

HOUSE AMENDMENTS TO HOUSE BILL 2714

By COMMITTEE ON RULES

June 4

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest of the line and insert
2 “creating new provisions; amending ORS 260.042 and 260.995; and repealing chapter 3, Oregon Laws
3 2007.”.

4 Delete lines 4 through 30 and delete page 2 and insert:

5 **“SECTION 1. Sections 2 to 4 of this 2019 Act are added to and made a part of ORS**
6 **chapter 260.**

7 **“SECTION 2. As used in sections 2 to 4 of this 2019 Act:**

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

11 **“(2) ‘Election cycle’ means the period starting on the day after the date of a general**
12 **election and ending on the date of the next general election.**

13 **“(3) ‘Local provision’ means a charter provision, ordinance, resolution or other provision**
14 **adopted by a city, county or other local government.**

15 **“(4) ‘Membership organization’ means an organization that:**

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

17 **“(b) Is not formed or operated for the purpose of conducting or promoting commercial**
18 **enterprise; and**

19 **“(c) Is composed of individual members who:**

20 **“(A) Have taken action to join the organization; and**

21 **“(B) For each year of membership, on an annual or more frequent basis, either pay**
22 **monetary membership dues, make a monetary donation or volunteer time as a condition of**
23 **maintaining membership in the organization.**

24 **“(5) ‘Small donor political committee’ means a political committee that:**

25 **“(a) Registers as a small donor political committee under ORS 260.042;**

26 **“(b) Prior to registering as a small donor political committee has not accepted a contri-**
27 **bution:**

28 **“(A) From a person other than an individual; or**

29 **“(B) In excess of the contribution limits for small donor political committees set forth**
30 **in section 4 of this 2019 Act; and**

31 **“(c) While operating as a small donor political committee, complies with the restrictions**
32 **on receiving contributions set forth in section 4 of this 2019 Act.**

33 **“(6) Notwithstanding ORS 260.005, ‘state office’ means the office of Governor, Secretary**
34 **of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and In-**
35 **dustries, state Senator, state Representative, judge of the Supreme Court, judge of the Court**

1 of Appeals or circuit court judge.

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

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

10 **“(c) Notwithstanding any local provision, a candidate or the principal campaign commit-**
11 **tee of a candidate for any elected office that is not a state office may accept unlimited con-**
12 **tributions from a small donor political committee.**

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

17 **“(b) A candidate or the principal campaign committee of a candidate for the office of**
18 **state Senator or circuit court judge may not accept aggregate contributions in excess of**
19 **\$1,500 per election from an individual, a multicandidate political committee, the principal**
20 **campaign committee of a candidate or a recall political committee.**

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

25 **“(d) A candidate or the principal campaign committee of a candidate for state office may**
26 **accept unlimited contributions from a caucus political committee, a political party committee**
27 **or a small donor political committee.**

28 **“(3)(a) A political committee may make a contribution to a candidate for state office or**
29 **the principal campaign committee of a candidate for state office only if the political com-**
30 **mittee is registered with the Secretary of State as a caucus political committee, a multi-**
31 **candidate political committee, a political party committee, the principal campaign committee**
32 **of a candidate, a small donor political committee or a recall political committee.**

33 **“(b) A measure political committee may not make a contribution to a candidate or the**
34 **principal campaign committee of a candidate for a state office.**

35 **“(4) Nothing in this section limits the amount a candidate may contribute from the**
36 **candidate’s personal funds to the candidate or the principal campaign committee of the**
37 **candidate.**

38 **“(5)(a) For the purposes of this section, a separate election exists in each instance in**
39 **which an individual:**

40 **“(A) Is a candidate for nomination to a state office by a major political party or a minor**
41 **political party;**

42 **“(B) Is a candidate for nomination to a state office by an assembly of electors under ORS**
43 **249.735 or by individual electors under ORS 249.740;**

44 **“(C) Is a candidate for nomination to a nonpartisan state office;**

45 **“(D) Will appear on a general election ballot or a special election ballot as a candidate**

1 for state office;

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

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

5 “(b) Notwithstanding subsection (2) of this section, during each election cycle:

6 “(A) A candidate or the principal campaign committee of a candidate for state office who
7 has not qualified to appear on the general election ballot may accept contributions for only
8 one election plus any additional elections in which the candidate meets the requirements
9 described in paragraph (a)(F) of this subsection;

10 “(B) A candidate or the principal campaign committee of a candidate for state office who
11 will appear on the general election ballot may accept contributions for only two elections plus
12 any additional elections in which the candidate meets the requirements described in para-
13 graph (a)(F) of this subsection; and

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

16 “(6)(a) For the purpose of the contribution limits established in this section, contribu-
17 tions made or received by multiple political committees are considered to be made or re-
18 ceived by a single political committee if:

19 “(A) The political committees have filed to operate as the same type of political com-
20 mittee under ORS 260.042; and

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

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

28 “(7) Prior to the start of each election cycle, the Secretary of State shall adjust the dollar
29 amounts set forth in this section by the cumulative change in the Consumer Price Index for
30 All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statis-
31 tics of the United States Department of Labor, or its successor, since the previous election
32 cycle. The adjustments performed under this subsection shall be rounded to the nearest \$10
33 increment.

34 “(8) The Secretary of State may adopt rules necessary to implement this section.

35 “SECTION 4. (1) A political committee other than the principal campaign committee of
36 a candidate may accept contributions only from the sources and in the amounts described
37 in this section.

38 “(2) A caucus political committee:

39 “(a) May not accept aggregate contributions in excess of \$2,800 per calendar year from
40 an individual, multicandidate political committee or recall political committee; and

41 “(b) May accept unlimited contributions from the principal campaign committee of a
42 candidate, a political party committee, a caucus political committee or the candidate com-
43 mittee of a candidate for federal office.

44 “(3) A political party committee:

45 “(a) May not accept aggregate contributions in excess of \$2,800 per calendar year from

1 an individual, multicandidate political committee, caucus political committee or recall poli-
2 tical committee; and

3 “(b) May accept unlimited contributions from the principal campaign committee of a
4 candidate, a political party committee or the candidate committee of a candidate to represent
5 this state, or a district of this state, as a United States Senator or a Representative in
6 Congress.

7 “(4) A multicandidate political committee may not accept aggregate contributions in ex-
8 cess of \$2,800 per calendar year from an individual, the principal campaign committee of a
9 candidate, a multicandidate committee, a political party committee, a recall political com-
10 mittee or a caucus political committee.

11 “(5)(a) A recall political committee operated to support or oppose the recall election of
12 a holder of the office of state Representative may not accept aggregate contributions in ex-
13 cess of:

14 “(A) \$1,000 per recall election from an individual, the principal campaign committee of a
15 candidate, a multicandidate political committee or a recall political committee; and

16 “(B) \$1,500 per recall election from a caucus political committee.

17 “(b) A recall political committee operated to support or oppose the recall election of a
18 holder of the office of state Senator or circuit court judge may not accept aggregate contri-
19 butions in excess of \$1,500 per recall election from an individual, the principal campaign
20 committee of a candidate, a multicandidate political committee, a caucus political committee
21 or a recall political committee.

22 “(c) A recall political committee operated to support or oppose the recall election of a
23 holder of a state office not described in paragraph (a) or (b) of this subsection may not ac-
24 cept aggregate contributions in excess of \$2,800 per recall election from an individual, the
25 principal campaign committee of a candidate, a multicandidate political committee, a caucus
26 political committee or a recall political committee.

27 “(d) A recall political committee operated to support or oppose the recall election of a
28 holder of a state office may accept unlimited contributions from a political party committee
29 or a small donor political committee.

30 “(6)(a) A measure political committee may accept unlimited contributions from any per-
31 son, including any other political committee.

32 “(b) A measure political committee may not make a contribution to a caucus political
33 committee, a multicandidate committee, a political party committee, a small donor political
34 committee or a recall political committee.

35 “(7)(a) During a calendar year, a small donor political committee may accept contribu-
36 tions from:

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

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

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

42 “(b) A membership organization may make contributions to one or more small donor
43 political committees. The aggregate total contributions, including in-kind contributions, that
44 a membership organization may make to small donor political committees may not exceed
45 40 percent of each individual member’s membership dues or the aggregate total of each in-

1 **dividual member’s donations that were received by the membership organization during the**
2 **previous 12 months, with a limit of \$250 from the dues or donations paid by each individual**
3 **member per calendar year.**

4 **“(8)(a) A person may not control more than one of each of the following types of com-**
5 **mittee at one time:**

6 **“(A) Principal campaign committee.**

7 **“(B) Caucus political committee.**

8 **“(C) Measure political committee.**

9 **“(D) Multicandidate political committee.**

10 **“(E) Political party committee.**

11 **“(F) Recall political committee.**

12 **“(G) Small donor political committee.**

13 **“(b) For the purpose of the contribution limits established in this section, contributions**
14 **made or received by multiple political committees are considered to be made or received by**
15 **a single political committee if:**

16 **“(A) The political committees have filed to operate as the same type of political com-**
17 **mittee under ORS 260.042; and**

18 **“(B) The political committees are established, financed, maintained or controlled by the**
19 **same person or substantially the same group of persons, including any parent, subsidiary,**
20 **branch, division, department or local unit of such person or group of persons.**

21 **“(c) Notwithstanding paragraph (b) of this subsection, having the same individual acting**
22 **as the treasurer of two or more political committees is not by itself sufficient to consider**
23 **contributions made by the political committees to be contributions made or received by a**
24 **single political committee.**

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

31 **“(10) The Secretary of State may adopt rules necessary to implement this section.**

32 **“SECTION 5. ORS 260.995 is amended to read:**

33 **“260.995. (1) Except as provided in subsection (2) or (3) of this section, following an investi-**
34 **gation under ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty**
35 **not to exceed \$1,000 for each violation of any provision of Oregon Revised Statutes relating to the**
36 **conduct of any election, any rule adopted by the secretary under ORS chapters 246 to 260 or any**
37 **other matter preliminary to or relating to an election, for which a civil penalty is not otherwise**
38 **provided.**

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

40 **“(a) \$1,000 plus the amount converted to personal use for each violation of ORS 260.407; or**

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

43 **“(3)(a) Except as provided in paragraph (b) of this subsection, for each instance in which**
44 **a political committee or a candidate for state office or the principal campaign committee of**
45 **a candidate for state office accepts a contribution in excess of the limits established in**

1 sections 3 or 4 of this 2019 Act, the secretary or Attorney General:

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

5 “(B) May impose a civil penalty in the form of a fine not to exceed 150 percent of the
6 total amount of the contribution accepted that resulted in a violation of the contribution
7 limits established in sections 3 or 4 of this 2019 Act.

8 “(b)(A) The secretary or Attorney General may not impose a civil penalty on a political
9 committee or a candidate for state office or the principal campaign committee of a candidate
10 for state office for receiving contributions in excess of the contribution limits established in
11 sections 3 or 4 of this 2019 Act if, within 10 business days of receiving the nonconforming
12 contribution, the candidate or committee:

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

14 “(ii) Returns all moneys included in the contribution that are in excess of the contribu-
15 tion limits established in sections 3 or 4 of this 2019 Act.

16 “(B) If a political committee or a candidate for state office or the principal campaign
17 committee of a candidate for state office is unable to return all or part of a nonconforming
18 contribution to the person who made the contribution, the return of all or part of a contri-
19 bution under this paragraph may be satisfied by donating the moneys described in subpara-
20 graph (A) of this paragraph to an organization recognized as tax exempt under section
21 501(c)(3) of the Internal Revenue Code.

22 “[3] (4) Except as otherwise provided by this section, civil penalties under this section shall
23 be imposed as provided in ORS 183.745. In addition to the requirements of ORS 183.745, the notice
24 shall include:

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

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

30 “[4] (5) A hearing on whether to impose a civil penalty and to consider circumstances in mit-
31 igation shall be held by the secretary or Attorney General:

32 “(a) Upon request of the person against whom the penalty may be assessed, if the request is
33 made not later than the 20th day after the date the person received notice sent under subsection
34 [(3)] (4) of this section; or

35 “(b) Upon the secretary’s or Attorney General’s own motion.

36 “[5] (6) The person against whom a penalty may be assessed need not appear in person at a
37 hearing held under this section, but instead may submit written testimony or other evidence, sworn
38 to before a notary public, to the secretary or Attorney General for entry in the hearing record. The
39 testimony or other evidence must be received by the secretary or Attorney General not later than
40 three business days before the day of the hearing.

41 “[6] (7) All hearings under this section shall be held not later than 45 days after the deadline
42 for the person against whom the penalty may be assessed to request a hearing. However, if re-
43 quested by the person against whom the penalty may be assessed, a hearing under subsection [(4)]
44 (5) of this section shall be held not later than 60 days after the deadline for the person against
45 whom the penalty may be assessed to request a hearing.

1 “[7] (8) The secretary or Attorney General shall issue an order not later than 90 days after a
2 hearing or after the deadline for requesting a hearing if no hearing is held.

3 “[8] (9) All penalties recovered under this section shall be paid into the State Treasury and
4 credited to the General Fund.

5 “[9] (10) In the case of a civil penalty imposed under this section for a violation of ORS
6 260.407, the person against whom the penalty is assessed:

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

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

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

11 “**SECTION 6.** ORS 260.042, as amended by section 15, chapter 70, Oregon Laws 2018, is
12 amended to read:

13 “260.042. (1) The treasurer of a political committee shall file a statement of organization with
14 the filing officer. The statement must include:

15 “(a) The name[,] **and** address [*and nature*] of the committee. The address must be the address
16 of a residence, office, headquarters or similar location where the political committee or a responsi-
17 ble officer of the political committee may be conveniently located.

18 “(b) The name, address and occupation of the committee director or directors.

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

20 “(d) The name and address of any other political committee of which two or more committee
21 directors are also directors of the committee filing the statement.

22 “(e)(A) **Whether the political committee will operate as a caucus political committee, a**
23 **measure political committee, a multicandidate political committee, a political party commit-**
24 **tee, a recall political committee or a small donor political committee.**

25 “(B) **A major political party or minor political party may not establish more than one**
26 **political party committee.**

27 “(C) **A major political party or minor political party may not establish more than one**
28 **caucus political committee in the Senate and one caucus political committee in the House**
29 **of Representatives.**

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

32 “[e] (f) The name, office sought, and party affiliation of each candidate whom the committee
33 is supporting or specifically opposing or intends to support or specifically oppose, when known, or,
34 if the committee is supporting or specifically opposing all the candidates of a given party, the name
35 of that party.

36 “[f] (g) A designation of any measure that the committee is opposing or supporting, or intends
37 to support or oppose. **Only a political committee that operates as a measure political com-**
38 **mittee may use amounts received as contributions to support or oppose one or more meas-**
39 **ures.**

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

41 “(2) In addition to the information listed in subsection (1) of this section, the statement of or-
42 ganization must include, or be amended within five business days to include, the name of the finan-
43 cial institution in which the campaign account required under ORS 260.054 is established, the name
44 of the account, the name of the account holder and the names of all individuals who have signature
45 authority for the account. The Secretary of State may not disclose information received by the sec-

1 retary under this subsection except as necessary for purposes of enforcing the provisions of ORS
2 chapters 246 to 260.

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

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

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

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

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

18 “(8) **As used in this section:**

19 “(a) **‘Caucus political committee’ means a political committee:**

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

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

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

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

27 “(c) **‘Measure political committee’ means a political committee that supports or opposes**
28 **one or more measures.**

29 “(d) **‘Minor political party’ means a political party that has qualified as a minor political**
30 **party under ORS 248.008.**

31 “(e) **‘Multicandidate political committee’ means a political committee that supports or**
32 **opposes:**

33 “(A) **One or more candidates; or**

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

35 “(f) **‘Political party committee’ is a political committee that, on a statewide basis:**

36 “(A) **Supports or opposes one or more candidates; and**

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

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

39 “(g) **‘Recall political committee’ means a political committee that supports or opposes a**
40 **person subject to a recall election.**

41 “(h) **‘Small donor political committee’ has the meaning given that term in section 2 of**
42 **this 2019 Act.**

43 “**SECTION 7. Notwithstanding section 2 (5) of this 2019 Act, a political committee, as**
44 **defined in ORS 260.005, that is not organized as a small donor political committee, as defined**
45 **in section 2 of this 2019 Act, may reorganize as a small donor political committee if, during**

1 the previous 24-month period, not less than 90 percent of the total amount of moneys con-
2 tributed to the political committee were contributed by individuals in amounts not exceeding
3 \$250 per individual donor per calendar year. Any moneys in the bank accounts of a political
4 committee that reorganizes as a small donor political committee under this section shall
5 transfer to the newly organized small donor political committee and may be used in the same
6 manner as any other moneys contributed to the small donor political committee.

7 **“SECTION 8.** Section 7 of this 2019 Act is repealed on March 31, 2021.

8 **“SECTION 9.** Chapter 3, Oregon Laws 2007, is repealed.

9 **“SECTION 10.** It is the intent of the Legislative Assembly that all parts of this 2019 Act
10 are independent and that if any part of this 2019 Act is held unconstitutional, all remaining
11 parts shall remain in force.

12 **“SECTION 11.** Sections 2 to 4 and 7 of this 2019 Act and the amendments to ORS 260.042
13 and 260.995 by sections 5 and 6 of this 2019 Act become operative on December 3, 2020.

14 **“SECTION 12.** (1) The Secretary of State may take any action before the operative date
15 specified in section 11 of this 2019 Act that is necessary for the Secretary of State to exer-
16 cise, on and after the operative date specified in section 11 of this 2019 Act, all of the duties,
17 functions and powers conferred on the Secretary of State by sections 2 to 4 and 7 of this 2019
18 Act and the amendments to ORS 260.042 and 260.995 by sections 5 and 6 of this 2019 Act.

19 **“(2)(a)** A political committee may take any action before the operative date set forth in
20 section 11 of this 2019 Act that is necessary for the political committee to be in compliance
21 with the requirements set forth in ORS 260.042, as amended by section 6 of this 2019 Act,
22 no later than the operative date set forth in section 11 of this 2019 Act.

23 **“(b)** The Secretary of State shall reorganize as a multicandidate political committee any
24 active political committee that remains organized to operate as a miscellaneous political
25 committee on March 31, 2021. Any moneys in the bank accounts of a political committee
26 described in this paragraph shall transfer to the newly organized multicandidate political
27 committee and may be used in the same manner as any other moneys contributed to the
28 multicandidate political committee.

29 **“(c)** The Secretary of State shall by rule establish a process that provides a miscellaneous
30 political committee that was reorganized under paragraph (b) of this subsection with a single
31 opportunity to reorganize as a measure political committee. The process shall ensure that
32 any moneys in the bank accounts of a political committee described in this paragraph
33 transfer to the newly organized measure political committee and may be used in the same
34 manner as any other moneys contributed to the measure political committee.”.