

A-Engrossed House Bill 4024

Ordered by the House March 6
Including House Amendments dated March 6

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Rules for Representative Julie Fahey)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act creates campaign giving and spending limits and new disclosure laws on campaign giving and spending. (Flesch Readability Score: 60.1).

[Digest: Tells the Secretary of State to study money in voting. (Flesch Readability Score 61.3).]

[Requires the Secretary of State to study how best to improve the campaign finance system in the State of Oregon. Directs the secretary to submit findings to the interim committees of the Legislative Assembly related to campaign finance not later than September 15, 2025.]

Establishes political campaign contribution limits applicable to candidates, political committees and membership organizations. Authorizes local governments to establish lower limits for local elections.

Requires specified persons to report the original sources of funds used to pay for candidate campaign independent expenditures. Creates exceptions where reporting need not occur or, for donations under \$5,000, where less information is reported. Directs the Secretary of State to develop a web-based campaign finance dashboard to be used to disclose campaign contributions, independent expenditures and other specified data to enhance transparency and to foster research on campaign finance.

Requires the disclosure of specified information on certain political advertising.

Requires public office incumbents who intend to seek reelection to file nominating petitions or declarations of candidacy at least seven days prior to the filing deadline applicable to nonincumbents.

Modifies penalties to ensure compliance with the new campaign finance and disclosure requirements.

Provides that the contribution limits become operative on January 1, 2027, and that the enhanced campaign contribution and independent expenditure reporting requirements become operative on January 1, 2028.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to campaign finance; creating new provisions; amending ORS 162.005, 260.005, 260.042, 260.232, 260.266, 260.345, 260.402, 260.715 and 260.995; repealing ORS 260.275, 260.281 and 260.285 and chapter 3, Oregon Laws 2007; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

CONTRIBUTION LIMITS

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

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

(1) "Election" means an election at which one or more candidates compete to be elected to a public office.

(2)(a) "Election cycle," except as provided in paragraph (b) of this subsection, means the

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 period starting on January 1 of an odd-numbered year and ending on December 31 of an
2 even-numbered year.

3 (b) "Election cycle," for an election contest that does not occur on the date of a general
4 election, means the period starting on the day after the date of an election at which a candi-
5 dicate is elected to public office and ending on the date of the next election for the same
6 office, regardless of any other elections that occur during that period.

7 (3) "Legislative caucus committee" means a political committee established by a caucus
8 of a political party in the Oregon Senate or the Oregon House of Representatives that is
9 controlled by an elected leader of the caucus that established the committee. A political
10 party may not establish more than one legislative caucus committee in each chamber of the
11 Legislative Assembly.

12 (4) "Measure political committee," "multicandidate political committee," "political party
13 multicandidate committee," "recall political committee" and "small donor political
14 committee" have the meanings given those terms in ORS 260.042.

15 (5) "Membership organization" means an organization that:

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

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

20 (C) Is fiscally sponsored by an organization that is tax exempt under section 501(c) of the
21 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 basis, either pay mon-
25 etary membership dues, make a monetary donation as a condition of maintaining member-
26 ship in the organization or volunteer time as a condition of maintaining membership in the
27 organization.

28 (6) "Membership organization political committee" means a political committee that has
29 been established by a membership organization. A membership organization may only have
30 one membership organization political committee.

31 **SECTION 3.** (1)(a) For purposes of the contribution limits established in sections 4 and
32 5 of this 2024 Act, contributions made or donations received by multiple membership organ-
33 izations are considered to be made or received by a single membership organization, if the
34 membership organizations are established, financed, maintained or controlled by the same
35 person or substantially the same group of persons, including any parent, subsidiary, branch,
36 division, department or local unit of the person or group of persons.

37 (b) Notwithstanding paragraph (a) of this subsection, the same person acting as a direc-
38 tor or officer of two or more membership organizations is not by itself sufficient to consider
39 contributions made or donations received by the membership organizations to be contribu-
40 tions made or received by a single membership organization.

41 (c) Notwithstanding paragraph (a) of this subsection, membership organizations may not
42 be considered established, financed, maintained or controlled by the same person or within
43 the same group of persons if the membership organizations have the authority to make in-
44 dependent decisions as to which candidates, if any, to support or oppose.

45 (2) A membership organization may make political contributions directly or through a

1 membership organization political committee, but may not make aggregate contributions
2 that exceed the contribution limits of sections 4 and 5 of this 2024 Act.

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

6 (b) An in-kind contribution under this section may only be made by a contributor that
7 is authorized to make a contribution under this chapter and may only be received by a poli-
8 tical committee.

9 (c) Except as provided in paragraph (d) of this subsection, the limits on aggregate con-
10 tributions that may be accepted by a candidate or the principal campaign committee of a
11 candidate for the office of state Representative under this section also apply to a candidate
12 or the principal campaign committee of a candidate for any public office that is not a state
13 office.

14 (d)(A) Any local government that, as of January 1, 2024, had a system of contribution
15 limits in effect for local elections may maintain or adopt contribution limits that are lower
16 than those required by this section and may limit the sources that may make contributions
17 to candidates in local elections, except that a local government system of contribution limits
18 described in this subparagraph must permit small donor political committees to accept con-
19 tributions from individuals of up to \$250 per year, as provided in subsection (8)(a) of this
20 section.

21 (B) For any local government that is not described in subparagraph (A) of this paragraph:

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

25 (ii) Any contribution limits adopted by a local government under this subparagraph must
26 allow a candidate or the principal campaign committee of a candidate for an election contest
27 of the local government to accept contributions from any political committee from which a
28 candidate or the principal campaign committee of a candidate for the office of state Repre-
29 sentative may accept contributions under subsection (2)(a) of this section.

30 (C) Any local government may provide public funding for campaigns for local government
31 public office that are not subject to contribution limits under this section or section 5 of this
32 2024 Act.

33 (2) A candidate or the principal campaign committee of a candidate for the office of state
34 Representative, state Senator, circuit court judge or district attorney:

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

36 (b) May not accept aggregate contributions in excess of \$2,000 per election from a can-
37 didate political committee.

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

40 (d) May not accept aggregate contributions in excess of \$15,000 per election from a poli-
41 tical party committee.

42 (e) May not accept aggregate contributions in excess of \$15,000 per election from a leg-
43 islative caucus committee.

44 (f) May not accept aggregate contributions from a membership organization or member-
45 ship organization political committee per election in excess of \$3,300 times four.

1 (g) May not accept aggregate contributions per election from a small donor political
2 committee in excess of \$5 times the number of donors to the small donor political committee.

3 (3) A candidate or the principal campaign committee of a candidate for a state office not
4 described in subsection (2) of this section:

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

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

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

10 (d) May not accept aggregate contributions in excess of \$30,000 per election from a poli-
11 tical party committee.

12 (e) May not accept aggregate contributions in excess of \$30,000 per election from a leg-
13 islative caucus committee.

14 (f) May not accept aggregate contributions from a membership organization or member-
15 ship organization political committee per election in excess of \$3,300 times eight.

16 (g) May not accept aggregate contributions per election from a small donor political
17 committee in excess of \$10 times the number of donors to the small donor political commit-
18 tee.

19 (4) A multicandidate political committee:

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

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

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

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

28 (e) May not accept aggregate contributions in excess of \$5,000 per year from a legislative
29 caucus committee.

30 (f) May not accept aggregate contributions from a membership organization or member-
31 ship organization political committee in excess of \$5,000 per year.

32 (g) May not accept aggregate contributions from a small donor political committee per
33 election in excess of \$5,000 per year.

34 (5) A political party committee:

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

36 (b) May not accept aggregate contributions in excess of \$5,000 per year from a candidate
37 political committee.

38 (c) May not accept aggregate contributions in excess of \$15,000 per year from a multi-
39 candidate political committee.

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

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

44 (f) May not accept aggregate contributions in excess of \$10,000 per year from a mem-
45 bership organization or membership organization political committee.

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

3 (6) A legislative caucus committee:

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

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

7 (c) May not accept aggregate contributions in excess of \$15,000 per year from a multi-
8 candidate political committee.

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

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

13 (f) May not accept aggregate contributions in excess of \$10,000 per year from a mem-
14 bership organization or membership organization political committee.

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

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

18 (8)(a) A small donor political committee:

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

20 (B) May not accept contributions from a candidate political committee, multicandidate
21 political committee, political party committee, legislative caucus committee or a membership
22 organization.

23 (C) May not accept contributions from another small donor political committee.

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

27 (9) A membership organization:

28 (a) May accept unlimited donations from a person and from another membership organ-
29 ization or membership organization political committee.

30 (b) May not accept donations from a candidate political committee, multicandidate poli-
31 tical committee, political party committee, legislative caucus committee or a small donor
32 political committee.

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

37 (11)(a) A political committee may make a contribution to a candidate for state office or
38 the principal campaign committee of a candidate for state office only if the political com-
39 mittee is registered with the Secretary of State as a multicandidate political committee, a
40 political party multicandidate committee, a legislative caucus committee, a membership or-
41 ganization political committee, the principal campaign committee of a candidate or a small
42 donor political committee.

43 (b) A measure political committee or recall political committee may not make a contri-
44 bution to a candidate or the principal campaign committee of a candidate for a state office.

45 (12)(a) A membership organization may make in-kind contributions of up to 12 months

1 per year of full-time staff equivalence for a campaign for the office of state Representative
2 or state Senator and may make in-kind contributions of up to 36 months per year of full-time
3 staff equivalence for a campaign for statewide elected office, provided that the staff time is
4 limited to administrative support, direct voter contact, community organizing, community
5 outreach and staff support for direct voter contact, community organizing or community
6 outreach activities.

7 (b) The organization must measure full-time staff equivalence from staff or members of
8 the organization who attest that they are not currently employed as pollsters, political con-
9 sultants or candidate campaign strategists and that they have not served as a pollster, poli-
10 tical consultant or candidate campaign strategist for at least the previous 18 months.

11 (c) The organization must be solely responsible for the pay, benefits, employment status
12 and other human resources of every staff person or member of the organization facilitating
13 contributions under this subsection.

14 (d) The Secretary of State shall by rule define “administrative support,” “community
15 organizing,” “community outreach,” “direct voter contact” and “staff support” for purposes
16 of this subsection.

17 (13) Nothing in this section limits the amount a candidate may contribute from the
18 candidate’s personal funds to the candidate or the principal campaign committee of the
19 candidate.

20 (14)(a) For purposes of the contribution limits established in this section, contributions
21 made or received by multiple political committees are considered to be made or received by
22 a single political committee if:

23 (A) The political committees have filed to operate as the same type of political committee
24 under ORS 260.042; and

25 (B) The political committees are established, financed, maintained or controlled by the
26 same person or substantially the same group of persons, including any parent, subsidiary,
27 branch, division, department or local unit of the person or group of persons.

28 (b) Notwithstanding paragraph (a) of this subsection, independent businesses, entities,
29 affiliates or local groups of any structure operating under the same corporate family or
30 umbrella organization may not be considered established, financed, maintained or controlled
31 by the same person or within the same group of persons if the independent businesses, en-
32 tities, affiliates or local groups have the authority to make independent decisions as to which
33 candidate, if any, to support or oppose.

34 (c) Notwithstanding paragraph (a) of this subsection, having the same person acting as
35 the treasurer of two or more political committees is not by itself sufficient to consider con-
36 tributions made by the political committees to be contributions made or received by a single
37 political committee.

38 (15) For purposes of the contribution limits established in this section, contributions
39 made by multiple persons are considered to be made or received by a single person if the
40 persons are established, financed, maintained or controlled by the same person or substan-
41 tially the same group of persons, including any parent, subsidiary, branch, division, depart-
42 ment or local unit of the person or group of persons.

43 (16)(a) For purposes of candidate contributions, clubs, societies, associations, organiza-
44 tions or anonymous limited liability companies are not authorized contributors.

45 (b) This subsection does not apply to membership organizations.

1 (17) A candidate seeking a minor party nomination shall be considered to be participating
2 in the primary election for the purposes of the contribution limits established in this section.

3 (18) The Secretary of State may adopt rules necessary to implement this section.

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

6 (A) Principal campaign committee.

7 (B) Multicandidate political committee.

8 (C) Political party multicandidate committee.

9 (D) Small donor political committee.

10 (E) Membership organization political committee.

11 (b) A person who controls both a small donor political committee and another political
12 committee may not split a contribution from an individual, so that part of the individual's
13 contribution goes to the small donor political committee and part of the contribution goes
14 to the other political committee, unless the person is directed to do so in writing by the do-
15 nor.

16 (2)(a) The following in-kind contributions, as determined over a 12-month period, are ex-
17 empt from the contribution limits set forth in section 4 of this 2024 Act up to the limits
18 provided or as further adjusted pursuant to subsection (3) of this section:

19 (A) Food and beverages up to \$2,500 for all offices, except up to \$5,000 for a state office
20 subject to section 4 (3) of this 2024 Act.

21 (B) Transportation costs up to \$2,500 for all offices, except up to \$5,000 for a state office
22 subject to section 4 (3) of this 2024 Act.

23 (C) Child care, elder care, interpretation or translation services without limitation.

24 (D) Small gifts that are incidental to the operation of a business up to \$1,000. The Sec-
25 retary of State may by rule further define what is meant by small gifts.

26 (E) Contributions of office space, including conference rooms and other utility areas as-
27 sociated with office space, except that the office space may not exceed 2,500 square feet or
28 be contributed for a period of longer than 12 months.

29 (F) Legal services related to advising a candidate on compliance with election laws and
30 representing a candidate in the event a complaint alleging a violation of election laws is filed
31 against the candidate may be contributed without limitation.

32 (b) In-kind contributions described in this subsection must be reported to the Secretary
33 of State at the same time and in the same manner as other contributions and expenditures
34 are reported.

35 (c) In-kind contributions described in this subsection may only be made by a contributor
36 authorized to make a contribution under this chapter and may only be received by a candi-
37 date or a candidate committee.

38 (3) Prior to the start of each election cycle, the Secretary of State shall adjust the dollar
39 amounts set forth in this section and section 4 of this 2024 Act by the cumulative change in
40 the Consumer Price Index for All Urban Consumers, West Region (All Items), as published
41 by the Bureau of Labor Statistics of the United States Department of Labor, or its successor,
42 since 2024. The adjustments performed under this subsection shall be rounded to the nearest
43 \$10 increment.

44 (4) The Secretary of State may adopt rules necessary to implement this section.

45 **SECTION 5a.** (1) At the end of an election cycle, any unexpended funds that remain in

1 the accounts of a candidate political committee may be used only as follows:

2 (a) To refund contributions to contributors in amounts not exceeding the aggregate
3 contribution received from each contributor during the election cycle;

4 (b) To make a contribution to another political committee as authorized under section 4
5 of this 2024 Act;

6 (c) To transfer any amount to the Campaign Finance Education Fund established in
7 section 5b of this 2024 Act; or

8 (d) For purposes authorized under ORS 260.407, except that a contribution made under
9 ORS 260.407 (1)(a)(C) must be made to an organization described in section 501(c)(3) of the
10 Internal Revenue Code.

11 (2) As of 60 days after the end of the applicable election cycle, a candidate political
12 committee may not carry forward unexpended funds in excess of the following limits unless
13 the excess unexpended funds are reported in the time and manner required by the Secretary
14 of State by rule:

15 (a) \$10,000 for a candidate for state Representative, circuit court judge or district attor-
16 ney.

17 (b) \$20,000 for a candidate for a state Senator.

18 (c) \$40,000 for a candidate for a state office that is not described in paragraphs (a) or (b)
19 of this subsection.

20 (d) For a candidate for any other public office, the greater of \$5,000 or five cents per
21 elector in the district of the public office.

22 (3) A candidate political committee that has not been used to support a candidate for
23 public office for two consecutive election cycles shall dispose of any funds carried over from
24 a previous election cycle in accordance with subsection (1) of this section.

25 **SECTION 5b.** (1) The Campaign Finance Education Fund is established in the General
26 Fund. Moneys in the Campaign Finance Education Fund are continuously appropriated to the
27 Secretary of State for the purpose of carrying out the duties described in section 21 of this
28 2024 Act.

29 (2) Moneys in the fund shall consist of:

30 (a) Moneys appropriated or transferred to the fund by the Legislative Assembly;

31 (b) Moneys transferred to the fund pursuant to section 5a (1)(c) of this 2024 Act; and

32 (c) Other amounts deposited into the fund from any source.

33 **SECTION 6.** ORS 260.042 is amended to read:

34 260.042. (1) The treasurer of a political committee shall file a statement of organization with the
35 filing officer. The statement must include:

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

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

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

41 (d) The name and address of any other political committee of which two or more committee di-
42 rectors are also directors of the committee filing the statement.

43 (e) **Whether the political committee will operate as a measure political committee, a**
44 **multicandidate political committee, a political party multicandidate committee, a legislative**
45 **caucus committee, a membership organization political committee, a recall political com-**

1 **mittee or a small donor political committee.**

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

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

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

9 (2) In addition to the information listed in subsection (1) of this section, the statement of or-
10 ganization must include, or be amended within five business days to include, the name of the finan-
11 cial institution in which the campaign account required under ORS 260.054 is established, the name
12 of the account, the name of the account holder and the names of all individuals who have signature
13 authority for the account. The Secretary of State may not disclose information received by the sec-
14 retary under this subsection except as necessary for purposes of enforcing the provisions of ORS
15 chapters 246 to 260.

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

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

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

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

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

31 **(8)(a) A major political party or minor political party may establish no more than one**
32 **political party multicandidate committee.**

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

35 **(9) As used in this section:**

36 **(a) "Legislative caucus committee" has the meaning given that term in section 2 of this**
37 **2024 Act.**

38 **(b) "Major political party" means a political party that has qualified as a major political**
39 **party under ORS 248.006.**

40 **(c) "Measure political committee" means a political committee that supports or opposes**
41 **one or more measures.**

42 **(d) "Membership organization political committee" has the meaning given that term in**
43 **section 2 of this 2024 Act.**

44 **(e) "Minor political party" means a political party that has qualified as a minor political**
45 **party under ORS 248.008.**

1 (f) “Multicandidate political committee” means a political committee that supports or
2 opposes:

3 (A) One or more candidates; or

4 (B) All candidates affiliated with a major political party or a minor political party.

5 (g) “Political party multicandidate committee” means a political committee that:

6 (A) Operates on a statewide basis;

7 (B) Qualifies as a multicandidate political committee; and

8 (C)(i) Represents a major political party or a minor political party; or

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

10 (h) “Recall political committee” means a political committee that supports or opposes a
11 person subject to a recall election.

12 (i) “Small donor political committee” means a political committee that:

13 (A) Registers as a small donor political committee under this section;

14 (B) Prior to registering as a small donor political committee has not accepted a contri-
15 bution in excess of the contribution limits for small donor political committees set forth in
16 section 4 of this 2024 Act; and

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

19 **SECTION 7.** Notwithstanding ORS 260.042 (9)(i), a political committee, as defined in ORS
20 260.005, that is not organized as a small donor political committee, as defined in ORS 260.042,
21 may reorganize as a small donor political committee if, during the previous 24-month period,
22 not less than 90 percent of the total amount of moneys contributed to the political committee
23 were contributed by individuals in amounts not exceeding \$250 per individual donor per cal-
24 endar year. Any moneys in the bank accounts of a political committee that reorganizes as
25 a small donor political committee under this section shall transfer to the newly organized
26 small donor political committee and may be used in the same manner as any other moneys
27 contributed to the small donor political committee.

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

29 **SECTION 9.** (1) A person may not, directly or indirectly:

30 (a) Require an employee or contractor to make a contribution or independent expenditure
31 to support or oppose any candidate; or

32 (b) Provide or promise any benefit or impose or threaten any detriment due to a decision
33 by an employee or contractor on whether to make a contribution or independent expenditure
34 to support or oppose a candidate.

35 (2)(a) A foreign national, foreign corporation or foreign entity may not, directly or indi-
36 rectly, make or offer to make a candidate campaign contribution or expenditure or make a
37 donation used by an entity to pay for candidate campaign independent expenditures.

38 (b) As used in this subsection, “foreign national” means a foreign principal, as defined in
39 22 U.S.C. 611 (b), but does not include any individual who is:

40 (A) A citizen of the United States;

41 (B) A national of the United States;

42 (C) Lawfully admitted for permanent residence in the United States; or

43 (D) A resident of Oregon.

44 **SECTION 10.** ORS 260.005 is amended to read:

45 260.005. As used in this chapter:

1 (1)(a) "Candidate" means:

2 (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,
3 nominating petition or certificate of nomination to public office has been filed or whose name is
4 expected to be or has been presented, with the individual's consent, for nomination or election to
5 public office;

6 (B) An individual who has solicited or received and accepted a contribution, made an expendi-
7 ture, or given consent to an individual, organization, political party or political committee to solicit
8 or receive and accept a contribution or make an expenditure on the individual's behalf to secure
9 nomination or election to any public office at any time, whether or not the office for which the in-
10 dividual will seek nomination or election is known when the solicitation is made, the contribution
11 is received and retained or the expenditure is made, and whether or not the name of the individual
12 is printed on a ballot; or

13 (C) A public office holder against whom a recall petition has been completed and filed.

14 (b) For purposes of this section and ORS 260.035 to 260.156, "candidate" does not include a
15 candidate for the office of precinct committeeperson.

16 (2) "Committee director" means any person who directly and substantially participates in
17 decision-making on behalf of a political committee concerning the solicitation or expenditure of
18 funds and the support of or opposition to candidates or measures. The officers of a political party
19 shall be considered the directors of any political party committee of that party, unless otherwise
20 provided in the party's bylaws.

21 (3) Except as provided in ORS 260.007, "contribute" or "contribution" includes:

22 (a) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compen-
23 sation or consideration, of money, services other than personal services for which no compensation
24 is asked or given, supplies, equipment or any other thing of value:

25 (A) For the purpose of influencing an election for public office or an election on a measure, or
26 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-
27 itical committee; or

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

29 (b) The excess value of a contribution made for compensation or consideration of less than
30 equivalent value[.]; **and**

31 **(c) An expenditure by a person for a communication in support of or in opposition to a**
32 **clearly identified candidate or measure that is made with the cooperation or with the prior**
33 **consent of, or in consultation with, or at the request or suggestion of, a candidate or any**
34 **agent or authorized committee of the candidate, or any political committee or agent of a**
35 **political committee supporting or opposing a measure.**

36 (4) "Controlled committee" means a political committee that, in connection with the making of
37 contributions or expenditures:

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

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

40 (5) "Controlled directly or indirectly by a candidate" means:

41 (a) The candidate, the candidate's agent, a member of the candidate's immediate family or any
42 other political committee that the candidate controls has a significant influence on the actions or
43 decisions of the political committee; or

44 (b) The candidate's principal campaign committee and the political committee both have the
45 candidate or a member of the candidate's immediate family as a treasurer or director.

1 (6) "County clerk" means the county clerk or the county official in charge of elections.

2 (7) "Elector" means an individual qualified to vote under Article II, section 2, of the Oregon
3 Constitution.

4 (8) Except as provided in ORS 260.007, "expend" or "expenditure" includes the payment or fur-
5 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation
6 by or on behalf of a candidate, political committee or person in consideration for any services,
7 supplies, equipment or other thing of value performed or furnished for any reason, including support
8 of or opposition to a candidate, political committee or measure, or for reducing the debt of a candi-
9 date for nomination or election to public office. "Expenditure" also includes contributions made
10 by a candidate or political committee to or on behalf of any other candidate or political committee.

11 (9) "Filing officer" means:

12 (a) The Secretary of State:

13 (A) Regarding a candidate for public office;

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

15 (C) Regarding any measure; or

16 (D) Regarding any political committee.

17 (b) In the case of an irrigation district formed under ORS chapter 545, "filing officer" means:

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

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

23 (C) The secretary of the irrigation district for any election other than an irrigation district
24 formation election.

25 (10) "Independent expenditure" means an expenditure by a person for a communication in sup-
26 port of or in opposition to a clearly identified candidate or measure that is not made with the co-
27 operation or with the prior consent of, or in consultation with, or at the request or suggestion of,
28 a candidate or any agent or authorized committee of the candidate, or any political committee or
29 agent of a political committee supporting or opposing a measure. For purposes of this subsection
30 **and subsection (3) of this section:**

31 (a) "Agent" means any person who has:

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

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

38 (b)(A) "Clearly identified" means, with respect to candidates:

39 (i) The name of the candidate involved appears;

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

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

42 (B) "Clearly identified" means, with respect to measures:

43 (i) The ballot number of the measure appears;

44 (ii) A description of the measure's subject or effect appears; or

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

1 (c) "Communication in support of or in opposition to a clearly identified candidate or measure"
2 means:

3 (A)(i) The communication, when taken as a whole and with limited reference to external events,
4 such as the proximity to the election, could only be interpreted by a reasonable person as containing
5 advocacy for the election or defeat of a clearly identified candidate for nomination or election to
6 public office, or the passage or defeat of a clearly identified measure; and

7 (ii) The electoral portion of the communication is unmistakable, unambiguous and suggestive of
8 only one meaning; or

9 (B)(i) The communication involves aggregate expenditures of more than \$250 by a person;

10 (ii) The communication refers to a clearly identified candidate or measure that will appear on
11 the ballot or to a political party; and

12 (iii) The communication is published and disseminated to the relevant electorate within 60 cal-
13 endar days before a primary election, 120 calendar days before a general election or 90 calendar
14 days before an election other than a primary election or a general election.

15 (d) "Made with the cooperation or with the prior consent of, or in consultation with, or at the
16 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
17 political committee or agent of a political committee supporting or opposing a measure":

18 (A) Means any arrangement, coordination or direction by the candidate or the candidate's agent,
19 or by any political committee or agent of a political committee supporting or opposing a measure,
20 prior to the publication, distribution, display or broadcast of the communication. An expenditure
21 shall be presumed to be so made when it is:

22 (i) Based on information about the plans, projects or needs of the candidate, or of the political
23 committee supporting or opposing a measure, and provided to the expending person by the candidate
24 or by the candidate's agent, or by any political committee or agent of a political committee sup-
25 porting or opposing a measure, with a view toward having an expenditure made; or

26 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who
27 is or has been an officer of a political committee authorized by the candidate or by a political
28 committee or agent of a political committee supporting or opposing a measure, or who is or has been
29 receiving any form of compensation or reimbursement from the candidate, the candidate's principal
30 campaign committee or agent or from any political committee or agent of a political committee
31 supporting or opposing a measure.

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

34 (11) "Initiative petition" means a petition to initiate a measure for which a prospective petition
35 has been filed but that is not yet a measure.

36 (12) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
37 Tax Court.

38 (13) "Mass mailing" means more than 200 substantially similar pieces of mail, but does not in-
39 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other
40 inquiry.

41 (14) "Measure" includes any of the following submitted to the people for their approval or re-
42 jection at an election:

43 (a) A proposed law.

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

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

1 (d) Local, special or municipal legislation.

2 (e) A proposition or question.

3 (15) "Occupation" means:

4 (a) The nature of an individual's principal business; and

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

7 (16) "Person" means an individual, corporation, limited liability company, labor organization,
8 association, firm, partnership, joint stock company, club, organization or other combination of indi-
9 viduals having collective capacity.

10 (17) "Petition committee" means an initiative, referendum or recall petition committee organized
11 under ORS 260.118.

12 (18) "Political committee" means a combination of two or more individuals, or a person other
13 than an individual, that has:

14 (a) Received a contribution for the purpose of supporting or opposing a candidate, measure or
15 political party; or

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

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

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

23 (19) "Public office" means any national, state, county, district, city office or position, except a
24 political party office, that is filled by the electors.

25 (20) "Recall petition" means a petition to recall a public officer for which a prospective petition
26 has been filed but that is not yet a measure.

27 (21) "Referendum petition" means a petition to refer a measure for which a prospective petition
28 has been filed but that is not yet a measure.

29 (22) "Regular district election" means the regular district election described in ORS 255.335.

30 (23) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney
31 General, Commissioner of the Bureau of Labor and Industries, state Senator, state Representative,
32 judge or district attorney.

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

34
35 **TRANSPARENCY IN ELECTIONS**

36
37 **SECTION 12. Sections 13 and 14a of this 2024 Act are added to and made a part of ORS**
38 **chapter 260.**

39 **SECTION 13. (1) The Secretary of State by rule shall adopt an addition to the electronic**
40 **filing system described in ORS 260.057 to be used by:**

41 **(a) Membership organizations;**

42 **(b) Persons; and**

43 **(c) Any combination of organizations or persons that has a collective capacity and that**
44 **is legally separate from other persons and that makes independent expenditures.**

45 **(2) The electronic filing system addition described in this section shall be used by entities**

1 described in subsection (1) of this section to report the original source of funds used to pay
2 for candidate campaign independent expenditures, to promote transparency and account-
3 ability to voters.

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

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

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

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

17 (4) An entity described in subsection (3) of this section must disclose the original source
18 of funds of the full amount spent on the entity's aggregate independent expenditures.

19 (5) Donations from donors who have contributed less than \$5,000 during the election cycle
20 may be aggregated and reported on a "Miscellaneous Under \$5,000" category on the elec-
21 tronic filing system addition.

22 (6)(a) Each donor that is separately reported under subsection (3) of this section and that
23 spends an aggregate of \$50,000 on independent expenditures in an election cycle must also
24 report the original source of funds used for the donation.

25 (b) If and to the extent a donor serves as a pass-through or intermediary for the original
26 source of the funds, both the pass-through or intermediary and the original source of funds
27 shall be reported.

28 (c) For purposes of this section and section 14a of this 2024 Act and ORS 260.266:

29 (A) "Business income" means:

30 (i) Funds received by a person in commercial transactions in the ordinary course of the
31 person's regular trade, business or investments;

32 (ii) Membership or union dues paid to the person, except dues exceeding \$5,000 from any
33 person in a calendar year; and

34 (iii) Contributions or donations paid to the person, except contributions or donations ex-
35 ceeding \$5,000 from any person in a calendar year.

36 (B) "Original source of funds" means business income or personal funds and the person
37 that earned or received the business income or personal funds.

38 (C) "Personal funds" means income received by an individual as salary or wages, other
39 earned income from bona fide employment, interest, dividends, royalties or proceeds from
40 an individual's personal investments, bequests and income from testamentary trusts or other
41 trusts established by bequest. "Personal funds" does not include any funds received from any
42 person for the purpose of influencing an election.

43 (7) The original sources of funds used to pay for candidate campaign independent expen-
44 ditures and persons associated with those original sources of funds must be reported to the
45 Secretary of State at the same time and in the same manner as other contributions and

1 expenditures are reported.

2 (8) Prior to the start of each election cycle, the Secretary of State shall adjust the dollar
3 amounts set forth in this section by the cumulative change in the Consumer Price Index for
4 All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statis-
5 tics of the United States Department of Labor, or its successor, since 2024. The adjustments
6 performed under this subsection shall be rounded to the nearest \$10 increment.

7 (9) The Secretary of State shall by rule establish reporting timelines and guidance for the
8 reporting of independent expenditures.

9 **SECTION 14.** On or before January 1, 2028, the Secretary of State shall:

10 (1) Create a web-based campaign finance dashboard that promotes transparency and
11 fosters research and analysis on campaign donations and expenditures in this state. The
12 dashboard shall include numeric and visual representations of campaign finance activity in
13 Oregon.

14 (2) Update software related to campaign filings to promote transparency, efficiency and
15 modern best practices in campaign finance reporting.

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

18 (a) At least 10 days before each election, release on the dashboard a list of the 100 largest
19 contributors to candidates or principal campaign committees, aggregated across all candi-
20 dates.

21 (b) Annually release a visual representation of contributions by industry aggregated
22 across all candidates and broken down by statewide, legislative and local office.

23 (c) At least 10 days before each election, release on the dashboard the original sources
24 of funds of candidate campaign independent expenditures as required by section 13 of this
25 2024 Act. The disclosures must be set forth on the dashboard so as to promote transparency
26 with the public.

27 (d) Annually display the average cost of campaigns by office and the largest three cate-
28 gories for spending, broken down by statewide office, legislative office, circuit court and
29 district attorney offices and local offices.

30 (2) The Secretary of State may by rule establish other reports, data and information to
31 be included on the dashboard and the frequency with which the information is reported, ex-
32 cept that the information must be reported at least annually. The secretary shall follow best
33 practices to promote efficiency when establishing reporting and filing requirements.

34 (3)(a) The Secretary of State shall biannually conduct a review process of:

35 (A) The reporting and filing of information required in order to comply with the disclo-
36 sures and content required on the dashboard; and

37 (B) Compliance by and the needs of stakeholders, including but not limited to:

38 (i) Persons who make and report donations to candidates or principle campaign commit-
39 tees;

40 (ii) Persons who make independent expenditures;

41 (iii) Entities organized under section 501(c) of the Internal Revenue Code;

42 (iv) Candidates; and

43 (v) Media organizations.

44 (b) The secretary shall report the findings of the biannual review to the Legislative As-
45 sembly and may also report on improvements undertaken or planned by the secretary based

1 **on the findings of the review.**

2 (4) **As used in this section, “dashboard” means the web-based dashboard described in**
3 **section 14 of this 2024 Act.**

4 **SECTION 15.** ORS 260.266 is amended to read:

5 260.266. (1) Except as otherwise provided by a local provision, a communication in support of
6 or in opposition to a clearly identified candidate must state the name of the persons that paid for
7 the communication.

8 (2) For the purpose of complying with subsection (1) of this section:

9 (a) Except as provided in paragraph (b) of this subsection, a communication in support of or in
10 opposition to a clearly identified candidate by a political committee or **recall** petition committee
11 **that costs at least \$10,000 for the entire placement of the communication and substantially**
12 **similar communications** must state:

13 (A) The name of the political committee or petition committee; and

14 (B) The names of the [*five*] **four** persons that have made the largest aggregate contributions of
15 \$10,000 or more to the committee in the election cycle in which the communication is made.

16 (b) A communication in support of or in opposition to a clearly identified candidate by an indi-
17 vidual, a for-profit business entity or a candidate or the principal campaign committee of a candidate
18 must state the name of the individual, for-profit business entity or candidate.

19 (c)(A) A communication in support of or in opposition to a clearly identified candidate by a
20 person not described in paragraph (a) or (b) of this subsection must state:

21 (i) The name of the person; and

22 (ii) Except as provided in subparagraph (B) of this paragraph, the names of the [*five*] **four** per-
23 sons that have made the largest aggregate donations of \$10,000 or more to the person in the election
24 cycle in which the communication is made.

25 (B) In identifying persons that have made aggregate donations of \$10,000 or more, a person de-
26 scribed in this paragraph may exclude:

27 (i) Donations received from an affiliated charitable organization that is tax exempt under section
28 501(c)(3) of the Internal Revenue Code; and

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

31 (d) Notwithstanding [*paragraphs (a) to*] **paragraph (b) or** (c) of this subsection, a digital com-
32 munication may state only the name of the person that made the communication if the digital com-
33 munication includes an active link to a website that prominently displays the additional information
34 required by this subsection.

35 **(3) If a candidate has contributed more than \$20,000 to the candidate’s own campaign, a**
36 **communication subject to this section must include a statement indicating that the candi-**
37 **date has contributed more than \$20,000 to the candidate’s own campaign.**

38 [(3)] (4) A person that makes communications in support of or in opposition to a clearly identi-
39 fied candidate must consider an anonymous donation of \$1,000 or more from a single person to be
40 a donation that may not be used to make a communication in support of or in opposition to a clearly
41 identified candidate.

42 [(4)(a)] (5)(a) If a person is required to disclose the names of [*five*] **four** persons under subsection
43 (2)(a)(B) or (c)(A)(ii) of this section and more than [*five*] **four** persons qualify as having made the
44 largest aggregate contributions or donations, the person shall disclose the [*five*] **four** applicable
45 persons whose contributions or donations were made closest to the date of initial printing or

1 transmission of the communication.

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

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

11 **(6) A communication in support of or in opposition to a clearly identified candidate that**
12 **costs at least \$10,000 must include an electronic, printed or aural link to the appropriate site**
13 **on the electronic filing system described in ORS 260.057, that identifies the original sources**
14 **of funds to the entity that made the expenditure. The link:**

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

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

18 (c) **Shall be read as part of the communication if the communication is on radio or other**
19 **aural format. The Secretary of State shall strive for brevity and clarity in creating links to**
20 **be read under this paragraph.**

21 **(7) The Secretary of State shall by rule provide technical specifications for the links de-**
22 **scribed in subsection (6) of this section.**

23 *[(5)]* **(8)** This section does not apply to:

24 (a) Candidates for federal office.

25 (b) Candidates other than those described in paragraph (a) of this subsection who are not re-
26 quired to use the electronic filing system adopted under ORS 260.057 to file statements of contribu-
27 tions received or expenditures made.

28 (c) Petition committees that are not required to use the electronic filing system adopted under
29 ORS 260.057 to file statements of contributions received or expenditures made.

30 (d) Political committees that are not required to use the electronic filing system adopted under
31 ORS 260.057 to file statements of contributions received or expenditures made.

32 (e) A person that makes independent expenditures and that is exempt under ORS 260.044 from
33 being required to file statements of independent expenditures using the electronic filing system
34 adopted under ORS 260.057.

35 (f) A communication that is excluded from the definition of “expenditure” under ORS 260.007.

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

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

38 (B) Skywriting; or

39 (C) Wearable merchandise.

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

42 *[(6)]* **(9)** The Secretary of State by rule shall prescribe the form of statements required on com-
43 munications described in this section. Rules adopted under this subsection must ensure that the in-
44 formation required to be included in communications under this section is:

45 (a) In a font, size and color that are easy for an average person to read, if the communication

1 appears in a print or digital format; and

2 (b) Clearly audible to the average person, if the communication appears in an audio format.

3 [(7)] (10) As used in this section:

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

5 (b)(A) Except as provided in subparagraph (B) of this paragraph, “communication in support of
6 or in opposition to a clearly identified candidate” means:

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

11 (II) The electoral portion of the communication is unmistakable, unambiguous and suggestive
12 of only one meaning; or

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

15 (II) The communication refers to a clearly identified candidate who will appear on the ballot;
16 and

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

19 (B)(i) “Communication in support of or in opposition to a clearly identified candidate” includes
20 but is not limited to communications distributed via print, telephone, radio, television or the Inter-
21 net.

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

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

27 (B) “Donation” does not include moneys or any other item of value received by a person subject
28 to subsection (2)(c)(A) of this section in the ordinary course of a trade or business conducted by the
29 person.

30 [(d) “Election cycle” means the period of time starting on the day after the date of a general election
31 and ending on the date of the next general election.]

32 [(e)] (d) “Local provision” means a charter provision, ordinance, resolution or other provision
33 adopted by a city, county or other local government.

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

35 **SECTION 17.** ORS 260.402 is amended to read:

36 260.402. (1) A person may not directly or indirectly reimburse a person for making a contribu-
37 tion or donation, or make a contribution or donation in any name other than that of the person that
38 in truth provides the contribution or donation, to:

39 (a) Any other person, relating to a nomination or election of any candidate or the support of
40 or opposition to any measure;

41 (b) Any political committee;

42 (c) [Any covered organization required to file a donor identification list under ORS 260.281] **Any**
43 **entity required by section 13 of this 2024 Act to disclose the original source of funds used to**
44 **pay for candidate campaign independent expenditures;** or

45 (d) A petition committee required to file a statement under ORS 260.118.

1 section;

2 (b) Upon request of the filing officer with whom a statement or certificate was required to be
3 filed but was not filed; or

4 (c) Upon the Secretary of State's own motion.

5 (4) A hearing under subsection (3) of this section shall be held not later than 45 days after the
6 deadline for the person against whom the penalty may be assessed to request a hearing. However,
7 if requested by the person against whom the penalty may be assessed, a hearing under subsection
8 (3) of this section shall be held not later than 60 days after the deadline for the person against whom
9 the penalty may be assessed to request a hearing.

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

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

17 **(7) A person subject to this section who has filed a late or insufficient statement of**
18 **transactions may self-report the late or insufficient statement and pay the penalty to the**
19 **Secretary of State. Upon receipt of a corrected statement and payment of the penalty due,**
20 **the secretary may accept and record the penalty without further investigation under this**
21 **section. Nothing in this subsection prevents the secretary from continuing to investigate**
22 **noncompliance with the requirements of this section or section 3, 4, 5, 5a, 9, 13 or 17b of this**
23 **2024 Act or ORS 260.042, 260.044, 260.057, 260.076, 260.078, 260.083, 260.112, 260.118 or 260.266.**

24 [(7)] (8) A civil penalty imposed under this section may not be more than the following:

25 (a) For failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,
26 260.076, 260.078, 260.083, 260.112 or 260.118, 10 percent of the total amount of the contribution or
27 expenditure required to be included in the statement or certificate; or

28 (b) For each failure to include in a statement filed under ORS 260.044, 260.057, 260.076, 260.078,
29 260.083, 260.112 or 260.118 the information required under ORS 260.044, 260.057, 260.076, 260.083 or
30 260.118, 10 percent of the total amount of the contribution or expenditure required to be included
31 in the statement.

32 [(8)] (9) The Secretary of State, upon a showing of mitigating circumstances, may reduce the
33 amount of the penalty described in subsection [(7)] (8) of this section.

34 [(9)] (10) Except as otherwise provided by this section, civil penalties under this section shall
35 be imposed as provided in ORS 183.745.

36 **SECTION 19.** ORS 260.345 is amended to read:

37 260.345. (1) Any elector may file with any filing officer a written complaint alleging that a vio-
38 lation of an election law or rule adopted by the Secretary of State under ORS chapters 246 to 260
39 has occurred and stating the reason for believing that the violation occurred and any evidence re-
40 lating to it. A complaint and any evidence relating to it may be filed electronically. A complaint
41 alleging a violation involving the Secretary of State, a candidate for the office of Secretary of State,
42 or any political committee or person supporting the Secretary of State or a candidate for the office
43 of Secretary of State may be filed with the Attorney General. The Secretary of State or Attorney
44 General shall not accept an anonymous complaint.

45 (2) The Secretary of State by rule shall prescribe the procedure for processing a complaint filed

1 with any person other than the Secretary of State. If the complaint concerns the Secretary of State,
2 any candidate for the office of the Secretary of State, or any political committee or person sup-
3 porting the candidacy of the Secretary of State or of another person for the office of Secretary of
4 State, the complaint and any additional information relating to the complaint shall be sent to the
5 Attorney General. **An investigation must be commenced within 30 days of receiving the com-
6 plaint and a finding must be issued within 60 days of receiving the complaint.**

7 (3) Upon receipt of a complaint under subsection (1) or (2) of this section the Secretary of State
8 or Attorney General immediately shall examine the complaint to determine whether a violation of
9 an election law or rule has occurred and shall make any investigation the Secretary of State or
10 Attorney General considers necessary. Except as provided in this subsection, within three business
11 days of determining that an investigation is necessary to determine whether a violation of an
12 election law or rule has occurred, the Secretary of State or Attorney General shall notify the person
13 who is the subject of the complaint that an investigation will take place. If the Secretary of State
14 or Attorney General receives a complaint or complaints involving 10 or more individuals, political
15 committees or petition committees in any 48-hour period, the Secretary of State or Attorney General
16 need not notify the persons who are the subjects of those complaints within three business days of
17 receiving the complaints but shall notify those persons not later than 10 business days after deter-
18 mining that an investigation is necessary to determine whether a violation of election law or rule
19 has occurred.

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

22 (a) In the case of a violation that is subject to a penalty under ORS 260.993, immediately shall
23 report the findings to the Attorney General and request prosecution. If the violation involves the
24 Attorney General, a candidate for that office or a political committee or person supporting or op-
25 posing the Attorney General or a candidate for that office, the Secretary of State shall appoint an-
26 other prosecutor for that purpose;

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

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

31 (5) Upon receipt of a complaint or report under subsection (1), (2) or (4) of this section involving
32 an alleged violation subject to a penalty under ORS 260.993 or an alleged violation of ORS 260.537,
33 the Attorney General or other prosecutor immediately shall examine the complaint or report to de-
34 termine whether a violation of an election law has occurred. If the Attorney General or prosecutor
35 determines that a violation has occurred, the Attorney General or prosecutor immediately shall be-
36 gin prosecution or civil proceedings in the name of the state. The Attorney General or other
37 prosecutor shall have the same powers in any county of this state as the district attorney for the
38 county.

39 (6) Upon receipt of a complaint under subsection (1) or (2) of this section involving an alleged
40 violation of an election law or rule not subject to a penalty under ORS 260.537 or 260.993, the At-
41 torney General shall examine the complaint to determine whether a violation of an election law or
42 rule has occurred and shall make any investigation the Attorney General considers necessary. If the
43 Attorney General believes after an investigation that a violation of an election law or rule has oc-
44 curred, the Attorney General may impose a civil penalty under ORS 260.995.

45 (7) In the case of an alleged violation subject to a civil penalty under ORS 260.995 or an alleged

1 violation of ORS 260.537, a complaint shall be filed by an elector under this section no later than
2 90 days following the election at which a violation of an election law or rule is alleged to have oc-
3 curred, or 90 days following the date the violation of an election law or rule is alleged to have oc-
4 curred, whichever is later.

5 (8) A filing officer having reason to believe that a violation of an election law or rule has oc-
6 curred shall proceed promptly as though the officer had received a complaint. Except as provided
7 in ORS 260.234, a filing officer shall proceed under this subsection no later than two years following
8 the election at which a violation of an election law or rule is alleged to have occurred, or two years
9 following the date the violation of an election law or rule is alleged to have occurred, whichever is
10 later. If a filing officer has not proceeded within two years because of fraud, deceit, misleading
11 representation or the filing officer could not have reasonably discovered the alleged violation, the
12 filing officer shall proceed no later than five years following the election at which a violation of an
13 election law or rule is alleged to have occurred, or five years following the date the violation of an
14 election law or rule is alleged to have occurred, whichever is later.

15 **(9) In the case of a complaint alleging a violation of the original source of funds disclo-**
16 **sure requirements of section 13 of this 2024 Act, the complainant shall be notified of the**
17 **outcome of any investigation.**

18 **(10)(a) In the case of a complaint alleging a violation of an election law or rule for which**
19 **a civil penalty of greater than \$10,000 may be imposed, the complainant shall be notified of**
20 **the outcome of any investigation and may request an administrative hearing. If the**
21 **complainant requests a hearing under this subsection, a contested case hearing under ORS**
22 **183.413 to 183.470 must be held.**

23 **(b) The contested case hearing officer shall prepare and issue a final order for any con-**
24 **tested case hearing held under this subsection.**

25 **SECTION 19a.** ORS 260.715 is amended to read:

26 260.715. (1) A person may not knowingly make a false statement, oath or affidavit when a
27 statement, oath or affidavit is required under the election laws.

28 (2) A person may not request a ballot in a name other than the person's own name.

29 (3) A person may not vote or attempt to vote more than once at any election held on the same
30 date.

31 (4) A person may not vote or attempt to vote both in an election held in this state and in an-
32 other state on the same date.

33 (5) A person, except an elections official in performance of duties, may not willfully alter or
34 destroy a ballot cast at an election or the returns of an election.

35 (6) A person may not willfully place a fraudulent ballot among the genuine ballots.

36 (7) A person may not falsely write anything purporting to be written by an elections official in
37 performance of duties on the ballot.

38 (8) A person may not commit theft of a ballot or tally or return sheet, or willfully hinder or
39 delay the delivery of the tally or return sheet to the county clerk, or fraudulently break open a
40 sealed tally or return sheet of the election.

41 (9)(a) A person may not:

42 (A) Manufacture or knowingly use a fraudulent ballot return identification envelope or secrecy
43 envelope; or

44 (B) Sell, make an offer with the actual intent to sell, purchase or make an offer with the actual
45 intent to purchase, for money or other valuable consideration, any official ballot, replacement ballot,

1 ballot return identification envelope or secrecy envelope.

2 (b) As used in this subsection, “ballot return identification envelope” and “secrecy envelope”
3 mean those envelopes used to return ballots to the county clerk.

4 **(10) A person may not establish an entity for the purpose of evading contribution limits**
5 **or disclosure requirements.**

6 **SECTION 20.** ORS 260.995 is amended to read:

7 260.995. (1) Except as provided in [subsection (2)] **subsections (2) to (4)** of this section, following
8 an investigation under ORS 260.345, the Secretary of State or Attorney General may impose a civil
9 penalty not to exceed \$1,000 for each violation of any provision of Oregon Revised Statutes relating
10 to the conduct of any election, any rule adopted by the secretary under ORS chapters 246 to 260
11 or any other matter preliminary to or relating to an election, for which a civil penalty is not oth-
12 erwise provided.

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

14 (a)(A) Except as provided in subparagraph (B) of this paragraph, \$1,000 plus the amount con-
15 verted to personal use for each violation of ORS 260.407; **or**

16 (B) Two times the amount of the penalty provision for violating a nondisclosure agreement that
17 is contained within each nondisclosure agreement entered into in violation of ORS 260.407 or
18 260.413;

19 (b) 150 percent of the total cost of printing, transmitting or distributing a communication in
20 support of or in opposition to a clearly identified candidate if the disclosure requirements set forth
21 in ORS 260.266 are not met; or

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

24 **(3)(a) Except as provided in paragraphs (b) and (c) of this subsection, the Secretary of**
25 **State or the Attorney General may impose a civil penalty on the recipient of a contribution**
26 **that exceeds the limits of section 4 or 5 of this 2024 Act. The amount of the civil penalty to**
27 **be imposed shall be at least equal to the amount of the unlawful contribution.**

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

33 **(c) If paragraph (b) of this subsection does not apply, the recipient of a contribution that**
34 **violates the contribution limits of section 4 or 5 of this 2024 Act may reduce the penalty**
35 **otherwise applicable under this subsection by 50 percent, if the recipient refunds to the**
36 **contributor an amount that renders the contribution in compliance with section 4 or 5 of this**
37 **2024 Act within 14 days of the date the recipient reasonably should have known that the vi-**
38 **olation occurred.**

39 **(d) The Secretary of State shall adopt rules under this subsection establishing enhanced**
40 **penalties for successive knowing and willful violations of the contribution limit provisions**
41 **of section 4 or 5 of this 2024 Act.**

42 **(4)(a) The Secretary of State or the Attorney General may impose a civil penalty on a**
43 **person subject to the reporting requirements of section 13 of this 2024 Act and that is vio-**
44 **lating those requirements. The penalty to be imposed shall be not less than one-tenth of, nor**
45 **more than four times, the total amount of contribution or expenditure that was not properly**

1 **disclosed or disclaimed.**

2 **(b) The Secretary of State shall adopt rules under this subsection establishing enhanced**
3 **penalties for successive knowing and willful violations of the disclosure provisions of section**
4 **13 of this 2024 Act.**

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

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

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

13 [(4)] **(6)** A hearing on whether to impose a civil penalty and to consider circumstances in miti-
14 gation shall be held by the secretary or Attorney General:

15 (a) Upon request of the person against whom the penalty may be assessed, if the request is made
16 not later than the 20th day after the service date on the notice sent under subsection [(3)] **(5)** of this
17 section; or

18 (b) Upon the secretary's or Attorney General's own motion.

19 [(5)] **(7)** The person against whom a penalty may be assessed need not appear in person at a
20 hearing held under this section, but instead may submit written testimony or other evidence, sworn
21 to before a notary public, to the secretary or Attorney General for entry in the hearing record. The
22 testimony or other evidence must be received by the secretary or Attorney General not later than
23 three business days before the day of the hearing and may be submitted electronically.

24 [(6)] **(8)** All hearings under this section shall be held not later than 45 days after the deadline
25 for the person against whom the penalty may be assessed to request a hearing. However, if re-
26 quested by the person against whom the penalty may be assessed, a hearing under subsection [(4)]
27 **(6)** of this section shall be held not later than 60 days after the deadline for the person against
28 whom the penalty may be assessed to request a hearing.

29 [(7)] **(9)** The secretary or Attorney General shall issue an order not later than 90 days after a
30 hearing or after the deadline for requesting a hearing if no hearing is held.

31 [(8)] **(10)** All penalties recovered under this section shall be paid into the State Treasury and
32 credited to the General Fund.

33 [(9)] **(11)** In the case of a civil penalty imposed under this section for a violation of ORS 260.407,
34 the person against whom the penalty is assessed:

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

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

37 (c) May not pay the civil penalty from contributions received by a candidate, a candidate's
38 principal campaign committee, a political committee or a petition committee.

39 **SECTION 20a.** ORS 162.005 is amended to read:

40 162.005. As used in ORS 162.005 to 162.425, unless the context requires otherwise:

41 (1) "Pecuniary benefit" means gain or advantage to the beneficiary or to a third person pursuant
42 to the desire or consent of the beneficiary, in the form of money, property, commercial interests or
43 economic gain, but does not include a political campaign contribution reported in accordance with
44 ORS chapter 260, **unless the contribution is made in exchange for a promise to perform or**
45 **not perform an official act.**

1 (2) "Public servant" means:

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

3 (b) A person serving as an advisor, consultant or assistant at the request or direction of the
4 state, any political subdivision thereof or of any governmental instrumentality within the state;

5 (c) A person nominated, elected or appointed to become a public servant, although not yet oc-
6 cupying the position; and

7 (d) Jurors.

8
9 **IMPLEMENTATION AND REPORTING REQUIREMENT**

10
11 **SECTION 21.** (1) The Secretary of State shall hire a full-time employee to provide voter
12 education, support and outreach regarding Oregon's campaign finance laws, including the
13 laws regarding political contributions set forth in sections 2 to 5b and 9 of this 2024 Act.

14 (2) The Secretary of State shall provide technical assistance to candidates, campaigns and
15 the public to ensure a smooth transition to the newly enacted contribution limit require-
16 ments set forth in sections 2 to 5b and 9 of this 2024 Act.

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

20 **SECTION 23.** (1) Sections 2 to 5a and 9 of this 2024 Act and the amendments to ORS
21 260.005 and 260.042 by sections 6 and 10 of this 2024 Act become operative on January 1, 2027.

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

24 (3) The amendments to ORS 260.232, 260.345, 260.715 and 260.995 by sections 18, 19, 19a
25 and 20 of this 2024 Act become operative on January 1, 2027.

26 (4) Section 17b of this 2024 Act becomes operative on January 1, 2026.

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

31 (b) No later than May 1, 2025, the Secretary of State shall propose revisions to the
32 manual on campaign finance that is adopted by administrative rule and made publicly avail-
33 able on the secretary's website to ensure that it incorporates and describes the contents of
34 this 2024 Act in a clear and straightforward manner.

35 (c) No later than September 15, 2025, the Secretary of State shall propose rules necessary
36 to implement the provisions of this 2024 Act.

37 (d) No later than January 1, 2026, the Secretary of State shall report to the interim
38 committees of the Legislative Assembly responsible for campaign finance on the actions
39 taken by the secretary to implement the provisions of this 2024 Act.

40 (2)(a) A political committee may take any action before the operative dates set forth in
41 section 23 of this 2024 Act that is necessary for the political committee to be in compliance
42 with the requirements set forth in ORS 260.042, as amended by section 6 of this 2024 Act,
43 no later than the relevant operative date set forth in section 23 of this 2024 Act.

44 (b) The Secretary of State shall reorganize as a multicandidate political committee any
45 active political committee that remains organized to operate as a miscellaneous political

1 committee on March 31, 2027. Any moneys in the bank accounts of a political committee
2 described in this paragraph shall transfer to the newly organized multicandidate political
3 committee and may be used in the same manner as any other moneys contributed to the
4 multicandidate political committee.

5 (c) The Secretary of State shall by rule establish a process that provides a miscellaneous
6 political committee that was reorganized under paragraph (b) of this subsection with a single
7 opportunity to reorganize as a measure political committee. The process shall ensure that
8 any moneys in the bank accounts of a political committee described in this paragraph
9 transfer to the newly organized measure political committee and may be used in the same
10 manner as any other moneys contributed to the measure political committee.

11
12 **CAPTIONS**

13
14 **SECTION 25.** The unit captions used in this 2024 Act are provided only for the conven-
15 ience of the reader and do not become part of the statutory law of this state or express any
16 legislative intent in the enactment of this 2024 Act.

17
18 **EFFECTIVE DATE**

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

22
