

Requested by Senator BAERTSCHIGER JR

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

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
5 independent expenditure on a statement filed with the Secretary of State by
6 using the electronic filing system adopted 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
10 Laws 2018, is 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 decla-
14 ration of candidacy, nominating petition or certificate of nomination to
15 public office has been filed or whose name is expected to be or has been
16 presented, with the individual’s consent, for nomination or election to public
17 office;

18 “(B) An individual who has solicited or received and accepted a contri-
19 bution, made an expenditure, or given consent to an individual, organization,
20 political party or political committee to solicit or receive and accept a con-
21 tribution or make an expenditure on the individual’s behalf to secure nomi-

1 nation or election to any public office at any time, whether or not the office
2 for which the individual will seek nomination or election is known when the
3 solicitation is made, the contribution is received and retained or the ex-
4 penditure is made, and whether or not the name of the individual is printed
5 on a ballot; or

6 “(C) A public office holder against whom a recall petition has been com-
7 pleted and filed.

8 “(b) For purposes of this section and ORS 260.035 to 260.156, ‘candidate’
9 does not include a candidate for the office of precinct committeeperson.

10 “(2) ‘Committee director’ means any person who directly and substantially
11 participates in decision-making on behalf of a political committee concerning
12 the solicitation or expenditure of funds and the support of or opposition to
13 candidates or measures. The officers of a political party shall be considered
14 the directors of any political party committee of that party, unless otherwise
15 provided in the party’s bylaws.

16 “(3) Except as provided in ORS 260.007, ‘contribute’ or ‘contribution’ in-
17 cludes:

18 “(a) The payment, loan, gift, forgiving of indebtedness, or furnishing
19 without equivalent compensation or consideration, of money, services other
20 than personal services for which no compensation is asked or given, supplies,
21 equipment or any other thing of value:

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

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

26 “(b) The excess value of a contribution made for compensation or con-
27 sideration of less than equivalent value.

28 “(4) ‘Controlled committee’ means a political committee that, in con-
29 nection with the making of contributions or expenditures:

30 “(a) Is controlled directly or indirectly by a candidate or a controlled

1 committee; or

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

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

4 “(a) The candidate, the candidate’s agent, a member of the candidate’s
5 immediate family or any other political committee that the candidate con-
6 trols has a significant influence on the actions or decisions of the political
7 committee; or

8 “(b) The candidate’s principal campaign committee and the political com-
9 mittee both have the candidate or a member of the candidate’s immediate
10 family as a treasurer or director.

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

13 “(7) ‘Elector’ means an individual qualified to vote under Article II, sec-
14 tion 2, of the Oregon Constitution.

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

25 “(9) ‘Filing officer’ means:

26 “(a) The Secretary of State:

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

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

29 “(C) Regarding any measure; or

30 “(D) Regarding any political committee.

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

3 “(A) The county clerk, regarding any candidate for office or any measure
4 at an irrigation district formation election where the proposed district is
5 situated wholly in one county;

6 “(B) The county clerk of the county in which the office of the secretary
7 of the proposed irrigation district will be located, regarding any candidate
8 for office or any measure at an irrigation district formation election where
9 the proposed district is situated in more than one county; or

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

12 “(10) ‘Independent expenditure’ means an expenditure by a person for a
13 communication in support of or in opposition to a clearly identified candi-
14 date or measure that is not made with the cooperation or with the prior
15 consent of, or in consultation with, or at the request or suggestion of, a
16 candidate or any agent or authorized committee of the candidate, or any
17 political committee or agent of a political committee supporting or opposing
18 a measure. For purposes of this subsection:

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

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

23 “(B) Been placed in a position within the campaign organization where
24 it would reasonably appear that in the ordinary course of campaign-related
25 activities the person may authorize expenditures.

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

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

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

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

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

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

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

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

4 “(c) ‘Communication in support of or in opposition to a clearly identified

5 candidate or measure’ means:

6 “(A)(i) The communication, taken in its context, clearly and unambig-

7 uously urges the election or defeat of a clearly identified candidate for

8 nomination or election to public office, or the passage or defeat of a clearly

9 identified measure;

10 “(ii) The communication, as a whole, seeks action rather than simply

11 conveying information; and

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

13 “(B)(i) The communication contains aggregate expenditures of more than

14 [~~\$750~~] **\$250** by a person;

15 “(ii) The communication refers to a clearly identified candidate who will

16 appear on the ballot or to a political party; and

17 “(iii) The communication is published and disseminated to the relevant

18 electorate within 30 calendar days before a primary election or 60 calendar

19 days before a general election.

20 “(d) ‘Made with the cooperation or with the prior consent of, or in con-

21 sultation with, or at the request or suggestion of, a candidate or any agent

22 or authorized committee of the candidate, or any political committee or

23 agent of a political committee supporting or opposing a measure’:

24 “(A) Means any arrangement, coordination or direction by the candidate

25 or the candidate’s agent, or by any political committee or agent of a political

26 committee supporting or opposing a measure, prior to the publication, dis-

27 tribution, display or broadcast of the communication. An expenditure shall

28 be presumed to be so made when it is:

29 “(i) Based on information about the plans, projects or needs of the can-

30 didate, or of the political committee supporting or opposing a measure, and

1 provided to the expending person by the candidate or by the candidate's
2 agent, or by any political committee or agent of a political committee sup-
3 porting or opposing a measure, with a view toward having an expenditure
4 made; or

5 “(ii) Made by or through any person who is or has been authorized to
6 raise or expend funds, who is or has been an officer of a political committee
7 authorized by the candidate or by a political committee or agent of a poli-
8 tical committee supporting or opposing a measure, or who is or has been
9 receiving any form of compensation or reimbursement from the candidate,
10 the candidate's principal campaign committee or agent or from any political
11 committee or agent of a political committee supporting or opposing a meas-
12 ure.

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

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

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

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

23 “(14) ‘Measure’ includes any of the following submitted to the people for
24 their approval or rejection at an election:

25 “(a) A proposed law.

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

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

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

29 “(e) A proposition or question.

30 “(15) ‘Occupation’ means:

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

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

4 “(16) ‘Person’ means an individual, corporation, limited liability company,
5 labor organization, association, firm, partnership, joint stock company, club,
6 organization or other combination of individuals having collective capacity.

7 “(17) ‘Petition committee’ means an initiative, referendum or recall peti-
8 tion committee organized under ORS 260.118.

9 “(18) ‘Political committee’ means a combination of two or more individ-
10 uals, or a person other than an individual, that has:

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

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

16 “(A) A contribution to a candidate or political committee that is required
17 to report the contribution on a statement filed under ORS 260.057 or 260.076
18 or a certificate filed under ORS 260.112; or

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

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

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

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

27 “(22) ‘Regular district election’ means the regular district election de-
28 scribed in ORS 255.335.

29 “(23) ‘State office’ means the office of Governor, Secretary of State, State
30 Treasurer, Attorney General, Commissioner of the Bureau of Labor and In-

1 dustries, state Senator, state Representative, judge or district attorney.”.

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

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

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

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

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

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

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