and independent expenditures on candidate races and establishes certain campaign finance disclosure requirements.

Becomes operative November 9, 2022.

## A BILL FOR AN ACT

Relating to campaign finance; creating new provisions; amending ORS 260.042 and 260.995; and repealing chapter 3, Oregon Laws 2007.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. Sections 2 to 4 of this 2021 Act are added to and made a part of ORS chapter 260.**

**SECTION 2. As used in sections 2 to 4 of this 2021 Act:**

**(1) “Caucus political committee,” “major political party,” “measure political committee,” “minor political party,” “multicandidate political committee,” “political party committee” and “recall political committee” have the meanings given those terms in ORS 260.042.**

**(2) “Election cycle” means the period starting on the day after the date of a general election and ending on the date of the next general**

1 election.

2 (3) "Local provision" means a charter provision, ordinance, resol-  
3 ution or other provision adopted by a city, county or other local gov-  
4 ernment.

5 (4) "Membership organization" means an organization that:

6 (a) Is tax-exempt under section 501(c) of the Internal Revenue Code;

7 (b) Is not formed or operated for the purpose of conducting or pro-  
8 moting commercial enterprise; and

9 (c) Is composed of individual members who:

10 (A) Have taken action to join the organization; and

11 (B) For each year of membership, on an annual or more frequent  
12 basis, either pay monetary membership dues, make a monetary do-  
13 nation or volunteer time as a condition of maintaining membership in  
14 the organization.

15 (5) "Small donor political committee" means a political committee  
16 that:

17 (a) Registers as a small donor political committee under ORS  
18 260.042;

19 (b) Prior to registering as a small donor political committee has not  
20 accepted a contribution:

21 (A) From a person other than an individual; or

22 (B) In excess of the contribution limits for small donor political  
23 committees set forth in section 4 of this 2021 Act; and

24 (c) While operating as a small donor political committee, complies  
25 with the restrictions on receiving contributions set forth in section 4  
26 of this 2021 Act.

27 (6) "State office," notwithstanding ORS 260.005, means the office of  
28 Governor, Secretary of State, State Treasurer, Attorney General,  
29 Commissioner of the Bureau of Labor and Industries, state Senator,  
30 state Representative, judge of the Supreme Court, judge of the Court  
31 of Appeals or circuit court judge.

**SECTION 3. (1)(a) A candidate for state office or the principal campaign committee of a candidate for state office may accept contributions only from the sources and in the amounts described in this section.**

**(b) Except as otherwise provided by a local provision or paragraph (c) of this subsection, the limits on aggregate contributions that may be accepted by a candidate or the principal campaign committee of a candidate for the office of state Representative under this section also apply to a candidate or the principal campaign committee of a candidate for any elected office that is not a state office.**

**(c) Notwithstanding any local provision, a candidate or the principal campaign committee of a candidate for any elected office that is not a state office may accept unlimited contributions from a small donor political committee.**

**(2)(a) A candidate or the principal campaign committee of a candidate for the office of state Representative may not accept aggregate contributions in excess of \$1,000 per election from an individual, a multicandidate political committee or the principal campaign committee of a candidate.**

**(b) A candidate or the principal campaign committee of a candidate for the office of state Senator or circuit court judge may not accept aggregate contributions in excess of \$1,500 per election from an individual, a multicandidate political committee or the principal campaign committee of a candidate.**

**(c) A candidate or the principal campaign committee of a candidate for a state office not described in paragraph (a) or (b) of this subsection may not accept aggregate contributions in excess of \$2,800 per election from an individual, a multicandidate political committee or the principal campaign committee of a candidate.**

**(d) A candidate or the principal campaign committee of a candidate for state office may accept unlimited contributions from a caucus**

1 political committee, a political party committee or a small donor political committee.  
2

3 (3)(a) A political committee may make a contribution to a candidate  
4 for state office or the principal campaign committee of a candidate for  
5 state office only if the political committee is registered with the Secretary of State as a caucus political committee, a multicandidate political committee, a political party committee, the principal campaign committee of a candidate or a small donor political committee.  
8

9 (b) A measure political committee or a recall political committee  
10 may not make a contribution to a candidate or the principal campaign  
11 committee of a candidate for a state office.

12 (4) Nothing in this section limits the amount a candidate may contribute from the candidate's personal funds to the candidate or the principal campaign committee of the candidate.  
14

15 (5)(a) For purposes of this section, a separate election exists in each instance in which an individual:  
16

17 (A) Is a candidate for nomination to a state office by a major political party or a minor political party;  
18

19 (B) Is a candidate for nomination to a state office by an assembly of electors under ORS 249.735 or by individual electors under ORS 249.740;  
21

22 (C) Is a candidate for nomination to a nonpartisan state office;

23 (D) Will appear on a general election ballot or a special election ballot as a candidate for state office;  
24

25 (E) Is a write-in candidate for state office at a primary election, general election or special election who has established a principal campaign committee; or  
27

28 (F) Will appear on a recall election ballot as the incumbent holder of a state office.  
29

30 (b) Notwithstanding subsection (2) of this section, during each election cycle:  
31

1 (A) A candidate or the principal campaign committee of a candidate  
2 for state office who has not qualified to appear on the general election  
3 ballot may accept contributions for only one election plus any addi-  
4 tional elections in which the candidate meets the requirements de-  
5 scribed in paragraph (a)(F) of this subsection;

6 (B) A candidate or the principal campaign committee of a candidate  
7 for state office who will appear on the general election ballot may ac-  
8 cept contributions for only two elections plus any additional elections  
9 in which the candidate meets the requirements described in paragraph  
10 (a)(F) of this subsection; and

11 (C) An individual may not accept contributions for more than two  
12 elections in which the individual is a candidate for nomination or  
13 election to a particular state office.

14 (6)(a) For purposes of the contribution limits established in this  
15 section, contributions made or received by multiple political commit-  
16 tees are considered to be made or received by a single political com-  
17 mittee if:

18 (A) The political committees have filed to operate as the same type  
19 of political committee under ORS 260.042; and

20 (B) The political committees are established, financed, maintained  
21 or controlled by the same person or substantially the same group of  
22 persons, including any parent, subsidiary, branch, division, depart-  
23 ment or local unit of the person or group of persons.

24 (b) Notwithstanding paragraph (a) of this subsection, having the  
25 same individual acting as the treasurer of two or more political com-  
26 mittees is not by itself sufficient to consider contributions made by the  
27 political committees to be contributions made or received by a single  
28 political committee.

29 (7) Prior to the start of each election cycle, the Secretary of State  
30 shall adjust the dollar amounts set forth in this section by the cumu-  
31 lative change in the Consumer Price Index for All Urban Consumers,

1 **West Region (All Items), as published by the Bureau of Labor Statis-**  
2 **tics of the United States Department of Labor, or its successor, since**  
3 **the previous election cycle. The adjustments performed under this**  
4 **subsection shall be rounded to the nearest \$10 increment.**

5 **(8) The Secretary of State may adopt rules necessary to implement**  
6 **this section.**

7 **SECTION 4. (1) A political committee other than the principal**  
8 **campaign committee of a candidate may accept contributions only**  
9 **from the sources and in the amounts described in this section.**

10 **(2) A caucus political committee:**

11 **(a) May not accept aggregate contributions in excess of \$2,800 per**  
12 **calendar year from an individual or a multicandidate political com-**  
13 **mittee; and**

14 **(b) May accept unlimited contributions from the principal campaign**  
15 **committee of a candidate, a political party committee, a caucus poli-**  
16 **tical committee or the candidate committee of a candidate for federal**  
17 **office.**

18 **(3) A political party committee:**

19 **(a) May not accept aggregate contributions in excess of \$2,800 per**  
20 **calendar year from an individual, a multicandidate political committee**  
21 **or a caucus political committee; and**

22 **(b) May accept unlimited contributions from the principal campaign**  
23 **committee of a candidate, a political party committee or the candidate**  
24 **committee of a candidate to represent this state, or a district of this**  
25 **state, as a United States Senator or a Representative in Congress.**

26 **(4) A multicandidate political committee may not accept aggregate**  
27 **contributions in excess of \$2,800 per calendar year from an individual,**  
28 **the principal campaign committee of a candidate, a multicandidate**  
29 **committee, a political party committee or a caucus political commit-**  
30 **tee.**

31 **(5)(a) A measure political committee or a recall political committee**

1 may accept unlimited contributions from any person, including any  
2 other political committee.

3 (b) A measure political committee may not make a contribution to  
4 a caucus political committee, a multicandidate committee, a political  
5 party committee, a small donor political committee or a recall political  
6 committee.

7 (c) A recall political committee may not make a contribution to a  
8 caucus political committee, a multicandidate committee, a political  
9 party committee, a small donor political committee or a measure pol-  
10 itical committee.

11 (6)(a) During a calendar year, a small donor political committee  
12 may accept contributions from:

13 (A) Individuals, in an aggregate amount of no more than \$250 per  
14 individual.

15 (B) Membership organizations, in an amount that does not exceed  
16 the aggregate amount a membership organization may donate to small  
17 donor political committees under paragraph (b) of this subsection.

18 (C) Small donor political committees, in an unlimited amount.

19 (b) A membership organization may make contributions to one or  
20 more small donor political committees. The aggregate total contribu-  
21 tions, including in-kind contributions, that a membership organization  
22 may make to small donor political committees may not exceed 40  
23 percent of each individual member's membership dues or the aggre-  
24 gate total of each individual member's donations that were received  
25 by the membership organization during the previous 12 months, with  
26 a limit of \$250 from the dues or donations paid by each individual  
27 member per calendar year.

28 (7)(a) A person may not control more than one of each of the fol-  
29 lowing types of committee at one time:

30 (A) Principal campaign committee.

31 (B) Caucus political committee.

1 (C) Measure political committee.

2 (D) Multicandidate political committee.

3 (E) Political party committee.

4 (F) Recall political committee.

5 (G) Small donor political committee.

6 (b) For the purpose of the contribution limits established in this  
7 section, contributions made or received by multiple political commit-  
8 tees are considered to be made or received by a single political com-  
9 mittee if:

10 (A) The political committees have filed to operate as the same type  
11 of political committee under ORS 260.042; and

12 (B) The political committees are established, financed, maintained  
13 or controlled by the same person or substantially the same group of  
14 persons, including any parent, subsidiary, branch, division, depart-  
15 ment or local unit of such person or group of persons.

16 (c) Notwithstanding paragraph (b) of this subsection, having the  
17 same individual acting as the treasurer of two or more political com-  
18 mittees is not by itself sufficient to consider contributions made by the  
19 political committees to be contributions made or received by a single  
20 political committee.

21 (8) Prior to the start of each election cycle, the Secretary of State  
22 shall adjust the dollar amounts set forth in this section by the cumu-  
23 lative change in the Consumer Price Index for All Urban Consumers,  
24 West Region (All Items), as published by the Bureau of Labor Statis-  
25 tics of the United States Department of Labor, or its successor, since  
26 the previous election cycle. The adjustments performed under this  
27 subsection shall be rounded to the nearest \$10 increment.

28 (9) The Secretary of State may adopt rules necessary to implement  
29 this section.

30 **SECTION 5.** ORS 260.995, as amended by section 3, chapter 636, Oregon  
31 Laws 2019, is amended to read:



260.995. (1) Except as provided in subsection (2) **or (3)** of this section, following an investigation under ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to exceed \$1,000 for each violation of any provision of Oregon Revised Statutes relating to the conduct of any election, any rule adopted by the secretary under ORS chapters 246 to 260 or any other matter preliminary to or relating to an election, for which a civil penalty is not otherwise provided.

(2) The secretary or the Attorney General may impose a civil penalty not to exceed:

(a)(A) Except as provided in subparagraph (B) of this paragraph, \$1,000 plus the amount converted to personal use for each violation of ORS 260.407;

**or**

(B) Two times the amount of the penalty provision for violating a nondisclosure agreement that is contained within each nondisclosure agreement entered into in violation of ORS 260.407 or 260.413;

(b) 150 percent of the total cost of printing, transmitting or distributing a communication in support of or in opposition to a clearly identified candidate if the disclosure requirements set forth in ORS 260.266 are not met;

**or**

(c) \$10,000 for each violation of ORS 260.555, 260.558, 260.575, 260.695 (1) or 260.715 (1) or section 1b, Article IV of the Oregon Constitution.

**(3)(a) Except as provided in paragraph (b) of this subsection, for each instance in which a political committee or a candidate for state office or the principal campaign committee of a candidate for state office accepts a contribution in excess of the limits established in section 3 or 4 of this 2021 Act, the secretary or Attorney General:**

**(A) Shall require the candidate or committee to return all moneys accepted in excess of the applicable contribution limit to the person that made the nonconforming contribution; and**

**(B) May impose a civil penalty in the form of a fine not to exceed 150 percent of the total amount of the contribution accepted that re-**

sulted in a violation of the contribution limits established in section 3 or 4 of this 2021 Act.

(b)(A) The secretary or Attorney General may not impose a civil penalty on a political committee or a candidate for state office or the principal campaign committee of a candidate for state office for receiving contributions in excess of the contribution limits established in section 3 or 4 of this 2021 Act if, within 10 business days of receiving the nonconforming contribution, the candidate or committee:

(i) Refuses to accept and returns the contribution; or

(ii) Returns all moneys included in the contribution that are in excess of the contribution limits established in section 3 or 4 of this 2021 Act.

(B) If a political committee or a candidate for state office or the principal campaign committee of a candidate for state office is unable to return all or part of a nonconforming contribution to the person that made the contribution, the return of all or part of a contribution under this paragraph may be satisfied by donating the moneys described in subparagraph (A) of this paragraph to an organization recognized as tax exempt under section 501(c)(3) of the Internal Revenue Code.

[(3)] (4) Except as otherwise provided by this section, civil penalties under this section shall be imposed as provided in ORS 183.745. In addition to the requirements of ORS 183.745, the notice shall include:

(a) A statement of the authority and jurisdiction under which the hearing is to be held; and

(b) If the person is an agency, corporation or an unincorporated association, a statement that such person must be represented by an attorney licensed in Oregon, unless the person is a political committee which may be represented by any officer identified in the most recent statement of organization filed with the filing officer.

[(4)] (5) A hearing on whether to impose a civil penalty and to consider

circumstances in mitigation shall be held by the secretary or Attorney General:

(a) Upon request of the person against whom the penalty may be assessed, if the request is made not later than the 20th day after the date the person received notice sent under subsection [(3)] (4) of this section; or

(b) Upon the secretary's or Attorney General's own motion.

[(5)] (6) The person against whom a penalty may be assessed need not appear in person at a hearing held under this section, but instead may submit written testimony or other evidence, sworn to before a notary public, to the secretary or Attorney General for entry in the hearing record. The testimony or other evidence must be received by the secretary or Attorney General not later than three business days before the day of the hearing.

[(6)] (7) All hearings under this section shall be held not later than 45 days after the deadline for the person against whom the penalty may be assessed to request a hearing. However, if requested by the person against whom the penalty may be assessed, a hearing under subsection [(4)] (5) of this section shall be held not later than 60 days after the deadline for the person against whom the penalty may be assessed to request a hearing.

[(7)] (8) The secretary or Attorney General shall issue an order not later than 90 days after a hearing or after the deadline for requesting a hearing if no hearing is held.

[(8)] (9) All penalties recovered under this section shall be paid into the State Treasury and credited to the General Fund.

[(9)] (10) In the case of a civil penalty imposed under this section for a violation of ORS 260.407, the person against whom the penalty is assessed:

(a) Is personally responsible for the payment of the civil penalty;

(b) Shall pay the civil penalty from personal funds of the person; and

(c) May not pay the civil penalty from contributions received by a candidate, a candidate's principal campaign committee, a political committee or a petition committee.

**SECTION 6.** ORS 260.042 is amended to read:

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

3       (a) The name[,] **and** address [*and nature*] of the committee. The address  
4 must be the address of a residence, office, headquarters or similar location  
5 where the political committee or a responsible officer of the political com-  
6 mittee may be conveniently located.

7       (b) The name, address and occupation of the committee director or direc-  
8 tors.

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

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

13       **(e)(A) Whether the political committee will operate as a caucus**  
14 **political committee, a measure political committee, a multicandidate**  
15 **political committee, a political party committee, a recall political**  
16 **committee or a small donor political committee.**

17       **(B) A major political party or minor political party may not estab-**  
18 **lish more than one political party committee.**

19       **(C) A major political party or minor political party may not estab-**  
20 **lish more than one caucus political committee in the Senate and one**  
21 **caucus political committee in the House of Representatives.**

22       **(D) A recall political committee may be formed only after a recall**  
23 **election is certified to the ballot.**

24       [(e)] **(f)** The name, office sought, and party affiliation of each candidate  
25 whom the committee is supporting or specifically opposing or intends to  
26 support or specifically oppose, when known, or, if the committee is support-  
27 ing or specifically opposing all the candidates of a given party, the name of  
28 that party.

29       [(f)] **(g)** A designation of any measure that the committee is opposing or  
30 supporting, or intends to support or oppose. **Only a political committee**  
31 **that operates as a measure political committee may use amounts re-**

**ceived as contributions to support or oppose one or more measures.**

[(g)] **(h)** A statement of whether the committee is a controlled committee.

(2) In addition to the information listed in subsection (1) of this section, the statement of organization must include, or be amended within five business days to include, the name of the financial institution in which the campaign account required under ORS 260.054 is established, the name of the account, the name of the account holder and the names of all individuals who have signature authority for the account. The Secretary of State may not disclose information received by the secretary under this subsection except as necessary for purposes of enforcing the provisions of ORS chapters 246 to 260.

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

(4) A treasurer may designate an elector of this state to be liable for any civil penalty imposed under ORS 260.232. The treasurer shall include the name and address of any elector designated under this subsection in a statement of organization filed under this section.

(5) The statement of organization must be filed not later than the date specified in ORS 260.035.

(6) Except as provided in subsection (2) of this section, any change in information submitted in a statement of organization under subsections (1) and (2) of this section must be indicated in an amended statement of organization filed not later than the 10th day after the change in information.

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

(8) As used in this section:

(a) “Caucus political committee” means a political committee:

(A) Established by the caucus of a major political party or a minor political party in the Senate or the House of Representatives;

(B) Established under rules or bylaws created by the caucus by which it was established; and

(C) Controlled by an elected leader of the caucus by which it was established.

(b) “Major political party” means a political party that has qualified as a major political party under ORS 248.006.

(c) “Measure political committee” means a political committee that supports or opposes one or more measures.

(d) “Minor political party” means a political party that has qualified as a minor political party under ORS 248.008.

(e) “Multicandidate political committee” means a political committee that supports or opposes:

(A) One or more candidates; or

(B) All candidates affiliated with a major political party or a minor political party.

(f) “Political party committee” is a political committee that, on a statewide basis:

(A) Supports or opposes one or more candidates; and

(B)(i) Represents a major political party or a minor political party; or

(ii) Is established under the bylaws of a major political party or a minor political party.

(g) “Recall political committee” means a political committee that supports or opposes a person subject to a recall election.

(h) “Small donor political committee” has the meaning given that term in section 2 of this 2021 Act.

**SECTION 7.** Notwithstanding section 2 (5) of this 2021 Act, a poli-

1 tical committee, as defined in ORS 260.005, that is not organized as a  
2 small donor political committee, as defined in section 2 of this 2021  
3 Act, may reorganize as a small donor political committee if, during the  
4 previous 24-month period, not less than 90 percent of the total amount  
5 of moneys contributed to the political committee were contributed by  
6 individuals in amounts not exceeding \$250 per individual donor per  
7 calendar year. Any moneys in the bank accounts of a political com-  
8 mittee that reorganizes as a small donor political committee under  
9 this section shall transfer to the newly organized small donor political  
10 committee and may be used in the same manner as any other moneys  
11 contributed to the small donor political committee.

12 SECTION 8. Section 7 of this 2021 Act is repealed on March 31, 2023.

13 SECTION 9. Chapter 3, Oregon Laws 2007, is repealed.

14 SECTION 10. It is the intent of the Legislative Assembly that all  
15 parts of this 2021 Act are independent and that if any part of this 2021  
16 Act is held unconstitutional, all remaining parts shall remain in force.

17 SECTION 11. Sections 2 to 4 and 7 of this 2021 Act and the amend-  
18 ments to ORS 260.042 and 260.995 by sections 5 and 6 of this 2021 Act  
19 become operative on November 9, 2022.

20 SECTION 12. (1) The Secretary of State may take any action before  
21 the operative date specified in section 11 of this 2021 Act that is nec-  
22 essary for the Secretary of State to exercise, on and after the operative  
23 date specified in section 11 of this 2021 Act, all of the duties, functions  
24 and powers conferred on the Secretary of State by sections 2 to 4 and  
25 7 of this 2021 Act and the amendments to ORS 260.042 and 260.995 by  
26 sections 5 and 6 of this 2021 Act.

27 (2)(a) A political committee may take any action before the opera-  
28 tive date set forth in section 11 of this 2021 Act that is necessary for  
29 the political committee to be in compliance with the requirements set  
30 forth in ORS 260.042, as amended by section 6 of this 2021 Act, no later  
31 than the operative date set forth in section 11 of this 2021 Act.

1       (b) The Secretary of State shall reorganize as a multicandidate  
2 political committee any active political committee that remains or-  
3 ganized to operate as a miscellaneous political committee on March  
4 31, 2021. Any moneys in the bank accounts of a political committee  
5 described in this paragraph shall transfer to the newly organized  
6 multicandidate political committee and may be used in the same  
7 manner as any other moneys contributed to the multicandidate poli-  
8 tical committee.

9       (c) The Secretary of State shall by rule establish a process that  
10 provides a miscellaneous political committee that was reorganized  
11 under paragraph (b) of this subsection with a single opportunity to  
12 reorganize as a measure political committee. The process shall ensure  
13 that any moneys in the bank accounts of a political committee de-  
14 scribed in this paragraph transfer to the newly organized measure  
15 political committee and may be used in the same manner as any other  
16 moneys contributed to the measure political committee.

17 \_\_\_\_\_