

November 21, 2025

Oregon Elections Division

Transmitted via email to [elections.sos@sos.oregon.gov](mailto:elections.sos@sos.oregon.gov)

**Re: Comments regarding proposed changes to OAR 165-012-005**

Dear Elections Division:

Please accept comments from the undersigned organizations regarding proposed changes to OAR 165-012-005, incorporating legislative and administrative changes into the Campaign Finance Manual. These comments reflect our acknowledgment of revisions incorporated following feedback from the related HB 4024 Rules Advisory Committee as well as our continued concerns with several features of the proposed rules.

**EFMC Framework**

The language establishing a framework for regulating entities or persons that might be considered “established, financed, maintained or controlled” has been improved over prior drafts to include exceptions to the standard for treasurers performing ministerial functions and independent entities that have the authority to make independent decisions as to which candidate(s) to support or oppose. The exception language also provides some flexibility for directors or officers involved in multiple entities but remains inadequate to alleviate our concerns over persons who engage with multiple entities – but do not have singular control over an entity’s decisions – being unfairly regulated under the EFMC standard.

Further, we acknowledge the revised approach to determining violations of the EFMC framework. The proposed rules state the Division will consider EFMC “within the context of the totality of circumstances to determine when EFMC applies.” This is an improvement over the draft rules, which said meeting any singular EFMC threshold triggered shared limits. However, the definitions associated continue to be overly broad and risk capturing individuals and entities with minimal or outdated connections. For example, the proposed manual continues to suggest that a person who signs and files a committee’s original statement of organization should continue to be linked to that committee under the EFMC framework. In such a scenario, a person who may have at one time been affiliated with the committee – but has since resigned that position and has no control over its current operations – could be subject to EFMC regulations. That is impractical, inconsistent with legislative intent and will lead to significant compliance challenges when no real practical concern exists within the context of evading contribution limits.

While the revised “totality of circumstances” approach is an improvement over previously considered rules, the EFMC regulatory framework remains problematic. We reiterate our request for the agency to flip the presumption for EFMC compliance, establishing a complaint driven process that aligns with much of existing campaign finance rather than requiring preemptive registration of EFMC status. This would minimize the administrative burden, cost less, reduce confusion, protect against sensitive data breaches and result in better outcomes. We also reiterate our request that the Division make explicitly clear that EFMC regulations are not triggered, “unless the committee or person was established for the sole purpose of evading contribution limits.”

## **Privacy Concerns**

We appreciate the Division's attempt to address concerns over the disclosure of sensitive personal information—such as residential addresses and dates of birth—using “handles” and “Other Filer Registrations.” We also acknowledge the Division's language making clear that date of birth and residential address information will not be disclosed under “handles” and that this same information will not be proactively made available for non-handle filers. We maintain our concern that other sensitive information, such as employer identification numbers, may be made public through records requests and will separately encourage lawmakers to consider exempting this information through future legislative action.

## **In-Kind Contributions**

HB 4024 permits certain in-kind contributions to promote civic participation. Under the draft rules considered by the Rules Advisory Committee, in-kind contributions from all parties were aggregated and capped together on a per candidate basis. This interpretation was inconsistent with the intent of HB 4024. We appreciate the Division's revised approach under the filed rules, which is consistent with legislative intent, and allows each contributor to make in-kind contributions up to the in-kind cap. However, we reiterate our concern that the definitions related to permissible in-kind support are ambiguous in some cases and may risk unintentional violations of the law without more explicit clarity.

## **Conclusion**

Oregon's business community and nonprofit organizations are committed to fair, transparent, and effective campaign finance reform. We recognize the challenge of implementing these significant reforms under a short timeline. It is clear that even under the best of circumstances, the Division will need more resources and potentially more time to deliver a campaign finance program that is accessible, easily understood by both candidates and donors, transparent and functional. We are grateful for the opportunity to provide feedback on the proposed rules and are committed to supporting the Division throughout the implementation period.

Thank you for your consideration.



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