

SB 115-1
(LC 972)
4/18/19 (DRG/ps)

Requested by Senator GOLDEN

**PROPOSED AMENDMENTS TO
SENATE BILL 115**

1 In line 2 of the printed bill, after “elections” insert “; creating new pro-
2 visions; repealing chapter 3, Oregon Laws 2007; and prescribing an effective
3 date”.

4 Delete lines 4 through 13 and insert:

5 **“SECTION 1. Sections 2 to 5 of this 2019 Act are added to and made**
6 **a part of ORS chapter 260.**

7 **“SECTION 2. (1) A candidate for state office or the principal cam-**
8 **paign committee of a candidate for state office may accept contribu-**
9 **tions only from the sources and in the amounts described in this**
10 **section.**

11 **“(2) Except as provided in subsection (3) of this section:**

12 **“(a) A candidate or the principal campaign committee of a candi-**
13 **date for the office of state Representative may not accept aggregate**
14 **contributions in excess of \$300 per election from any individual or**
15 **political committee.**

16 **“(b) A candidate or the principal campaign committee of a candi-**
17 **date for the office of state Senator may not accept aggregate contri-**
18 **butions in excess of \$500 per election from any individual or political**
19 **committee.**

20 **“(c) A candidate or the principal campaign committee of a candi-**
21 **date for the office of Secretary of State, State Treasurer, Attorney**

1 **General or Commissioner of the Bureau of Labor and Industries, or a**
2 **candidate for the office of a judge who is elected at a statewide**
3 **election, may not accept aggregate contributions in excess of \$1,500**
4 **per election from any individual or political committee.**

5 “(d) A candidate or the principal campaign committee of a candi-
6 date for the office of Governor may not accept aggregate contributions
7 in excess of \$2,000 per election from any individual or political com-
8 mittee.

9 “(3) Notwithstanding subsection (2) of this section:

10 “(a) For each election, a candidate for state office or the principal
11 campaign committee of a candidate for state office may accept aggre-
12 gate contributions from a political party committee or a small donor
13 committee established under section 3 of this 2019 Act of up to 25 times
14 the contribution limit for individuals and political committees that is
15 established for that state office in subsection (2) of this section.

16 “(b) The aggregate amount of contributions that a candidate or the
17 principal campaign committee of a candidate may accept from an in-
18 dividual or political committee under subsection (2) of this section
19 must be reduced by the aggregate amount that the individual or
20 committee has previously contributed for that election to any small
21 donor committees that may make contributions to that candidate.

22 “(4) Prior to the start of each election cycle, the Secretary of State
23 shall adjust the dollar amounts set forth in subsection (2) of this sec-
24 tion by the cumulative change in the Consumer Price Index for All
25 Urban Consumers, West Region (All Items), as published by the Bu-
26 reau of Labor Statistics of the United States Department of Labor, or
27 its successor, since the previous election cycle.

28 “(5) For purposes of this section, each primary election, general
29 election and special election in which an individual will appear on the
30 ballot as a candidate for state office or participate as a write-in can-

1 didate for state office constitutes a separate election.

2 “(6) Nothing in this section may limit the amount a candidate may
3 contribute from the candidate’s personal funds to the candidate’s
4 principal campaign committee.

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

7 “(8) As used in this section:

8 “(a) ‘Election cycle’ means the period starting on the day after the
9 date of a general election and ending on the date of the next general
10 election.

11 “(b) ‘Major political party’ means a political party that has qualified
12 as a major political party under ORS 248.006.

13 “(c) ‘Minor political party’ means a political party that has qualified
14 as a minor political party under ORS 248.008.

15 “(d) ‘Political party committee’ means a political committee that:

16 “(A) Represents a major political party or a minor political party;
17 or

18 “(B) Is established under the bylaws of a major political party or a
19 minor political party.

20 “(e) ‘State office’ means, notwithstanding ORS 260.005, the offices
21 of Governor, Secretary of State, State Treasurer, Attorney General,
22 Commissioner of the Bureau of Labor and Industries, state Senator
23 and state Representative and judges who are elected at a statewide
24 election.

25 “SECTION 3. (1) Notwithstanding ORS 260.407 or any other pro-
26 vision of law, a small donor committee is a political committee that:

27 “(a) May make expenditures for the purpose of influencing the
28 outcome of an election only in the form of contributions to a single
29 candidate for state office who is identified at the time the small donor
30 committee is formed;

1 **“(b) May not make independent expenditures;**

2 **“(c) May not transfer money to a political committee other than the**
3 **principal campaign committee of the candidate identified in paragraph**
4 **(a) of this subsection;**

5 **“(d) May not use moneys contributed to the committee to repay to**
6 **the committee any loan, the proceeds of which were used in con-**
7 **nnection with the campaign;**

8 **“(e) May operate only during the election cycle in which the com-**
9 **mittee is established and ceases to exist at the end of the election cy-**
10 **cle;**

11 **“(f) May not accept aggregate contributions in excess of \$250 per**
12 **election from any person, including a political committee;**

13 **“(g) May not accept any contribution from a person that, when**
14 **combined with the aggregate amount the person has previously con-**
15 **tributed for that election to either the candidate or the principal**
16 **campaign committee of the candidate identified in paragraph (a) of**
17 **this subsection or to any other small donor committee that may make**
18 **contributions to that candidate, would result in an aggregate contri-**
19 **bution in excess of what the person could contribute directly to the**
20 **candidate under section 2 of this 2019 Act; and**

21 **“(h) Is limited in the aggregate contributions the committee may**
22 **make per election to the candidate identified in paragraph (a) of this**
23 **subsection to 25 times the aggregate amount the candidate may accept**
24 **from any person other than a small donor committee under section 2**
25 **of this 2019 Act.**

26 **“(2) For purposes of this section, each primary election, general**
27 **election and special election in which an individual will appear on the**
28 **ballot as a candidate for state office or participate as a write-in can-**
29 **didate for state office constitutes a separate election.**

30 **“(3) The Secretary of State may adopt any rules necessary to im-**

1 plement this section. The rules may include limiting the number of
2 separate contributions a person, including a political committee, may
3 make to each small donor committee in order to ensure administrative
4 efficiencies.

5 “(4) The Secretary of State may by rule require the payment of a
6 fee to register a person as a small donor committee under this section.
7 A registration fee required under this subsection may not exceed \$500.

8 “(5) As used in this section, ‘election cycle’ and ‘state office’ have
9 the meanings given those terms in section 2 of this 2019 Act.

10 **“SECTION 4.** (1) A filing officer shall inspect each statement filed
11 under ORS 260.057, 260.083 or 260.112 not later than the 10th business
12 day after the filing deadline or the 10th business day after the state-
13 ment is filed, whichever is later.

14 “(2) A filing officer immediately shall notify a person required to
15 file a statement with the filing officer under ORS 260.057, 260.083 or
16 260.112 if:

17 “(a) Upon examination of relevant materials, it appears to the filing
18 officer that the candidate, principal campaign committee of the can-
19 didate or small donor committee established under section 3 of this
20 2019 Act has accepted a contribution in excess of the limits established
21 in section 2 or 3 of this 2019 Act;

22 “(b) Upon examination of relevant materials, it appears to the filing
23 officer that a small donor committee established under section 3 of
24 this 2019 Act has made an expenditure in violation of the limitations
25 set forth in section 3 of this 2019 Act; or

26 “(c) A complaint is filed with the filing officer under subsection (3)
27 of this section.

28 “(3) An elector may file with a filing officer a complaint that a
29 candidate, the principal campaign committee of a candidate or a small
30 donor committee established under section 3 of this 2019 Act has ac-

1 cepted contributions in excess of the limits established in section 2 or
2 3 of this 2019 Act or that a small donor committee has made an ex-
3 penditure in violation of the limitations set forth in section 3 of this
4 2019 Act. The complaint shall be in writing, shall state in detail the
5 reasons for complaint and shall be filed with the filing officer not later
6 than the 90th day after the date the contribution or expenditure was
7 made.

8 “(4)(a) If within five business days of receiving notice under sub-
9 section (2) of this section a candidate, the principal campaign com-
10 mittee of a candidate or a small donor committee established under
11 section 3 of this 2019 Act responds by filing a statement demonstrating
12 the candidate or committee took action to return all accepted contri-
13 butions in excess of the limits established in section 2 or 3 of this 2019
14 Act, or received the return of all expenditures made in excess of the
15 limitations set forth in section 3 of this 2019 Act, the filing officer shall
16 confirm whether the candidate’s or committee’s response is sufficient
17 not later than 90 days after receiving the response. If within 90 days
18 the filing officer does not confirm whether a response is sufficient
19 under this subsection, the candidate or committee is not subject to a
20 civil penalty under section 5 of this 2019 Act.

21 “(b) If a candidate, the principal campaign committee of a candi-
22 date or a small donor committee established under section 3 of this
23 2019 Act does not respond within five business days to notice received
24 under subsection (2) of this section, or fails to demonstrate in the
25 candidate’s or committee’s response that the candidate or committee
26 took the remedial actions described in paragraph (a) of this subsection,
27 the filing officer shall send the candidate or committee a notice of
28 noncompliance.

29 “(5)(a) A notice of noncompliance made under this section shall be
30 sent by first class mail or electronically and shall notify the person

1 or elector designated under ORS 260.042 that a penalty may be imposed
2 under section 5 of this 2019 Act and that the person has 20 days from
3 the service date on the notice to request a hearing before the Secre-
4 tary of State.

5 **“(b) If a candidate or the principal campaign committee of a can-
6 didate accepted contributions in excess of the contribution limit, the
7 Secretary of State shall send the notice described in paragraph (a) of
8 this subsection by first class mail or electronically to the candidate.
9 The notice shall be used for purposes of determining the deadline for
10 requesting a hearing under section 5 of this 2019 Act.**

11 **“SECTION 5. (1) The Secretary of State may impose a civil penalty
12 as provided in this section, in addition to any other penalty that may
13 be imposed, for:**

14 **“(a) Accepting contributions in excess of the limits established in
15 section 2 or 3 of this 2019 Act; or**

16 **“(b) Making expenditures in excess of the limitations set forth in
17 section 3 of this 2019 Act.**

18 **“(2) A hearing on whether to impose a civil penalty and to consider
19 circumstances in mitigation shall be held by the Secretary of State:**

20 **“(a) Upon request of the person against whom the penalty may be
21 assessed, if the request is made not later than the 20th day from the
22 service date on the notice of noncompliance sent under section 4 of
23 this 2019 Act;**

24 **“(b) Upon request of the filing officer with whom a statement or
25 certificate was filed; or**

26 **“(c) Upon the Secretary of State’s own motion.**

27 **“(3) A hearing under subsection (2) of this section shall be held not
28 later than 45 days after the deadline for the person against whom the
29 penalty may be assessed to request a hearing. However, if requested
30 by the person against whom the penalty may be assessed, a hearing**

1 under subsection (2) of this section shall be held not later than 60 days
2 after the deadline for the person against whom the penalty may be
3 assessed to request a hearing.

4 “(4) The Secretary of State shall issue an order not later than 90
5 days after a hearing or after the deadline for requesting a hearing if
6 no hearing is held.

7 “(5) The person against whom a penalty may be assessed need not
8 appear in person at a hearing held under this section, but instead may
9 submit written testimony and other evidence, subject to the penalty
10 for false swearing, to the Secretary of State for entry in the hearing
11 record. The testimony and other evidence must be received by the
12 secretary not later than three business days before the day of the
13 hearing and may be submitted electronically.

14 “(6) A civil penalty imposed under this section may not be more
15 than the following:

16 “(a) For the first incident of accepting a contribution in excess of
17 the limits established in section 2 or 3 of this 2019 Act, the total
18 amount of contributions accepted in excess of the contribution limit;

19 “(b) For each additional incident of accepting a contribution in ex-
20 cess of the limits established in section 2 or 3 of this 2019 Act, three
21 times the total amount of contributions accepted in excess of the
22 contribution limit;

23 “(c) For the first instance in which an expenditure by a small donor
24 committee established under section 3 of this 2019 Act exceeds the ex-
25 penditure limitations for small donor committees set forth in section
26 3 of this 2019 Act, the total amount of the expenditures that exceed the
27 applicable limitation; and

28 “(d) For each additional incident of an expenditure by a small donor
29 committee established under section 3 of this 2019 Act that exceeds the
30 expenditure limitations for small donor committees set forth in sec-

1 **tion 3 of this 2019 Act, three times the total amount of the expendi-**
2 **tures that exceed the applicable limitation.**

3 **“(7) In addition to a civil penalty assessed under subsection (6) of**
4 **this section, a candidate, the principal campaign committee of a can-**
5 **didate or a small donor committee established under section 3 of this**
6 **2019 Act that accepted contributions in excess of the limits established**
7 **in section 2 or 3 of this 2019 Act must refund to the person who made**
8 **the contribution all moneys that exceed the applicable contribution**
9 **limit.**

10 **“(8) The Secretary of State, upon a showing of mitigating circum-**
11 **stances, may reduce the amount of the penalty described in subsection**
12 **(6) of this section.**

13 **“(9) Except as otherwise provided by this section, civil penalties**
14 **under this section shall be imposed as provided in ORS 183.745.**

15 **“SECTION 6. Chapter 3, Oregon Laws 2007, is repealed.**

16 **“SECTION 7. (1) Sections 2 to 5 of this 2019 Act become operative**
17 **either on September 1, 2021, or when the Secretary of State determines**
18 **that the secretary has taken all preparatory steps necessary to imple-**
19 **ment sections 2 to 5 of this 2019 Act, whichever date comes first.**

20 **“(2) If the Secretary of State determines that the secretary has**
21 **taken all preparatory steps necessary to implement sections 2 to 5 of**
22 **this 2019 Act before September 1, 2021, as specified in subsection (1)**
23 **of this section, the secretary shall notify the Office of Legislative**
24 **Counsel of the determination, in writing, within 30 days.**

25 **“SECTION 8. The Secretary of State may take any action before the**
26 **appropriate operative date specified in section 7 of this 2019 Act that**
27 **is necessary for the Secretary of State to exercise, on and after the**
28 **appropriate operative date specified in section 7 of this 2019 Act, all**
29 **of the duties, functions and powers conferred on the Secretary of State**
30 **by this 2019 Act.**

1 **“SECTION 9. This 2019 Act does not take effect unless the amend-**
2 **ment to the Oregon Constitution proposed by Senate Joint Resolution**
3 **18 (2019) is approved by the people at the special election held on the**
4 **same date as the primary election in May 2020. This 2019 Act takes**
5 **effect on the effective date of that amendment.”.**

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