

House Bill 3442

Sponsored by Representatives HASS, G SMITH

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 **as introduced**.

Sets limits on amounts that may be contributed to political candidates and political committees. Modifies limits if candidate contributes specified amount to candidate's own campaign. Requires filing of statement by person making certain independent expenditures or electioneering communications.

Prohibits direct corporate and labor union contributions. Requires reporting of contributions made by intermediaries.

Provides civil penalties.

Becomes effective if amendment to Oregon Constitution allowing regulation of campaign contributions is approved by people at next general election.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; amending ORS 260.005, 260.007, 260.041, 260.044,
3 260.055, 260.083, 260.205, 260.215, 260.225, 260.232, 260.241, 260.245, 260.255, 260.315 and 260.737;
4 and prescribing an effective date.

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

6 **SECTION 1. Sections 2 to 11 of this 2005 Act are added to and made a part of ORS**
7 **chapter 260.**

8 **SECTION 2. (1) Except as provided in subsections (2) and (3) of this section, with respect**
9 **to an election period, a person or political committee may not contribute an aggregate**
10 **amount exceeding:**

11 (a) \$_____ to a candidate for nomination or election to the office of Governor, Secre-
12 tary of State, State Treasurer or Attorney General.

13 (b) \$_____ to a candidate for nomination or election to the office of Superintendent of
14 Public Instruction, Commissioner of the Bureau of Labor and Industries or judge of the Su-
15 preme Court, Court of Appeals or Oregon Tax Court.

16 (c) \$_____ to a candidate for nomination or election to any other public office.

17 (2) With respect to an election period, a small donor committee may not contribute an
18 aggregate amount exceeding:

19 (a) \$_____ to a candidate for nomination or election to the office of Governor, Secre-
20 tary of State, State Treasurer or Attorney General.

21 (b) \$_____ to a candidate for nomination or election to the office of Superintendent of
22 Public Instruction, Commissioner of the Bureau of Labor and Industries or judge of the Su-
23 preme Court, Court of Appeals or Oregon Tax Court.

24 (c) \$_____ to a candidate for nomination or election to any other public office.

25 (3) With respect to an election period, a political party committee may not contribute
26 an aggregate amount exceeding:

27 (a) \$_____ to a candidate for nomination or election to the office of Governor, Secre-

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 tary of State, State Treasurer or Attorney General.

2 (b) \$_____ to a candidate for nomination or election to any other public office.

3 (4) Except as provided in subsection (7) of this section, a person or political committee
4 may not contribute in any calendar year an aggregate amount exceeding \$_____ to any one
5 political committee, other than a principal campaign committee or a political party commit-
6 tee.

7 (5)(a) An individual may not contribute in any calendar year an aggregate amount ex-
8 ceeding \$50 to any one small donor committee.

9 (b) A person, other than an individual, or a political committee may not make a contri-
10 bution to a small donor committee.

11 (6) Except as provided in subsection (7) of this section, a person or political committee
12 may not contribute in any calendar year an aggregate amount exceeding \$_____ to any one
13 political party committee.

14 (7) A small donor committee may not make a contribution to any political committee,
15 other than a principal campaign committee.

16 (8) With respect to an election cycle, an individual may not contribute an aggregate
17 amount exceeding \$_____ to all candidates for nomination or election to public office and
18 all other political committees. This subsection does not apply to contributions made to poli-
19 tical committees organized exclusively to support or oppose a measure.

20 (9) Notwithstanding any other limit specified in this section:

21 (a) With respect to an election period, an individual under 18 years of age may not con-
22 tribute an aggregate amount exceeding \$_____ to any one candidate or political committee;
23 and

24 (b) An individual under seven years of age may not contribute to a candidate or political
25 committee.

26 (10) The political committee formed by the chief petitioners of a recall petition under
27 ORS 249.865 is subject to the same contribution limits under this section as the candidate
28 against whom the recall petition is filed.

29 (11) A candidate, principal campaign committee of a candidate or political committee may
30 not accept a contribution in excess of the limits specified in this section.

31 (12) A local government as defined in ORS 174.116 may enact contribution limits and
32 prohibitions applicable to nominations or elections to local government office that are more
33 strict than the limits specified in sections 2 to 11 of this 2005 Act.

34 (13) This section does not apply to contributions made to or received by candidates or the
35 principal campaign committees of candidates for nomination or election to national or poli-
36 tical party office.

37 (14) For purposes of this section, a contribution to a candidate includes a contribution
38 to the candidate's principal campaign committee.

39 **SECTION 3.** (1) Section 2 of this 2005 Act does not limit the amount a candidate may
40 contribute from the candidate's personal funds to the candidate.

41 (2) With respect to an election period, a person or political committee may make con-
42 tributions to a candidate in an amount equal to three times the amount of the applicable
43 limit specified in section 2 of this 2005 Act if, during the election period, an opposing candi-
44 date for the same nomination or office contributes from the opposing candidate's personal
45 funds to the opposing candidate an amount exceeding:

1 (a) \$_____ in the case of a candidate for nomination or election to the office of Govern-
 2 nor, Secretary of State, State Treasurer or Attorney General.

3 (b) \$_____ in the case of a candidate for nomination or election to the office of Super-
 4 intendent of Public Instruction, Commissioner of the Bureau of Labor and Industries or
 5 judge of the Supreme Court, Court of Appeals or Oregon Tax Court.

6 (c) \$_____ in the case of a candidate for nomination or election to any other public
 7 office.

8 (3) With respect to an election period, a person or political committee may make con-
 9 tributions to a candidate in any amount if, during the election period, an opposing candidate
 10 for the same nomination or office contributes from the opposing candidate's personal funds
 11 to the opposing candidate an amount exceeding:

12 (a) \$_____ in the case of a candidate for nomination or election to the office of Govern-
 13 nor, Secretary of State, State Treasurer or Attorney General.

14 (b) \$_____ in the case of a candidate for nomination or election to the office of Super-
 15 intendent of Public Instruction, Commissioner of the Bureau of Labor and Industries or
 16 judge of the Supreme Court, Court of Appeals or Oregon Tax Court.

17 (c) \$_____ in the case of a candidate for nomination or election to any other public
 18 office.

19 (4) A candidate who contributes from the candidate's personal funds to the candidate in
 20 an amount that exceeds an applicable amount specified in this section shall notify the Sec-
 21 retary of State and all opposing candidates for the same nomination or office of the contri-
 22 bution in writing not later than 10 calendar days before making the contribution.

23 (5) The contribution limits specified in section 2 of this 2005 Act are modified as specified
 24 in this section on the date the written notice is given under subsection (4) of this section.

25 (6) For purposes of this section, a contribution to a candidate includes a contribution to
 26 the candidate's principal campaign committee.

27 **SECTION 4.** (1) Except as provided in subsections (2) and (3) of this section, the Secre-
 28 tary of State or Attorney General may impose a civil penalty under ORS 260.995 for each
 29 violation of section 2, 3, 5, 7, 8, 9, 10 or 11 of this 2005 Act.

30 (2) For a violation of section 2, 3 or 8 of this 2005 Act, the Secretary of State or Attorney
 31 General may impose a civil penalty not to exceed the greater of \$1,000 or three times the
 32 amount of the contribution or expenditure made in excess of the applicable limit or prohibi-
 33 tion.

34 (3) For a violation of section 5, 6, 7, 9 or 10 of this 2005 Act, the Secretary of State or
 35 Attorney General may impose a civil penalty not to exceed the greater of \$1,000 or three
 36 times the amount of the contribution or expenditure made.

37 (4) If a candidate or a candidate's principal campaign committee violates any provision
 38 of sections 2 to 11 of this 2005 Act, the candidate and the candidate's treasurer are personally
 39 liable for the penalty imposed under this section. If a political committee, other than a
 40 principal campaign committee, violates any provision of sections 2 to 11 of this 2005 Act, the
 41 directors of the political committee are jointly and severally liable for the penalty imposed
 42 under this section.

43 **SECTION 5.** (1) An expenditure not qualifying as an independent expenditure is an in-kind
 44 contribution to the candidate or the principal campaign committee of the candidate and an
 45 expenditure by the candidate or the principal campaign committee of the candidate.

1 (2) For purposes of the contribution limits established by section 2 of this 2005 Act, the
2 amount of an expenditure not qualifying as an independent expenditure counts against the
3 contribution limits of the person or political committee making the expenditure.

4 (3) A person or political committee may not report an expenditure as an independent
5 expenditure if the expenditure does not qualify as an independent expenditure under ORS
6 260.005.

7 **SECTION 6.** (1) Except as provided in subsection (2) of this section, for purposes of the
8 contribution limits established by section 2 of this 2005 Act:

9 (a) All political committees established by the same corporation or its subsidiaries are
10 treated as a single political committee;

11 (b) All political committees established by the same labor organization are treated as a
12 single political committee;

13 (c) All political committees established by the same political party are treated as a single
14 political committee;

15 (d) All political committees established by substantially the same group of persons are
16 treated as a single political committee; and

17 (e) Contributions are considered to be made by the same person if made by any parent,
18 subsidiary, branch, division, department, local unit or agent of the person.

19 (2) A person, other than a candidate, may control one political committee and one small
20 donor political committee. Contributions made by the committees controlled by a single
21 person under this subsection shall not be considered as made by a single political committee
22 under subsection (1) of this section.

23 (3) The Secretary of State by rule shall define when a political committee is considered
24 to be controlled by a person.

25 **SECTION 7.** (1) In addition to any other statement of contributions and expenditures
26 required to be filed under this chapter, a person or political committee that makes one or
27 more independent expenditures in an aggregate amount of \$1,000 or more during a calendar
28 year shall file with the Secretary of State a statement in an electronic format disclosing the
29 independent expenditures. The statement must be filed within two business days after funds
30 are obligated for the independent expenditure that equals or exceeds an aggregate amount
31 of \$1,000.

32 (2) Compliance with the provisions of this section is required for any independent
33 expenditures that, individually or in the aggregate, meet or exceed the aggregate amount
34 described in subsection (1) of this section. The statement must:

35 (a) List the amount of the independent expenditure;

36 (b) Identify the candidate or candidates who are the subject of the independent expendi-
37 ture;

38 (c) State whether the independent expenditure was used to advocate the election or de-
39 feat of the candidate or candidates; and

40 (d) List the name, address, occupation and employer of each person who contributed an
41 aggregate amount exceeding \$1,000 for purposes of making the independent expenditure.

42 (3) A person or political committee that makes an independent expenditure in an amount
43 of \$3,000 or more for a communication that refers to a candidate shall include in the com-
44 munication the names of persons or political committees who have made contributions in
45 an aggregate amount exceeding \$1,000 to the person or political committee for the purpose

1 of making independent expenditures.

2 (4) The Secretary of State shall make a statement filed under this section available to
3 the public on the Internet not later than two business days after the statement is filed.

4 **SECTION 8. (1) A corporation, professional corporation, nonprofit corporation or labor
5 organization may not:**

6 (a) Make a contribution or expenditure directly or indirectly from treasury funds to or
7 on behalf of any candidate or political committee.

8 (b) Directly or indirectly expend treasury funds to make an electioneering communi-
9 cation.

10 (c) Make an independent expenditure directly or indirectly from treasury funds.

11 (2) Subsection (1) of this section does not apply to:

12 (a) Contributions from a corporation, professional corporation, nonprofit corporation or
13 labor organization to a political committee organized exclusively to support or oppose a
14 measure; or

15 (b) Communications on any subject made by a corporation, professional corporation or
16 nonprofit corporation to its shareholders and executive or administrative personnel and their
17 families or by a labor organization aimed at its members and their families.

18 (3) This section does not prohibit the establishment and administration of and solicitation
19 of contributions to a political committee to be utilized for political purposes by a corporation,
20 professional corporation, nonprofit corporation or labor organization. The name of a political
21 committee established under this subsection must contain the name of the corporation,
22 professional corporation, nonprofit corporation or labor organization. A political committee
23 established under this subsection may receive contributions from the shareholders and
24 executive or administrative personnel of the corporation, professional corporation or
25 nonprofit corporation and their families or, in the case of a labor organization, from mem-
26 bers of the labor organization and their families.

27 (4) A political committee established under subsection (3) of this section:

28 (a) May not make a contribution or expenditure by utilizing money or anything of value
29 secured through the use of physical force, job discrimination or financial reprisal or by
30 threat of the use of physical force, job discrimination or financial reprisal;

31 (b) May not make more than two written solicitations of an individual for contributions
32 to the political committee per calendar year;

33 (c) Shall include in any solicitation for contributions to the political committee a state-
34 ment that contributions to the committee are voluntary and that the individual may refuse
35 to contribute without any reprisal;

36 (d) May not solicit contributions to the political committee from individuals while the
37 individuals are on the job during working hours;

38 (e) May not permit solicitations of an individual by the direct supervisor of the individual;
39 and

40 (f) May solicit contributions only from the shareholders and executive or administrative
41 personnel of the corporation, professional corporation or nonprofit corporation and their
42 families or, in the case of a labor organization, from members of the labor organization and
43 their families.

44 (5) This section does not apply to contributions, expenditures or electioneering commu-
45 nications made by a nonprofit corporation if the nonprofit corporation:

1 (a) Is formed for the express purpose of promoting political ideas and does not engage in
2 business activities;

3 (b) Does not have shareholders or other persons, other than employees and creditors
4 with no ownership interest, affiliated with the nonprofit corporation in any way that could
5 allow them to make a claim against the assets or earnings of the nonprofit corporation; and

6 (c) Is not established by a corporation, professional corporation or labor organization and
7 does not accept any contributions from corporations or labor organizations.

8 (6) This section does not apply to expenditures made by a corporation that as its primary
9 purpose operates a broadcasting station or produces a newspaper, magazine or other regu-
10 larly published publication.

11 **SECTION 9.** (1) As used in this section, “intermediary” means a person who transmits
12 a contribution to a candidate or political committee from another person. “Intermediary”
13 does not include a person who transmits a contribution from the person’s employer, from
14 an immediate family member of the person or from an association to which the person be-
15 longs.

16 (2) When a contribution is made to a candidate or political committee through an inter-
17 mediary, the intermediary shall file with the Secretary of State a statement in an electronic
18 format. The statement shall be filed not later than one business day after funds are obli-
19 gated for the contribution and shall include:

20 (a) The name, address, occupation and employer of any person who is the original source
21 of the contribution;

22 (b) The name of the intended recipient of the contribution;

23 (c) The name, address and occupation of the intermediary; and

24 (d) The amount of the contribution made or to be made by the intermediary.

25 (3) The Secretary of State shall make a statement filed under this section available to
26 the public on the Internet not later than two business days after the statement is filed.

27 **SECTION 10.** (1) In addition to any other statement of contributions and expenditures
28 required to be filed under this chapter, a person or political committee that expends an ag-
29 gregate amount of \$1,000 or more for electioneering communications during a calendar year
30 shall file with the Secretary of State a statement in an electronic format disclosing the
31 expenditures. The statement must be filed within two business days after funds are obligated
32 for the expenditure that equals or exceeds an aggregate amount of \$1,000.

33 (2) Compliance with the provisions of this section is required for any expenditures that,
34 individually or in the aggregate, meet or exceed the aggregate amount described in sub-
35 section (1) of this section. The statement must:

36 (a) List the amount of the expenditure;

37 (b) Identify the candidate or candidates who are the subject of the electioneering com-
38 munication; and

39 (c) List the name, address, occupation and employer of each person who contributed an
40 aggregate amount exceeding \$1,000 for purposes of making the electioneering communi-
41 cation.

42 (3) A person or political committee that expends \$3,000 or more for an electioneering
43 communication shall include in the communication the names of persons or political com-
44 mittees who have made contributions in an aggregate amount exceeding \$1,000 to the person
45 or political committee for the purpose of making electioneering communications.

1 **(4) The Secretary of State shall make a statement filed under this section available to**
 2 **the public on the Internet not later than two business days after the statement is filed.**

3 **SECTION 11. A political committee shall make all contributions and expenditures**
 4 **through a single account.**

5 **SECTION 12.** ORS 260.005, as amended by section 9, chapter 542, Oregon Laws 2003, is
 6 amended to read:

7 260.005. As used in this chapter:

8 (1)(a) “Candidate” means:

9 (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,
 10 nominating petition or certificate of nomination to public office has been filed or whose name is
 11 expected to be or has been presented, with the individual’s consent, for nomination or election to
 12 public office;

13 (B) An individual who has solicited or received and accepted a contribution, made an expendi-
 14 ture, or given consent to an individual, organization, political party or political committee to solicit
 15 or receive and accept a contribution or make an expenditure on the individual’s behalf to secure
 16 nomination or election to any public office at any time, whether or not the office for which the in-
 17 dividual will seek nomination or election is known when the solicitation is made, the contribution
 18 is received and retained or the expenditure is made, and whether or not the name of the individual
 19 is printed on a ballot; or

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

21 (b) For purposes of this section and ORS 260.035 to 260.156, “candidate” does not include a
 22 candidate for the office of precinct committeeperson.

23 (2) “Committee director” means any person who directly and substantially participates in
 24 decision-making on behalf of a political committee concerning the solicitation or expenditure of
 25 funds and the support of or opposition to candidates or measures. The officers of a political party
 26 shall be considered the directors of any political party committee of that party, unless otherwise
 27 provided in the party’s bylaws.

28 (3)[(a)] Except as provided in ORS 260.007, “contribute” or “contribution” includes:

29 [(A)] (a) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent
 30 compensation or consideration, of money, services other than personal services for which no com-
 31 pensation is asked or given, supplies, equipment or any other thing of value:

32 [(i)] (A) For the purpose of influencing an election for public office or an election on a measure,
 33 or of reducing the debt of a candidate for nomination or election to public office or the debt of a
 34 political committee; or

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

36 [(B)] (b) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally en-
 37 forceable, to make a contribution.

38 [(b) *Regarding a contribution made for compensation or consideration of less than equivalent value,*
 39 *only the excess value of it shall be considered a contribution.*]

40 (4) “County clerk” means the county clerk or the county official in charge of elections.

41 (5) “Elector” means an individual qualified to vote under section 2, Article II of the Oregon
 42 Constitution.

43 **(6)(a) “Electioneering communication” means a communication that:**

44 **(A) Unambiguously refers to a candidate; and**

45 **(B) Is disseminated within 60 days before the date of a primary election or 80 days before**

1 **the date of a general election, and targeted to electors who are eligible to vote for the can-**
 2 **didate.**

3 **(b) “Electioneering communication” does not include:**

4 **(A) Any news article, editorial endorsement, opinion or commentary writing or letter to**
 5 **the editor printed in a newspaper, magazine or other regularly published publication not**
 6 **owned or controlled by a candidate or political party;**

7 **(B) Any editorial endorsement or opinion aired by a broadcasting station not owned or**
 8 **controlled by a candidate or political party;**

9 **(C) Any communication made by persons in the regular course and scope of their busi-**
 10 **ness or any communication made by a membership organization solely to members of the**
 11 **organization and their families; or**

12 **(D) Any communication that refers to any candidate only as part of the popular name**
 13 **of a bill or statute.**

14 ~~[(6)]~~ **(7)** Except as provided in ORS 260.007, “expend” or “expenditure” includes the payment or
 15 furnishing of money or anything of value or the incurring or repayment of indebtedness or obligation
 16 by or on behalf of a candidate, political committee or person in consideration for any services,
 17 supplies, equipment or other thing of value performed or furnished for any reason, including support
 18 of or opposition to a candidate, political committee or measure, or for reducing the debt of a candi-
 19 dicate for nomination or election to public office. “Expenditure” also includes contributions made
 20 by a candidate or political committee to or on behalf of any other candidate or political committee.

21 ~~[(7)]~~ **(8)** “Filing officer” means:

22 (a) The Secretary of State, regarding a candidate for any state office or any office to be voted
 23 for in the state at large or in a congressional district or regarding a measure to be voted on in the
 24 state at large.

25 (b) The county clerk, regarding a candidate for any county office or any district or precinct of-
 26 fice within the county, or regarding a measure to be voted for in one county or in a district situated
 27 wholly within one county.

28 (c) The chief city elections officer, regarding a candidate for any city office, or a measure to
 29 be voted for in a city only.

30 (d) The county clerk of the county in which the office of the chief administrative officer or ad-
 31 ministrative board is located regarding a candidate for office for any district or regarding a measure
 32 to be voted on in a district, when the district is situated in more than one county.

33 (e) In the case of an irrigation district formed under ORS chapter 545:

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

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

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

41 ~~[(8)]~~ **(9)** “Independent expenditure” means an expenditure by a person for a communication ex-
 42 pressly advocating the election or defeat of a clearly identified candidate that is not made with the
 43 cooperation or with the prior consent of, or in consultation with, or at the request or suggestion
 44 of, a candidate or any agent or authorized committee of the candidate. As used in this subsection:

45 (a) “Agent” means any person who has:

1 (A) Actual oral or written authority, either express or implied, to make or to authorize the
 2 making of expenditures on behalf of a candidate; or

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

6 (b) “Clearly identified” means:

7 (A) The name of the candidate involved appears;

8 (B) A photograph or drawing of the candidate appears; or

9 (C) The identity of the candidate is apparent by unambiguous reference.

10 (c) “Expressly advocating” means [*any communication containing a message advocating election*
 11 *or defeat, including but not limited to the name of the candidate, or expressions such as “vote for,”*
 12 *“elect,” “support,” “cast your ballot for,” “vote against,” “defeat” or “reject.”*] **advocating the election**
 13 **or defeat of a candidate by:**

14 (A) **Using a phrase such as “vote for,” “elect,” “reelect,” “support,” “cast your ballot**
 15 **for,” “vote against,” “defeat” or “reject” or a campaign slogan or words that in context can**
 16 **have no reasonable meaning other than to advocate the election or defeat of one or more**
 17 **clearly identified candidates; or**

18 (B) **Expressing unmistakable and unambiguous support for or opposition to one or more**
 19 **clearly identified candidates when taken as a whole and with limited reference to external**
 20 **events, such as proximity to an election.**

21 (d) “Made with the cooperation or with the prior consent of, or in consultation with, or at the
 22 request or suggestion of, a candidate or any agent or authorized committee of the candidate”:

23 (A) Means any arrangement, coordination or direction by the candidate or the candidate’s agent
 24 prior to the publication, distribution, display or broadcast of the communication. An expenditure
 25 shall be presumed to be so made when it is:

26 (i) Based on information about the candidate’s plans, projects or needs provided to the expending
 27 person by the candidate or by the candidate’s agent, with a view toward having an expenditure
 28 made; or

29 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who
 30 is or has been an officer of a political committee authorized by the candidate or who is or has been
 31 receiving any form of compensation or reimbursement from the candidate, the candidate’s principal
 32 campaign committee or agent; and

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

35 [(9)] (10) “Initiative petition” means a petition to initiate a measure for which a prospective
 36 petition has been filed but that is not yet a measure.

37 [(10)] (11) “Judge” means judge of the Supreme Court, Court of Appeals, circuit court or the
 38 Oregon Tax Court.

39 [(11)] (12) “Mass mailing” means more than 200 substantially similar pieces of mail, but does
 40 not include a form letter or other mail that is sent in response to an unsolicited request, letter or
 41 other inquiry.

42 [(12)] (13) “Measure” includes any of the following submitted to the people for their approval
 43 or rejection at an election:

44 (a) A proposed law.

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

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

2 (d) Local, special or municipal legislation.

3 (e) A proposition or question.

4 [(13)] (14) "Occupation" means the nature of an individual's principal business or, if the indi-
5 vidual is employed by another person, the nature of the individual's principal business or the busi-
6 ness name and address of the employer.

7 [(14)] (15) "Person" means an individual, corporation, limited liability company, labor organiza-
8 tion, association, firm, partnership, joint stock company, club, organization or other combination of
9 individuals having collective capacity.

10 [(15)(a)] (16)(a) "Political committee" means a combination of two or more individuals, or a
11 person other than an individual, that has:

12 (A) Received a contribution for the purpose of supporting or opposing a candidate, measure or
13 political party; or

14 (B) Made an expenditure for the purpose of supporting or opposing a candidate, measure or
15 political party.

16 (b) For purposes of paragraph (a)(B) of this subsection, an expenditure does not include:

17 (A) A contribution to a candidate or political committee that is required to report the contri-
18 bution on a statement filed under ORS 260.058, 260.063, 260.068, 260.073, 260.076 or 260.102 or sec-
19 tion 6, chapter 542, Oregon Laws 2003, or a certificate filed under ORS 260.112; or

20 (B) An independent expenditure for which a statement is required to be filed by a person under
21 ORS 260.044 (1).

22 (17) **"Political party committee" means a political committee established by a major or**
23 **minor political party as described in ORS 248.006 and 248.008.**

24 [(16)] (18) "Public office" means any national, state, county, district, city office or position, ex-
25 cept a political party office, that is filled by the electors.

26 [(17)] (19) "Recall petition" means a petition to recall a public officer for which a prospective
27 petition has been filed but that is not yet a measure.

28 [(18)] (20) "Referendum petition" means a petition to refer a measure for which a prospective
29 petition has been filed but that is not yet a measure.

30 (21) **"Small donor committee" means a political committee that:**

31 (a) **Accepts contributions only from individuals;**

32 (b) **Does not accept contributions from individuals that exceed an aggregate amount of**
33 **\$50 per calendar year;**

34 (c) **Has received contributions from at least 50 individuals;**

35 (d) **Has made a contribution to at least three candidates or the principal campaign com-**
36 **mittees of at least three candidates;**

37 (e) **Makes contributions directly to candidates or the principal campaign committees of**
38 **candidates and not through an intermediary;**

39 (f) **Does not make independent expenditures or expenditures for electioneering commu-**
40 **nications;**

41 (g) **Does not make expenditures to support or oppose measures; and**

42 (h) **Does not make contributions to political committees organized exclusively to support**
43 **or oppose a measure.**

44 [(19)] (22) "Slate mailer" means a mass mailing that supports or opposes a total of three or more
45 candidates or measures.

1 [(20)(a)] **(23)(a)** “Slate mailer organization” means, except as provided in paragraph (b) of this
 2 subsection, any person who directly or indirectly:

3 (A) Is involved in the production of one or more slate mailers and exercises control over the
 4 selection of the candidates and measures to be supported or opposed in the slate mailers; and

5 (B) Receives or is promised payment for producing one or more slate mailers or for endorsing
 6 or opposing, or refraining from endorsing or opposing, a candidate or measure in one or more slate
 7 mailers.

8 (b) Notwithstanding paragraph (a) of this subsection, “slate mailer organization” does not in-
 9 clude:

10 (A) A political committee organized by a political party; or

11 (B) A political committee organized by the caucus of either the Senate or the House of Repre-
 12 sentatives of the Legislative Assembly.

13 [(21)] **(24)** “State office” means the office of Governor, Secretary of State, State Treasurer, At-
 14 torney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public In-
 15 struction, state Senator, state Representative, judge or district attorney.

16 **(25) “With respect to an election cycle” means the time beginning one day after the date**
 17 **of a general election and ending on the date of the next general election.**

18 **(26) “With respect to an election period” means, with respect to a contribution to a**
 19 **candidate for public office, the time beginning on the date of an election for a public office**
 20 **and ending on the date of the next nominating, general, special or recall election for nomi-**
 21 **nation or election to that public office.**

22 **SECTION 13.** ORS 260.007 is amended to read:

23 260.007. As used in this chapter, “contribute,” “contribution,” “expend” or “expenditure” does
 24 not include:

25 (1) Any written news story, commentary or editorial distributed through the facilities of any
 26 broadcasting station, newspaper, magazine or other regularly published publication, unless a poli-
 27 tical committee owns the facility;

28 (2) An individual’s use of the individual’s own personal residence, including a community room
 29 associated with the individual’s residence, to conduct a reception for a candidate or political
 30 committee[, *and the individual’s cost of invitations, food and beverages provided at the reception*];

31 [(3) *A vendor’s sale of food and beverages for use in a candidate’s or political committee’s cam-*
 32 *campaign at a charge less than the normal comparable charge, if the charge is at least equal to the cost*
 33 *of the food or beverages to the vendor;*]

34 **(3) Services provided without compensation by a volunteer;**

35 (4) Any unreimbursed payment for travel expenses an individual, including a candidate, makes
 36 on behalf of a candidate or political committee;

37 (5) Any loan of money made by a financial institution as defined in ORS 706.008, other than any
 38 overdraft made with respect to a checking or savings account, if the loan bears the usual and cus-
 39 tomary interest rate for the category of loan involved, is made on a basis that assures repayment,
 40 is evidenced by a written instrument and is subject to a due date or amortization schedule. How-
 41 ever, each indorser or guarantor of the loan shall be considered to have contributed that portion
 42 of the total amount of the loan for which that person agreed to be liable in a written agreement,
 43 except if the indorser or guarantor is the candidate’s spouse;

44 (6) Nonpartisan activity designed to encourage individuals to vote or to register to vote;

45 (7) Any communication a membership organization or corporation makes to its members, share-

1 holders or employees if the membership organization or corporation is not organized primarily for
 2 the purpose of influencing an election to office;

3 (8) The payment of compensation for legal and accounting services rendered to a candidate or
 4 political committee if the person paying for the services is the regular employer of the individual
 5 rendering the services and the services are solely for the purpose of insuring compliance with the
 6 provisions of this chapter; and

7 (9) The payment by a state or local committee of a political party of the costs of preparation,
 8 display or mailing or other distribution incurred by the committee with respect to a printed slate
 9 card or sample ballot, or other printed listing, of three or more candidates for any public office for
 10 which an election is held in this state. This subsection does not apply to costs incurred by the
 11 committee with respect to a display of any such listing made on broadcasting stations or in news-
 12 papers, magazines or similar types of general public political advertising.

13 **SECTION 14.** ORS 260.044, as amended by section 10, chapter 542, Oregon Laws 2003, is
 14 amended to read:

15 260.044. (1) A person shall file a statement of expenditures made if the person makes expen-
 16 ditures in a total amount of more than \$50 in support of or in opposition to a candidate, a measure
 17 or a political committee.

18 (2) A statement filed under subsection (1) of this section shall be filed for the reporting period
 19 described in ORS 260.063 or 260.073 during which the total amount of expenditures exceeds \$50. The
 20 accounting period for the statement required by subsection (1) of this section begins on the date that
 21 an expenditure is made. The statement shall specify the candidate, measure or political committee
 22 supported or opposed by the expenditure. The Secretary of State by rule shall prescribe the form
 23 of the statements. If a statement is filed for the reporting period for the supplement to the second
 24 preelection statement, a second statement for the same expenditure does not need to be filed in the
 25 post-election reporting period.

26 (3) Notwithstanding ORS 260.005 [(15)] (16), a person who solicits and receives a contribution,
 27 **including a contribution for the purpose of making an electioneering communication, is** [*or*
 28 *contributions shall be*] a political committee and shall file a statement of organization under ORS
 29 260.042 and the statements required by ORS 260.063, 260.073 or 260.076. The statements filed under
 30 this subsection shall be filed for the reporting period described in ORS 260.063, 260.073 or 260.076
 31 during which any contribution was received. The accounting period for the statement required by
 32 this subsection begins on the date that a contribution is received.

33 (4) **A person, other than a political committee, who expends an aggregate amount ex-**
 34 **ceeding \$1,000 per calendar year for the purpose of making electioneering communications**
 35 **is a political committee and shall file a statement of organization under ORS 260.042 and the**
 36 **statements required by ORS 260.063, 260.073 or 260.076. The statements filed under this sub-**
 37 **section shall be filed for the reporting period described in ORS 260.063, 260.073 or 260.076**
 38 **during which any expenditure was made. The accounting period for the statement required**
 39 **by this subsection begins on the date that an expenditure is made.**

40 [(4)] (5) For purposes of this section:

41 (a) An expenditure does not include a contribution to a candidate or political committee that is
 42 required to report the contribution on a statement filed under ORS 260.058, 260.063, 260.068, 260.073,
 43 260.076 or 260.102 or section 6, chapter 542, Oregon Laws 2003, or a certificate filed under ORS
 44 260.112;

45 (b) An expenditure does not include a contribution to a candidate who is not required to file a

1 statement of organization under ORS 260.043; and

2 (c) A person is not a political committee under subsection (3) of this section if all contributions
3 received by the person are designated to a candidate or political committee and are required to be
4 reported as contributions by a candidate or political committee on a statement filed under ORS
5 260.058, 260.063, 260.068, 260.073, 260.076 or 260.102 or section 6, chapter 542, Oregon Laws 2003,
6 or a certificate filed under ORS 260.112.

7 [(5)] (6) A person [shall be] is a principal campaign committee if the person, in preparing to
8 become a candidate in the general election, receives a contribution, receives a loan, whether repaid
9 or not, or makes an expenditure in a total amount of more than \$2,000 before the date of the primary
10 election. A person described in this subsection shall file the statements required by ORS 260.058 as
11 if the person were a candidate in the primary election. This subsection does not apply to a candidate
12 in the primary or nominating election.

13 **SECTION 15.** ORS 260.041 is amended to read:

14 260.041. (1) Notwithstanding ORS 260.005 [(15)] (16) and except as provided in ORS 260.043, a
15 candidate shall designate a political committee as the candidate's principal campaign committee. A
16 candidate may designate only one political committee as the candidate's principal campaign com-
17 mittee.

18 (2) A political committee may not be designated as the principal campaign committee of more
19 than one candidate.

20 **SECTION 16.** ORS 260.055, as amended by section 12, chapter 542, Oregon Laws 2003, is
21 amended to read:

22 260.055. (1) Each candidate, other than a candidate for political party office, and the treasurer
23 of each political committee shall keep detailed accounts. The accounts shall be current as of not
24 later than the seventh day after the date of receiving a contribution or making an expenditure, of
25 all contributions received and all expenditures made by or on behalf of the candidate or political
26 committee that are required to be reported under ORS 260.058, 260.063, 260.068, 260.073, 260.076 or
27 260.078 or section 6, chapter 542, Oregon Laws 2003, **or section 7, 9 or 10 of this 2005 Act.** Subject
28 to ORS 260.085, the accounts shall list all information required to be reported under ORS 260.083.

29 (2) Accounts kept by a candidate or the treasurer of a political committee may be inspected
30 under reasonable circumstances at any time before the election to which the accounts refer or
31 during the period specified for retention of the accounts under subsection (3) of this section by any
32 opposing candidate or the treasurer of any political committee for the same electoral contest. The
33 right of inspection may be enforced by writ of mandamus issued by any court of competent juris-
34 diction. The treasurers of political committees supporting a candidate may be joined with the can-
35 didate as defendants in a mandamus proceeding.

36 (3) Accounts kept by a candidate or treasurer shall be preserved by the candidate or treasurer
37 for at least two years after the date of the election to which the accounts refer or at least two years
38 after the date the last supplemental statement is filed under ORS 260.058 (2), 260.063 (2), 260.068 (3)
39 or 260.073 (3) or section 6 (2), chapter 542, Oregon Laws 2003, whichever is later.

40 **SECTION 17.** ORS 260.083, as amended by section 14, chapter 542, Oregon Laws 2003, is
41 amended to read:

42 260.083. (1) A statement filed under ORS 260.058, 260.063, 260.068, 260.073, 260.076 or 260.118 or
43 section 6, chapter 542, Oregon Laws 2003, **or section 7, 9 or 10 of this 2005 Act,** shall list:

44 (a) Under contributions, all contributions received. Except as provided in ORS 260.085, the
45 statement shall list the name, occupation and address of each person, and the name and address of

1 each political committee, that contributed an aggregate amount of more than \$50 on behalf of a
2 candidate or to a political committee and the total amount contributed by that person or political
3 committee. The statement may list as a single item the total amount of other contributions, but shall
4 specify how those contributions were obtained.

5 (b) Under expenditures, all expenditures made, showing the name of the payee and the amount
6 and purpose of each.

7 (c) Separately, all contributions made by the candidate or political committee.

8 (d) All loans, whether repaid or not, made to the candidate or political committee. The statement
9 shall list the name and address of each person shown as a cosigner or guarantor on a loan and the
10 amount of the obligation undertaken by each cosigner or guarantor. The statement also shall list the
11 name of the lender holding the loan.

12 (2) If an expenditure in an amount exceeding \$50 is a prepayment or a deposit made in consid-
13 eration for any services, supplies, equipment or other thing of value to be performed or furnished
14 at a future date, that portion of the deposit that has been expended during the reporting period shall
15 be listed as an expenditure and the unexpended portion of the deposit shall be listed as an account
16 receivable.

17 (3) Anything of value paid for or contributed by any person shall be listed as both an in-kind
18 contribution and an expenditure by the candidate or committee for whose benefit the payment or
19 contribution was made.

20 (4) If a candidate, political committee or chief petitioner under ORS 260.118 makes an expendi-
21 ture that must be reported as an in-kind contribution and an expenditure as provided in subsection
22 (3) of this section, the candidate or political committee making the original expenditure shall, in any
23 statement filed under ORS 260.058, 260.063, 260.068, 260.073 or 260.118 or section 6, chapter 542,
24 Oregon Laws 2003, identify the expenditure as an in-kind contribution and identify the candidate or
25 political committee for whose benefit the expenditure was made.

26 (5) Except as provided in subsection (8) of this section, expenditures made by an agent of a
27 candidate or political committee on behalf of the candidate or committee shall be reported in the
28 same manner as if the expenditures had been made by the candidate or political committee.

29 (6) If a political committee makes an expenditure that qualifies as an independent expenditure
30 under ORS 260.005 [(8)], the listing of the expenditure under this section shall identify the candidate
31 or candidates who are the subject of the independent expenditure and state whether the independent
32 expenditure was used to advocate the election or defeat of the candidate or candidates.

33 (7) If a candidate, political committee, chief petitioner under ORS 260.118 or an agent of a can-
34 didate, political committee or chief petitioner makes an expenditure for the purpose of paying any
35 person money or other valuable consideration for obtaining signatures on an initiative, referendum
36 or recall petition, the statement described in this section shall list the total amount paid by the
37 candidate, political committee, chief petitioner or agent for the purpose of obtaining signatures. The
38 statement is not required to list the name or address of any person as payee or the amount paid to
39 any person.

40 (8)(a) A vendor who enters into a contract with a candidate or political committee to prepare
41 or produce brochures, mailings, polls, other opinion research or television, radio or newspaper ad-
42 vertising, or to provide mail handling and postage, is not considered an agent of the candidate or
43 political committee for purposes of subsection (5) of this section. The Secretary of State by rule may
44 designate other specific products or services that would qualify a vendor for an exemption from re-
45 porting under this subsection.

1 (b) Nothing in this section shall require a vendor described in this subsection to disclose the
 2 vendor's internal or subcontracting costs for providing the specific product or service under para-
 3 graph (a) of this subsection.

4 (9) As used in this section, "address" shall have the meaning given that term in rules adopted
 5 by the Secretary of State.

6 **SECTION 18.** ORS 260.205, as amended by section 16, chapter 542, Oregon Laws 2003, is
 7 amended to read:

8 260.205. (1) Except as provided in this subsection, a filing officer shall inspect each statement
 9 filed under ORS 260.058, 260.063, 260.068, 260.073, 260.083, 260.102, 260.112 or 260.118 or section 6,
 10 chapter 542, Oregon Laws 2003, **or section 7, 9 or 10 of this 2005 Act** not later than the 10th
 11 business day after the filing deadline or the 10th business day after the statement is filed, whichever
 12 is later. The statement required under ORS 260.068 (1)(d) and 260.073 (1)(d) shall be inspected not
 13 later than the 30th business day after the filing deadline or the 30th business day after the statement
 14 is filed, whichever is later. This subsection does not apply to statements required under ORS
 15 260.058 (1)(c) and (2), 260.063 (1)(c) and (2), 260.068 (1)(c) and (3) and 260.073 (1)(c) and (3).

16 (2) A filing officer immediately shall notify a person required to file a statement with the filing
 17 officer under ORS 260.058, 260.063, 260.068, 260.073, 260.083, 260.102, 260.112 or 260.118 or section
 18 6, chapter 542, Oregon Laws 2003, **or section 7, 9 or 10 of this 2005 Act** if:

19 (a) Upon examination of relevant materials, it appears to the filing officer that the person has
 20 failed to file a required statement or that a statement filed with the filing officer by the person is
 21 insufficient; or

22 (b) A complaint is filed with the filing officer under subsection (3) of this section.

23 (3) An elector may file with a filing officer a complaint that a statement filed with the filing
 24 officer is insufficient or that a person has failed to file a required statement. The complaint shall
 25 be in writing, shall state in detail the reasons for complaint and shall be filed with the filing officer
 26 not later than the 90th day after the date the statement of which it complains is filed or should have
 27 been filed.

28 **SECTION 19.** ORS 260.215, as amended by section 17, chapter 542, Oregon Laws 2003, is
 29 amended to read:

30 260.215. (1) Not later than the third month after the date of a primary election or general
 31 election, each filing officer shall examine each statement relating to the election filed with the of-
 32 ficer under ORS 260.044 (1), 260.058, 260.063, 260.068, 260.073, 260.083, 260.102 or 260.112 or section
 33 6, chapter 542, Oregon Laws 2003, **or section 7, 9 or 10 of this 2005 Act**, to determine whether the
 34 statement is sufficient. The filing officer may require any person to answer in writing and upon oath
 35 or affirmation before a judge, justice of the peace, county clerk or notary public any question within
 36 the knowledge of that person concerning the source of any contribution. The inquiry shall advise
 37 the person concerned of the penalty for failure to answer.

38 (2) Subsection (1) of this section applies in regard to a statement filed under ORS 260.118, except
 39 that the filing officer shall examine such a statement not later than the third month after the date
 40 the statement is filed.

41 **SECTION 20.** ORS 260.225, as amended by section 18, chapter 542, Oregon Laws 2003, is
 42 amended to read:

43 260.225. (1) Upon the petition of the Secretary of State or an elector, or of any other filing of-
 44 ficer with whom a report is required to be filed, the circuit court for the county in which the prin-
 45 cipal office of the filing officer is located may compel a candidate, treasurer or person who fails to

1 file a statement required to be filed with the filing officer under ORS 260.044 (1), 260.058, 260.063,
2 260.068, 260.073, 260.076, 260.083, 260.102, 260.112 or 260.118 or section 6, chapter 542, Oregon Laws
3 2003, **or section 7, 9 or 10 of this 2005 Act**, or who files with the filing officer an insufficient
4 statement, to file with the filing officer a proper statement. The petition shall be filed with the cir-
5 cuit court not later than the 90th day after the date the statement is filed or should have been filed.

6 (2) If the court determines that a petition filed under this section is frivolous or the court does
7 not compel the filing of any statement, the candidate, treasurer or person against whom the petition
8 was filed is entitled to recover reasonable attorney fees at trial and on appeal.

9 **SECTION 21.** ORS 260.232, as amended by section 19, chapter 542, Oregon Laws 2003, is
10 amended to read:

11 260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in
12 addition to any other penalty that may be imposed, for:

13 (a) Failure to file a statement or certificate required to be filed under ORS 260.044 (1), 260.058,
14 260.063, 260.068, 260.073, 260.076, 260.083, 260.102, 260.112 or 260.118 or section 6, chapter 542,
15 Oregon Laws 2003, **or section 7, 9 or 10 of this 2005 Act**.

16 (b) Failure to include in a statement filed under ORS 260.058, 260.063, 260.068, 260.073, 260.076,
17 260.083, 260.102, 260.112 or 260.118 or section 6, chapter 542, Oregon Laws 2003, **or section 7, 9
18 or 10 of this 2005 Act**, the information required under ORS 260.076, 260.083, 260.102 or 260.118 or
19 section 6, chapter 542, Oregon Laws 2003, **or section 7, 9 or 10 of this 2005 Act**.

20 (c) Violation of ORS 260.174.

21 (2) If a person required to file has not filed a statement or certificate complying with applicable
22 provisions of ORS 260.044 (1), 260.058, 260.063, 260.068, 260.073, 260.076, 260.078, 260.083, 260.085,
23 260.102, 260.112 or 260.118 or section 6, chapter 542, Oregon Laws 2003, **or section 7, 9 or 10 of
24 this 2005 Act**, within the time specified in ORS 260.058, 260.063, 260.068, 260.073, 260.076, 260.078
25 or 260.118 or section 6, chapter 542, Oregon Laws 2003, **or section 7, 9 or 10 of this 2005 Act**, the
26 Secretary of State by certified mail shall notify the person that a penalty may be imposed and that
27 the person has 20 days to request a hearing before the Secretary of State. If the person required to
28 file is a candidate or the principal campaign committee of a candidate, the Secretary of State shall
29 send the notice described in this subsection by certified mail to the individual who is the candidate
30 and by first class mail to the candidate's treasurer or the treasurer of the candidate's principal
31 campaign committee. The notice sent by certified mail to the individual who is a candidate shall be
32 used for purposes of determining the deadline for requesting a hearing under subsection (3) of this
33 section. The Secretary of State is not required to send two notices if the candidate serves as the
34 treasurer of the candidate's principal campaign committee.

35 (3) A hearing on whether to impose a civil penalty and to consider circumstances in mitigation
36 shall be held by the Secretary of State:

37 (a) Upon request of the person against whom the penalty may be assessed, if the request is made
38 not later than the 20th day after the person received the notice sent under subsection (2) of this
39 section;

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

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

43 (4) A hearing under subsection (3) of this section shall be held not later than 30 days after the
44 deadline for the person against whom the penalty may be assessed to request a hearing. However,
45 if requested by the person against whom the penalty may be assessed, a hearing under subsection

1 (3) of this section shall be held not later than 45 days after the deadline for the person against whom
 2 the penalty may be assessed to request a hearing.

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

5 (6) The person against whom a penalty may be assessed need not appear in person at a hearing
 6 held under this section, but instead may submit written testimony and other evidence, subject to the
 7 penalty for false swearing, to the Secretary of State for entry in the hearing record. Such documents
 8 must be received by the secretary not later than three business days before the day of the hearing.

9 (7) A civil penalty imposed under this section shall be not more than:

10 (a) \$10,000 for failure to file a statement or certificate required to be filed under ORS 260.044
 11 (1), 260.058, 260.063, 260.068, 260.073, 260.076, 260.083, 260.102, 260.112 or 260.118 or section 6,
 12 chapter 542, Oregon Laws 2003, **or section 7, 9 or 10 of this 2005 Act**;

13 (b) \$10,000 for each failure to include in a statement filed under ORS 260.058, 260.063, 260.068,
 14 260.073, 260.076, 260.083, 260.102, 260.112 or 260.118 or section 6, chapter 542, Oregon Laws 2003,
 15 **or section 7, 9 or 10 of this 2005 Act**, the information required under ORS 260.076, 260.083, 260.102
 16 or 260.118 or section 6, chapter 542, Oregon Laws 2003, **or section 7, 9 or 10 of this 2005 Act**; or

17 (c) \$1,000 for each violation of ORS 260.174.

18 (8) The Secretary of State, upon a showing of mitigating circumstances, may reduce the amount
 19 of the penalty described in subsection (7) of this section.

20 (9) Except as otherwise provided by this section, civil penalties under this section shall be im-
 21 posed as provided in ORS 183.745.

22 **SECTION 22.** ORS 260.241 is amended to read:

23 260.241. (1) Despite delay in the filing of statements relating to a candidate's nomination re-
 24 quired to be filed under ORS 260.058, or **under section 7, 9 or 10 of this 2005 Act during the 90**
 25 **days prior to the primary election or any election other than the general election, or** in the
 26 filing of a certificate in lieu of the statement required by ORS 260.058, the candidate's name shall
 27 appear on the general election ballot if those statements are filed before the 61st day before the
 28 general election.

29 (2) A candidate's name shall not be placed on the general election ballot if the statements re-
 30 ferred to in subsection (1) of this section are not filed before the 61st day before the general
 31 election.

32 (3) If the statements referred to in subsection (1) of this section are not filed by the 68th day
 33 before the general election, the filing officer by mail shall notify the person required to file the
 34 statements that the candidate's name may not be placed on the general election ballot. The filing
 35 officer shall send the notice described in this subsection by certified mail to the individual who is
 36 the candidate and by first class mail to the candidate's treasurer or the treasurer of the candidate's
 37 principal campaign committee. The filing officer is not required to send two notices if the candidate
 38 serves as the treasurer of the candidate's principal campaign committee.

39 **SECTION 23.** ORS 260.245, as amended by section 20, chapter 542, Oregon Laws 2003, is
 40 amended to read:

41 260.245. A certificate of election or certificate of nomination may not be granted to any candi-
 42 date until the candidate has filed the statements relating to the election that the candidate is re-
 43 quired to file under ORS 260.058 and 260.068 and section 6, chapter 542, Oregon Laws 2003, **or**
 44 **under section 7, 9 or 10 of this 2005 Act.**

45 **SECTION 24.** ORS 260.255, as amended by section 21, chapter 542, Oregon Laws 2003, is

1 amended to read:

2 260.255. (1) A filing officer shall preserve each statement filed with the officer under ORS
3 260.058, 260.063, 260.068, 260.073, 260.076, 260.083, 260.102, 260.112 or 260.118 or section 6, chapter
4 542, Oregon Laws 2003, **or section 7, 9 or 10 of this 2005 Act**, or an accurate copy of it, for at
5 least six years after the date of the election to which the statement refers.

6 (2) The Secretary of State shall prepare for each election a summary of the statements filed with
7 the secretary under ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1) and shall make the
8 summary available to the public. The county clerk shall prepare such a summary regarding candi-
9 dates for county offices and county measures. The Secretary of State by rule may require a filing
10 officer to prepare such a summary regarding other offices or measures.

11 (3) The summary reports prepared under this section shall include a list of all expenditures that
12 total \$100 or more to any one person and a list of all contributions of more than \$50.

13 **SECTION 25.** ORS 260.315, as amended by section 22, chapter 542, Oregon Laws 2003, is
14 amended to read:

15 260.315. (1) The Secretary of State, at the expense of the state, shall furnish to the other filing
16 officers copies of this chapter.

17 (2) A filing officer shall deliver a copy of this chapter to each candidate or person whom the
18 officer has reason to believe is required to file a statement with the officer under ORS 260.058,
19 260.063, 260.068, 260.073, 260.076, 260.083, 260.102, 260.112 or 260.118 or section 6, chapter 542,
20 Oregon Laws 2003, **or section 7, 9 or 10 of this 2005 Act**.

21 **SECTION 26.** ORS 260.737 is amended to read:

22 260.737. (1) A slate mailer organization shall not send a slate mailer unless all of the following
23 are satisfied:

24 (a) The name and address of the slate mailer organization shall be shown on the outside of each
25 piece of the slate mailer in a legible size and type.

26 (b) The following notice shall appear in a legible size and type at the top or bottom of the front
27 side of the slate mailer:

28 _____

29

30 NOTICE TO VOTERS

31

32 THIS DOCUMENT WAS NOT PREPARED BY A POLITICAL PARTY COMMITTEE OR PARTY
33 CAUCUS COMMITTEE.

34

35 CANDIDATES AND MEASURES MARKED WITH AN * PAID FOR APPEARANCE IN THIS
36 DOCUMENT.

37 _____

38

39 (c) Each candidate that has paid to appear in the slate mailer and each measure on whose behalf
40 payment has been received to appear in the slate mailer shall be designated by an asterisk of legible
41 size immediately following the name of the candidate or the name or number of the measure in each
42 instance where the name of the candidate or the name or number of the measure appears in the
43 slate mailer.

44 (2) The Secretary of State by rule shall define “legible size” and “legible size and type” as used
45 in this section.

1 (3) For purposes of ORS 260.735 and this section, “address” means the address of a residence,
2 office, headquarters or similar location where the slate mailer organization or a responsible officer
3 of the slate mailer organization may be conveniently located. If the slate mailer organization is a
4 political committee, the address shall be the address of the political committee included in the
5 statement of organization under ORS 260.039 or 260.042.

6 (4) The Secretary of State by rule may define the term “payment” as used in this section and
7 ORS 260.005 [(20)] (23) and 260.735.

8 **SECTION 27. Sections 2 to 11 of this 2005 Act and the amendments to statutes by**
9 **sections 12 to 26 of this 2005 Act apply to contributions and expenditures made on or after**
10 **the effective date of this 2005 Act.**

11 **SECTION 28. This 2005 Act does not take effect unless the amendment to Article II of**
12 **the Oregon Constitution proposed by _____ Joint Resolution ____ (2005) (LC _____) is**
13 **approved by the people at the next regular general election held throughout this state. This**
14 **2005 Act takes effect on the effective date of that constitutional amendment.**