

Requested by SENATE COMMITTEE ON RULES

**PROPOSED AMENDMENTS TO
SENATE BILL 1526**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line.

3 In line 3, delete “305.754 and 305.796” and insert “162.005, 244.209, 244.211,
4 244.213, 244.215, 244.217, 244.219, 244.221, 251.026, 251.085 and 260.042”.

5 After line 4 insert:

6 “Whereas all Oregonians should have a voice in Oregon’s elections and
7 all Oregonians’ voices should matter; and

8 “Whereas the democratic process has not functioned in large part due to
9 the lack of reasonable limits on political campaign contributions; and

10 “Whereas all provisions of this Act, including its prohibitions, limits, re-
11 porting and disclosure requirements and enforcement and bribery provisions,
12 are reasonable and necessary to curb the reality and appearance of cor-
13 ruption, including quid pro quo corruption; and

14 “Whereas the provisions of this Act also ensure the right of the people
15 of Oregon to engage in democratic self-governance through full and effective
16 participation in public debate and Oregon’s electoral processes and ensure
17 the right of the people of Oregon to have elected officials who are responsive
18 to their constituents; and

19 “Whereas Oregon’s lack of any limits on campaign spending has resulted
20 in the state being graded ‘F’ overall in systems to avoid corruption by public
21 officials; and

1 “Whereas the State Integrity Investigation of the Center for Public In-
2 tegrity and Public Radio International in November 2015 graded Oregon an
3 overall ‘F’ in systems to avoid corruption by public officials; and

4 “Whereas Oregon ranked second worst of the 50 states in control of
5 ‘Political Financing,’ better than only Mississippi; and

6 “Whereas candidates for the Oregon Legislative Assembly raise and spend
7 more in their campaigns, per capita, than in any other state except New
8 Jersey, and also receive more money per capita from corporations than in
9 any other state, as illustrated by the outstanding series in The Oregonian
10 titled ‘Polluted by Money: How Corporate Cash Corrupted One of the
11 Greenest States in America (2019)’; and

12 “Whereas the average corporate contribution to winning candidates for
13 the Oregon Legislative Assembly in 2018 was \$476,000 each; and

14 “Whereas the cost of political campaigns has increased significantly, with
15 the 2018 candidates for Governor spending over \$40 million, more than dou-
16 bling the previous record; and

17 “Whereas in the 2018 gubernatorial campaign, one individual gave \$3.45
18 million to the Republican party candidate, both major political parties raised
19 70 percent of their total campaign moneys from contributions of \$10,000 or
20 more, only 10 percent of the total campaign moneys came from contributions
21 of under \$500 and only 15 percent of the total campaign moneys came from
22 contributions of under \$1,000; and

23 “Whereas Oregon candidates rely primarily on large contributions, as
24 during the 2016 to 2019 period, Oregon candidates for Governor and the
25 Legislative Assembly received only nine percent of their total campaign
26 moneys from contributions from individuals of \$1,000 or less—a lower per-
27 centage than in every other state except for California and Illinois; and

28 “Whereas the reasonable contribution limits in this Act will not prevent
29 candidates, political committees or political parties from gathering the re-
30 sources necessary for effective advocacy or drive their voices below the level

1 of public notice; and

2 “Whereas candidates, political committees and political parties were able
3 to raise sufficient funds to campaign effectively during the 1996 election cy-
4 cle under the lower contribution limits adopted by Oregon voters as Measure
5 9 (1994), during the 2018 and 2020 election cycles under the lower contribu-
6 tion limits adopted by Multnomah County voters as Measure 26-184 (2014),
7 which was subsequently upheld by Oregon courts as meeting the require-
8 ments of the Oregon Constitution and the United States Constitution, and
9 during the 2020 election under the lower contribution limits adopted by the
10 City of Portland voters as Measure 26-200 (2018), which was subsequently
11 upheld by Oregon courts as meeting the requirements of the Oregon Consti-
12 tution and the United States Constitution; and

13 “Whereas the reasonable contribution limits in this Act will increase
14 competition for public office, enhance opportunities for challengers to win
15 public office and foster a greater robustness of political debate in Oregon;
16 and

17 “Whereas small donor contributions and donations from grassroots mem-
18 bership organizations present a reduced risk of corruption or the appearance
19 of corruption to the people of Oregon; and

20 “Whereas groups that contribute money raised from small donor contri-
21 butions or that mobilize community members also present a reduced risk of
22 corruption; and

23 “Whereas the public financing program established in this Act will com-
24 bat the reality and appearance of corruption and will enhance political par-
25 ticipation by amplifying small dollar contributions from ordinary Oregonians
26 with public moneys; and

27 “Whereas by enlarging public discussion and participation in the political
28 process and freeing candidates from the corrupting influence of large con-
29 tributions from wealthy special interests, the public financing program will
30 allow for more robust democratic self-governance, including by supporting

1 candidates for elected office who lack access to networks of wealthy donors;
2 and

3 “Whereas the public financing program established in this Act will en-
4 courage candidates across the political spectrum and from different back-
5 grounds to seek public office, resulting in a pool of candidates that is more
6 reflective of the diversity of all Oregonians; and

7 “Whereas the public financing program established in this Act, in concert
8 with the other provisions of this Act, will ensure that Oregon has a strong
9 and healthy democracy; and

10 “Whereas groups that organize people to increase participation in our
11 democracy also play an important role in a strong and healthy democracy;
12 and

13 “Whereas through a strong and healthy democracy, the government is
14 accountable to all Oregonians; now, therefore,”

15 Delete lines 6 through 21 and delete pages 2 through 19 and insert:

16

17 **“DEFINITIONS FOR CONTRIBUTION LIMITS**

18

19 **“SECTION 1. Sections 2 to 15 of this 2022 Act are added to and made**
20 **a part of ORS chapter 260.**

21 **“SECTION 2. As used in sections 2 to 15 of this 2022 Act:**

22 **“(1) ‘Business entity’ means any entity that is legally separate from**
23 **an individual and operated for economic gain, including any corpo-**
24 **ration, partnership, limited liability company or proprietorship.**

25 **“(2)(a) ‘Campaign media spending,’ except as provided in paragraph**
26 **(b) of this subsection, means spending moneys to pay for:**

27 **“(A) One or more political advertisements; or**

28 **“(B) Research, design, production, polling, data analytics, mailing**
29 **or social media list acquisition or any other activity conducted in**
30 **preparation for, or in conjunction with, one or more political adver-**

1 **tisements.**

2 **“(b) ‘Campaign media spending’ does not include spending moneys**
3 **for any communication that a membership organization makes to its**
4 **members if the membership organization is not organized primarily for**
5 **the purpose of influencing one or more elections.**

6 **“(3)(a) ‘Candidate election political committee,’ except as provided**
7 **in paragraph (b) of this subsection, means a principal campaign com-**
8 **mittee, a multicandidate committee, a political party multicandidate**
9 **committee, a legislative caucus committee or a small donor commit-**
10 **tee.**

11 **“(b) ‘Candidate election political committee’ does not mean an in-**
12 **dependent expenditure political committee, a measure committee, a**
13 **petition committee or a recall committee.**

14 **“(4) ‘Contribute,’ ‘contribution’ and ‘expenditure,’ notwithstanding**
15 **ORS 260.005 and 260.007, do not include independent expenditures or**
16 **moneys provided to a principal campaign committee by a public body**
17 **as defined in ORS 174.109 pursuant to a system of public funding of**
18 **campaigns in which the candidate participates.**

19 **“(5)(a) ‘Election cycle,’ except as provided in paragraph (b) or (c)**
20 **of this subsection, means the period of time starting on the day a**
21 **candidate is elected to office and ending on the date of the next**
22 **election date for that office, disregarding any intervening primary or**
23 **nominating election, any recall election or any special election called**
24 **to fill a vacancy for that office.**

25 **“(b) ‘Election cycle,’ for a recall election means the period of time**
26 **beginning on the date that the recall election is called or declared and**
27 **ending at midnight on the date of the recall election.**

28 **“(c) ‘Election cycle,’ for a special election called or declared to fill**
29 **a vacancy means the period of time beginning on the date that the**
30 **special election is called or declared and ending at midnight on the**

1 **date of the special election.**

2 **“(6)(a) ‘Election period,’ except as provided in paragraph (b) or (c)**
3 **of this subsection, means:**

4 **“(A) The period between an election at which a candidate is elected**
5 **to office and the next primary election for that same office, disre-**
6 **garding any intervening recall or special election for that office; and**

7 **“(B) The period between a primary election for an office and the**
8 **next general election for that same office, disregarding any interven-**
9 **ing recall or special election for that office.**

10 **“(b) ‘Election period,’ for a recall election means the period begin-**
11 **ning on the date that the recall election is called or declared and**
12 **ending at midnight on the date of the recall election.**

13 **“(c) ‘Election period,’ for a special election called to fill a vacancy,**
14 **means the period beginning on the date that the special election is**
15 **called or declared and ending at midnight on the date of the special**
16 **election.**

17 **“(7) ‘Entity’ means any corporation, partnership, limited liability**
18 **company, principal campaign committee, political committee, labor**
19 **organization, association, firm, partnership, joint stock company,**
20 **club, proprietorship, firm, enterprise, franchise, association, organ-**
21 **ization or other combination of persons that has collective capacity**
22 **and is legally separate from other persons.**

23 **“(8) ‘Independent expenditure political committee’ means a person**
24 **who has solicited or received a contribution or contributions for the**
25 **purpose of making an independent expenditure in support of or in op-**
26 **position to a candidate or measure.**

27 **“(9) ‘Individual’ means a human being.**

28 **“(10) ‘In-kind contribution’ means a contribution of a good or ser-**
29 **vice other than money that has monetary value.**

30 **“(11) ‘In-kind personal services’ means providing paid staff time to**

1 **perform:**

2 **“(a) Canvassing, phone banking and text banking;**

3 **“(b) Volunteer outreach, management and coordination activities;**

4 **“(c) Identifying voter models for campaign communications;**

5 **“(d) Interpretation and translation services;**

6 **“(e) Security at events;**

7 **“(f) Child care;**

8 **“(g) Campaign planning;**

9 **“(h) Care for persons who are elderly, disabled or ill; or**

10 **“(i) Transportation of a candidate or campaign staff of a candidate.**

11 **“(12) ‘Labor organization’ means an organization of any kind, or**
12 **an agency or an employee representation committee or plan, in which**
13 **employees participate and which exists for the purpose, in whole or in**
14 **part, of dealing with employers concerning grievances, labor disputes,**
15 **wages, rates of pay, hours of employment or conditions of work.**

16 **“(13) ‘Legislative caucus committee’ means a political committee**
17 **established by a caucus of a political party in the Oregon Senate or**
18 **the Oregon House of Representatives that is controlled by an elected**
19 **leader of the caucus that establishes the committee.**

20 **“(14)(a) ‘Local public office,’ except as provided in paragraph (b) of**
21 **this subsection, means any county, district or city office or other**
22 **government position that is filled by the electors.**

23 **“(b) ‘Local public office’ does not mean a state office, a national**
24 **office, a federal office or a political party office.**

25 **“(15) ‘Measure committee’ means a political committee that sup-**
26 **ports or opposes one or more ballot measures.**

27 **“(16) ‘Membership organization’ means an organization that:**

28 **“(a) Is tax-exempt under section 501(c)(4) of the Internal Revenue**
29 **Code as a social welfare organization or section 501(c)(5) of the Inter-**
30 **nal Revenue Code as a labor organization;**

1 **“(b) Has been in existence for at least 18 months;**
2 **“(c) Complied with federal tax law governing the organization’s**
3 **ability to engage in political activity; and**
4 **“(d) For an organization that is tax-exempt under section 501(c)(5)**
5 **of the Internal Revenue Code:**
6 **“(A) Has registered as a charity that is regulated by the Oregon**
7 **Department of Justice; and**
8 **“(B) Is composed of members, each of whom:**
9 **“(i) Has taken action to join the organization; and**
10 **“(ii) For each year of membership either pays monetary member-**
11 **ship dues, makes a monetary donation or volunteers time or other**
12 **thing of value to demonstrate ongoing engagement with the organ-**
13 **ization.**
14 **“(17) ‘Member of the household’ and ‘relative’ have the meanings**
15 **given those terms in ORS 244.020.**
16 **“(18) ‘Multicandidate committee’ means a political committee that**
17 **exclusively supports or opposes one or more candidates for election to**
18 **public office in this state.**
19 **“(19) ‘Political party’ means:**
20 **“(a)(A) A political party that has qualified as a major political party**
21 **under ORS 248.006; or**
22 **“(B) A political party that has qualified as a minor political party**
23 **under ORS 248.008; and**
24 **“(b) For any political party described in paragraph (a) of this sub-**
25 **section, the state central committee, all county or local committees**
26 **and any entity that is directly or indirectly established, financed,**
27 **maintained or controlled by such an entity or its local subdivisions.**
28 **“(20) ‘Political party multicandidate committee’ means a political**
29 **committee that:**
30 **“(a) Is established and maintained by a political party or a subdi-**

1 **vision of a political party; and**

2 **“(b) Exclusively supports or opposes one or more candidates for**
3 **election to public office in Oregon.**

4 **“(21)(a) ‘Public office,’ notwithstanding ORS 260.005 and except as**
5 **provided in paragraph (b) of this subsection, means any state, county,**
6 **district, city office or other government position that is filled by the**
7 **electors.**

8 **“(b) ‘Public office’ does not include:**

9 **“(A) Any national or federal office; or**

10 **“(B) Any political party office.**

11 **“(22) ‘Small donor committee’ means a political committee that:**

12 **“(a) Has never accepted a contribution in excess of those allowed**
13 **under section 5 (4) of this 2022 Act; or**

14 **“(b) Has returned every contribution in excess of those allowed**
15 **under section 5 (4) of this 2022 Act no later than 30 calendar days after**
16 **the contribution was received.**

17 **“(23) ‘Statewide public office’ means a state office that is voted on**
18 **by electors in all counties of this state.**

19

20 **“CONTRIBUTION LIMITS**

21

22 **“SECTION 3. (1)(a) A candidate or candidate election political**
23 **committee may accept contributions only from the sources and in the**
24 **amounts authorized by sections 2 to 15 of this 2022 Act.**

25 **“(b) An individual or entity may not make a contribution to support**
26 **or oppose a candidate for public office that is not expressly permitted**
27 **to be received by a candidate or candidate election political committee**
28 **under sections 2 to 15 of this 2022 Act.**

29 **“(c) A political committee other than a candidate election political**
30 **committee may not make a contribution to a candidate or to a candi-**

1 date election political committee.

2 “(2) Notwithstanding any other provision in sections 2 to 15 of this
3 2022 Act, during a calendar year an individual who is younger than 16
4 years of age may not make aggregate contributions in excess of \$500
5 to any single candidate election political committee.

6 “(3)(a) A political committee may not make a contribution to any
7 other political committee if the contribution was in any way directed
8 or instructed by an individual or entity that previously made a con-
9 tribution to the political committee now making the contribution.

10 “(b) A violation of paragraph (a) of this subsection shall result in
11 the forfeiture of all amounts contributed, in addition to any other
12 penalties that may be assessed by law.

13 “(4) Sections 2 to 15 of this 2022 Act do not apply to a candidate’s
14 personal contributions or expenditures made to assist the candidate’s
15 campaign.

16 **“SECTION 4. (1) During an election period, a candidate for public
17 office or the principal campaign committee of a candidate for public
18 office may accept only the following contributions in the aggregate:**

19 **“(a) From an individual, not more than:**

20 **“(A) \$2,000, if the candidate is seeking statewide public office;**

21 **“(B) \$1,000, if the candidate is seeking a state office other than a
22 statewide public office; or**

23 **“(C) \$500, if the candidate is seeking a local public office.**

24 **“(b) From any other principal campaign committee or multicandi-
25 date committee, not more than:**

26 **“(A) \$2,000, if the candidate is seeking statewide public office;**

27 **“(B) \$1,000, if the candidate is seeking a state office other than a
28 statewide public office; or**

29 **“(C) \$500, if the candidate is seeking a local public office.**

30 **“(c) From all of the political party multicandidate committees of**

1 any single political party combined, not more than:

2 “(A) \$5,000, if the candidate is seeking a state office; or

3 “(B) \$1,000, if the candidate is seeking a local public office.

4 “(d) From any legislative caucus committee, not more than:

5 “(A) \$50,000, if the candidate is seeking a statewide public office;

6 “(B) \$10,000, if the candidate is seeking a state office other than a

7 statewide public office; or

8 “(C) \$10,000, if the candidate is seeking a local public office.

9 “(e) From a small donor committee, the greater of:

10 “(A) All amounts up to \$50 contributed that are contributed to the

11 small donor committee by individuals who reside in Oregon, are en-

12 rolled at an institution of education in Oregon or are employed to

13 work in Oregon; or

14 “(B)(i) \$20,000 if the candidate is seeking a statewide public office;

15 or

16 “(ii) \$10,000 if the candidate is seeking a local public office or a state

17 office other than a statewide public office.

18 “(2)(a) In addition to the amounts set forth in subsection (2) of this

19 section, during an election period, a candidate for public office or the

20 principal campaign committee of a candidate for public office may

21 accept contributions from any membership organization:

22 “(A) In an aggregate amount that may not exceed \$20,000 in mone-

23 tary contributions, which may consist of any combination of:

24 “(i) Up to \$20,000 that are contributed from actual membership dues

25 or donations that may not exceed \$250 from any individual member

26 and that are received by the membership organization from individuals

27 who are members and who reside in Oregon, are enrolled at an insti-

28 tution of education in Oregon or are employed to work in Oregon; and

29 “(ii) Up to \$10,000 from any source.

30 “(B) In-kind contributions consisting of in-kind personal services

1 that may not exceed a total of 12 full-time equivalent months worked
2 by all individuals employed by the membership organization, with six
3 or more of the 12 full-time equivalent months consisting of coordi-
4 nating the activities of unpaid volunteers.

5 “(b) A membership organization may substitute in-kind personal
6 services of equivalent value that consist exclusively of voter canvass-
7 ing coordination of volunteers in place of the monetary contribution
8 allowed under paragraph (a)(A) of this subsection.

9 “(3) On January 1 of each odd-numbered year, the Secretary of
10 State shall adjust the dollar amounts set forth in this section by the
11 cumulative change in the Consumer Price Index for All Urban Con-
12 sumers, West Region (All Items), as published by the Bureau of Labor
13 Statistics of the United States Department of Labor, or its successor
14 index, since the previous adjustment. The adjustments performed un-
15 der this subsection shall be rounded to the nearest \$20 increment.

16 **“SECTION 5. (1) During a calendar year, all of the political party**
17 **committees of any single political party may, in the aggregate, accept**
18 **only the following contributions:**

19 “(a) From an individual, not more than \$10,000;

20 “(b) From any principal campaign committee or multicandidate
21 committee, not more than \$10,000; and

22 “(c) From any membership organization, not more than \$3,000.

23 “(2) During a calendar year, a legislative caucus committee may,
24 in the aggregate, accept only the following contributions:

25 “(a) From an individual, not more than \$1,000;

26 “(b) From any principal campaign committee of a candidate seeking
27 state office or multicandidate committee, not more than \$5,000; and

28 “(c) From any principal campaign committee of a candidate seeking
29 local public office, not more than \$1,000.

30 “(3) During a calendar year, a multicandidate committee may ac-

1 **cept only the following contributions in the aggregate:**

2 **“(a) From an individual, not more than \$1,000; and**

3 **“(b) From any principal campaign committee or other multicandi-**
4 **date committee, not more than \$1,000.**

5 **“(4) A small donor committee may accept contributions only from**
6 **individuals and in an amount that may not exceed \$250 per calendar**
7 **year from any individual.**

8 **“(5) On January 1 of each odd-numbered year, the Secretary of**
9 **State shall adjust the dollar amounts set forth in this section by the**
10 **cumulative change in the Consumer Price Index for All Urban Con-**
11 **sumers, West Region (All Items), as published by the Bureau of Labor**
12 **Statistics of the United States Department of Labor, or its successor**
13 **index, since the previous adjustment. The adjustments performed un-**
14 **der this subsection shall be rounded to the nearest \$20 increment.**

15 **“SECTION 6. (1)(a) Except as otherwise provided in this section,**
16 **two or more membership organizations are considered joint member-**
17 **ship organizations if the membership organizations are established,**
18 **financed, maintained or controlled, indirectly or directly, by the same**
19 **person or coordinated group of persons.**

20 **“(b) As used in this subsection:**

21 **“(A) Two or more membership organizations are financed by the**
22 **same person or the same coordinated group of persons if the organ-**
23 **izations have received, directly or indirectly, more than 40 percent of**
24 **their funding since the most recent general election from the same**
25 **source or original moneys or from the same coordinated group of**
26 **sources of original moneys. If a person or a coordinated group of per-**
27 **sons provided original moneys, directly or indirectly, that constitute**
28 **more than 50 percent of a membership organization’s moneys as of the**
29 **day after the most recent general election, those moneys shall be**
30 **considered to have been provided since the most recent general**

1 election.

2 “(B) Any person or coordinated group of persons controls an entity
3 if the person or coordinated group of persons holds, owns, controls or
4 otherwise has directly or indirectly acquired beneficial ownership of
5 equity or voting shares of 50 percent or more of the total equity or
6 outstanding voting shares of any entity.

7 “(2)(a) Notwithstanding subsection (1) of this section, two or more
8 membership organizations that meet the requirements to be consid-
9 ered joint membership organizations under subsection (1) of this sec-
10 tion are not joint membership organizations if every decision about
11 each membership organization’s candidate-related contributions and
12 campaign media spending is made independently from:

13 “(A) The person or coordinated group of persons who have estab-
14 lished, financed, maintained or controlled, directly or indirectly, the
15 organization; and

16 “(B) Other persons whose contributions and candidate-related
17 campaign media spending are not made independently from the person
18 or group of persons who established, financed, maintained or con-
19 trolled, directly or indirectly, each membership organization.

20 “(b) As used in this subsection, ‘independently’ means undertaken
21 without, directly or indirectly, any consultation, coordination, con-
22 sent, suggestion, control or express or implied agreement.

23 “(3) Notwithstanding subsections (1) and (2) of this section, a labor
24 organization that is registered under section 501(c)(5) of the Internal
25 Revenue Code is not considered to be a joint membership organization
26 with any affiliates of the labor organization that are also registered
27 under section 501(c)(5) of the Internal Revenue Code.

28 “(4) All contributions made to a candidate, the principal campaign
29 committee of a candidate or an independent expenditure political
30 committee that supports or opposes a candidate by membership or-

1 organizations that constitute joint membership organizations under
2 subsections (1) to (3) of this section are considered to have been made
3 by a single membership organization for purposes of the contribution
4 limits set forth in sections 2 to 15 of this 2022 Act.

5 “(5)(a) When a membership organization makes a contribution to
6 any political committee other than a measure committee or petition
7 committee, the membership organization must use best efforts to
8 identify to the recipient political committee all other membership or-
9 ganizations that are considered under this section to be joint mem-
10 bership organizations with the membership organization making the
11 contribution.

12 “(b) A political committee that receives a contribution from a
13 membership organization may rely on the information provided by the
14 membership organization under paragraph (a) of this subsection, un-
15 less the recipient political committee has reason to know that the in-
16 formation provided under paragraph (a) of this subsection is false or
17 unreliable.

18 **“SECTION 7. (1) A foreign national, foreign corporation or foreign**
19 **entity may not make, directly or indirectly, or offer to make a con-**
20 **tribution or disbursement for campaign media spending.**

21 “(2) As used in this section:

22 “(a)(A) ‘Foreign national,’ except as provided in subparagraph (B)
23 of this paragraph, means a ‘foreign principal’ as defined by 22 U.S.C.
24 611(b) as of the effective date of this 2022 Act.

25 “(B) ‘Foreign national’ does not include an individual who is a cit-
26 izen of the United States, is a national of the United States, is a law-
27 fully admitted permanent resident in the United States or who resides
28 in Oregon.

29 “(b) ‘Foreign corporation or foreign entity’ means:

30 “(A) A corporation or other combination of persons of which one

1 or more foreign nationals owns more than 20 percent in aggregate of
2 the equity or voting shares, disregarding any equity or voting shares
3 held through a widely held diversified fund in the United States, such
4 as a mutual fund that has more than 100 participants;

5 “(B) A corporation or other combination of persons in which any
6 foreign national participates in the decision-making process regarding
7 the entity’s contributions or campaign media spending disbursements;
8 or

9 “(C) An organization that is organized under section 501(c)(4) of the
10 Internal Revenue Code and whose aggregate contributions received
11 from foreign nationals are 20 percent or more of the organization’s
12 gross receipts in the most recent tax year.

13 **“SECTION 8. (1) An entity that makes coordinated expenditures**
14 **with, or in-kind contributions to, a candidate or the principal cam-**
15 **paigned committee of a candidate, may make independent expenditures**
16 **in support of that candidate, or in opposition to an individual com-**
17 **peting against that candidate in an election, only if an effective**
18 **firewall is established and maintained.**

19 “(2) A firewall required under subsection (1) of this section must:

20 “(a) Separate the staff and agents of the entity who provide in-kind
21 contributions or coordinated expenditures to the candidate or the
22 principal campaign committee of the candidate from the staff and
23 agents of the entity who make suggestions or decisions about inde-
24 pendent expenditures that promote or support the candidate or attack
25 or oppose an individual competing against the candidate in an election;

26 “(b) Forbid the owners, executives, managers or supervisors of the
27 entity from simultaneously overseeing the strategy and decisions made
28 by staff and agents who are separated under paragraph (a) of this
29 subsection; and

30 “(c) Prohibit the flow of strategic, nonpublic information between

1 staff and agents who are separated under paragraph (a) of this sub-
2 section.

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

4 **“(a) A firewall established under this section is not required to**
5 **separate the work of volunteers or nonsupervisory staff engaged in**
6 **direct voter contact, provided that the volunteers or nonsupervisory**
7 **staff follow the instructions of, and do not share strategic nonpublic**
8 **information with, supervisors who are separated by a firewall.**

9 **“(b) Owners, executives, managers and supervisors may participate**
10 **in any decisions necessary to set overall budget allocations for the**
11 **entity.**

12 **“(4) The plan and policies that an entity adopts to establish a**
13 **firewall under this section must be described in written form, with the**
14 **written plan and policies distributed to all relevant staff and agents**
15 **before any relevant work is performed.**

16 **“(5) An entity that adopts a firewall policy under this section must**
17 **provide the written version of the policy described in subsection (4)**
18 **of this section to the Secretary of State upon request.**

19

20 **“CANDIDATE PERSONAL LOANS AND EXPENDITURES**

21

22 **“SECTION 9. (1) During an election cycle, the principal campaign**
23 **committee of a candidate may repay an aggregate total in loans that**
24 **are made to the committee by the candidate of:**

25 **“(a) \$50,000, if the candidate is seeking a statewide public office; or**

26 **“(b) \$10,000, if the candidate is seeking local public office or a state**
27 **office other than a statewide public office.**

28 **“(2) Any loan made by a candidate to the principal campaign com-**
29 **mittee of a candidate that has not been repaid at the close of the**
30 **election cycle shall be considered a contribution and may not be repaid**

1 to the candidate by the principal campaign committee of the candi-
2 date.

3 “(3) Any expenditure made by a candidate in support of the
4 candidate’s election to public office constitutes a contribution to the
5 candidate’s principal campaign committee.

6 “(4) On January 1 of each odd-numbered year, the Secretary of
7 State shall adjust the dollar amounts set forth in this section by the
8 cumulative change in the Consumer Price Index for All Urban Con-
9 sumers, West Region (All Items), as published by the Bureau of Labor
10 Statistics of the United States Department of Labor, or its successor
11 index, since the previous adjustment. The adjustments performed un-
12 der this subsection shall be rounded to the nearest \$20 increment.

13

14 “SEPARATE SEGREGATED POLITICAL COMMITTEE MONEYS

15

16 “SECTION 10. Notwithstanding any other provision of sections 2 to
17 15 of this 2022 Act, a business entity, labor organization or entity that
18 is tax-exempt under section 501(c) of the Internal Revenue Code may
19 establish or administer a separate, segregated fund that operates as a
20 political committee, if:

21 “(1) The fund files as a multicandidate committee in the manner
22 set forth in ORS 260.042;

23 “(2) The fund consists solely of voluntary contributions from the
24 individual employees, officers, shareholders or members of the entity,
25 or from membership dues from a labor organization organized under
26 section 501(c)(5) of the Internal Revenue Code, with the aggregate
27 amount contributed by each individual conforming to the limits set
28 forth in section 5 of this 2022 Act; and

29 “(3) Any solicitation for contributions that is directed to an em-
30 ployee of the entity states that there is no required contribution and

1 that the employee’s decision to contribute or not contribute will not
2 affect the employee’s employment and will not be disclosed to the
3 employee’s supervisors or managers.

4
5 **“PENALTIES FOR CONTRIBUTION LIMIT VIOLATIONS**

6
7 **“SECTION 11. (1) Except as provided in subsections (2) to (4) of this**
8 **section, each violation of a contribution limit set forth in sections 2**
9 **to 15 of this 2022 Act shall be penalized by imposition of a civil fine**
10 **that is not less than the amount of the unlawful contribution.**

11 **“(2) The recipient of any contribution that violates the contribution**
12 **limits set forth in sections 2 to 15 of this 2022 Act may remedy the**
13 **violation by refunding to the contributor, within 14 calendar days of**
14 **receiving the contribution, an amount that renders the contribution**
15 **in compliance with sections 2 to 15 of this 2022 Act.**

16 **“(3)(a) Each successive knowing, willful or reckless violation of the**
17 **contribution limits set forth in sections 2 to 15 of this 2022 Act in-**
18 **volving a contribution or expenditure of \$5,000 or more by any person**
19 **during a calendar year shall be penalized by the imposition of a civil**
20 **fine that is not less than the otherwise applicable minimum penalty**
21 **for the violation set forth in subsection (1) of this section multiplied**
22 **by the number of prior violations of the contribution limits that have**
23 **occurred during the calendar year.**

24 **“(b) The Secretary of State shall notify any person who is found to**
25 **have violated the contribution limits set forth in sections 2 to 15 of**
26 **this 2022 Act that subsequent knowing, willful or reckless violations**
27 **during the calendar year will include the enhanced minimum penalty**
28 **set forth in this subsection. Notice under this paragraph is considered**
29 **to be delivered by the secretary following:**

30 **“(A) Confirmed receipt by electronic mail; or**

1 **“(A) Confirmed receipt by electronic mail; or**
2 **“(B) Three days after it is sent via mail, with the date of mailing**
3 **confirmed by postmark or by records kept by the secretary.**
4 **“(d) The notice mailed under paragraph (c) of this subsection shall:**
5 **“(A) Specify the alleged violation;**
6 **“(B) Include a copy of the complaint;**
7 **“(C) Describe any opportunity for the subject or subjects of the**
8 **complaint to cure or mitigate the alleged violations under the pro-**
9 **visions of sections 2 to 15 of this 2022 Act;**
10 **“(D) State that any subject of the complaint may require a con-**
11 **tested case hearing to be held before the Office of Administrative**
12 **Hearings; and**
13 **“(E) Require that each subject of the complaint file an answer to**
14 **the allegations specified in the complaint within 14 calendar days.**
15 **“(e)(A) The filing officer shall dismiss the complaint if the filing**
16 **officer determines that:**
17 **“(i) The alleged violation has been promptly and fully cured; or**
18 **“(ii) The complaint is without basis in fact or law.**
19 **“(B) If a complaint is dismissed under this paragraph, the**
20 **complainant shall be notified of the dismissal and shall have the right**
21 **to request reconsideration of the dismissal.**
22 **“(f) If the filing officer determines that the complaint should not**
23 **be dismissed under paragraph (e) of this subsection, the filing officer**
24 **shall determine whether a violation occurred and issue a proposed or-**
25 **der setting forth findings of fact, conclusions of law and civil penalty,**
26 **accompanied by a notice of a right for the subject or subjects of the**
27 **complaint to request a hearing as provided in ORS 183.415 and 183.745.**
28 **A copy of the proposed order shall be provided to the complainant and**
29 **become final unless the subject of the complaint requests a contested**
30 **case hearing within 14 calendar days of the issuance of the notice un-**

1 **der this paragraph.**

2 **“(g) The Office of Administrative Hearings shall conduct any con-**
3 **tested case proceeding requested under paragraph (f) of this sub-**
4 **section, unless the parties to the contested case otherwise agree to**
5 **engage in alternative dispute resolution.**

6 **“(h) The office shall hold a contested case hearing requested under**
7 **this subsection no later than 45 calendar days after the filing of the**
8 **complaint.**

9 **“(i) The complainant shall be notified when a contested case hear-**
10 **ing has been requested under this subsection and shall have the right**
11 **to attend the hearing and submit documentary evidence and memo-**
12 **randa.**

13 **“(j) The hearing officer shall have authority to regulate discovery**
14 **at the contested case hearing and shall render a final order that sets**
15 **forth findings of fact, conclusions of law and applicable civil penalty,**
16 **if any, within 14 calendar days of the close of the hearing. A final or-**
17 **der rendered under this paragraph may be appealed pursuant to ORS**
18 **183.482.**

19 **“(k) If the Office of Administrative Hearings does not render a final**
20 **decision within the period required under this subsection, the subject**
21 **of the complaint or the filing officer may file a petition for expedited**
22 **review of the filing officer’s proposed order in the Marion County**
23 **Circuit Court. The Marion County Circuit Court shall hear the case**
24 **expeditiously and base any decision upon the evidence presented to the**
25 **Office of Administrative Hearings, applying the same legal standards**
26 **applicable at the contested case hearing. If no hearing has been held,**
27 **the Marion County Circuit Court may consider additional evidence**
28 **from the parties. The Marion County Circuit Court’s decision is sub-**
29 **ject to appellate review under ORS 183.500.**

30 **“(L) A final decision of the Office of Administrative Hearings that**

1 is entered under this subsection shall be enforced by the Secretary of
2 State and the Attorney General. If the decision of the office is not
3 enforced within 30 business days of the decision becoming final, or 30
4 calendar days after the completion of any judicial review of the deci-
5 sion, the complainant may bring a civil action in a representative ca-
6 pacity for the collection of the applicable civil penalty, to be paid into
7 the State Treasury.

8 **“SECTION 13. (1) Any person who is subject to a violation of section**
9 **14 (6) of this 2022 Act may file a civil action in the appropriate circuit**
10 **court against the entity alleged to have violated section 14 (6) of this**
11 **2022 Act. Upon a finding that an entity has violated section 14 (6) of**
12 **this 2022 Act, the complainant shall receive a civil award of not less**
13 **than \$20,000 per incident of violation.**

14 **“(2) The amount awarded to a complainant under this section is**
15 **separate from, and in addition to, any penalties imposed on an entity**
16 **under section 11 of this 2022 Act.**

17
18 **“MISCELLANEOUS CONTRIBUTION LIMIT PROVISIONS**

19
20 **“SECTION 14. (1) The Secretary of State may adopt rules necessary**
21 **to implement sections 2 to 15 of this 2022 Act.**

22 **“(2) Notwithstanding any filings made under ORS 260.042 or any**
23 **other provision of law, and except as provided in subsection (3) of this**
24 **section, for purposes of the contribution limits and other requirements**
25 **established in sections 2 to 15 of this 2022 Act:**

26 **“(a) All political committees established, financed, maintained or**
27 **controlled by the same corporation, or substantially the same group**
28 **of corporations, including all corporate affiliates and subsidiaries, are**
29 **considered to be a single political committee;**

30 **“(b) All political committees established, financed, maintained or**

1 controlled by the same labor organization unit, at any level, if the
2 organization unit has the authority to make an independent decision
3 as to which candidates to support or oppose, are considered to be a
4 single political committee; and

5 “(c) All political committees not described in paragraph (a) or (b)
6 of this subsection that are established, financed, maintained or con-
7 trolled by substantially the same group of individuals, entities or
8 combinations thereof are considered to be a single political committee.

9 “(3) Notwithstanding subsection (2) of this section, any person,
10 corporation, labor organization or entity, or substantially the same
11 group thereof, may maintain both a small donor committee and a
12 multicandidate committee.

13 “(4) Except for contribution limits applicable to small donor com-
14 mittees, any local government may adopt contribution limits that are
15 lower than those required by sections 2 to 15 of this 2022 Act for
16 elections for local public office.

17 “(5) An individual or entity may not make a contribution or ex-
18 penditure either anonymously or in any name other than that of the
19 individual or entity that provided the source funds for the contribu-
20 tion.

21 “(6) An individual or entity may not, directly or indirectly:

22 “(a) Require an employee or contractor to make a contribution or
23 independent expenditure to support or oppose any candidate; or

24 “(b) Provide or promise any benefit or impose or threaten any det-
25 riment due to a decision by an employee or contractor on whether to
26 make a contribution or independent expenditure to support or oppose
27 a candidate.

28 “(7) A person may not structure or attempt, or assist in an attempt,
29 to structure any solicitation, contribution, donation, expenditure, dis-
30 bursement or other transaction for the purpose of avoiding any re-

1 **quirement set forth in sections 2 to 15 of this 2022 Act or rule adopted**
2 **in order to implement sections 2 to 15 of this 2022 Act.**

3 **“SECTION 15. (1) No later than 60 calendar days after the end of**
4 **the applicable election cycle, the amount of unexpended moneys that**
5 **remain in the principal campaign committee of a candidate may not**
6 **exceed:**

7 **“(a) \$40,000 for a candidate for statewide public office;**

8 **“(b) \$20,000 for a candidate for state Senate;**

9 **“(c) \$10,000 for a candidate for state Representative; or**

10 **“(d) \$5,000 for a candidate for any other public office.**

11 **“(2) On the 61st calendar day after the end of the applicable election**
12 **cycle, any unexpended moneys that remain in the principal campaign**
13 **committee of a candidate in excess of the amounts specified in sub-**
14 **section (1) of this section shall be transferred to the Grassroots Donor**
15 **Election Fund established in section 25 of this 2022 Act for the purpose**
16 **of funding the public financing of campaigns.**

17 **“(3)(a) Except as provided in paragraph (b) of this subsection, un-**
18 **expended moneys that remain in the principal campaign committee**
19 **of a candidate in the amount permitted under subsection (1) of this**
20 **section may be used in any manner consistent with ORS 260.407.**

21 **“(b) Unexpended moneys that remain in the principal campaign**
22 **committee of a candidate in the amount permitted under subsection**
23 **(1) of this section may not be used to:**

24 **“(A) Pay any form of compensation to the candidate or any relative**
25 **of the candidate;**

26 **“(B) Make purchases from a business or entity owned by the can-**
27 **didate or a relative of the candidate;**

28 **“(C) Make a contribution to another candidate, political committee**
29 **or political party at any level of government;**

30 **“(D) Make an independent expenditure; or**

1 **“(E) Make a donation to any entity or person, except:**

2 **“(i) A donation of no more than \$10,000 to a not-for-profit organ-**
3 **ization organized under section 501(c)(3) of the Internal Revenue Code;**
4 **or**

5 **“(ii) A donation to cover the cost of attending an event sponsored**
6 **by a not-for-profit corporation that is exempt under section 501(c) of**
7 **the Internal Revenue Code, provided that the cost of attending the**
8 **event is no more than the reasonable advertised cost to sponsor one**
9 **table or the equivalent amount needed for the candidate, staff and**
10 **volunteers to attend the event.**

11 **“(4) Notwithstanding subsection (1) of this section, when a candi-**
12 **date files a declaration of candidacy for any public office, the amount**
13 **of unexpended moneys that remain in the principal campaign com-**
14 **mittee of the candidate from a previous election cycle may not exceed**
15 **\$500. Any unexpended moneys in excess of the amount set forth in this**
16 **subsection shall be transferred to the Grassroots Donor Election Fund**
17 **established in section 25 of this 2022 Act for the purpose of funding the**
18 **public financing of campaigns.**

19 **“(5) If the term of office of an elected public official ends and the**
20 **public official is not a candidate for public office, any unexpended**
21 **moneys that remain in the principal campaign committee of the public**
22 **official shall, at the time the public official’s term of office expires,**
23 **be transferred to the Grassroots Donor Election Fund established in**
24 **section 25 of this 2022 Act for the purpose of funding the public fi-**
25 **nancing of campaigns.**

26 **“(6) If a candidate for public office does not win election to the**
27 **public office, one year after the end of the applicable election cycle,**
28 **any unexpended moneys that remain in the principal campaign com-**
29 **mittee of the unsuccessful candidate shall be transferred to the**
30 **Grassroots Donor Election Fund established in section 25 of this 2022**

1 **Act for the purpose of funding the public financing of campaigns.**

2 **“SECTION 16.** ORS 162.005 is amended to read:

3 “162.005. As used in ORS 162.005 to 162.425, unless the context requires
4 otherwise:

5 “(1)(a) ‘Pecuniary benefit’ means gain or advantage to the beneficiary or
6 to a third person pursuant to the desire or consent of the beneficiary, in the
7 form of money, property, commercial interests or economic gain, but does not
8 include a political campaign contribution reported in accordance with ORS
9 chapter 260.

10 **“(b) Notwithstanding paragraph (a) of this subsection, a political**
11 **campaign contribution made in exchange for an explicit promise to**
12 **perform or not to perform an official act constitutes a ‘pecuniary**
13 **benefit.’**

14 “(2) ‘Public servant’ means:

15 “(a) A public official as defined in ORS 244.020;

16 “(b) A person serving as an advisor, consultant or assistant at the request
17 or direction of the state, any political subdivision thereof or of any govern-
18 mental instrumentality within the state;

19 “(c) A person nominated, elected or appointed to become a public servant,
20 although not yet occupying the position; and

21 “(d) Jurors.

22 **“SECTION 17.** ORS 260.042 is amended to read:

23 “260.042. (1) The treasurer of a political committee shall file a statement
24 of organization with the filing officer. The statement must include:

25 “(a) The name, address and nature of the committee. The address must
26 be the address of a residence, office, headquarters or similar location where
27 the political committee or a responsible officer of the political committee
28 may be conveniently located.

29 “(b) The name, address and occupation of the committee director or di-
30 rectors.

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

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

5 “(e) **Whether the political committee will operate as one of the fol-**
6 **lowing:**

7 “(A) **Legislative caucus committee.**

8 “(B) **Multicandidate committee.**

9 “(C) **Political party multicandidate committee.**

10 “(D) **Principal campaign committee.**

11 “(E) **Small donor committee.**

12 “(F) **Independent expenditure political committee.**

13 “(G) **Measure committee.**

14 “(H) **Recall committee.**

15 “[*e*] (f) The name, office sought, and party affiliation of each candidate
16 whom the committee is supporting or specifically opposing or intends to
17 support or specifically oppose, when known, or, if the committee is support-
18 ing or specifically opposing all the candidates of a given party, the name of
19 that party.

20 “[*f*] (g) A designation of any measure that the committee is opposing
21 or supporting, or intends to support or oppose.

22 “[*g*] (h) A statement of whether the committee is a controlled commit-
23 tee.

24 “(2) In addition to the information listed in subsection (1) of this section,
25 the statement of organization must include, or be amended within five busi-
26 ness days to include, the name of the financial institution in which the
27 campaign account required under ORS 260.054 is established, the name of the
28 account, the name of the account holder and the names of all individuals
29 who have signature authority for the account. The Secretary of State may
30 not disclose information received by the secretary under this subsection ex-

1 cept as necessary for purposes of enforcing the provisions of ORS chapters
2 246 to 260.

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

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

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

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

20 “(7) **A major political party or minor political party may not estab-**
21 **lish more than one legislative caucus political committee in the Senate**
22 **and one legislative caucus political committee in the House of Repre-**
23 **sentatives.**

24 “[7] (8) This section does not apply to a political committee that is a
25 principal campaign committee or to a political committee exclusively sup-
26 porting or opposing one or more candidates for federal or political party of-
27 fice.

28 “**SECTION 18. (1) No later than 365 calendar days after the opera-**
29 **tive date set forth in section 48 of this 2022 Act, a political committee**
30 **that is not organized as a small donor committee may reorganize as**

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

9 “(2) No later than 365 calendar days after the operative date set
10 forth in section 48 of this 2022 Act, a political committee that is or-
11 ganized as a miscellaneous political committee may reorganize as a
12 measure committee. Any moneys held in the financial accounts of a
13 political committee that reorganizes under this section shall transfer
14 to the newly organized measure committee and may be used in the
15 same manner as any other moneys contributed to the measure com-
16 mittee.

17 “(3) Three hundred sixty-six calendar days after the operative date
18 set forth in section 48 of this 2022 Act, the Secretary of State shall
19 reorganize as a multicandidate committee any political committee that
20 remains organized as a miscellaneous political committee. Following
21 the operative date set forth in section 48 of this 2022 Act and prior to
22 being reorganized under this subsection, a political committee organ-
23 ized as a miscellaneous political committee is considered to be and
24 must comply with the requirements for a multicandidate committee
25 for the purposes of complying with the provisions of sections 2 to 15
26 of this 2022 Act.

27 “(4) The Secretary of State shall by rule adopt a process to allow
28 political committees to reorganize in the manner set forth in this
29 section.

30 “(5) As used in this section, ‘multicandidate committee,’ ‘political

1 committee' and 'small donor committee' have the meaning given those
2 terms in section 2 of this 2022 Act.

3 **SECTION 19.** Section 18 of this 2022 Act is repealed on July 2, 2025.

4
5 **“PUBLIC FINANCING DEFINITIONS**

6
7 **SECTION 20.** Sections 21 to 26 and 30 to 34 of this 2022 Act are
8 added to and made a part of ORS chapter 260.

9 **SECTION 21.** As used in sections 21 to 26 and 27 of this 2022 Act:

10 **“(1) ‘Contribute,’ ‘contribution,’ ‘election cycle,’ ‘election period,’**
11 **‘entity,’ ‘expenditure,’ ‘individual,’ ‘in-kind contribution,’ in-kind**
12 **personal services,’ ‘legislative caucus committee,’ ‘membership or-**
13 **ganization,’ ‘member of the household,’ ‘multicandidate committee,’**
14 **‘political party,’ ‘political party multicandidate committee,’ ‘public**
15 **office,’ ‘relative’ and ‘small donor committee’ have the meanings**
16 **given those terms in section 2 of this 2022 Act.**

17 **“(2) ‘In-state individual’ means an individual who resides in Oregon.**

18 **“(3) ‘In-state qualifying contribution’ means a qualified grassroots**
19 **donor contribution of \$5 or more.**

20 **“(4)(a) Except as provided in paragraph (b) of this subsection,**
21 **‘maximum public match’ means the receipt by a candidate for a state**
22 **office from the Grassroots Donor Election Fund of an amount of**
23 **moneys equal to the amount set forth in section 26 of this 2022 Act.**

24 **“(b)(A) For a candidate for state office who is running unopposed**
25 **in the primary election, ‘maximum public match’ means a candidate’s**
26 **receipt from the Grassroots Donor Election Fund of the larger of ei-**
27 **ther \$2,500 or five percent of the amount set forth in paragraph (a) of**
28 **this subsection during the period ending on the date of the primary**
29 **election and:**

30 **“(i) If the candidate is running unopposed in the general election,**

1 the larger of either \$2,500 or five percent of the amount set forth in
2 paragraph (a) of this subsection during the period beginning on the
3 day after the date of the primary election and ending on the date of
4 the general election; or

5 “(ii) If the candidate is not running unopposed in the general
6 election, the total amount of moneys remaining from the amount set
7 forth in paragraph (a) of this subsection after the date of the primary
8 election.

9 “(B) For a candidate for state office who is running unopposed in
10 the general election, ‘maximum public match’ means a candidate’s
11 receipt from the Grassroots Donor Election Fund of the larger of ei-
12 ther \$2,500 or five percent of the amount set forth in paragraph (a) of
13 this subsection during the period beginning on the day after the date
14 of the primary election and ending on the date of the general election
15 and:

16 “(i) If the candidate is running unopposed in the primary election,
17 the larger of either \$2,500 or five percent of the amount set forth in
18 paragraph (a) of this subsection during the period ending on the date
19 of the primary election; or

20 “(ii) If the candidate is not running unopposed in the primary
21 election, 50 percent of the amount set forth in paragraph (a) of this
22 subsection during the period ending on the date of the primary
23 election.

24 “(5) ‘Minimum number of in-state qualifying contributions’ means
25 the following number of individuals who must make an in-state qual-
26 ifying contribution to a candidate for state office in order for the
27 candidate to participate in the Grassroots Donor Election Program:

28 “(a) 1,500 donors for a candidate for the office of Governor;

29 “(b) 200 donors for a candidate for the office of Secretary of State,
30 State Treasurer, Attorney General, Commissioner of the Bureau of

1 Labor and Industries, state Senator or state Representative;

2 “(c) 150 donors for a candidate for the office of judge of the Su-
3 preme Court;

4 “(d) 50 donors for a candidate for the office of judge of the Court
5 of Appeals or Oregon Tax Court; and

6 “(e) 25 donors for a candidate for the office of circuit court judge.

7 “(6) ‘Nonmatching grassroots donor contributions’ means contri-
8 butions in an aggregate amount of no more than \$250 per election from
9 an individual who:

10 “(a) Does not reside in Oregon; or

11 “(b) Is under 16 years of age at the time the contribution is made.

12 “(7)(a) ‘Participating candidate’ means a candidate for state office
13 who timely files a statement of intent to participate in the Grassroots
14 Donor Election Program under section 22 (1)(a) of this 2022 Act.

15 “(b) ‘Participating candidate’ does not include any candidate who
16 has withdrawn from the Grassroots Donor Election Program, is ex-
17 pelled from the program or fails to be certified to use the program
18 before the deadline for certification has passed.

19 “(8) ‘Qualified grassroots donor contributions’ means monetary
20 contributions in an aggregate amount of not more than \$250 per
21 election cycle to a candidate for state office from an in-state individual
22 who is 16 years of age or older.

23 “(9) ‘Qualifying period’ means the period that begins on the date a
24 candidate for state office can first file for that office and ends on the
25 last day of the period the candidate can file for the state office being
26 sought.

27

28 **“PUBLIC FUNDING OF CANDIDATE CAMPAIGNS**

29

30 **“SECTION 22. (1) In order to participate in the Grassroots Donor**

1 **Election Program, a candidate for state office:**

2 **“(a) Must file a statement of intent with the Secretary of State at**
3 **any time during the period that begins immediately after the date of**
4 **a general election and ends on the last day of the filing period for**
5 **election to the relevant state office;**

6 **“(b) Must collect at least the minimum number of in-state qualify-**
7 **ing contributions during the qualifying period; and**

8 **“(c) Must sign an affidavit, designed by the Secretary of State by**
9 **rule, stating that the candidate will follow the requirements of the**
10 **Grassroots Donor Election Program set forth in sections 21 to 26 of**
11 **this 2022 Act.**

12 **“(2) Subject to the applicable maximum public match for the state**
13 **office sought, a candidate who satisfies each requirement set forth in**
14 **subsection (1) of this section shall receive from the Grassroots Donor**
15 **Election Fund an amount equal to:**

16 **“(a) \$20 for every \$1 of the first \$25 in aggregate qualified grassroots**
17 **donor contributions received per individual per election cycle; and**

18 **“(b) In addition to the amount set forth in paragraph (a) of this**
19 **subsection, \$10 for every \$1 of the first \$50 in aggregate qualified**
20 **grassroots donor contributions received per individual per election**
21 **cycle.**

22 **“(3) In addition to qualified grassroots donor contributions and**
23 **moneys received from the Grassroots Donor Election Fund under**
24 **subsection (2) of this section and section 23 of this 2022 Act, candidates**
25 **who participate in the Grassroots Donor Election Program may:**

26 **“(a) Receive during an election cycle:**

27 **“(A) Nonmatching grassroots donor contributions from an unlim-**
28 **ited number of donors;**

29 **“(B) Additional in-state qualifying contributions, to be matched**
30 **under the formula established in subsection (2) of this section, up to**

1 the maximum public match for the office sought;

2 “(C) Not more than \$1,000 from any principal campaign committee
3 other than the candidate’s principal campaign committee;

4 “(D) From any small donor committee, the greater of:

5 “(i) All amounts up to \$50 contributed to the small donor committee
6 by any individual who resides in Oregon, is enrolled at an institution
7 of education in Oregon or is employed to work in Oregon; or

8 “(ii)(I) \$20,000 if seeking statewide public office; or

9 “(II) \$10,000 if seeking a state office that is not a statewide public
10 office;

11 “(E) No more than \$20,000 from any legislative caucus committee,
12 provided that all contributions to the legislative caucus committee
13 were from individuals in an amount that did not exceed \$250 per indi-
14 vidual donor per calendar year;

15 “(F) No more than \$20,000 from all political party multicandidate
16 committees of any one political party, provided that the contributions
17 to the political party multicandidate committees under this subpara-
18 graph were from individuals in an amount that did not exceed \$250 per
19 individual donor per calendar year;

20 “(G) From any membership organization:

21 “(i) Monetary contributions in an aggregate amount that may not
22 exceed \$20,000, which may consist of any combination of:

23 “(I) Up to \$20,000 that are contributed from actual membership dues
24 or donations that may not exceed \$250 from any individual member
25 and that are received by the membership organization from individuals
26 who are members and who reside in Oregon, are enrolled at an insti-
27 tution of education in Oregon or are employed to work in Oregon; and

28 “(II) Up to \$2,500 from any source.

29 “(ii) In-kind contributions consisting of in-kind personal services
30 that may not exceed a total of 12 full-time equivalent months worked

1 by all individuals employed by the membership organization, with six
2 or more of the 12 full-time equivalent months consisting of coordi-
3 nating the activities of unpaid volunteers.

4 “(b) Use an aggregate total of up to \$6,000 of moneys not described
5 in paragraph (a) of this subsection per election cycle in order to es-
6 tablish the candidate’s campaign. Moneys used or raised under this
7 paragraph may be composed of:

8 “(A) Personal moneys; or

9 “(B) Moneys raised from any legal source, up to \$500 per individual
10 donor.

11 “(4) During an election cycle, moneys that a candidate receives
12 from the Grassroots Donor Election Fund:

13 “(a) Except as provided in paragraph (b) of this subsection, may be
14 used in any manner consistent with ORS 260.407; and

15 “(b) Notwithstanding ORS 260.407, may not be used to:

16 “(A) Pay salaries or any form of compensation to the candidate or
17 any relative of the candidate;

18 “(B) Make purchases from a business or entity owned by the can-
19 didate or a relative of the candidate;

20 “(C) Pay for campaign expenditures at a rate greater than fair
21 market value;

22 “(D) Make a contribution to the campaign of another candidate;

23 “(E) Make a contribution to any political committee or political
24 party;

25 “(F) Pay for fundraising expenses for any person or entity other
26 than the candidate;

27 “(G) Pay for any legal expenses incurred by the candidate in any
28 civil, criminal or other legal proceeding or investigation that relates
29 to or arises from the course and scope of the duties of the person as
30 a candidate or public official;

1 **“(H) Pay any expenses incurred in connection with the recipient’s**
2 **duties as a holder of public office;**

3 **“(I) Make a donation to any person, other than a donation to cover**
4 **the cost of attending an event sponsored by a not-for-profit corpo-**
5 **ration that is tax exempt under section 501(c) of the Internal Revenue**
6 **Code, provided that the cost of attending the event is no more than**
7 **the reasonable advertised cost to sponsor one table or the equivalent**
8 **amount needed for the candidate, staff and volunteers to attend the**
9 **event; or**

10 **“(J) Make an independent expenditure.**

11 **“(5) An candidate who participates in the Grassroots Donor Election**
12 **Program may not coordinate election activities with any entity that**
13 **makes independent expenditures related to the candidate, the office**
14 **the candidate is seeking or the election in which the candidate is**
15 **participating, unless the entity has established a firewall in the man-**
16 **ner set forth in section 8 of this 2022 Act.**

17 **“(6) A candidate who participates in the Grassroots Donor Election**
18 **Program may not receive contributions that are not authorized by this**
19 **section.**

20 **“(7) If a candidate has received contributions from a single person**
21 **in an aggregate amount of more than the amounts permitted to be**
22 **received from the Grassroots Donor Election Fund under this section**
23 **or section 21 of this 2022 Act prior to filing a statement of intent under**
24 **subsection (1)(a) of this section, the candidate must return all excess**
25 **amounts received to the contributor within 30 calendar days of filing**
26 **the statement of intent. If the excess amounts cannot be returned to**
27 **the contributor, the excess amounts shall be transferred to the**
28 **Grassroots Donor Election Fund. A penalty may not be levied against**
29 **a candidate for excess contributions that are either returned or**
30 **transferred in compliance with this subsection.**

1 **“(8) A candidate who participates in the Grassroots Donor Election**
2 **Program and receives a contribution that exceeds the amount that**
3 **would constitute a qualified grassroots donor contribution or a non-**
4 **matching grassroots donor contribution shall within 30 calendar days:**

5 **“(a) Return to the person making the contribution the amount**
6 **contributed that is in excess of the statutory limits;**

7 **“(b) Transfer the amount contributed that is in excess of the stat-**
8 **utory limits to the Grassroots Donor Election Fund; or**

9 **“(c) Withdraw from the Grassroots Donor Election Program and**
10 **return to the Secretary of State for deposit into the Grassroots Donor**
11 **Election Fund the total amount of public moneys distributed to the**
12 **candidate under subsection (2) of this section or section 23 of this 2022**
13 **Act.**

14 **“(9)(a) No later than 60 days after each general election, a candidate**
15 **who participates in the Grassroots Donor Election Program shall re-**
16 **turn to the Secretary of State for deposit into the Grassroots Donor**
17 **Election Fund any unspent public moneys that were provided to the**
18 **candidate under subsection (2) of this section or section 23 of this 2022**
19 **Act.**

20 **“(b) In order to ensure the return of unspent public moneys that**
21 **are required to be returned under this subsection, the candidate shall:**

22 **“(A) Keep detailed records establishing the total amount of moneys**
23 **from the Grassroots Donor Election Fund and the total amount of**
24 **moneys from other sources that compose the total amount of moneys**
25 **deposited into the campaign bank account of the candidate; and**

26 **“(B) After campaign expenses are paid, return a percentage of the**
27 **total amount of moneys remaining in the account that is equal to the**
28 **percentage of the total amount of moneys deposited into the account**
29 **that came from the Grassroots Donor Election Fund.**

30 **“(10) Except as otherwise provided in section 21 (4)(b) of this 2022**

1 Act, a candidate who participates in the Grassroots Donor Elections
2 Program may receive up to 50 percent of the maximum public match
3 during the primary election.

4
5 **“DISTRIBUTION OF PUBLIC FINANCING MONEYS**

6
7 **“SECTION 23. (1) The Secretary of State shall establish by rule a**
8 **process for distributing moneys from the Grassroots Donor Election**
9 **Fund to candidates who have met all of the requirements set forth in**
10 **section 22 (1) of this 2022 Act for participation in the Grassroots Donor**
11 **Elections Program. As part of this process:**

12 **“(a) The Secretary of State shall certify that a candidate has com-**
13 **pleted each requirement set forth in section 22 (1) of this 2022 Act.**

14 **“(b) The Secretary of State shall provide moneys up to the maxi-**
15 **imum public match in accordance with section 22 (2) of this 2022 Act.**

16 **“(2) The Oregon Elections Commission established in section 27 of**
17 **this 2022 Act shall establish by rule the information that candidates**
18 **participating in the Grassroots Donor Election Program are required**
19 **to include when filing statements of contribution in order for the**
20 **Secretary of State to verify that the contributions are qualified**
21 **grassroots donor contributions eligible for matching funds. The secre-**
22 **tary may not distribute moneys from the Grassroots Donor Election**
23 **Fund for any contributions for which a candidate has not submitted**
24 **the information required under this subsection.**

25 **“(3) Following an initial distribution made under subsection (1) of**
26 **this section, the candidate may file with the Secretary of State addi-**
27 **tional contribution statements seeking moneys from the Grassroots**
28 **Donor Election Fund in the manner and on the schedule established**
29 **by the secretary by rule.**

30 **“(4) The Secretary of State shall establish by rule a schedule to**

1 make payments from the Grassroots Donor Election Fund to candi-
2 dates participating in the Grassroots Donor Election Program. Any
3 rules established under this subsection must ensure that for any
4 amount owed to candidates in excess of \$1,500, payment is provided:

5 “(a) Except as provided in paragraph (b) of this subsection, on a
6 monthly or more frequent basis; and

7 “(b) On a weekly or more frequent basis during the 10 weeks prior
8 to each primary or general election.

9
10 **“VIOLATIONS**

11
12 **“SECTION 24. (1) In addition to any civil penalty imposed by the**
13 **Oregon Elections Commission under section 32 (2) of this 2022 Act, a**
14 **candidate participating in the Grassroots Donor Election Program who**
15 **knowingly falsifies campaign records or who knowingly violates any**
16 **provision of sections 21 to 26 of this 2022 Act:**

17 “(a) May no longer participate in the program;

18 “(b) Shall be required to return to the Secretary of State for deposit
19 into the Grassroots Donor Election Fund the total amount of public
20 moneys distributed to the candidate under sections 22 (2) and 23 of this
21 2022 Act, plus interest;

22 “(c) Is personally liable for the return of any public moneys that
23 have already been expended; and

24 “(d) Is subject to criminal liability under ORS 260.993 (2) and civil
25 liability under ORS 260.995 (2)(c) for a violation of ORS 260.715 (1).

26 “(2) The commission shall conduct reasonable audits of participants
27 in the program to ensure the integrity of the program.

28 “(3) A candidate may use the appeal mechanism established in ORS
29 246.910 to challenge any decision of the commission relating to the
30 candidate’s ability to participate in the program.

1 **“(4) A candidate participating in the program may at any time**
2 **voluntarily withdraw from the program by returning to the Secretary**
3 **of State for deposit into the Grassroots Donor Election Fund 100 per-**
4 **cent of the total amount of public moneys distributed to the candidate**
5 **under sections 22 (2) and 23 of this 2022 Act.**

6
7 **“GRASSROOTS DONOR ELECTION FUND**

8
9 **“SECTION 25. (1) The Grassroots Donor Election Fund is estab-**
10 **lished in the State Treasury, separate and distinct from the General**
11 **Fund. Interest earned by the Grassroots Donor Election Fund shall be**
12 **credited to the fund. All moneys in the fund are continuously appro-**
13 **priated to the Secretary of State for the purpose of administering**
14 **sections 21 to 26 of this 2022 Act.**

15 **“(2) Except as provided in subsection (3) of this section, imme-**
16 **diately after the ending balance for a biennium is determined, an**
17 **amount equal to one quarter of one percent of the amount of total**
18 **appropriations made from the General Fund for that biennium shall**
19 **be transferred from the General Fund to the Grassroots Donor**
20 **Election Fund.**

21 **“(3)(a) If at the time immediately prior to a transfer under sub-**
22 **section (2) of this section the moneys in the Grassroots Donor Election**
23 **Fund are equal to at least two percent of the amount of moneys de-**
24 **posited into the General Fund during the prior biennium, there may**
25 **not be a transfer of moneys from the General Fund to the Grassroots**
26 **Donor Election Fund.**

27 **“(b) If at the time immediately prior to a transfer under subsection**
28 **(2) of this section the moneys in the Grassroots Donor Election Fund**
29 **are not equal to at least two percent of the total amount of moneys**
30 **deposited into the General Fund during the prior biennium, the**

1 transfer of moneys from the General Fund to the Grassroots Donor
2 Election Fund must occur, even if the transfer of moneys will result
3 in the Grassroots Donor Election Fund having moneys equal to or
4 greater than two percent of the total amount of moneys deposited into
5 the General Fund during the prior biennium.

6 “(4) The Legislative Assembly may transfer moneys out of the
7 Grassroots Donor Election Fund only if the appropriation that takes
8 moneys out of the fund is approved by at least a three-fifths vote in
9 each house of the Legislative Assembly.

10 “(5) The Grassroots Donor Election Fund consists of moneys ap-
11 propriated to the fund by the Legislative Assembly, moneys trans-
12 ferred from the General Fund and moneys transferred or returned to
13 the Grassroots Donor Election Fund by candidates who participate in
14 the Grassroots Donor Election Program in the manner set forth in
15 sections 21 to 26 of this 2022 Act and moneys paid into the fund under
16 sections 15 and 24 of this 2022 Act. The Secretary of State may accept
17 grants, donations, contributions or gifts from any source for deposit
18 into the fund.

19

20 “MAXIMUM PUBLIC MATCH

21

22 “SECTION 26. (1) Except as provided in subsection (2) of this sec-
23 tion, the maximum public match for the period beginning on the day
24 after the 2024 general election and ending on the date of the 2026 gen-
25 eral election shall be:

26 “(a) \$4 million for candidates for the office of Governor;

27 “(b) \$300,000 for candidates for the office of Secretary of State, State
28 Treasurer, Attorney General or Commissioner of the Bureau of Labor
29 and Industries;

30 “(c) \$75,000 for candidates for the office of state Senator or state

1 **Representative;**

2 **“(d) \$30,000 for candidates for the office of judge of the Supreme**
3 **Court;**

4 **“(e) \$10,000 for candidates for the office of judge of the Court of**
5 **Appeals or Oregon Tax Court; and**

6 **“(f) \$5,000 for candidates for the office of circuit court judge or**
7 **district attorney.**

8 **“(2)(a) Candidates for state office who participate in the Grassroots**
9 **Donor Election Program may increase the maximum public match**
10 **amount set forth in subsection (1) of this section by receiving addi-**
11 **tional in-state qualifying contributions in the manner set forth in this**
12 **subsection:**

13 **“(A) The maximum public match for candidates for the office of**
14 **Governor is:**

15 **“(i) \$6 million for candidates who receive a total of at least 4,000**
16 **but not more than 7,999 in-state qualifying contributions; or**

17 **“(ii) \$8 million for candidates who receive a total of 8,000 or more**
18 **in-state qualifying contributions.**

19 **“(B) The maximum public match for candidates for the office of**
20 **Secretary of State, State Treasurer, Attorney General or Commis-**
21 **sioner of the Bureau of Labor and Industries is \$750,000 for candidates**
22 **who receive a total of 1,000 or more in-state qualifying contributions.**

23 **“(C) The maximum public match for candidates for the office of**
24 **state Senator or state Representative is:**

25 **“(i) \$300,000 for candidates who receive a total of at least 300 but**
26 **not more than 449 in-state qualifying contributions; or**

27 **“(ii) \$600,000 for candidates who receive a total of 450 or more in-**
28 **state qualifying contributions.**

29 **“(D) The maximum public match for candidates for the office of**
30 **judge of the Supreme Court is \$300,000 for candidates who receive a**

1 total of 450 or more in-state qualifying contributions.

2 “(E) The maximum public match for candidates for the office of
3 judge of the Court of Appeals or Oregon Tax Court is \$150,000 for
4 candidates who receive a total of 150 or more in-state qualifying con-
5 tributions.

6 “(F) The maximum public match for candidates for the office of
7 circuit court judge or district attorney is the lesser of \$250,000 or \$1
8 per resident of the relevant district for candidates who receive a total
9 of 250 or more in-state qualifying contributions.

10 “(b) The maximum public match amounts set forth in paragraph (a)
11 of this section include the amounts set forth in subsection (1) of this
12 section.

13 “(c) A candidate who participates in the Grassroots Donor Election
14 Program may continue to submit in-state qualifying contributions that
15 count toward the number of contributions required under this sub-
16 section at any point during the election cycle.

17

18 “OREGON ELECTIONS COMMISSION

19

20 “SECTION 27. (1) The Oregon Elections Commission is established,
21 consisting of 11 members appointed by the Governor.

22 “(2)(a) Each member of the commission appointed under this sec-
23 tion must meet the eligibility requirements set forth in subsection (3)
24 of this section.

25 “(b) Before appointing commission members, the Oregon Govern-
26 ment Ethics Commission shall provide the Governor with a list of in-
27 dividuals who have expressed a desire to serve on the Oregon Elections
28 Commission and who are eligible to serve on the commission.

29 “(c) In order to provide the list required under paragraph (b) of this
30 subsection, the Oregon Government Ethics Commission shall by rule:

1 **“(A) Establish an application process by which any individual may**
2 **express interest in being appointed to the Oregon Elections Commis-**
3 **sion;**

4 **“(B) Establish a procedure to review all applications to determine**
5 **which applicants meet the qualifications for membership in the com-**
6 **mission set forth in subsection (3) of this section; and**

7 **“(C) Identify qualified applicants.**

8 **“(3)(a) In order to be eligible to be appointed to the Oregon**
9 **Elections Commission under this section, an individual must:**

10 **“(A) Have a demonstrated commitment to ensuring that Oregon’s**
11 **democracy is equitable, accessible and inclusive and that the govern-**
12 **ment of Oregon is accountable to all Oregonians;**

13 **“(B) Reflect the diversity of this state; and**

14 **“(C) Meet any additional requirement for membership on the com-**
15 **mission established by the commission by rule in the bylaws of the**
16 **commission.**

17 **“(b) The following individuals are ineligible to be appointed to the**
18 **Oregon Elections Commission under this section:**

19 **“(A) Current elected officials, relatives of current elected officials**
20 **and members of the household of current elected officials;**

21 **“(B) Former elected officials, relatives of former elected officials**
22 **and members of the household of former elected officials, for two**
23 **years after the elected official has ceased to be an elected official;**

24 **“(C) Candidates for state office, relatives of candidates for state**
25 **office, members of the household of candidates for state office, staff**
26 **to candidates for state office and individuals employed by vendors**
27 **hired by candidates for state office; and**

28 **“(D) Former candidates for state office, relatives of former candi-**
29 **dates for state office, members of the household of former candidates**
30 **for state office, staff to former candidates for state office and indi-**

1 **viduals employed by vendors hired by former candidates for state of-**
2 **fice, for two years after the election for the state office sought.**

3 **“(4)(a) In making appointments to the Oregon Elections Commis-**
4 **sion under this section, the Governor shall ensure that:**

5 **“(A) At least one member resides in each congressional district in**
6 **this state;**

7 **“(B) At least three members have demonstrated expertise in in-**
8 **creasing democratic engagement among historically underrepresented**
9 **communities including Black communities, Indigenous communities**
10 **and communities of other People of Color;**

11 **“(C) At least three members have demonstrated expertise in cam-**
12 **paign finance and government accountability policy best practices;**

13 **“(D) At least three members of have experience in campaign strat-**
14 **egy in competitive elections;**

15 **“(E) At least one member has demonstrated expertise in how policy**
16 **decisions in public financing of elections programs affect the cost of**
17 **such programs; and**

18 **“(F) At least one member has demonstrated expertise in financial**
19 **or governmental budgets.**

20 **“(b) Individuals appointed to the commission may satisfy multiple**
21 **requirements set forth in paragraph (a) of this subsection.**

22 **“(5)(a) The term of office of each member of the commission is four**
23 **years. Before the expiration of the term of a member, the Governor**
24 **shall appoint a successor under the process set forth in this section,**
25 **whose term begins on May 1 of the next odd-numbered year. If no re-**
26 **placement has been appointed prior to the expiration of a member’s**
27 **term, a member may continue to serve on the commission for a max-**
28 **imum of six months after the expiration of the member’s term or until**
29 **the member’s replacement is appointed.**

30 **“(b) No individual may serve more than two full terms as a member**

1 of the commission.

2 “(c) Upon notice and opportunity for a hearing, a member may be
3 removed by a two-thirds majority vote of the commission for due
4 cause, as defined by the commission by rule in the commission’s by-
5 laws.

6 “(d) If a position on the commission is vacated during a member’s
7 term, the position shall be filled for the unexpired term through the
8 process set forth for appointment of members under this section.

9 “(6) The appointment of each member of the commission is subject
10 to confirmation by the Senate in the manner prescribed in ORS 171.562
11 and 171.565.

12 “SECTION 28. Notwithstanding the term of office specified by sec-
13 tion 27 (5) of this 2022 Act, of the members first appointed to
14 the Oregon Elections Commission:

15 “(1) Five shall serve for a term ending April 30, 2025.

16 “(2) Six shall serve for a term ending April 30, 2027.

17 “SECTION 29. Section 28 of this 2022 Act is repealed on January 2,
18 2028.

19 “SECTION 30. (1) The Oregon Elections Commission shall select one
20 of its members as chairperson.

21 “(2)(a) A majority of the members of the commission constitutes a
22 quorum for the transaction of business.

23 “(b) If a quorum exists, the commission may take official action
24 based on a majority vote of the members present.

25 “(3) The commission shall meet at least once every two months at
26 a time and place determined by the chairperson. The program director
27 of the commission, hired by the commission under section 33 of this
28 2022 Act, also may convene additional meetings of the commission.

29 “(4) In accordance with the provisions of ORS chapter 183, the
30 commission may adopt rules for the administration of the laws the

1 **commission is charged with administering.**

2 **“SECTION 31. (1) The Oregon Elections Commission shall:**

3 **“(a) Oversee the administration of the Grassroots Donor Election**
4 **Program and the program director in the implementation of the pro-**
5 **gram.**

6 **“(b) Adopt by rule bylaws for the commission and any other rules**
7 **necessary for the effective implementation of the program.**

8 **“(c) Regularly convene an advisory committee of elections**
9 **stakeholders to consult on the content of administrative rules.**

10 **“(d) No later than September 1 of each odd-numbered year, publish**
11 **a fiscal report that sets forth:**

12 **“(A) The amount of moneys in the Grassroots Donor Election Fund**
13 **established in section 25 of this 2022 Act;**

14 **“(B) The approximate amount expected to be transferred into the**
15 **fund under section 25 (2) and (3) of this 2022 Act;**

16 **“(C) The commission’s analysis of the solvency of the fund through**
17 **the end of the current election cycle; and**

18 **“(D) Any options the commission may need to pursue to ensure**
19 **program solvency through the end of the current election cycle.**

20 **“(e) No later than February 1 of each even-numbered year, publish**
21 **a fiscal report that sets forth:**

22 **“(A) The amount of moneys in the Grassroots Donor Election Fund**
23 **following the transfer from the General Fund described in section 25**
24 **of this 2022 Act;**

25 **“(B) The commission’s analysis of the solvency of the Grassroots**
26 **Donor Election Fund through the end of the current election cycle;**
27 **and**

28 **“(C) Any options the commission may need to pursue to ensure**
29 **program solvency through the end of the current election cycle.**

30 **“(f) After each election cycle:**

1 “(A) Use qualitative and quantitative metrics to assess whether the
2 program is decreasing actual and perceived corruption and enhancing
3 political participation; and

4 “(B) Publish the assessment in a publicly available report.

5 “(g) After each election cycle, administer a user experience survey
6 to program participants and solicit specific recommendations for how
7 to improve the program.

8 “(h) After each election cycle, make recommendations to the Leg-
9 islative Assembly on how to best improve the program. In making
10 recommendations under this paragraph, the commission shall assess
11 whether any statutory changes, including contribution limits for par-
12 ticipating candidates, would be likely to improve program participation
13 or improve the program’s ability to meet the goals set forth in para-
14 graph (f)(A) of this subsection.

15 “(2)(a) If the commission determines under subsection (1)(d) or (e)
16 of this section that the Grassroots Donor Election Fund may not be
17 solvent through the end of an election cycle, the commission must
18 adopt a plan to ensure solvency of the program.

19 “(b) If there are insufficient moneys in the Oregon Grassroots Do-
20 nor Fund to fund the program for all state offices, no later than Feb-
21 ruary 1 of an even-numbered year, the commission must:

22 “(A) Adopt a plan that removes one or more state offices from
23 participation in the program for the current election cycle; and

24 “(B) Ensure that the program is fully funded for all state offices
25 that continue to participate in the program during the current election
26 cycle.

27 “(c)(A) If the commission determines it is likely that there will be
28 insufficient moneys in the Grassroots Donor Election Fund to fully
29 pay for the program, by July 15 of an even-numbered year, the com-
30 mission may reduce the maximum public match available by the

1 **greater of:**

2 **“(i) Five percent from the previous election cycle; or**

3 **“(ii) Five percent from the amount set forth in section 26 of this**
4 **2022 Act.**

5 **“(B) In adjusting the maximum public match under this paragraph,**
6 **the commission may make different adjustments to different state of-**
7 **fices or electoral races, provided that the adjustments are made for**
8 **the purpose of limiting the disruption for candidates participating in**
9 **the program.**

10 **“(C) The commission may completely or partially reverse the re-**
11 **duction of a maximum public match made under this paragraph before**
12 **July 15 of an even-numbered year, if a financial analysis made after**
13 **the reduction was initially made shows that the Grassroots Donor**
14 **Election Fund will be solvent in the current election cycle without the**
15 **full reduction.**

16 **“(3)(a) Except as provided in paragraph (b) of this subsection, dur-**
17 **ing the six-month period immediately following each election cycle,**
18 **the commission may by rule change:**

19 **“(A) The match rate of public moneys provided to candidates for**
20 **state office from the Grassroots Donor Election Fund under section**
21 **22 (2) of this 2022 Act;**

22 **“(B) The amount of qualified grassroots donor contributions eligible**
23 **for matching public moneys under section 22 (2) of this 2022 Act;**

24 **“(C) The maximum public match amounts under section 26 of this**
25 **2022 Act;**

26 **“(D) The minimum number of in-state qualifying contributions re-**
27 **quired; or**

28 **“(E) The number of in-state qualifying contributions required for**
29 **an increased maximum public match under section 26 (2) of this 2022**
30 **Act.**

1 **“(b) Any changes to the program made by the commission by rule**
2 **under this subsection:**

3 **“(A) Must ensure that the amount of qualified grassroots donor**
4 **contributions eligible for matching public moneys results in a candi-**
5 **date for state office who receives a \$250 qualified grassroots donor**
6 **contribution from one individual in an election period receiving \$1,000**
7 **of matching public moneys;**

8 **“(B) May not increase or decrease the maximum public match**
9 **amounts by more than five percent each election cycle; and**

10 **“(C) May not increase or decrease the minimum number of in-state**
11 **qualifying contributions by more than 10 percent each election cycle.**

12 **“SECTION 32. (1) The Oregon Elections Commission shall adopt**
13 **rules to establish:**

14 **“(a) The method and timing for candidates for state office who**
15 **participate in the Grassroots Donor Election Program to report all**
16 **contributions and expenditures to the program;**

17 **“(b) The schedule by which the program distributes matching funds**
18 **to candidates who have qualified to participate in the program;**

19 **“(c) The documents and information that candidates for state office**
20 **who participate in the program must submit to the program to receive**
21 **matching public moneys and remain in good standing in the program;**

22 **“(d) Any information in addition to the contents required under**
23 **ORS 260.044, 260.057, 260.076, 260.078, 260.083 or 260.118 that candidates**
24 **for state office who participate in the program are required to submit**
25 **when filing statements of contribution in order for the Secretary of**
26 **State to verify that the contributions received by the candidate are**
27 **qualified grassroots donor contributions that are eligible for matching**
28 **public moneys;**

29 **“(e) Any protocols that are necessary to ensure the integrity of the**
30 **program; and**

1 **paid for out of the Grassroots Donor Election Fund.**

2 **“(2)(a) The Secretary of State, in consultation with the Oregon**
3 **Elections Commission, shall publish on the website of the secretary**
4 **data that show each contribution received by each candidate for state**
5 **office by:**

6 **“(A) Amount of contribution;**

7 **“(B) Whether the person making the contribution was an individual**
8 **or what type of entity made the contribution; and**

9 **“(C) The city and state in which the person who made the contri-**
10 **bution is based.**

11 **“(b) The information described in paragraph (a) of this subsection**
12 **must:**

13 **“(A) Be published in a manner that can be easily understood by**
14 **members of the public and may include the use of maps, pie charts**
15 **or bar graphs; and**

16 **“(B) Include contributions from contributors who contribute an**
17 **aggregate amount of \$100 or less, provided that the names and ad-**
18 **dresses of the contributors are not disclosed.**

19 **“SECTION 34. The Secretary of State shall establish and staff an**
20 **Office of Candidate and Community Services to provide to any person**
21 **assistance with complying with the requirements of ORS chapter 260.**

22

23 **“MISCELLANEOUS PUBLIC FINANCING PROVISIONS**

24

25 **“SECTION 35. ORS 251.085 is amended to read:**

26 **“251.085. (1) The candidate’s statement shall begin with a summary of the**
27 **following: Occupation, educational and occupational background, and prior**
28 **governmental experience.**

29 **“(2) If the candidate is a candidate for a state office as defined in**
30 **ORS 260.005, the candidate’s statement must disclose whether the**

1 **candidate is participating in the Grassroots Donor Election Program.**

2 **“SECTION 36.** ORS 251.026 is amended to read:

3 “251.026. (1) The Secretary of State shall prepare and have printed in the
4 voters’ pamphlet for the state primary election, the general election and any
5 special election described in ORS 251.022 a statement containing, if applica-
6 ble:

7 “(a) Requirements for a citizen to qualify as an elector.

8 “(b) When an elector is required to register or update a registration.

9 “(c) In the voters’ pamphlet for the primary election, a statement of the
10 duties and responsibilities of a precinct committeeperson to be elected at the
11 primary election.

12 **“(d) An accurate, plain language description of the Grassroots Do-
13 nor Election Program, in a form provided to the secretary by the
14 Oregon Elections Commission.**

15 “[*d*] (e) Any other information the Secretary of State considers relevant
16 to the conduct of the election.

17 “(2) The Secretary of State, in cooperation with the county clerks, shall
18 include:

19 “(a) A statement on the cover of the voters’ pamphlet that the pamphlet
20 may be used to assist electors in voting; and

21 “(b)(A) Statements in the information section of the voters’ pamphlet on
22 the pages immediately following the page containing the Secretary of State
23 letter, to the extent reasonably practicable, that, for residents of each county
24 to which the voters’ pamphlet is distributed:

25 “(i) Are written in English and the five additional common languages for
26 the county listed by the Secretary of State under ORS 251.167;

27 “(ii) Explain that an electronic copy of portions of the voters’ pamphlet
28 is publicly available in that language; and

29 “(iii) Provide the website address to the translated voters’ pamphlet.

30 “(B) The statements required under subparagraph (A) of this paragraph

1 must be written so as to be clearly readable.

2 “(C) The Secretary of State may adopt rules necessary to implement this
3 paragraph.

4 “(3) The Secretary of State may include in the voters’ pamphlet the fol-
5 lowing information:

6 “(a) Maps showing the boundaries of senatorial and representative dis-
7 tricts.

8 “(b) Voter registration forms.

9 “(c) Elector instructions, including the right of an elector to request a
10 second ballot if the first ballot is spoiled and the right of an elector to seek
11 assistance in marking the ballot.

12 “(4)(a) The name of the county clerk or other filing officer may not appear
13 in the voters’ pamphlet in the county clerk’s or filing officer’s official ca-
14 pacity if the county clerk or filing officer is a candidate in the election for
15 which the voters’ pamphlet is printed.

16 “(b) As used in this subsection, ‘filing officer’ has the meaning given that
17 term in ORS 254.165.

18

19 **“CAMPAIGN FINANCE LEGAL EXPENSE TRUST FUND**

20

21 **“SECTION 37. Sections 38 and 39 of this 2022 Act are added to and**
22 **made a part of ORS 244.205 to 244.221.**

23 **“SECTION 38. (1) Subject to the authorization of the Oregon Gov-**
24 **ernment Ethics Commission as described in ORS 244.209, the subject**
25 **of a complaint alleging a violation of ORS chapter 260 that is subject**
26 **to the enforcement proceedings set forth in section 12 or 32 (2) of this**
27 **2022 Act may establish a campaign finance legal expense trust fund to**
28 **be used for the sole purpose of defraying legal expenses incurred in a**
29 **legal proceeding to determine the validity of the complaint.**

30 **“(2) The proceeds of a campaign finance legal expense trust fund**

1 may be used to:

2 “(a) Defray legal expenses incurred or reasonably expected to be
3 incurred in a contested case hearing or appeal arising out of an alleged
4 violation of ORS chapter 260 that is subject to the enforcement pro-
5 ceedings set forth in section 12 or 32 (2) of this 2022 Act;

6 “(b) Defray or discharge expenses, costs or liabilities incurred be-
7 fore the fund was established if the expenses, costs or liabilities are
8 related to the legal proceeding for which the fund was established; and

9 “(c) Defray costs reasonably incurred in administering the trust
10 fund, including but not limited to costs incident to the solicitation of
11 moneys and the discharge of any tax liabilities incurred as a result of
12 the creation, operation or administration of the trust fund.

13 “(3) Except as provided in subsection (2) of this section, a person
14 may not use proceeds from the campaign finance legal expense trust
15 fund for any personal use.

16 “(4) The subject of a campaign finance complaint may not establish
17 or maintain more than one campaign finance legal expense trust fund
18 at any one time.

19 “(5) The provisions of ORS chapter 130 do not apply to a campaign
20 finance legal expense trust fund established under ORS 244.205 to
21 244.221.

22 “(6) Contributions to a campaign finance legal expense trust fund
23 established under ORS 244.205 to 244.221 are not considered a campaign
24 contribution made to the subject of the campaign finance complaint
25 for purposes of:

26 “(a) Determining compliance with the contribution limits set forth
27 in sections 2 to 15 of this 2022 Act; or

28 “(b) Continued eligibility to receive public moneys as a candidate
29 participating in the Grassroots Donor Election Program established in
30 sections 21 to 26 of this 2022 Act.

1 **“SECTION 39. The Oregon Government Ethics Commission shall**
2 **publicly disclose all contributions received and expenditures made by**
3 **a campaign finance legal expense trust fund established under ORS**
4 **244.205 to 244.221 at least one time during every three-month period.**

5 **“SECTION 40. ORS 244.209 is amended to read:**

6 “244.209. (1) A **person or** public official may apply to establish a legal
7 expense trust fund **or a campaign finance legal expense trust fund** by
8 filing an application with the Oregon Government Ethics Commission. The
9 application must contain:

10 “(a) A copy of an executed trust agreement described in subsection (2) of
11 this section;

12 “(b) A sworn affidavit described in subsection (3) of this section signed
13 by the **person or** public official; and

14 “(c) A sworn affidavit described in subsection (4) of this section signed
15 by the trustee.

16 “(2) The trust agreement must contain the following:

17 “(a) A provision incorporating by reference the provisions of ORS 244.205
18 to 244.221; and

19 “(b) A designation of a trustee under ORS 244.211.

20 “(3) The affidavit of the **person or** public official must state:

21 “(a) The nature of the legal proceeding that requires establishment of the
22 trust fund;

23 “(b) That the **person or** public official will comply with the provisions
24 of ORS 244.205 to 244.221; and

25 “(c) That the **person or** public official is responsible for the proper ad-
26 ministration of the trust fund.

27 “(4) The affidavit of the trustee must state that the trustee:

28 “(a) Has read and understands ORS 244.205 to 244.221; and

29 “(b) Consents to administer the trust fund in compliance with ORS 244.205
30 to 244.221.

1 “(5) Upon receiving an application under this section, the commission
2 shall review the trust agreement, the affidavits and any supporting docu-
3 ments or instruments filed to determine whether the application meets the
4 requirements of ORS 244.205 to 244.221. If the commission determines that
5 the application meets the requirements of ORS 244.205 to 244.221, the com-
6 mission shall grant written authorization to the **person or** public official to
7 establish the trust fund.

8 “(6) The commission shall review the quarterly statements required under
9 ORS 244.217 and shall monitor the activities of each trust fund to ensure
10 continued compliance with ORS 244.205 to 244.221.

11 “(7) Unless subject to the attorney-client privilege, all documents required
12 to be filed relating to the creation and administration of a trust fund are
13 public records subject to disclosure as provided in ORS 192.311 to 192.478.

14 “(8) A **person or** public official may not establish a legal expense trust
15 fund **or a campaign finance legal expense trust fund** without receiving
16 prior written authorization of the commission as described in this section.

17 “(9) A **person or** public official may file an amendment to a trust agree-
18 ment approved as part of a trust fund under this section. The commission
19 shall approve the amendment if the commission determines the amendment
20 meets the requirements of ORS 244.205 to 244.221.

21 **“SECTION 41.** ORS 244.211 is amended to read:

22 “244.211. (1) The trustee of a legal expense trust fund **or a campaign fi-**
23 **nance legal expense trust fund** is responsible for:

24 “(a) The receipt and deposit of contributions to the trust fund;

25 “(b) The authorization of expenditures and disbursements from the trust
26 fund;

27 “(c) The filing of quarterly statements required under ORS 244.217; and

28 “(d) The performance of other tasks incident to the administration of the
29 trust fund.

30 “(2) The **person or** public official who establishes the trust fund may ei-

1 ther serve as the **person or** public official’s own trustee or may appoint and
2 certify to the Oregon Government Ethics Commission the name and address
3 of a trustee. Any default or violation by the trustee shall be conclusively
4 considered a default or violation by the **person or** public official.

5 **“SECTION 42.** ORS 244.213 is amended to read:

6 “244.213. (1) Except as provided in subsection (3) of this section, any
7 person may contribute to a legal expense trust fund **or to a campaign fi-**
8 **nance legal expense trust fund** established under ORS 244.205 to 244.221.

9 “(2) A person may make contributions of moneys to a legal expense trust
10 fund **or to a campaign finance legal expense trust fund** in unlimited
11 amounts. Pro bono legal assistance and other in-kind assistance may also be
12 provided without limit and is considered a contribution subject to the re-
13 porting requirements of ORS 244.217.

14 “(3)(a) A political committee as defined in ORS 260.005 that is a principal
15 campaign committee may not contribute to a legal expense trust fund.

16 “(b) **The principal campaign committee of the candidate who is the**
17 **subject of the complaint for which the campaign finance legal expense**
18 **trust fund is established may not contribute to the campaign finance**
19 **legal expense trust fund.**

20 **“SECTION 43.** ORS 244.215 is amended to read:

21 “244.215. (1) A trustee of a legal expense trust fund **or a campaign fi-**
22 **nance legal expense trust fund** shall establish a single exclusive account
23 in a financial institution, as defined in ORS 706.008. The financial institution
24 must be located in this state and must ordinarily conduct business with the
25 general public in this state.

26 “(2) The trustee shall maintain the account in the name of the trust fund.

27 “(3) All expenditures made by the trustee shall be drawn from the account
28 and:

29 “(a) Issued on a check signed by the trustee; or

30 “(b) Paid using a debit card or other form of electronic transaction.

1 “(4) A contribution received by a trustee shall be deposited into the ac-
2 count not later than seven calendar days after the date the contribution is
3 received. This subsection does not apply to in-kind contributions received.

4 “(5) This section does not prohibit the transfer of any amount deposited
5 in the account into a certificate of deposit, stock fund or other investment
6 instrument.

7 “(6) The account may not include any public or private moneys or any
8 moneys of any other person, other than contributions received by the trustee.

9 “(7) A trustee shall retain a copy of each financial institution account
10 statement from the account described in this section for not less than two
11 years after the date the statement is issued by the financial institution.

12 **“SECTION 44.** ORS 244.217 is amended to read:

13 “244.217. (1) The trustee of a legal expense trust fund **or a campaign fi-**
14 **nance legal expense trust fund** shall, according to the schedule described
15 in subsection (3) of this section, file with the Oregon Government Ethics
16 Commission a statement for the applicable reporting period showing contri-
17 butions received by the trustee and expenditures made from the trust fund
18 account established under ORS 244.215.

19 “(2) Each statement shall list:

20 “(a) The name and address of each person who contributed an aggregate
21 amount of more than \$75, and the total amount contributed by that person;

22 “(b) The total amount of contributions not listed under paragraph (a) of
23 this subsection as a single item, but shall specify how those contributions
24 were obtained;

25 “(c) The amount and purpose of each expenditure and the name and ad-
26 dress of each payee; and

27 “(d) The name and address of any person contributing pro bono legal as-
28 sistance and the fair market value of the assistance provided by the person.

29 “(3) Statements required to be filed with the commission under this sec-
30 tion shall be filed according to the schedule described in ORS 244.218.

1 “(4) If no contributions are received and no expenditures made during the
2 reporting period, the trustee shall file a statement indicating that no con-
3 tributions were deposited and no expenditures were made.

4 “(5) The trustee may amend a statement filed under this section without
5 penalty if the amendment is filed with the commission not later than 30 days
6 after the deadline for filing the statement.

7 **“SECTION 45.** ORS 244.219 is amended to read:

8 “244.219. (1) A legal expense trust fund **or a campaign finance legal**
9 **expense trust fund** established under ORS 244.205 to 244.221 may be termi-
10 nated by:

11 “(a) The **person or** public official who established the trust fund;

12 “(b) Subject to subsection (2) of this section, the terms of the trust
13 agreement; or

14 “(c) The Oregon Government Ethics Commission following a determi-
15 nation by the commission that a violation of any provision of this chapter
16 has occurred in connection with the trust fund.

17 “(2) A trust agreement may provide that a legal expense trust fund **or a**
18 **campaign finance legal expense trust fund** is terminated not later than
19 six months following the completion of the legal proceeding for which the
20 fund was established. Upon application of the **person or** public official who
21 established the trust fund, the commission may extend the existence of the
22 trust fund to a specified date if the commission determines that the **person**
23 **or** public official has incurred legal expenses that exceed the balance re-
24 maining in the fund. If the commission extends the existence of the trust
25 fund, the trust fund terminates on the date the extension expires.

26 “(3) Following termination of a legal expense trust fund **or a campaign**
27 **finance legal expense trust fund**, the trustee may not accept contributions
28 to or make expenditures from the fund.

29 “(4) Not later than 30 days after a trust fund is terminated, the trustee
30 of the fund shall file with the commission a final report listing the totals

1 of all contributions made to the fund and all expenditures made from the
2 fund.

3 **“SECTION 46.** ORS 244.221 is amended to read:

4 “244.221. (1) Not later than 30 days after a legal expense trust fund **or a**
5 **campaign finance legal expense trust fund** is terminated, the trustee of
6 the fund shall return any moneys remaining in the fund to contributors to
7 the fund on a pro rata basis.

8 “(2) If the legal proceeding for which the trust fund was established re-
9 sults in an award of attorney fees, costs or any other money judgment award
10 to or in favor of the **person or** public official, amounts awarded shall be
11 distributed in the following order:

12 “(a) To pay outstanding legal expenses;

13 “(b) To contributors to the trust fund on a pro rata basis; and

14 “(c) To the **person or** public official or, if required by the trust agree-
15 ment, to an organization exempt from taxation under section 501(c)(3) of the
16 Internal Revenue Code.

17

18 **“REPEAL OF MEASURE 47 (2006)**

19

20 **“SECTION 47.** Chapter 3, Oregon Laws 2007, is repealed.

21

22 **“ACTIONS FOR IMPLEMENTATION AND OPERATIVE DATE**

23

24 **“SECTION 48.** Sections 2 to 15, 21 to 27, 30 to 33, 38 and 39 of this
25 **2022 Act and the amendments to ORS 162.005, 244.209, 244.211, 244.213,**
26 **244.215, 244.217, 244.219, 244.221, 251.026, 251.085 and 260.042 by sections**
27 **16, 17, 35, 36 and 40 to 46 of this 2022 Act become operative on No-**
28 **vember 6, 2024.**

29 **“SECTION 49.** (1) The Secretary of State and the Oregon Elections
30 **Commission may take any action before the operative date specified**

1 in section 48 of this 2022 Act that is necessary for the Secretary of
2 State and Oregon Elections Commission to exercise, on and after the
3 operative date specified in section 48 of this 2022 Act, all of the duties,
4 functions and powers conferred on the Secretary of State and the
5 Oregon Elections Commission by sections 2 to 15, 21 to 27, 30 to 33, 38
6 and 39 of this 2022 Act and the amendments to ORS 162.005, 244.209,
7 244.211, 244.213, 244.215, 244.217, 244.219, 244.221, 251.026, 251.085 and
8 260.042 by sections 16, 17, 35, 36 and 40 to 46 of this 2022 Act.

9 “(2) A political committee may take any action before the operative
10 date set forth in section 48 of this 2022 Act that is necessary for the
11 political committee to be in compliance with the requirements set
12 forth in sections 2 to 15 of this 2022 Act no later than the operative
13 date set forth in section 48 of this 2022 Act.

14 “(3) No later than September 15, 2023, the Secretary of State shall
15 propose revisions to the manual on campaign finance that is adopted
16 by administrative rule and made publicly available on the secretary’s
17 website to ensure that it incorporates and describes the contents of
18 this 2022 Act in a clear and straightforward manner.

19 “(4) No later than April 30, 2023, the first 11 members of the Oregon
20 Elections Commission shall be appointed.

21 “(5) No later than November 1, 2023, the Oregon Elections Com-
22 mission shall report to the interim committees of the Legislative As-
23 sembly related to campaign finance on the actions taken by the
24 Secretary of State to implement the provisions of this 2022 Act.

25

26

“CONFLICTS AND SEVERABILITY

27

28 “SECTION 50. (1) To the extent any conflict exists, the provisions
29 of sections 2 to 15, 21 to 27, 30 to 33, 38 and 39 of this 2022 Act shall
30 supersede any other law.

1 **“(2) For purposes of determining the constitutionality of the pro-**
2 **visions of sections 2 to 15, 21 to 27, 30 to 33, 38 and 39 of this 2022 Act,**
3 **every section, subsection and subdivision thereof shall be evaluated**
4 **separately. If any section, subsection or subdivision thereof is held**
5 **invalid, the remaining sections, subsections and subdivisions thereof**
6 **shall remain in full force and effect. The courts shall sever any**
7 **sections, subsections or subdivisions thereof necessary to render**
8 **sections 2 to 15, 21 to 27, 30 to 33, 38 and 39 of this 2022 Act consistent**
9 **with the United States Constitution, the Oregon Constitution and**
10 **federal law. Each section, subsection and subdivision thereof shall be**
11 **considered severable, individually or in any combination.**

12 **“(3) If, in the absence of this subsection, a court would determine**
13 **that any numeric limit or threshold, percentage limit or threshold,**
14 **time period or age limits otherwise set forth in sections 2 to 15, 21 to**
15 **27, 30 to 33, 38 and 39 of this 2022 Act are in conflict with the United**
16 **States Constitution or the Oregon Constitution, then the Secretary of**
17 **State shall adopt temporary rules to preserve the requirements of**
18 **sections 2 to 15, 21 to 27, 30 to 33, 38 and 39 of this 2022 Act to the**
19 **maximum extent possible, while ensuring compliance with the United**
20 **States Constitution and the Oregon Constitution.**

21 **“(4) If, in the absence of this subsection, a court would determine**
22 **that any provision set forth in sections 2 to 15, 21 to 27, 30 to 33, 38**
23 **and 39 of this 2022 Act may not be fully implemented due to a prohi-**
24 **bition in the United States Constitution or the Oregon Constitution**
25 **against applying a provision set forth in sections 2 to 15, 21 to 27, 30**
26 **to 33, 38 and 39 of this 2022 Act exclusively to individuals who reside**
27 **in Oregon, are enrolled at institutions of education in Oregon or are**
28 **employed to work in Oregon, then the offending provisions shall apply**
29 **to all individuals.**

30 **“(5) If, in the absence of this subsection, a court would determine**

1 that any provision set forth in sections 2 to 15, 21 to 27, 30 to 33, 38
2 and 39 of this 2022 Act may not be fully implemented due to a prohi-
3 bition in the United States Constitution or the Oregon Constitution
4 against applying a provision set forth in sections 2 to 15, 21 to 27, 30
5 to 33, 38 and 39 of this 2022 Act to any individual or entity, then the
6 offending provision in this 2022 Act shall be given a narrowing inter-
7 pretation so as to avoid invalidation of any provision in this 2022 Act
8 and to preserve the effectiveness of this 2022 Act to the maximum de-
9 gree permissible under the United States Constitution and the Oregon
10 Constitution.

11 “(6) If, in the absence of this subsection, a court would determine
12 that any provision set forth in sections 2 to 15, 21 to 27, 30 to 33, 38
13 and 39 of this 2022 Act may not be fully implemented due to a prohi-
14 bition, limitation or disclosure not complying with the United States
15 Constitution or the Oregon Constitution, then the offending provision
16 shall be given a narrowing interpretation so as to avoid invalidation
17 of any provision of this 2022 Act to the maximum degree permissible
18 under the United States Constitution and the Oregon Constitution.

19 “(7) If a court makes a determination described in subsections (3)
20 to (6) of this section and for any reason declines to adopt the adjust-
21 ment described in the applicable subsection:

22 “(a) The Secretary of State shall immediately adopt temporary rules
23 to preserve the requirements of this 2022 Act to the maximum extent
24 possible; and

25 “(b) Notwithstanding any other provision of law, the temporary
26 rules adopted under paragraph (a) of this subsection shall remain in
27 place until the secretary adopts permanent rules that preserve the
28 requirements of this 2022 Act to the maximum extent possible or the
29 Legislative Assembly amends the offending provisions of this 2022 Act.

30

