

D R A F T

SUMMARY

Requires independent expenditures in support of or in opposition to clearly identified candidate to include statement “This independent message was paid for and produced without the knowledge, consent or cooperation of any candidate.”

A BILL FOR AN ACT

1
2 Relating to independent expenditures.

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

4 **SECTION 1. Section 2 of this 2019 Act is added to and made a part**
5 **of ORS chapter 260.**

6 **SECTION 2. (1) Each communication in support of or in opposition**
7 **to a clearly identified candidate that qualifies as an independent ex-**
8 **penditure must include the statement that “This independent message**
9 **was paid for and produced without the knowledge, consent or cooper-**
10 **ation of any candidate.”**

11 **(2) This section does not apply to:**

12 **(a) Communications in support of or in opposition to candidates for**
13 **federal office.**

14 **(b) Items of de minimis value relating to a candidate, including but**
15 **not limited to:**

16 **(A) Lawn signs, pins, pens and other similar items;**

17 **(B) Skywriting; or**

18 **(C) Wearable merchandise.**

19 **(c) Any other item that the Secretary of State by rule determines**

1 is too small to feasibly include the identifying information required
2 by this section.

3 (3) As used in this section:

4 (a) “Clearly identified” has the meaning given that term in ORS
5 260.005 (10)(b).

6 (b)(A) Except as provided in subparagraph (B) of this paragraph,
7 “communication in support of or in opposition to a clearly identified
8 candidate” means:

9 (i)(I) The communication, taken in its context, clearly and unam-
10 biguously urges the election or defeat of a clearly identified candidate
11 for nomination or election to public office;

12 (II) The communication, as a whole, seeks action rather than sim-
13 ply conveying information; and

14 (III) It is clear what action the communication advocates; or

15 (ii)(I) The communication contains aggregate expenditures of more
16 than \$750 by a person;

17 (II) The communication refers to a clearly identified candidate who
18 will appear on the ballot; and

19 (III) The communication is published and disseminated to the rele-
20 vant electorate within 30 calendar days before a primary election or
21 60 calendar days before a general election.

22 (B)(i) “Communication in support of or in opposition to a clearly
23 identified candidate” includes but is not limited to communications
24 distributed via print, telephone, radio, television or the Internet.

25 (ii) “Communication in support of or in opposition to a clearly
26 identified candidate” does not include newspaper editorials, printed
27 advertisements with a fair market value of less than \$500 or commu-
28 nications made via telephone that have a fair market value of less
29 than \$500.

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