

**SENATE MINORITY REPORT
AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2983**

By Nonconcurring Members of COMMITTEE ON RULES

June 21

- 1 On page 1 of the printed A-engrossed bill, line 2, delete the third comma.
2 In line 3, delete “260.218”.
- 3 On page 2, delete lines 30 and 31 and insert:
4 “(A) A communication that is reported as a contribution, expenditure or independent expendi-
5 ture on a statement filed with the Secretary of State by using the electronic filing system adopted
6 under ORS 260.057;”.
- 7 On page 5, delete lines 38 through 45 and delete pages 6 through 8.
8 On page 9, delete lines 1 through 33 and insert:
9 “**SECTION 6.** ORS 260.005, as amended by section 14, chapter 70, Oregon Laws 2018, is
10 amended to read:
11 “260.005. As used in this chapter:
12 “(1)(a) ‘Candidate’ means:
13 “(A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,
14 nominating petition or certificate of nomination to public office has been filed or whose name is
15 expected to be or has been presented, with the individual’s consent, for nomination or election to
16 public office;
17 “(B) An individual who has solicited or received and accepted a contribution, made an expendi-
18 ture, or given consent to an individual, organization, political party or political committee to solicit
19 or receive and accept a contribution or make an expenditure on the individual’s behalf to secure
20 nomination or election to any public office at any time, whether or not the office for which the in-
21 dividual will seek nomination or election is known when the solicitation is made, the contribution
22 is received and retained or the expenditure is made, and whether or not the name of the individual
23 is printed on a ballot; or
24 “(C) A public office holder against whom a recall petition has been completed and filed.
25 “(b) For purposes of this section and ORS 260.035 to 260.156, ‘candidate’ does not include a
26 candidate for the office of precinct committeeperson.
27 “(2) ‘Committee director’ means any person who directly and substantially participates in
28 decision-making on behalf of a political committee concerning the solicitation or expenditure of
29 funds and the support of or opposition to candidates or measures. The officers of a political party
30 shall be considered the directors of any political party committee of that party, unless otherwise
31 provided in the party’s bylaws.
32 “(3) Except as provided in ORS 260.007, ‘contribute’ or ‘contribution’ includes:
33 “(a) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent com-
34 pensation or consideration, of money, services other than personal services for which no compen-

1 sation is asked or given, supplies, equipment or any other thing of value:

2 “(A) For the purpose of influencing an election for public office or an election on a measure,
3 or of reducing the debt of a candidate for nomination or election to public office or the debt of a
4 political committee; or

5 “(B) To or on behalf of a candidate, political committee or measure; and

6 “(b) The excess value of a contribution made for compensation or consideration of less than
7 equivalent value.

8 “(4) ‘Controlled committee’ means a political committee that, in connection with the making of
9 contributions or expenditures:

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

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

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

13 “(a) The candidate, the candidate’s agent, a member of the candidate’s immediate family or any
14 other political committee that the candidate controls has a significant influence on the actions or
15 decisions of the political committee; or

16 “(b) The candidate’s principal campaign committee and the political committee both have the
17 candidate or a member of the candidate’s immediate family as a treasurer or director.

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

19 “(7) ‘Elector’ means an individual qualified to vote under Article II, section 2, of the Oregon
20 Constitution.

21 “(8) Except as provided in ORS 260.007, ‘expend’ or ‘expenditure’ includes the payment or fur-
22 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation
23 by or on behalf of a candidate, political committee or person in consideration for any services,
24 supplies, equipment or other thing of value performed or furnished for any reason, including support
25 of or opposition to a candidate, political committee or measure, or for reducing the debt of a can-
26 didate for nomination or election to public office. ‘Expenditure’ also includes contributions made by
27 a candidate or political committee to or on behalf of any other candidate or political committee.

28 “(9) ‘Filing officer’ means:

29 “(a) The Secretary of State:

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

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

32 “(C) Regarding any measure; or

33 “(D) Regarding any political committee.

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

35 “(A) The county clerk, regarding any candidate for office or any measure at an irrigation dis-
36 trict formation election where the proposed district is situated wholly in one county;

37 “(B) The county clerk of the county in which the office of the secretary of the proposed irri-
38 gation district will be located, regarding any candidate for office or any measure at an irrigation
39 district formation election where the proposed district is situated in more than one county; or

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

42 “(10) ‘Independent expenditure’ means an expenditure by a person for a communication in sup-
43 port of or in opposition to a clearly identified candidate or measure that is not made with the co-
44 operation or with the prior consent of, or in consultation with, or at the request or suggestion of,
45 a candidate or any agent or authorized committee of the candidate, or any political committee or

1 agent of a political committee supporting or opposing a measure. For purposes of this subsection:

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

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

6 “(B) Been placed in a position within the campaign organization where it would reasonably ap-
7 pear that in the ordinary course of campaign-related activities the person may authorize expen-
8 ditures.

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

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

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

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

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

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

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

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

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

19 “(A)(i) The communication, taken in its context, clearly and unambiguously urges the election
20 or defeat of a clearly identified candidate for nomination or election to public office, or the passage
21 or defeat of a clearly identified measure;

22 “(ii) The communication, as a whole, seeks action rather than simply conveying information; and

23 “(iii) It is clear what action the communication advocates; or

24 “(B)(i) The communication contains aggregate expenditures of more than [~~\$750~~] **\$250** by a per-
25 son;

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

28 “(iii) The communication is published and disseminated to the relevant electorate within 30
29 calendar days before a primary election or 60 calendar days before a general election.

30 “(d) ‘Made with the cooperation or with the prior consent of, or in consultation with, or at the
31 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
32 political committee or agent of a political committee supporting or opposing a measure’:

33 “(A) Means any arrangement, coordination or direction by the candidate or the candidate’s
34 agent, or by any political committee or agent of a political committee supporting or opposing a
35 measure, prior to the publication, distribution, display or broadcast of the communication. An ex-
36 penditure shall be presumed to be so made when it is:

37 “(i) Based on information about the plans, projects or needs of the candidate, or of the political
38 committee supporting or opposing a measure, and provided to the expending person by the candidate
39 or by the candidate’s agent, or by any political committee or agent of a political committee sup-
40 porting or opposing a measure, with a view toward having an expenditure made; or

41 “(ii) Made by or through any person who is or has been authorized to raise or expend funds,
42 who is or has been an officer of a political committee authorized by the candidate or by a political
43 committee or agent of a political committee supporting or opposing a measure, or who is or has been
44 receiving any form of compensation or reimbursement from the candidate, the candidate’s principal
45 campaign committee or agent or from any political committee or agent of a political committee

1 supporting or opposing a measure.

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

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

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

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

11 “(14) ‘Measure’ includes any of the following submitted to the people for their approval or re-
12 jection at an election:

13 “(a) A proposed law.

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

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

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

17 “(e) A proposition or question.

18 “(15) ‘Occupation’ means:

19 “(a) The nature of an individual’s principal business; and

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

22 “(16) ‘Person’ means an individual, corporation, limited liability company, labor organization,
23 association, firm, partnership, joint stock company, club, organization or other combination of indi-
24 viduals having collective capacity.

25 “(17) ‘Petition committee’ means an initiative, referendum or recall petition committee organized
26 under ORS 260.118.

27 “(18) ‘Political committee’ means a combination of two or more individuals, or a person other
28 than an individual, that has:

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

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

33 “(A) A contribution to a candidate or political committee that is required to report the contri-
34 bution on a statement filed under ORS 260.057 or 260.076 or a certificate filed under ORS 260.112;
35 or

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

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

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

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

44 “(22) ‘Regular district election’ means the regular district election described in ORS 255.335.

45 “(23) ‘State office’ means the office of Governor, Secretary of State, State Treasurer, Attorney

1 General, Commissioner of the Bureau of Labor and Industries, state Senator, state Representative,
2 judge or district attorney.”.

3 In line 34, delete “8” and insert “7”.

4 On page 10, line 35, delete “9” and insert “8”.

5 On page 11, line 14, delete “10” and insert “9”.

6 In line 17, delete “11” and insert “10”.

7 In line 18, delete “, 260.218” and delete “9” and insert “8”.

8 In line 23, delete “12” and insert “11”.

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/s/ Herman Baertschiger Jr.
Senator

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/s/ Brian Boquist
Senator

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