

HOUSE AMENDMENTS TO HOUSE BILL 3458

By COMMITTEE ON ELECTIONS AND RULES

May 13

1 On page 1 of the printed bill, line 3, after “260.102,” delete the rest of the line and insert
2 “260.112, 260.118, 260.200.”

3 In line 4, after “260.315” insert “, 260.407”.

4 In line 5, delete “260.112.”

5 On page 2, delete lines 43 through 45.

6 On page 3, delete lines 1 through 14 and insert:

7 **“SECTION 3. (1) Each political committee shall establish a single exclusive campaign**
8 **account in a financial institution, as defined in ORS 706.008. The financial institution must**
9 **be located in this state and must ordinarily conduct business with the general public in this**
10 **state.**

11 **“(2) A political committee shall maintain the campaign account in the financial institu-**
12 **tion in the name of the political committee. For purposes of this subsection, acronyms may**
13 **not be used in the name of the political committee.**

14 **“(3) Except as provided in subsection (4) of this section, all expenditures made by the**
15 **political committee shall be drawn from the campaign account and:**

16 **“(a) Issued on a check signed by the candidate on whose behalf the account is established**
17 **or by the treasurer of the political committee; or**

18 **“(b) Paid using a debit card or other form of electronic transaction.**

19 **“(4) Subsection (3) of this section does not prohibit a person from making a cash or other**
20 **expenditure on behalf of the political committee and receiving reimbursement from the**
21 **campaign account.**

22 **“(5) A contribution received by a candidate or the treasurer of a political committee, di-**
23 **rectly or indirectly, shall be deposited into the campaign account not later than seven cal-**
24 **endar days after the date the contribution is received. This subsection does not apply to**
25 **in-kind contributions received by a candidate or political committee.**

26 **“(6) The campaign account may not include any private moneys, other than contributions**
27 **received by the political committee.**

28 **“(7) Subsections (1) to (6) of this section do not apply to candidates described in ORS**
29 **260.043.”.**

30 Delete lines 37 and 38 and insert:

31 **“(d) The name of the financial institution in which the campaign account required under section**
32 **3 of this 2005 Act is established, the name and number of the account, the name of the account**
33 **holder and the names of all persons who have signature authority for the account. The Secretary**
34 **of State may not disclose information received by the secretary under this paragraph except as**
35 **necessary for purposes of enforcing the provisions of ORS chapters 246 to 260.”.**

1 On page 4, delete lines 31 and 32 and insert:

2 “(i) The name of the financial institution in which the campaign account required under section
3 3 of this 2005 Act is established, the name and number of the account, the name of the account
4 holder and the names of all persons who have signature authority for the account. The Secretary
5 of State may not disclose information received by the secretary under this paragraph except as
6 necessary for purposes of enforcing the provisions of ORS chapters 246 to 260.”.

7 Delete lines 41 through 45.

8 On page 5, delete lines 1 through 18 and insert:

9 “**SECTION 7.** (1) **For statements filed during the total period described in ORS 260.058 (1)**
10 **or 260.068 (1) and (2) or section 6, chapter 542, Oregon Laws 2003, in addition to the re-**
11 **quirements of ORS 260.205 and 260.215, the Secretary of State shall review statements filed**
12 **with the secretary under ORS 260.058 (1) or 260.068 (1) or (2) or section 6, chapter 542, Oregon**
13 **Laws 2003, by the principal campaign committees of all candidates for nomination or election**
14 **to state office. For each review, the secretary shall require a candidate or treasurer of a**
15 **political committee to provide documentation of not more than eight transactions.**

16 “(2) **The secretary shall review statements under this section during the three-month**
17 **period following the deadline for filing a statement under ORS 260.058 or 260.068 or section**
18 **6, chapter 542, Oregon Laws 2003, for a primary, general or special election.**

19 “**SECTION 8.** Section 7 of this 2005 Act is amended to read:

20 “**Sec. 7.** (1) For statements filed during [*the total period described in ORS 260.058 (1) or 260.068*
21 *(1) and (2) or section 6, chapter 542, Oregon Laws 2003*] **each calendar year**, in addition to the re-
22 quirements of ORS 260.205 and 260.215, the Secretary of State shall review statements filed with the
23 secretary under [*ORS 260.058 (1) or 260.068 (1) or (2) or section 6, chapter 542, Oregon Laws 2003,*]
24 **section 19 of this 2005 Act** by the principal campaign committees of all candidates for nomination
25 or election to state office. For each review, the secretary shall require a candidate or treasurer of
26 a political committee to provide documentation of not more than eight transactions.

27 “(2) **The secretary shall review statements under this section [*during the three-month period fol-***
28 ***lowing the deadline for filing a statement under ORS 260.058 or 260.068 or section 6, chapter 542,***
29 ***Oregon Laws 2003, for a primary, general or special election*] on a quarterly basis.”.**

30 Delete lines 21 through 44 and insert:

31 “**SECTION 10.** ORS 260.200 is amended to read:

32 “260.200. The Secretary of State **by rule** shall:

33 “(1) Prescribe a uniform system for accounts required by ORS 260.055.

34 “(2) Prescribe forms for statements and other information required under this chapter to be filed
35 with filing officers, and furnish those forms to persons required to file those statements and other
36 information.

37 “(3) **Prescribe materials, including financial institution account statements and copies of**
38 **checks, that a candidate or political committee must retain or provide to the secretary for**
39 **purposes of administering or enforcing the provisions of this chapter. The secretary shall**
40 **prescribe personal or confidential information that is not required to be disclosed under this**
41 **subsection.**

42 “**NOTE:** Sections 11 through 13 were deleted by amendment. Subsequent sections were not re-
43 numbered.”.

44 On page 6, line 15, after “(B)” insert “For expenditures made in an aggregate amount of more
45 than \$50,”.

1 On page 7, delete lines 25 through 35 and insert:

2 **“SECTION 17. A member of the Legislative Assembly may not use amounts received as**
3 **contributions by the member or the principal campaign committee of the member to pay for:**

4 **“(1) Food or lodging on any day for which the member receives a per diem under ORS**
5 **171.072; or**

6 **“(2) Mileage expenses for commuting between the principal residence of the member and**
7 **the State Capitol during a session of the Legislative Assembly or on any other day for which**
8 **the member receives a payment for mileage expenses under ORS 171.072.”.**

9 **“SECTION 17a.** ORS 260.407 is amended to read:

10 **“260.407. (1) Except as provided in subsection (2) of this section, amounts received as contribu-**
11 **tions by a candidate or the principal campaign committee of a candidate for public office that are**
12 **in excess of any amount necessary to defray campaign expenditures and any other funds donated to**
13 **a holder of public office may be:**

14 **“(a) Used to defray any expenses incurred in connection with the recipient’s duties as a holder**
15 **of public office;**

16 **“(b) Transferred to any national, state or local political committee of any political party;**

17 **“(c) Contributed to any organization described in section 170(c) of Title 26 of the United States**
18 **Code or to any charitable corporation defined in ORS 128.620; or**

19 **“(d) Used for any other lawful purpose.**

20 **“(2) Notwithstanding subsection (1) of this section, amounts received as contributions by a can-**
21 **didate for public office that are in excess of any amount necessary to defray campaign expenditures**
22 **and other funds donated to a holder of public office [shall] may not be:**

23 **“(a) Converted by any person to any personal use other than to defray any expenses incurred**
24 **in connection with the person’s duties as a holder of public office or to repay to a candidate any**
25 **loan the proceeds of which were used in connection with the candidate’s campaign; or**

26 **“(b) Used to make mortgage, rent or household utility payments for any part of a per-**
27 **sonal residence of the candidate for or holder of public office or a relative of the candidate**
28 **for or holder of public office.**

29 **“(3) As used in this section:**

30 **“(a) ‘Funds donated’ means all funds, including but not limited to gifts, loans, advances, credits**
31 **or deposits of money that are donated for the purpose of supporting the activities of a holder of**
32 **public office. ‘Funds donated’ does not mean funds appropriated by the Legislative Assembly or an-**
33 **other similar public appropriating body or personal funds of the office holder donated to an account**
34 **containing only those personal funds.**

35 **“(b) ‘Public office’ does not include national or political party office.**

36 **“(c) ‘Relative’ means:**

37 **“(A) The spouse of the candidate for or holder of public office;**

38 **“(B) Any children of the candidate for or holder of public office or of the candidate’s or**
39 **public office holder’s spouse; or**

40 **“(C) Brothers, sisters or parents of the candidate for or holder of public office or of the**
41 **candidate’s or public office holder’s spouse.”.**

42 On page 8, line 17, after “260.043” insert “or to candidates who file certificates under ORS
43 260.112”.

44 In line 36, after “(B)” insert “For expenditures made in an aggregate amount of more than
45 \$50,”.

1 On page 9, after line 42, insert:

2 “**SECTION 21a.** ORS 260.112 is amended to read:

3 “260.112. (1) A candidate[, *other than a candidate for federal office,*] or a treasurer of a political
4 committee who expects neither the aggregate contributions to be received nor the aggregate
5 expenditures to be made by or on behalf of the candidate or political committee to exceed \$2,000 in
6 total amount during the [*total period described in ORS 260.058 (1), 260.063 (1), 260.068 (1) or 260.073*
7 *(1)*] **calendar year** shall file a certificate to that effect **with the Secretary of State**. The candidate
8 or treasurer shall make the certificate according to the best of the knowledge or belief of the can-
9 didate or treasurer. **A candidate or treasurer filing a certificate under this section is not re-**
10 **quired to file statements under section 19 of this 2005 Act.** The certificate shall be filed:

11 “(a) By a candidate, not sooner than the date on which the candidate files a declaration of
12 candidacy or nominating petition, accepts a nomination or is nominated to fill a vacancy in a nom-
13 ination or in a partisan elective office, and not later than [*the 29th day before the date of the*
14 *election*] **seven calendar days after the candidate receives a contribution or makes an ex-**
15 **penditure.**

16 “(b) By a treasurer of a political committee, not sooner than the date that the political com-
17 mittee files a statement of organization under ORS 260.042, and not later than [*the 29th day before*
18 *the date of the election*] **seven calendar days after the political committee receives a contribu-**
19 **tion or makes an expenditure.**

20 “(2) A candidate or political committee under this section must keep contribution and expendi-
21 ture records during the [*applicable total period described in ORS 260.058, 260.063, 260.068 or*
22 *260.073*] **calendar year.**

23 “(3) If at any time following the filing of a certificate under subsection (1) of this section and
24 during the [*total period described in ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1)*] **calendar**
25 **year** either the aggregate contributions or aggregate expenditures exceed \$2,000, the candidate[,
26 *other than a candidate for federal office,*] or treasurer shall file a contribution and expenditure
27 statement [*when a statement for the reporting period in which the contributions or expenditures ex-*
28 *ceeded \$2,000 is filed*] **under section 19 of this 2005 Act within seven calendar days.** The filed
29 statement shall reflect all contributions received and expenditures made by or on behalf of the
30 candidate or political committee to that date, beginning [*with the start of the first reporting period*
31 *in ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1)*] **January 1 of the calendar year.**

32 “(4) **This section does not apply to a candidate for federal office.**”.

33 On page 13, delete lines 32 through 45.

34 On page 14, delete lines 1 through 3 and insert:

35 “**SECTION 23.** ORS 260.043 is amended to read:

36 “260.043. (1) A candidate[, *other than a candidate for federal office,*] who serves as the candidate’s
37 own treasurer and who expects neither the aggregate contributions to be received nor the aggregate
38 expenditures to be made by or on behalf of the candidate to exceed \$300 in total amount during [*the*
39 *total period described in ORS 260.058 (1) or 260.068 (1)*] **a calendar year** is not required to:

40 “(a) File a statement of organization under ORS 260.039;

41 “(b) **File statements under section 19 of this 2005 Act; or**

42 “(c) **Establish a single exclusive campaign account under section 3 of this 2005 Act.**

43 “(2) A candidate described in subsection (1) of this section must keep contribution and expendi-
44 ture records [*during the applicable total period described in ORS 260.058 or 260.068*] **for the previ-**
45 **ous 24 months.**

1 “(3) If at any time following the filing of a nominating petition, declaration of candidacy or
2 certificate of nomination and during the [total period described in ORS 260.058 (1) or 260.068 (1)]
3 **calendar year** either the aggregate contributions or aggregate expenditures exceed \$300, the
4 candidate[, other than a candidate for federal office,] shall **do all of the following:**

5 “(a) File a statement of organization under ORS 260.039.

6 “(b) **File a statement under section 19 of this 2005 Act showing all contributions received**
7 **and expenditures made. The statement shall be filed not later than seven calendar days after**
8 **aggregate contributions or aggregate expenditures exceed \$300 during a calendar year.**

9 “(c) **File statements under section 19 of this 2005 Act.**

10 “(d) **Establish a single exclusive campaign account as required under section 3 of this**
11 **2005 Act.**

12 “(4) **This section does not apply to candidates for federal office.”.**

13 On page 19, line 32, restore “, 260.112”.

14 In line 40, restore “, 260.112”.

15 On page 20, line 10, after “260.083” delete the rest of the line and insert “, 260.102 or 260.112
16 or”.

17 In line 30, restore “, 260.112”.

18 In line 43, restore “, 260.112”.

19 On page 21, line 1, restore “, 260.112”.

20 In line 7, restore “, 260.112”.

21 In line 41, restore “, 260.112”.

22 In line 44, restore “, 260.112”.

23 On page 22, line 34, restore “, 260.112”.

24 On page 23, line 10, restore “, 260.112”.

25 In line 41, delete “260.112,”.

26 In line 44, after “260.102,” insert “260.112,”.

27 In line 45, delete “22” and insert “21a”.

28 On page 24, line 1, delete “260.112,”.

29 In line 36, after “260.102,” insert “260.112,”.

30 In line 37, delete “22” and insert “21a”.

31 In line 38, delete “260.112,”.

32 On page 25, line 6, delete “identify the location and name of” and insert “contain the required
33 information about”.

34 In line 14, after “Act” insert “and the amendments to ORS 260.407 by section 17a of this 2005
35 Act”.