

HB 4024-3
(LC 268)
2/22/24 (DJ/ps)

Requested by HOUSE COMMITTEE ON RULES (at the request of Representative Julie Fahey)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4024**

1 In line 2 of the printed bill, after “finance” insert “; creating new pro-
2 visions; amending ORS 260.005, 260.042, 260.232, 260.266, 260.345, 260.402 and
3 260.995; repealing ORS 260.275, 260.281 and 260.285 and chapter 3, Oregon
4 Laws 2007; and prescribing an effective date”.

5 Delete lines 4 through 8 and insert:
6

7 **“CONTRIBUTION LIMITS**
8

9 **“SECTION 1. Sections 2 to 5 and 9 of this 2024 Act are added to and
10 made a part of ORS chapter 260.**

11 **“SECTION 2. As used in sections 2 to 5, 9, 13 and 14a of this 2024
12 Act and ORS 260.266:**

13 **“(1) ‘Election’ means an election at which one or more candidates
14 compete to be elected to a public office.**

15 **“(2)(a) ‘Election cycle,’ except as provided in paragraph (b) of this
16 subsection, means the period starting on January 1 of an odd-
17 numbered year and ending on December 31 of an even-numbered year.**

18 **“(b) ‘Election cycle,’ for an election contest that does not occur on
19 the date of a general election, means the period starting on the day
20 after the date of an election at which a candidate is elected to public
21 office and ending on the date of the next election for the same office,**

1 regardless of any other elections that occur during that period.

2 “(3) ‘Legislative caucus committee’ means a political committee
3 established by a caucus of a political party in the Oregon Senate or
4 the Oregon House of Representatives and that is controlled by an
5 elected leader of the caucus that established the committee. A political
6 party may not establish more than one legislative caucus committee
7 in each chamber of the Legislative Assembly.

8 “(4) ‘Measure political committee,’ ‘multicandidate political com-
9 mittee,’ ‘political party administration committee,’ ‘political party
10 multicandidate committee,’ ‘recall political committee’ and ‘small do-
11 nor political committee’ have the meanings given those terms in ORS
12 260.042.

13 “(5) ‘Membership organization’ means an organization that:

14 “(a)(A) Is tax exempt under section 501(c) of the Internal Revenue
15 Code;

16 “(B) Has filed all necessary materials to obtain tax exempt status
17 under section 501(c) of the Internal Revenue Code with the federal
18 Internal Revenue Service and has been in existence for at least 18
19 months; or

20 “(C) Is fiscally sponsored by an organization that is tax exempt
21 under section 501(c) of the Internal Revenue Code; and

22 “(b) Is composed of members, either individuals or entities, who:

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

24 “(B) For each year of membership, on an annual or more frequent
25 basis, either pay monetary membership dues, make a monetary do-
26 nation as a condition of maintaining membership in the organization
27 or volunteer time as a condition of maintaining membership in the
28 organization.

29 “(6) ‘Membership organization political committee’ means a poli-
30 tical committee that has been established by a membership organiza-

1 tion. A membership organization may only have one membership
2 organization political committee.

3 **“SECTION 3. (1) If two or more membership organizations are**
4 **substantially controlled by the same person or group of persons, they**
5 **are considered one membership organization for purposes of sections**
6 **2 to 5 and 9 of this 2024 Act.**

7 **“(2) A membership organization may make political contributions**
8 **directly or through a membership organization political committee,**
9 **but may not make political contributions both directly and through a**
10 **membership organization political committee.**

11 **“SECTION 4. (1)(a) A candidate for state office or the principal**
12 **campaign committee of a candidate for state office may accept con-**
13 **tributions only from the sources and in the amounts described in this**
14 **section.**

15 **“(b) Except as provided in paragraph (c) of this subsection, the**
16 **limits on aggregate contributions that may be accepted by a candidate**
17 **or the principal campaign committee of a candidate for the office of**
18 **state Representative under this section also apply to a candidate or the**
19 **principal campaign committee of a candidate for any elected office**
20 **that is not a state office.**

21 **“(c)(A) Except as provided in subsection (8)(a) of this section, any**
22 **local government may adopt contribution limits that are lower than**
23 **those required by this section for elections of the local government.**

24 **“(B) Any contribution limits adopted by a local government under**
25 **this paragraph must allow a candidate or the principal campaign**
26 **committee of a candidate for an election contest of the local govern-**
27 **ment to accept contributions from any political committee from which**
28 **a candidate or the principal campaign committee of a candidate for the**
29 **office of state Representative may accept contributions under sub-**
30 **section (2)(a) of this section.**

1 **“(2) A candidate or the principal campaign committee of a candi-**
2 **date for the office of state Representative, state Senator, circuit court**
3 **judge or district attorney:**

4 **“(a) May not accept aggregate contributions in excess of \$3,300 per**
5 **election from a person.**

6 **“(b) May not accept aggregate contributions in excess of \$2,000 per**
7 **election from a candidate committee.**

8 **“(c) May not accept aggregate contributions in excess of \$5,000 per**
9 **election cycle from a multicandidate political committee.**

10 **“(d) May not accept aggregate contributions in excess of \$5,000 per**
11 **election from a political party committee.**

12 **“(e) May not accept aggregate contributions in excess of \$5,000 per**
13 **election from a legislative caucus committee.**

14 **“(f) May not accept aggregate contributions from a membership**
15 **organization or membership organization political committee per**
16 **election in excess of \$3,300 times five.**

17 **“(g) May not accept aggregate contributions from a small donor**
18 **political committee in excess of:**

19 **“(A) \$3,300 per election for a small donor political committee with**
20 **less than 2,500 donors; or**

21 **“(B) \$3,300 times ten per election for every 2,500 donors to the small**
22 **donor political committee.**

23 **“(3) A candidate or the principal campaign committee of a candi-**
24 **date for a state office not described in subsection (2) of this section:**

25 **“(a) May not accept aggregate contributions in excess of \$3,300 per**
26 **election from a person.**

27 **“(b) May not accept aggregate contributions in excess of \$2,000 per**
28 **election cycle from a candidate committee.**

29 **“(c) May not accept aggregate contributions in excess of \$5,000 per**
30 **election cycle from a multicandidate political committee.**

1 “(d) May not accept aggregate contributions in excess of \$5,000 per
2 election from a political party committee.

3 “(e) May not accept aggregate contributions in excess of \$5,000 per
4 election from a legislative caucus committee.

5 “(f) May not accept aggregate contributions from a membership
6 organization or membership organization political committee per
7 election in excess of \$3,300 times ten.

8 “(g) May not accept aggregate contributions from a small donor
9 political committee in excess of:

10 “(A) \$3,300 per election for a small donor political committee with
11 less than 2,500 donors; or

12 “(B) \$3,300 times ten per election for every 2,500 donors to the small
13 donor political committee.

14 “(4) A multicandidate political committee:

15 “(a) May not accept aggregate contributions in excess of \$5,000 per
16 election cycle from a person.

17 “(b) May not accept aggregate contributions in excess of \$5,000 per
18 year from a candidate committee.

19 “(c) May not accept aggregate contributions in excess of \$5,000 per
20 year from another multicandidate political committee.

21 “(d) May not accept aggregate contributions in excess of \$5,000 per
22 election cycle from a political party committee.

23 “(e) May not accept aggregate contributions in excess of \$5,000 per
24 election from a legislative caucus committee.

25 “(f) May not accept aggregate contributions from a membership
26 organization or membership organization political committee per
27 election in excess of \$5,000 times five.

28 “(g) May not accept aggregate contributions from a small donor
29 political committee in excess of:

30 “(A) \$3,300 per election for a small donor political committee with

1 less than 2,500 donors; or

2 “(B) \$3,300 times ten per election for every 2,500 donors to the small
3 donor political committee.

4 “(5) A political party committee:

5 “(a) May not accept aggregate contributions in excess of \$10,000 per
6 year from a person.

7 “(b) May not accept aggregate contributions in excess of \$5,000 per
8 year from a candidate committee.

9 “(c) May not accept aggregate contributions in excess of \$15,000 per
10 year from a multicandidate political committee.

11 “(d) May not accept aggregate contributions in excess of \$15,000 per
12 year from another political party committee.

13 “(e) May not accept aggregate contributions in excess of \$15,000 per
14 year from a legislative caucus committee.

15 “(f) May not accept aggregate contributions in excess of \$10,000 per
16 year from a membership organization.

17 “(g) May not accept aggregate contributions from a small donor
18 political committee in excess of \$10,000 per year.

19 “(6) A legislative caucus committee:

20 “(a) May not accept aggregate contributions in excess of \$10,000 per
21 year from a person.

22 “(b) May not accept aggregate contributions in excess of \$5,000 per
23 year from a candidate committee.

24 “(c) May not accept aggregate contributions in excess of \$15,000 per
25 year from a multicandidate political committee.

26 “(d) May not accept aggregate contributions in excess of \$15,000 per
27 year from a political party committee.

28 “(e) May not accept aggregate contributions in excess of \$15,000 per
29 year from another legislative caucus committee.

30 “(f) May not accept aggregate contributions in excess of \$10,000 per

1 year from a membership organization.

2 “(g) May not accept aggregate contributions from a small donor
3 political committee in excess of \$10,000 per year.

4 “(7) Contributions to a measure political committee are not limited
5 under this section.

6 “(8)(a) A small donor political committee:

7 “(A) May not accept contributions in excess of \$250 per year from
8 an individual.

9 “(B) May not accept contributions from a candidate committee,
10 multicandidate political committee, political party committee, legisla-
11 tive caucus committee or a membership organization.

12 “(C) May not accept contributions from another small donor poli-
13 tical committee.

14 “(b) The number of donors to a small donor political committee
15 shall be determined by the number of unique individuals who have
16 donated funds to the committee during the election cycle in which the
17 small donor political committee donation is made.

18 “(9) A membership organization:

19 “(a) May accept unlimited donations from a person and from an-
20 other membership organization or membership organization political
21 committee.

22 “(b) May not accept donations from a candidate committee, multi-
23 candidate political committee, political party committee, legislative
24 caucus committee or a small donor political committee.

25 “(10) A donor may not make a contribution, or an aggregate of
26 contributions during an applicable limitation period, to a recipient
27 that exceeds the amount a recipient could accept under the limitations
28 of subsections (2) to (9) of this section. This subsection does not apply
29 to in-kind contributions described in section 5 (2) of this 2024 Act.

30 “(11)(a) A political committee may make a contribution to a candi-

1 date for state office or the principal campaign committee of a candi-
2 date for state office only if the political committee is registered with
3 the Secretary of State as a multicandidate political committee, a pol-
4 itical party multicandidate committee, a legislative caucus committee,
5 a membership organization political committee, the principal cam-
6 paign committee of a candidate or a small donor political committee.

7 “(b) A measure political committee, political party administration
8 committee or recall political committee may not make a contribution
9 to a candidate or the principal campaign committee of a candidate for
10 a state office.

11 “(12)(a) A membership organization may make in-kind contribu-
12 tions of up to 12 months of full-time equivalence for a campaign for
13 the office of state Representative or state Senator and may make in-
14 kind contributions of up to 36 months of full-time equivalence for a
15 campaign for statewide elected office per year.

16 “(b) The organization must measure full-time equivalence from
17 staff or members of the organization who attest that they are not
18 currently employed as pollsters, political consultants or candidate
19 campaign strategists and that they have not served as a pollster, pol-
20 itical consultant or candidate campaign strategist for at least the
21 previous 18 months.

22 “(c) The organization must be solely responsible for the pay, bene-
23 fits, employment status and other human resources of every staff
24 person or member of the organization facilitating contributions under
25 this subsection.

26 “(13) Nothing in this section limits the amount a candidate may
27 contribute from the candidate’s personal funds to the candidate or the
28 principal campaign committee of the candidate.

29 “(14)(a) For purposes of the contribution limits established in this
30 section, contributions made or received by multiple political commit-

1 **tees are considered to be made or received by a single political com-**
2 **mittee if:**

3 **“(A) The political committees have filed to operate as the same type**
4 **of political committee under ORS 260.042; and**

5 **“(B) The political committees are established, financed, maintained**
6 **or controlled by the same person or substantially the same group of**
7 **persons, including any parent, subsidiary, branch, division, depart-**
8 **ment or local unit of the person or group of persons.**

9 **“(b) Notwithstanding paragraph (a) of this subsection, having the**
10 **same person acting as the treasurer of two or more political commit-**
11 **tees is not by itself sufficient to consider contributions made by the**
12 **political committees to be contributions made or received by a single**
13 **political committee.**

14 **“(15) For purposes of the contribution limits established in this**
15 **section, contributions made by multiple persons are considered to be**
16 **made or received by a single person if the persons are established, fi-**
17 **nanced, maintained or controlled by the same person or substantially**
18 **the same group of persons, including any parent, subsidiary, branch,**
19 **division, department or local unit of the person or group of persons.**

20 **“(16) The Secretary of State may adopt rules necessary to imple-**
21 **ment this section.**

22 **“SECTION 5. (1)(a) A person may not control more than one of each**
23 **of the following types of committees at one time:**

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

25 **“(B) Multicandidate political committee.**

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

27 **“(D) Small donor political committee.**

28 **“(E) Membership organization political committee.**

29 **“(b) A person who controls both a small donor political committee**
30 **and another political committee may not split a contribution from an**

1 individual, so that part of the individual’s contribution goes to the
2 small donor political committee and part of the contribution goes to
3 the other political committee, unless the person is directed to do so
4 in writing by the donor.

5 “(2)(a) The following in-kind contributions, as determined over a
6 12-month period, are exempt from the contribution limits set forth in
7 section 4 of this 2024 Act up to the limits provided or as further ad-
8 justed pursuant to paragraph (c) of this subsection:

9 “(A) Food and beverages up to \$5,000.

10 “(B) Transportation costs up to \$5,000.

11 “(C) Child care, elder care or translation services without limita-
12 tion.

13 “(D) Small gifts that are incidental to the operation of a business
14 up to \$1,000. The Secretary of State may by rule further define what
15 is meant by small gifts.

16 “(E) Contributions of office space, conference rooms and other
17 physical space, except that the physical space may not exceed 2,500
18 square feet or be contributed for a period of longer than 12 months.

19 “(F) Legal services may be contributed without limitation.

20 “(b) In-kind contributions described in this subsection must be re-
21 ported to the Secretary of State at the time and on the form required
22 by the secretary by rule.

23 “(c) Prior to the start of each election cycle, the Secretary of State
24 shall adjust the dollar amounts set forth in this subsection by the cu-
25 mulative change in the Consumer Price Index for All Urban Consum-
26 ers, West Region (All Items), as published by the Bureau of Labor
27 Statistics of the United States Department of Labor, or its successor,
28 since 2024. The adjustments performed under this subsection shall be
29 rounded to the nearest \$10 increment.

30 “(3) Prior to the start of each election cycle, the Secretary of State

1 **shall adjust the dollar amounts set forth in this section and section 4**
2 **of this 2024 Act in the manner described in 52 U.S.C. 30116(c)(1)(C), as**
3 **in effect on the effective date of this 2024 Act. For purposes of per-**
4 **forming this calculation, the base period is the calendar year 2024.**

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

7 **“SECTION 6.** ORS 260.042 is amended to read:

8 “260.042. (1) The treasurer of a political committee shall file a statement
9 of organization with the filing officer. The statement must include:

10 “(a) The name[,] **and** address [*and nature*] of the committee. The address
11 must be the address of a residence, office, headquarters or similar location
12 where the political committee or a responsible officer of the political com-
13 mittee may be conveniently located.

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

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

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

20 **“(e) Whether the political committee will operate as a measure**
21 **political committee, a multicandidate political committee, a political**
22 **party administration committee, a political party multicandidate**
23 **committee, a legislative caucus committee, a membership organization**
24 **political committee, a recall political committee or a small donor pol-**
25 **itical committee.**

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

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

3 “~~[(g)]~~ (h) A statement of whether the committee is a controlled commit-
4 tee.

5 “(2) In addition to the information listed in subsection (1) of this section,
6 the statement of organization must include, or be amended within five busi-
7 ness days to include, the name of the financial institution in which the
8 campaign account required under ORS 260.054 is established, the name of the
9 account, the name of the account holder and the names of all individuals
10 who have signature authority for the account. The Secretary of State may
11 not disclose information received by the secretary under this subsection ex-
12 cept as necessary for purposes of enforcing the provisions of ORS chapters
13 246 to 260.

14 “(3) A treasurer may designate an individual to receive any notice pro-
15 vided by a filing officer under ORS chapters 246 to 260. The treasurer shall
16 include the name and address of the individual in a statement of organization
17 filed under this section. A filing officer who provides any notice under ORS
18 chapters 246 to 260 to the treasurer of the political committee shall also
19 provide the notice to the individual designated by the treasurer under this
20 subsection.

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

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

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

1 “(7) This section does not apply to a political committee that is a princi-
2 pal campaign committee or to a political committee exclusively supporting
3 or opposing one or more candidates for federal or political party office.

4 **“(8)(a) A major political party or minor political party may establish
5 no more than one political party administration committee and no
6 more than one political party multicandidate committee.**

7 **“(b) A recall political committee may be formed only after a recall
8 election is certified to the ballot.**

9 **“(9) As used in this section:**

10 **“(a) ‘Legislative caucus committee’ has the meaning given that
11 term in section 2 of this 2024 Act.**

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

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

16 **“(d) ‘Membership organization political committee’ has the mean-
17 ing given that term in section 2 of this 2024 Act.**

18 **“(e) ‘Minor political party’ means a political party that has qualified
19 as a minor political party under ORS 248.008.**

20 **“(f) ‘Multicandidate political committee’ means a political commit-
21 tee that supports or opposes:**

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

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

25 **“(g) ‘Political party administration committee’ means a political
26 committee that, on a statewide basis:**

27 **“(A) Does not make expenditures in support of or in opposition to
28 one or more candidates;**

29 **“(B) Makes expenditures for the benefit of the political party, in-
30 cluding building party membership, developing and expressing policy**

1 positions and platforms and lobbying and litigation related to public
2 policies, elections or laws affecting political parties; and

3 “(C)(i) Represents a major political party or a minor political party;
4 or

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

7 “(h) ‘Political party multicandidate committee’ means a political
8 committee that:

9 “(A) Operates on a statewide basis;

10 “(B) Qualifies as a multicandidate political committee; and

11 “(C)(i) Represents a major political party or a minor political party;
12 or

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

15 “(i) ‘Recall political committee’ means a political committee that
16 supports or opposes a person subject to a recall election.

17 “(j) ‘Small donor political committee’ means a political committee
18 that:

19 “(A) Registers as a small donor political committee under this sec-
20 tion;

21 “(B) Prior to registering as a small donor political committee has
22 not accepted a contribution in excess of the contribution limits for
23 small donor political committees set forth in section 4 of this 2024 Act;
24 and

25 “(C) While operating as a small donor political committee, complies
26 with the restrictions on receiving contributions set forth in section 4
27 of this 2024 Act.

28 “SECTION 7. Notwithstanding ORS 260.042 (9)(j), a political com-
29 mittee, as defined in ORS 260.005, that is not organized as a small do-
30 nor political committee, as defined in ORS 260.042, may reorganize as

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

10 **“SECTION 8.** Section 7 of this 2024 Act is repealed on March 31,
11 2027.

12 **“SECTION 9.** A person may not, directly or indirectly:

13 **“(1) Require an employee or contractor to make a contribution or**
14 **independent expenditure to support or oppose any candidate; or**

15 **“(2) Provide or promise any benefit or impose or threaten any det-**
16 **riment due to a decision by an employee or contractor on whether to**
17 **make a contribution or independent expenditure to support or oppose**
18 **a candidate.**

19 **“SECTION 10.** ORS 260.005 is amended to read:

20 “260.005. As used in this chapter:

21 “(1)(a) ‘Candidate’ means:

22 “(A) An individual whose name is printed on a ballot, for whom a decla-
23 ration of candidacy, nominating petition or certificate of nomination to
24 public office has been filed or whose name is expected to be or has been
25 presented, with the individual’s consent, for nomination or election to public
26 office;

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

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

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

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

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

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

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

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

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

27 “(b) The excess value of a contribution made for compensation or con-
28 sideration of less than equivalent value[.]; **and**

29 “(c) **An expenditure by a person for a communication in support**
30 **of or in opposition to a clearly identified candidate or measure that is**

1 **made with the cooperation or with the prior consent of, or in consul-**
2 **tation with, or at the request or suggestion of, a candidate or any**
3 **agent or authorized committee of the candidate, or any political com-**
4 **mittee or agent of a political committee supporting or opposing a**
5 **measure.**

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

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

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

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

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

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

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

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

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

1 date or political committee to or on behalf of any other candidate or political
2 committee.

3 “(9) ‘Filing officer’ means:

4 “(a) The Secretary of State:

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

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

7 “(C) Regarding any measure; or

8 “(D) Regarding any political committee.

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

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

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

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

20 “(10) ‘Independent expenditure’ means an expenditure by a person for a
21 communication in support of or in opposition to a clearly identified candi-
22 date or measure that is not made with the cooperation or with the prior
23 consent of, or in consultation with, or at the request or suggestion of, a
24 candidate or any agent or authorized committee of the candidate, or any
25 political committee or agent of a political committee supporting or opposing
26 a measure. For purposes of this subsection **and subsection (3) of this sec-**
27 **tion:**

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

29 “(A) Actual oral or written authority, either express or implied, to make
30 or to authorize the making of expenditures on behalf of a candidate or on

1 behalf of a political committee supporting or opposing a measure; or

2 “(B) Been placed in a position within the campaign organization where

3 it would reasonably appear that in the ordinary course of campaign-related

4 activities the person may authorize expenditures.

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

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

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

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

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

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

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

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

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

14 candidate or measure’ means:

15 “(A)(i) The communication, when taken as a whole and with limited ref-

16 erence to external events, such as the proximity to the election, could only

17 be interpreted by a reasonable person as containing advocacy for the election

18 or defeat of a clearly identified candidate for nomination or election to

19 public office, or the passage or defeat of a clearly identified measure; and

20 “(ii) The electoral portion of the communication is unmistakable, unam-

21 biguous and suggestive of only one meaning; or

22 “(B)(i) The communication involves aggregate expenditures of more than

23 \$250 by a person;

24 “(ii) The communication refers to a clearly identified candidate or meas-

25 ure that will appear on the ballot or to a political party; and

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

27 electorate within 60 calendar days before a primary election, 120 calendar

28 days before a general election or 90 calendar days before an election other

29 than a primary election or a general election.

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

1 sultation with, or at the request or suggestion of, a candidate or any agent
2 or authorized committee of the candidate, or any political committee or
3 agent of a political committee supporting or opposing a measure’:

4 “(A) Means any arrangement, coordination or direction by the candidate
5 or the candidate’s agent, or by any political committee or agent of a political
6 committee supporting or opposing a measure, prior to the publication, dis-
7 tribution, display or broadcast of the communication. An expenditure shall
8 be presumed to be so made when it is:

9 “(i) Based on information about the plans, projects or needs of the can-
10 didate, or of the political committee supporting or opposing a measure, and
11 provided to the expending person by the candidate or by the candidate’s
12 agent, or by any political committee or agent of a political committee sup-
13 porting or opposing a measure, with a view toward having an expenditure
14 made; or

15 “(ii) Made by or through any person who is or has been authorized to
16 raise or expend funds, who is or has been an officer of a political committee
17 authorized by the candidate or by a political committee or agent of a poli-
18 tical committee supporting or opposing a measure, or who is or has been
19 receiving any form of compensation or reimbursement from the candidate,
20 the candidate’s principal campaign committee or agent or from any political
21 committee or agent of a political committee supporting or opposing a meas-
22 ure.

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

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

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

30 “(13) ‘Mass mailing’ means more than 200 substantially similar pieces of

1 mail, but does not include a form letter or other mail that is sent in response
2 to an unsolicited request, letter or other inquiry.

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

5 “(a) A proposed law.

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

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

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

9 “(e) A proposition or question.

10 “(15) ‘Occupation’ means:

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

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

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

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

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

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

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

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

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

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

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

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

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

9 “(23) ‘State office’ means the office of Governor, Secretary of State, State
10 Treasurer, Attorney General, Commissioner of the Bureau of Labor and In-
11 dustries, state Senator, state Representative, judge or district attorney.

12 **“SECTION 11. Chapter 3, Oregon Laws 2007, is repealed.**

13

14 **“TRANSPARENCY IN ELECTIONS**

15

16 **“SECTION 12. Sections 13 and 14a of this 2024 Act are added to and
17 made a part of ORS chapter 260.**

18 **“SECTION 13. (1) The Secretary of State by rule shall adopt an ad-
19 dition to the electronic filing system described in ORS 260.057 to be
20 used by:**

21 **“(a) Membership organizations;**

22 **“(b) Persons; and**

23 **“(c) Any combination of organizations or persons that has a col-
24 lective capacity and that is legally separate from other persons and
25 that makes independent expenditures.**

26 **“(2) The electronic filing system addition described in this section
27 shall be used by entities described in subsection (1) of this section to
28 report the original source of funds used to pay for candidate campaign
29 independent expenditures, to promote transparency and accountability
30 to voters.**

1 **“(3) Once an entity subject to this section has spent an aggregate**
2 **of \$50,000 on candidate campaign independent expenditures in an**
3 **election cycle, the entity must disclose the name of each person that**
4 **has contributed \$5,000 or more during the election cycle and the**
5 **amount of the contribution. In identifying persons that have made**
6 **aggregate donations of \$5,000 or more per election cycle, the entity**
7 **may exclude:**

8 **“(a) Donations received from an affiliated charitable organization**
9 **that is tax exempt under section 501(c)(3) of the Internal Revenue**
10 **Code;**

11 **“(b) Donations and grants received from foundations and other**
12 **persons that may not be used to make a communication in support**
13 **of or in opposition to a clearly identified candidate; and**

14 **“(c) Donations received from a source that demonstrates to the**
15 **Secretary of State that there is a reasonable probability that public**
16 **knowledge of the identity of the source would subject the source or the**
17 **family of the source to serious risk of physical harm.**

18 **“(4) An entity described in subsection (3) of this section must only**
19 **disclose the original source of funds up to the amount spent on an**
20 **independent expenditure.**

21 **“(5) Donations from donors who have contributed less than \$5,000**
22 **during the election cycle may be aggregated and reported on a ‘Mis-**
23 **cellaneous Under \$5,000’ category on the electronic filing system addi-**
24 **tion.**

25 **“(6)(a) Each donor that is separately reported under subsection**
26 **(3)(a) of this section and who spends an aggregate of \$50,000 on inde-**
27 **pendent expenditures in an election cycle, must also report the ori-**
28 **ginal source of the donation.**

29 **“(b) If and to the extent a donor serves as a pass-through or inter-**
30 **mediary for the original source of the funds, the pass-through or in-**

1 **termediary status shall be reported as a pass-through or intermediary.**

2 **“(c) For purposes of this section and section 14a of this 2024 Act and**
3 **ORS 260.266:**

4 **“(A) ‘Business income’ means funds received by a person in com-**
5 **mercial transactions in the ordinary course of the person’s regular**
6 **trade, business or investments. ‘Business income’ does not include**
7 **contributions or donations, except for membership or union dues or**
8 **donations paid to the person.**

9 **“(B) ‘Original source’ means business income or personal funds.**

10 **“(C) ‘Personal funds’ means income received by an individual as**
11 **salary or wages, other earned income from bona fide employment, in-**
12 **terest, dividends, royalties or proceeds from an individual’s personal**
13 **investments, bequests and income from testamentary trusts or other**
14 **trusts established by bequest. ‘Personal funds’ does not include any**
15 **funds received from any person for the purpose of influencing an**
16 **election.**

17 **“(7) The Secretary of State shall by rule establish reporting**
18 **timelines and guidance for the reporting of independent expenditures**
19 **under this section.**

20 **“SECTION 14. (1) On or before January 1, 2028, the Secretary of**
21 **State shall:**

22 **“(a) Create a web-based campaign finance dashboard that promotes**
23 **transparency and fosters research and analysis on campaign donations**
24 **and expenditures in this state. The dashboard shall include numeric**
25 **and visual representations of campaign finance activity in Oregon.**

26 **“(b) Update software related to campaign filings to promote trans-**
27 **parency, efficiency and modern best practices in campaign finance**
28 **reporting.**

29 **“(2) The definitions in section 2 of this 2024 Act apply to this sec-**
30 **tion.**

1 **SECTION 14a. (1) For elections occurring after January 1, 2028, the**
2 **Secretary of State shall:**

3 **“(a) At least 10 days before each election, release on the web-based**
4 **dashboard described in section 14 of this 2024 Act a list of the 100**
5 **largest contributors to candidates or principal campaign committees,**
6 **aggregated across all candidates.**

7 **“(b) Annually release a visual representation of contributions by**
8 **industry aggregated across all candidates and broken down by state-**
9 **wide, legislative and local office.**

10 **“(c) At least 10 days before each election, release on the web-based**
11 **dashboard described in section 14 of this 2024 Act the original sources**
12 **of candidate independent expenditures as required by section 13 of this**
13 **2024 Act. The disclosures must be set forth on the dashboard so as to**
14 **promote transparency with the public.**

15 **“(d) Annually display the average cost of campaigns by office and**
16 **the largest three categories for spending, broken down by statewide**
17 **office, legislative office, circuit court and district attorney offices and**
18 **local offices.**

19 **“(2) The Secretary of State may by rule establish other reports, data**
20 **and information to be included on the web-based dashboard described**
21 **in section 14 of this 2024 Act and the frequency with which the infor-**
22 **mation is reported, except that the information must be reported at**
23 **least annually. The secretary shall follow best practices to promote**
24 **efficiency when establishing reporting and filing requirements.**

25 **“(3)(a) The Secretary of State shall biannually conduct a review**
26 **process of:**

27 **“(A) The reporting and filing of information required in order to**
28 **comply with the disclosures and content required on the web-based**
29 **dashboard described in section 14 of this 2024 Act; and**

30 **“(B) Compliance by and the needs of stakeholders, including but**

1 **not limited to:**

2 **“(i) Persons who make and report donations to candidates or prin-**
3 **ciple campaign committees;**

4 **“(ii) Persons who make independent expenditures;**

5 **“(iii) Entities organized under section 501(c) of the Internal Revenue**
6 **Code;**

7 **“(iv) Candidates; and**

8 **“(v) Media organizations.**

9 **“(b) The secretary shall report the findings of the biannual review**
10 **to the Legislative Assembly and may also report on improvements**
11 **undertaken or planned by the secretary based on the findings of the**
12 **review.**

13 **“SECTION 15. ORS 260.266 is amended to read:**

14 **“260.266. (1) Except as otherwise provided by a local provision, a com-**
15 **munication in support of or in opposition to a clearly identified candidate**
16 **must state the name of the persons that paid for the communication.**

17 **“(2) For the purpose of complying with subsection (1) of this section:**

18 **“(a) Except as provided in paragraph (b) of this subsection, a communi-**
19 **cation in support of or in opposition to a clearly identified candidate by a**
20 **political committee or **recall** petition committee **that costs at least \$10,000****
21 **must state:**

22 **“(A) The name of the political committee or petition committee; and**

23 **“(B) The names of the [*five*] **four** persons that have made the largest ag-**
24 **gregate contributions of \$10,000 or more to the committee in the election**
25 **cycle in which the communication is made.**

26 **“(b) A communication in support of or in opposition to a clearly identified**
27 **candidate by an individual, a for-profit business entity or a candidate or the**
28 **principal campaign committee of a candidate must state the name of the in-**
29 **dividual, for-profit business entity or candidate.**

30 **“(c)(A) A communication in support of or in opposition to a clearly**

1 identified candidate by a person not described in paragraph (a) or (b) of this
2 subsection must state:

3 “(i) The name of the person; and

4 “(ii) Except as provided in subparagraph (B) of this paragraph, the names
5 of the [*five*] **four** persons that have made the largest aggregate donations of
6 \$10,000 or more to the person in the election cycle in which the communi-
7 cation is made.

8 “(B) In identifying persons that have made aggregate donations of \$10,000
9 or more, a person described in this paragraph may exclude:

10 “(i) Donations received from an affiliated charitable organization that is
11 tax exempt under section 501(c)(3) of the Internal Revenue Code; and

12 “(ii) Donations and grants received from foundations and other persons
13 that may not be used to make a communication in support of or in opposition
14 to a clearly identified candidate.

15 “(d) Notwithstanding [*paragraphs (a) to*] **paragraph (b) or** (c) of this
16 subsection, a digital communication may state only the name of the person
17 that made the communication if the digital communication includes an active
18 link to a website that prominently displays the additional information re-
19 quired by this subsection.

20 “**(3) If a candidate has contributed more than \$20,000 to their own**
21 **campaign, a communication subject to this section must include a**
22 **statement indicating that the candidate has contributed more than**
23 **\$20,000 to their own campaign.**

24 “[~~(3)~~] **(4)** A person that makes communications in support of or in oppo-
25 sition to a clearly identified candidate must consider an anonymous donation
26 of \$1,000 or more from a single person to be a donation that may not be used
27 to make a communication in support of or in opposition to a clearly identi-
28 fied candidate.

29 “[~~(4)(a)~~] **(5)(a)** If a person is required to disclose the names of [*five*] **four**
30 persons under subsection (2)(a)(B) or (c)(A)(ii) of this section and more than

1 [five] **four** persons qualify as having made the largest aggregate contribu-
2 tions or donations, the person shall disclose the [five] **four** applicable per-
3 sons whose contributions or donations were made closest to the date of
4 initial printing or transmission of the communication.

5 “(b) Except as provided in paragraph (c) of this subsection, the [five] **four**
6 persons required to be named under subsection (2)(a)(B) or (c)(A)(ii) of this
7 section must be accurate as of 10 days before the most recent payment to
8 print or transmit the communication.

9 “(c) A person that both makes multiple digital communications in support
10 of or in opposition to a clearly identified candidate and uses the method
11 described in subsection (2)(d) of this section to meet the identification re-
12 quirements of subsection (2)(a)(B) or (c)(A)(ii) of this section, may use one
13 active link to the same website for all digital communications made by the
14 person, provided that the information on the website is accurate as of 10
15 days before the most recent payment to print or transmit a communication.

16 “(6) **A communication in support of or in opposition to a clearly**
17 **identified candidate that costs at least \$10,000 must include an elec-**
18 **tronic, printed or aural link to the appropriate site on the electronic**
19 **filing system described in ORS 260.057, that identifies the original**
20 **sources of funds to the entity that made the expenditure. The link:**

21 “(a) **Shall be an active link if the communication is in digital form;**

22 “(b) **Shall be a printed or televised rendition of the link if the**
23 **communication is in printed or televised form; and**

24 “(c) **Shall be read as part of the communication if the communi-**
25 **cation is on radio or other aural format. The Secretary of State shall**
26 **strive for brevity and clarity in creating links to be read under this**
27 **paragraph.**

28 “(7) **The Secretary of State shall by rule provide technical specifi-**
29 **cations for the links described in subsection (6) of this section.**

30 “[5] (8) This section does not apply to:

1 “(a) Candidates for federal office.

2 “(b) Candidates other than those described in paragraph (a) of this sub-
3 section who are not required to use the electronic filing system adopted un-
4 der ORS 260.057 to file statements of contributions received or expenditures
5 made.

6 “(c) Petition committees that are not required to use the electronic filing
7 system adopted under ORS 260.057 to file statements of contributions re-
8 ceived or expenditures made.

9 “(d) Political committees that are not required to use the electronic filing
10 system adopted under ORS 260.057 to file statements of contributions re-
11 ceived or expenditures made.

12 “(e) A person that makes independent expenditures and that is exempt
13 under ORS 260.044 from being required to file statements of independent ex-
14 penditures using the electronic filing system adopted under ORS 260.057.

15 “(f) A communication that is excluded from the definition of
16 ‘expenditure’ under ORS 260.007.

17 “(g) Items of de minimis value relating to a candidate, including but not
18 limited to:

19 “(A) Lawn signs, pins, pens and other similar items;

20 “(B) Skywriting; or

21 “(C) Wearable merchandise.

22 “(h) Any other item that the Secretary of State by rule determines is too
23 small to feasibly include the identifying information required by this section.

24 “[~~(6)~~] **(9)** The Secretary of State by rule shall prescribe the form of
25 statements required on communications described in this section. Rules
26 adopted under this subsection must ensure that the information required to
27 be included in communications under this section is:

28 “(a) In a font, size and color that are easy for an average person to read,
29 if the communication appears in a print or digital format; and

30 “(b) Clearly audible to the average person, if the communication appears

1 in an audio format.

2 “[7] (10) As used in this section:

3 “(a) ‘Clearly identified’ has the meaning given that term in ORS 260.005
4 (10)(b).

5 “(b)(A) Except as provided in subparagraph (B) of this paragraph, ‘com-
6 munication in support of or in opposition to a clearly identified candidate’
7 means:

8 “(i)(I) The communication, when taken as a whole and with limited ref-
9 erence to external events, such as the proximity to the election, could only
10 be interpreted by a reasonable person as containing advocacy for the election
11 or defeat of a clearly identified candidate for nomination or election to
12 public office; and

13 “(II) The electoral portion of the communication is unmistakable, unam-
14 biguous and suggestive of only one meaning; or

15 “(ii)(I) The communication involves aggregate expenditures by a person
16 of more than the amount provided in ORS 260.044 (1);

17 “(II) The communication refers to a clearly identified candidate who will
18 appear on the ballot; and

19 “(III) The communication is printed or transmitted to the relevant
20 electorate within the time frame provided in ORS 260.005 (10)(c)(B)(iii).

21 “(B)(i) ‘Communication in support of or in opposition to a clearly identi-
22 fied candidate’ includes but is not limited to communications distributed via
23 print, telephone, radio, television or the Internet.

24 “(ii) ‘Communication in support of or in opposition to a clearly identified
25 candidate’ does not include newspaper editorials, printed advertisements with
26 a fair market value of less than \$500 or communications made via telephone
27 that have a fair market value of less than \$500.

28 “(c)(A) ‘Donation’ means the gift or transfer of moneys or any other item
29 of value to a person subject to subsection (2)(c)(A) of this section, including
30 any membership fees, dues or assessments.

1 “(B) ‘Donation’ does not include moneys or any other item of value re-
2 ceived by a person subject to subsection (2)(c)(A) of this section in the or-
3 dinary course of a trade or business conducted by the person.

4 “[*d*] ‘Election cycle’ means the period of time starting on the day after the
5 date of a general election and ending on the date of the next general
6 election.]

7 “[*e*] (d) ‘Local provision’ means a charter provision, ordinance, resol-
8 ution or other provision adopted by a city, county or other local government.

9 **“SECTION 16. ORS 260.275, 260.281 and 260.285 are repealed.**

10 **“SECTION 17.** ORS 260.402 is amended to read:

11 “260.402. (1) A person may not directly or indirectly reimburse a person
12 for making a contribution or donation, or make a contribution or donation
13 in any name other than that of the person that in truth provides the con-
14 tribution or donation, to:

15 “(a) Any other person, relating to a nomination or election of any candi-
16 date or the support of or opposition to any measure;

17 “(b) Any political committee; **or**

18 “[*c*] Any covered organization required to file a donor identification list
19 under ORS 260.281; or]

20 “[*d*] (c) A petition committee required to file a statement under ORS
21 260.118.

22 “(2) Except as provided in subsection (3) of this section, a person, political
23 committee, covered organization or petition committee may not knowingly
24 receive a contribution or donation prohibited under subsection (1) of this
25 section or enter or cause the contribution or donation to be entered in ac-
26 counts or records in another name than that of the person that actually
27 provided the contribution or donation.

28 “(3) If a person receives a contribution from a political committee, the
29 person may enter the contribution into accounts or records as received from
30 the political committee.

1 “(4) As used in this section[, ‘covered organization’ and ‘donation’ have the
2 meanings given those terms in ORS 260.275.]:

3 **“(a) ‘Covered organization’ means a combination of two or more
4 individuals, or a person other than an individual, political committee,
5 petition committee or a not-for-profit corporation that is tax exempt
6 under section 501(c)(3) of the Internal Revenue Code, that both accepts
7 donations and makes political communications.**

8 **“(b)(A) ‘Donation’ means the gift or transfer of moneys or any
9 other item of value to a covered organization, including any member-
10 ship fees, dues or assessments.**

11 **“(B) ‘Donation’ does not include moneys or any other item of value
12 received by a covered organization in the ordinary course of a trade
13 or business conducted by the covered organization.**

14

15 **“COMPLAINTS AND PENALTIES**

16

17 **“SECTION 18.** ORS 260.232 is amended to read:

18 **“260.232. (1) The Secretary of State may impose a civil penalty as provided
19 in this section, in addition to any other penalty that may be imposed, for:**

20 **“(a) Failure to file a statement or certificate required to be filed under
21 ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118.**

22 **“(b) Failure to include in a statement filed under ORS 260.044, 260.057,
23 260.076, 260.078, 260.083, 260.112 or 260.118 the information required under
24 ORS 260.044, 260.057, 260.076, 260.083 or 260.118.**

25 **“(2)(a) If a person required to file has not filed a statement or certificate
26 complying with applicable provisions of ORS 260.044, 260.057, 260.076, 260.078,
27 260.083, 260.085, 260.112 or 260.118 within the time specified in ORS 260.044,
28 260.057, 260.076, 260.078 or 260.118, the Secretary of State by first class mail
29 or electronically shall notify the person or elector designated under ORS
30 260.042 or 260.118 that a penalty may be imposed and that the person has 20**

1 days from the service date on the notice to request a hearing before the
2 Secretary of State.

3 “(b) If the person required to file is a candidate or the principal campaign
4 committee of a candidate, the Secretary of State shall send the notice de-
5 scribed in paragraph (a) of this subsection by first class mail or electron-
6 ically to the candidate. The notice shall be used for purposes of determining
7 the deadline for requesting a hearing under subsection (3) of this section.

8 “(3) A hearing on whether to impose a civil penalty and to consider cir-
9 cumstances in mitigation shall be held by the Secretary of State:

10 “(a) Upon request of the person against whom the penalty may be as-
11 sessed, if the request is made not later than the 20th day after the service
12 date on the notice sent under subsection (2) of this section;

13 “(b) Upon request of the filing officer with whom a statement or certifi-
14 cate was required to be filed but was not filed; or

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

16 “(4) A hearing under subsection (3) of this section shall be held not later
17 than 45 days after the deadline for the person against whom the penalty may
18 be assessed to request a hearing. However, if requested by the person
19 against whom the penalty may be assessed, a hearing under subsection (3)
20 of this section shall be held not later than 60 days after the deadline for the
21 person against whom the penalty may be assessed to request a hearing.

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

25 “(6) The person against whom a penalty may be assessed need not appear
26 in person at a hearing held under this section, but instead may submit
27 written testimony and other evidence, sworn to before a notary public, to the
28 Secretary of State for entry in the hearing record. The testimony and other
29 evidence must be received by the secretary not later than three business days
30 before the day of the hearing and may be submitted electronically.

1 “(7) A person subject to this section who has filed a late or insuffi-
2 cient statement of transactions may self-report the late or insufficient
3 statement and pay the penalty to the Secretary of State. Upon receipt
4 of a corrected statement and payment of the penalty due, the secre-
5 tary may accept and record the penalty without further investigation
6 under this section. Nothing in this subsection prevents the secretary
7 from continuing to investigate noncompliance with the requirements
8 of this section or ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112
9 or 260.118.

10 “[(7)] (8) A civil penalty imposed under this section may not be more than
11 the following:

12 “(a) For failure to file a statement or certificate required to be filed under
13 ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118, 10 percent
14 of the total amount of the contribution or expenditure required to be in-
15 cluded in the statement or certificate; or

16 “(b) For each failure to include in a statement filed under ORS 260.044,
17 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118 the information required
18 under ORS 260.044, 260.057, 260.076, 260.083 or 260.118, 10 percent of the total
19 amount of the contribution or expenditure required to be included in the
20 statement.

21 “[(8)] (9) The Secretary of State, upon a showing of mitigating circum-
22 stances, may reduce the amount of the penalty described in subsection [(7)]
23 (8) of this section.

24 “[(9)] (10) Except as otherwise provided by this section, civil penalties
25 under this section shall be imposed as provided in ORS 183.745.

26 “**SECTION 19.** ORS 260.345 is amended to read:

27 “260.345. (1) Any elector may file with any filing officer a written com-
28 plaint alleging that a violation of an election law or rule adopted by the
29 Secretary of State under ORS chapters 246 to 260 has occurred and stating
30 the reason for believing that the violation occurred and any evidence relat-

1 ing to it. A complaint and any evidence relating to it may be filed electron-
2 ically. A complaint alleging a violation involving the Secretary of State, a
3 candidate for the office of Secretary of State, or any political committee or
4 person supporting the Secretary of State or a candidate for the office of
5 Secretary of State may be filed with the Attorney General. The Secretary of
6 State or Attorney General shall not accept an anonymous complaint.

7 “(2) The Secretary of State by rule shall prescribe the procedure for pro-
8 cessing a complaint filed with any person other than the Secretary of State.
9 If the complaint concerns the Secretary of State, any candidate for the office
10 of the Secretary of State, or any political committee or person supporting the
11 candidacy of the Secretary of State or of another person for the office of
12 Secretary of State, the complaint and any additional information relating to
13 the complaint shall be sent to the Attorney General. **An investigation must
14 be commenced within 30 days of receiving the complaint and a finding
15 must be issued within 60 days of receiving the complaint.**

16 “(3) Upon receipt of a complaint under subsection (1) or (2) of this section
17 the Secretary of State or Attorney General immediately shall examine the
18 complaint to determine whether a violation of an election law or rule has
19 occurred and shall make any investigation the Secretary of State or Attorney
20 General considers necessary. Except as provided in this subsection, within
21 three business days of determining that an investigation is necessary to de-
22 termine whether a violation of an election law or rule has occurred, the
23 Secretary of State or Attorney General shall notify the person who is the
24 subject of the complaint that an investigation will take place. If the Secre-
25 tary of State or Attorney General receives a complaint or complaints in-
26 volving 10 or more individuals, political committees or petition committees
27 in any 48-hour period, the Secretary of State or Attorney General need not
28 notify the persons who are the subjects of those complaints within three
29 business days of receiving the complaints but shall notify those persons not
30 later than 10 business days after determining that an investigation is neces-

1 sary to determine whether a violation of election law or rule has occurred.

2 “(4) If the Secretary of State believes after an investigation under sub-
3 section (3) of this section that a violation of an election law or rule has
4 occurred, the secretary:

5 “(a) In the case of a violation that is subject to a penalty under ORS
6 260.993, immediately shall report the findings to the Attorney General and
7 request prosecution. If the violation involves the Attorney General, a candi-
8 date for that office or a political committee or person supporting or opposing
9 the Attorney General or a candidate for that office, the Secretary of State
10 shall appoint another prosecutor for that purpose;

11 “(b) In the case of a violation not subject to a penalty under ORS 260.537
12 or 260.993, may impose a civil penalty under ORS 260.995; or

13 “(c) In the case of a violation under ORS 260.537, may institute civil
14 proceedings in the manner described in ORS 260.537.

15 “(5) Upon receipt of a complaint or report under subsection (1), (2) or (4)
16 of this section involving an alleged violation subject to a penalty under ORS
17 260.993 or an alleged violation of ORS 260.537, the Attorney General or other
18 prosecutor immediately shall examine the complaint or report to determine
19 whether a violation of an election law has occurred. If the Attorney General
20 or prosecutor determines that a violation has occurred, the Attorney General
21 or prosecutor immediately shall begin prosecution or civil proceedings in the
22 name of the state. The Attorney General or other prosecutor shall have the
23 same powers in any county of this state as the district attorney for the
24 county.

25 “(6) Upon receipt of a complaint under subsection (1) or (2) of this section
26 involving an alleged violation of an election law or rule not subject to a
27 penalty under ORS 260.537 or 260.993, the Attorney General shall examine
28 the complaint to determine whether a violation of an election law or rule
29 has occurred and shall make any investigation the Attorney General con-
30 siders necessary. If the Attorney General believes after an investigation that

1 a violation of an election law or rule has occurred, the Attorney General
2 may impose a civil penalty under ORS 260.995.

3 “(7) In the case of an alleged violation subject to a civil penalty under
4 ORS 260.995 or an alleged violation of ORS 260.537, a complaint shall be filed
5 by an elector under this section no later than 90 days following the election
6 at which a violation of an election law or rule is alleged to have occurred,
7 or 90 days following the date the violation of an election law or rule is al-
8 leged to have occurred, whichever is later.

9 “(8) A filing officer having reason to believe that a violation of an
10 election law or rule has occurred shall proceed promptly as though the offi-
11 cer had received a complaint. Except as provided in ORS 260.234, a filing
12 officer shall proceed under this subsection no later than two years following
13 the election at which a violation of an election law or rule is alleged to have
14 occurred, or two years following the date the violation of an election law
15 or rule is alleged to have occurred, whichever is later. If a filing officer has
16 not proceeded within two years because of fraud, deceit, misleading repre-
17 sentation or the filing officer could not have reasonably discovered the al-
18 leged violation, the filing officer shall proceed no later than five years
19 following the election at which a violation of an election law or rule is al-
20 leged to have occurred, or five years following the date the violation of an
21 election law or rule is alleged to have occurred, whichever is later.

22 **“(9) In the case of a complaint alleging a violation of the original**
23 **source disclosure requirements of section 13 of this 2024 Act, the**
24 **complainant shall be notified of the outcome of any investigation and**
25 **may request an administrative hearing for a violation for which a civil**
26 **penalty of greater than \$10,000 may be imposed.**

27 **“SECTION 20.** ORS 260.995 is amended to read:

28 “260.995. (1) Except as provided in [*subsection (2)*] **subsections (2) to (4)**
29 of this section, following an investigation under ORS 260.345, the Secretary
30 of State or Attorney General may impose a civil penalty not to exceed \$1,000

1 for each violation of any provision of Oregon Revised Statutes relating to
2 the conduct of any election, any rule adopted by the secretary under ORS
3 chapters 246 to 260 or any other matter preliminary to or relating to an
4 election, for which a civil penalty is not otherwise provided.

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

7 “(a)(A) Except as provided in subparagraph (B) of this paragraph, \$1,000
8 plus the amount converted to personal use for each violation of ORS 260.407;

9 **or**

10 “(B) Two times the amount of the penalty provision for violating a
11 nondisclosure agreement that is contained within each nondisclosure agree-
12 ment entered into in violation of ORS 260.407 or 260.413;

13 “(b) 150 percent of the total cost of printing, transmitting or distributing
14 a communication in support of or in opposition to a clearly identified can-
15 didate if the disclosure requirements set forth in ORS 260.266 are not met;

16 or

17 “(c) \$10,000 for each violation of ORS 260.555, 260.558, 260.575, 260.695 (1)
18 or (2) or 260.715 (1) or Article IV, section 1b, of the Oregon Constitution.

19 **“(3)(a) Except as provided in paragraphs (b) and (c) of this sub-**
20 **section, the Secretary of State or the Attorney General may impose a**
21 **civil penalty on the recipient of a contribution that exceeds the limits**
22 **of section 4 or 5 of this 2024 Act. The amount of the civil penalty to**
23 **be imposed shall be at least equal to the amount of the unlawful con-**
24 **tribution.**

25 **“(b) The recipient of a contribution that violates the contribution**
26 **limits of section 4 or 5 of this 2024 Act may remedy the violation by**
27 **refunding to the contributor an amount that renders the contribution**
28 **in compliance with applicable contribution limits under section 4 or 5**
29 **of this 2024 Act. For this paragraph to apply, the refund must be made**
30 **to the contributor within 14 days of receipt of the unlawful contribu-**

1 **tion.**

2 **“(c) If paragraph (b) of this subsection does not apply, the recipient**
3 **of a contribution that violates the contribution limits of section 4 or**
4 **5 of this 2024 Act may reduce the penalty otherwise applicable under**
5 **this subsection by 50 percent, if the recipient refunds to the contribu-**
6 **tor an amount that renders the contribution in compliance with sec-**
7 **tion 4 or 5 of this 2024 Act within 14 days of the date the recipient**
8 **reasonably should have known that the violation occurred.**

9 **“(d) The Secretary of State may adopt rules under this subsection**
10 **establishing enhanced penalties for successive knowing and willful vi-**
11 **olations of the contribution limit provisions of section 4 or 5 of this**
12 **2024 Act.**

13 **“(4)(a) The Secretary of State or the Attorney General may impose**
14 **a civil penalty on a person subject to the reporting requirements of**
15 **section 13 of this 2024 Act and that is violating those requirements.**
16 **The penalty to be imposed shall be not less than one-tenth of, nor**
17 **more than four times, the total amount of contribution or expenditure**
18 **that was not properly disclosed or disclaimed.**

19 **“(b) The Secretary of State may adopt rules under this subsection**
20 **establishing enhanced penalties for successive knowing and willful vi-**
21 **olations of the disclosure provisions of section 13 of this 2024 Act.**

22 **“[(3)] (5) Except as otherwise provided by this section, civil penalties**
23 **under this section shall be imposed as provided in ORS 183.745. In addition**
24 **to the requirements of ORS 183.745, the notice shall include:**

25 **“(a) A statement of the authority and jurisdiction under which the hear-**
26 **ing is to be held; and**

27 **“(b) If the person is an agency, corporation or an unincorporated associ-**
28 **ation, a statement that such person must be represented by an attorney li-**
29 **censed in Oregon, unless the person is a political committee which may be**
30 **represented by any officer identified in the most recent statement of organ-**

1 ization filed with the filing officer.

2 “[4] (6) A hearing on whether to impose a civil penalty and to consider
3 circumstances in mitigation shall be held by the secretary or Attorney Gen-
4 eral:

5 “(a) Upon request of the person against whom the penalty may be as-
6 sessed, if the request is made not later than the 20th day after the service
7 date on the notice sent under subsection [(3)] (5) of this section; or

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

9 “[5] (7) The person against whom a penalty may be assessed need not
10 appear in person at a hearing held under this section, but instead may sub-
11 mit written testimony or other evidence, sworn to before a notary public, to
12 the secretary or Attorney General for entry in the hearing record. The tes-
13 timony or other evidence must be received by the secretary or Attorney
14 General not later than three business days before the day of the hearing and
15 may be submitted electronically.

16 “[6] (8) All hearings under this section shall be held not later than 45
17 days after the deadline for the person against whom the penalty may be as-
18 sessed to request a hearing. However, if requested by the person against
19 whom the penalty may be assessed, a hearing under subsection [(4)] (6) of
20 this section shall be held not later than 60 days after the deadline for the
21 person against whom the penalty may be assessed to request a hearing.

22 “[7] (9) The secretary or Attorney General shall issue an order not later
23 than 90 days after a hearing or after the deadline for requesting a hearing
24 if no hearing is held.

25 “[8] (10) All penalties recovered under this section shall be paid into the
26 State Treasury and credited to the General Fund.

27 “[9] (11) In the case of a civil penalty imposed under this section for a
28 violation of ORS 260.407, the person against whom the penalty is assessed:

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

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

1 “(c) May not pay the civil penalty from contributions received by a can-
2 didate, a candidate’s principal campaign committee, a political committee or
3 a petition committee.

4
5 **“IMPLEMENTATION AND REPORTING REQUIREMENT**

6
7 **“SECTION 21. (1) The Secretary of State shall hire a full-time em-
8 ployee to provide voter education, support and outreach regarding
9 Oregon’s campaign finance laws, including the laws regarding political
10 contributions set forth in sections 2 to 5 and 9 of this 2024 Act.**

11 **“(2) The Secretary of State shall provide technical assistance to
12 candidates, campaigns and the public to ensure a smooth transition
13 to the newly enacted contribution limit requirements set forth in
14 sections 2 to 5 and 9 of this 2024 Act.**

15 **“SECTION 22. It is the intent of the Legislative Assembly that all
16 parts of this 2024 Act are independent and that if any part of this 2024
17 Act is held unconstitutional, all remaining parts shall remain in force.**

18 **“SECTION 23. (1) Sections 2 to 5 and 9 of this 2024 Act and the
19 amendments to ORS 260.042 by section 6 of this 2024 Act become op-
20 erative on January 1, 2026.**

21 **“(2) Sections 13 and 14a of this 2024 Act and the amendments to ORS
22 260.266 by section 15 of this 2024 Act become operative on January 1,
23 2028.**

24 **“(3) The amendments to ORS 260.232, 260.345 and 260.995 by sections
25 18, 19 and 20 of this 2024 Act become operative on January 1, 2026.**

26 **“SECTION 24. (1)(a) The Secretary of State may take any action
27 before the operative dates specified in section 23 of this 2024 Act that
28 is necessary for the Secretary of State to exercise, on and after the
29 operative dates specified in section 23 of this 2024 Act, all of the duties,
30 functions and powers conferred on the Secretary of State by sections**

1 2 to 5 and 9 of this 2024 Act and the amendments to ORS 260.042,
2 260.232, 260.345 and 260.995 by sections 6, 18, 19 and 20 of this 2024 Act.

3 “(b) No later than May 1, 2025, the Secretary of State shall propose
4 revisions to the manual on campaign finance that is adopted by ad-
5 ministrative rule and made publicly available on the secretary’s
6 website to ensure that it incorporates and describes the contents of
7 this 2024 Act in a clear and straightforward manner.

8 “(c) No later than September 15, 2025, the Secretary of State shall
9 propose rules necessary to implement sections 2 to 5 and 9 of this 2024
10 Act and the amendments to ORS 260.042, 260.232, 260.345 and 260.995 by
11 sections 6, 18, 19 and 20 of this 2024 Act.

12 “(d) No later than January 1, 2026, the Secretary of State shall re-
13 port to the interim committees of the Legislative Assembly responsible
14 for campaign finance on the actions taken by the secretary to imple-
15 ment the provisions of this 2024 Act.

16 “(2)(a) A political committee may take any action before the oper-
17 ative dates set forth in section 23 of this 2024 Act that is necessary for
18 the political committee to be in compliance with the requirements set
19 forth in ORS 260.042, as amended by section 6 of this 2024 Act, no later
20 than the relevant operative date set forth in section 23 of this 2024 Act.

21 “(b) The Secretary of State shall reorganize as a multicandidate
22 political committee any active political committee that remains or-
23 ganized to operate as a miscellaneous political committee on March
24 31, 2027. Any moneys in the bank accounts of a political committee
25 described in this paragraph shall transfer to the newly organized
26 multicandidate political committee and may be used in the same
27 manner as any other moneys contributed to the multicandidate poli-
28 tical committee.

29 “(c) The Secretary of State shall by rule establish a process that
30 provides a miscellaneous political committee that was reorganized

1 under paragraph (b) of this subsection with a single opportunity to
2 reorganize as a measure political committee. The process shall ensure
3 that any moneys in the bank accounts of a political committee de-
4 scribed in this paragraph transfer to the newly organized measure
5 political committee and may be used in the same manner as any other
6 moneys contributed to the measure political committee.

7

8 “CAPTIONS

9

10 “SECTION 25. The unit captions used in this 2024 Act are provided
11 only for the convenience of the reader and do not become part of the
12 statutory law of this state or express any legislative intent in the
13 enactment of this 2024 Act.

14

15 “EFFECTIVE DATE

16

17 “SECTION 26. This 2024 Act takes effect on the 91st day after the
18 date on which the 2024 regular session of the Eighty-second Legislative
19 Assembly adjourns sine die.”

20
