

November 12, 2019

**DEFINITIONS/DETAILS FROM EARLIER CFR MEASURES THAT COULD BE USEFUL IN
NEW LIMITS BILL**

(1) Definitions.

Except for the definitions provided in this section, the definitions in Chapter 260 of Oregon Revised Statutes shall apply to this Act.

(a) "Candidate survey" means a publication showing the positions of all candidates for a public office on selected bills, proposals, or issues; provided, that:

- (1) The sponsor timely provides the survey questionnaire and a reasonable time for responding to all candidates for the office; and**
- (2) The publication consists of the questions posed and the responses of all responding candidates and may include descriptions of the bills or proposals and the positions thereon of the organization publishing the survey.**

(b) "Contribution" and "Expenditure" do not include:

- (1) Volunteer personal services (including those of the candidate) for which no compensation is asked or given, including unreimbursed travel expenses incidental thereto;**
- (2) Any bona fide news story, commentary or editorial distributed through the facilities of any media organization, including any television or radio station, newspaper, magazine or other regularly published periodical; provided, that the media organization:**
 - (A) Is not paid by any individual or entity for distributing the news story, commentary or editorial, apart from normal advertisers;**
 - (B) Is not owned or controlled by one or more candidates, political committees, or political parties; and**

(C) Does not distribute the news story, commentary, or editorial to voters by unsolicited mailings or other means of distribution not sought by the recipient, including any paid advertisement in any other medium.

(3) Nonpartisan activity solely to encourage individuals to vote or to register to vote, without expressing a preference regarding the outcome of any election;

(4) Communication to its members, and not to the public, by a membership organization not organized primarily for the purpose of influencing the outcome of contests, including communication of an officeholder scorecard or candidate survey;

(5) Production of an officeholder scorecard or candidate survey and its distribution by paper or electronic copies (but not by paid advertising on television or radio) at a cost of less than twenty thousand dollars (\$20,000) for distribution to the public; or

(6) Funds provided to candidate committees by entities of government pursuant to a system of public funding.

(c) "Individual" means a citizen or resident alien of the United States entitled to vote in federal elections; however, when this Act expresses a limitation or prohibition, "individual" means any human being.

(d) "Officeholder scorecard" means a publication showing the votes on selected bills or proposals of all of the members of a government body that takes recorded votes. It can include descriptions of the bills or proposals and the positions thereon of the organization publishing the scorecard. It must include the votes of all of the members of the government body on these bills or proposals.

(2) Limits on Contributions relating to Candidates.

(a) No individual under sixteen (16) years of age shall make:

(1) A contribution in excess of fifty dollars (\$50) per election period to any candidate committee, political committee, or political party; or

(2) Aggregate contributions per election period in excess of five hundred dollars (\$500).

(b) No individual under twelve (12) years of age shall make any contributions.

(3) Candidate Personal Contributions and Expenditures.

(a) A candidate shall make no loans to the candidate's own committee.

(b) If for any reason subsection (a) above is not in effect, then every loan by a candidate to the candidate's own committee outstanding at the close of the election period shall be considered a contribution and shall not be repaid from committee funds.

(c) All expenditures by a candidate regarding his or her candidacy shall be deemed a contribution to the candidate's committee.

(4) Other Provisions.

(a) No corporation, union or other entity or employer shall, directly or indirectly:

(1) Require any employee or contractor to make any contribution or independent expenditure to support or oppose any candidate; or

(2) Provide or promise any benefit or impose or threaten any detriment due to the fact that an employee or contractor did or did not make such contributions or expenditures.

(b) If, in the absence of this subsection, there would be entered in any court any order impairing the effectiveness of any provision of this Act on the ground that any of the numeric limits or thresholds, percentage limits or thresholds, time periods, or age limits specified in this Act conflict with the United States Constitution or Oregon Constitution, then this Act shall:

(1) Increase the conflicting numeric limit or threshold by increments of one

hundred dollars (\$100) as many times as necessary to render it consistent with the constitution at issue;

- (2) Increase the conflicting percentage limit or threshold by increments of one percent as many times as necessary to render it consistent with the constitution at issue;**
- (3) Increase or decrease the conflicting time period by increments of one day as many times as necessary to render that time period consistent with the constitution at issue; and**
- (4) Decrease the conflicting age limit by increments of one year as many times as necessary to render it consistent with the constitution at issue;**

A prohibition shall be considered a numeric limit of zero.

- (c) If, in the absence of this subsection, there would be entered in any court any order impairing the effectiveness of any part of this Act on the ground that the United States Constitution or Oregon Constitution requires that any type of individual or entity be wholly or partially exempt from any of the prohibitions or limitations in this Act, then the provisions of this Act shall be given a narrowing interpretation so as to avoid invalidation of any provision of this Act and to preserve its effectiveness to the maximum degree consistent with the constitutions.**

(6) Enforcement provisions.

- (a) The provisions of this Act shall be administered and enforced by the Secretary of State and the Attorney General.**
- (b) Each violation of any provision in this Act shall be punishable by imposition of a civil fine which is not less than five times, nor more than twenty times, the amount of the unlawful contribution or expenditure.**
- (c) Any person subjected to a violation of Section (4)(d) or (5)(a) shall have a civil cause of action against the violator and shall, upon proof of violation, recover a civil penalty of not less than \$50,000 per incident of violation.**

(d) Any person may file a written complaint of a violation of any of the provisions of this Act with the Secretary of State, who shall immediately refer the complaint to the Office of Administrative Hearings. The administrative law judge shall hold a hearing on the complaint within fifteen (15) days and shall render a final decision within fifteen (15) days of the hearing. The decision shall include any appropriate order, sanction, or relief authorized by statute. Upon motion, the complainant or defendant shall be granted extensions of up to thirty (30) days or longer upon showing of good cause. The decision of the administrative law judge shall be final and subject to review by the Court of Appeals as an agency decision in a contested case. The decision shall be enforced by the Secretary of State or the Attorney General. If neither of them enforces the decision within thirty (30) days of the decision becoming final, the complainant may bring a civil action in a representative capacity for the collection of the applicable civil penalty, payable to the State of Oregon.