

**A-Engrossed**  
**House Bill 3458**

Ordered by the House May 13  
Including House Amendments dated May 13

Sponsored by COMMITTEE ON ELECTIONS AND RULES

**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.

Increases maximum amount of civil penalty for violation of law prohibiting conversion of excess political campaign funds to personal use to \$750 plus amount converted to personal use. Requires that civil penalty be paid from personal funds of person against whom penalty is assessed.

Requires political committee to establish exclusive campaign account in financial institution. Directs committee to make all expenditures, **with specified exceptions**, through account. Directs treasurer to deposit all contributions in account. Prohibits deposit of other moneys in account. Requires committee to maintain account in name of committee. Requires committee to specify location and name of account in statement of organization.

Directs existing political committee to establish account and amend statement of organization not later than September 30, 2005.

Directs Secretary of State to conduct reviews of contribution and expenditure statements filed with secretary.

Requires candidates and political committees to file copies of financial institution account statements with political contribution and expenditure statements. Sets operative date for filing requirement.

Requires candidates and political committees to report business name and location of payees of expenditures made by candidate or committee.

Prohibits candidate or candidate's principal campaign committee from making payment to candidate from campaign funds in consideration for professional services performed by candidate.

*[Prohibits person holding public office from making payment to person from person's principal campaign committee to reimburse person for specific expense for which person has been reimbursed by public body.]*

**Prohibits member of Legislative Assembly from using contributions for payment of certain expenses for which member is reimbursed by legislative compensation.**

Directs all candidates and political committees to file electronic statements of contributions received and expenditures made with Secretary of State not later than seven calendar days after contribution is received or expenditure made. Directs secretary to make contribution and expenditure data available to public on Internet according to schedule adopted by secretary by rule.

Sets January 1, 2007, operative date for electronic filing provisions.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to elections; creating new provisions; amending ORS 246.021, 260.005, 260.039, 260.042,  
3 260.043, 260.044, 260.045, 260.049, 260.052, 260.055, 260.078, 260.083, 260.085, 260.102, 260.112,  
4 260.118, 260.200, 260.205, 260.215, 260.225, 260.232, 260.241, 260.245, 260.255, 260.315, 260.407 and  
5 260.995; repealing ORS 260.058, 260.063, 260.068, 260.073, 260.076, 260.159 and 260.161 and section  
6 6, chapter 542, Oregon Laws 2003; and declaring an emergency.

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

8 **SECTION 1.** ORS 260.995 is amended to read:

9 260.995. (1) Except as provided in subsection (2) of this section, following an investigation under  
10 ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to exceed  
11 \$250 for each violation of any provision of Oregon Revised Statutes relating to the conduct of any

**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 election, any rule adopted by the secretary [*of State*] under ORS chapters 246 to 260 or any other  
2 matter preliminary to or relating to an election, for which no penalty is otherwise provided.

3 (2) The secretary [*of State*] or the Attorney General may impose a civil penalty not to exceed:

4 (a) \$1,000 for each violation of ORS 251.049 (3) or 251.405 (3); or

5 (b) **\$750 plus the amount converted to personal use for each violation of ORS 260.407.**

6 (3) Except as otherwise provided by this section, civil penalties under this section shall be im-  
7 posed as provided in ORS 183.745. In addition to the requirements of ORS 183.745, the notice shall  
8 include:

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

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

14 (4) A hearing on whether to impose a civil penalty and to consider circumstances in mitigation  
15 shall be held by the secretary [*of State*] or Attorney General:

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

19 (b) Upon the [*Secretary of State's*] **secretary's** or Attorney General's own motion.

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

25 (6) All hearings under this section shall be held not later than 30 days after the deadline for the  
26 person against whom the penalty may be assessed to request a hearing. However, if requested by  
27 the person against whom the penalty may be assessed, a hearing under subsection (4) of this section  
28 shall be held not later than 45 days after the deadline for the person against whom the penalty may  
29 be assessed to request a hearing.

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

32 (8) Except as provided in this subsection, all penalties recovered under this section shall be paid  
33 into the State Treasury and credited to the General Fund. A penalty that is recovered from a person  
34 who violated ORS 260.432 (1) or from a public employee who violated ORS 260.432 (2) shall be  
35 remitted as follows:

36 (a) If the public employee involved is an employee of the state or any of its agencies or insti-  
37 tutions, the penalty shall be paid into the State Treasury and credited to the General Fund.

38 (b) If the public employee involved is an employee of a city, county or other political subdivision,  
39 the penalty shall be paid to the city, county or other political subdivision.

40 (9) **In the case of a civil penalty imposed under this section for a violation of ORS 260.407,**  
41 **the person against whom the penalty is assessed:**

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

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

44 (c) **May not pay the civil penalty from contributions received by a candidate or the**  
45 **principal campaign committee of a candidate.**

1       **SECTION 2.** Section 3 of this 2005 Act is added to and made a part of ORS 260.035 to  
2       **260.156.**

3       **SECTION 3.** (1) Each political committee shall establish a single exclusive campaign ac-  
4       count in a financial institution, as defined in ORS 706.008. The financial institution must be  
5       located in this state and must ordinarily conduct business with the general public in this  
6       state.

7       (2) A political committee shall maintain the campaign account in the financial institution  
8       in the name of the political committee. For purposes of this subsection, acronyms may not  
9       be used in the name of the political committee.

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

12       (a) Issued on a check signed by the candidate on whose behalf the account is established  
13       or by the treasurer of the political committee; or

14       (b) Paid using a debit card or other form of electronic transaction.

15       (4) Subsection (3) of this section does not prohibit a person from making a cash or other  
16       expenditure on behalf of the political committee and receiving reimbursement from the  
17       campaign account.

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

22       (6) The campaign account may not include any private moneys, other than contributions  
23       received by the political committee.

24       (7) Subsections (1) to (6) of this section do not apply to candidates described in ORS  
25       **260.043.**

26       **SECTION 4.** ORS 260.039 is amended to read:

27       260.039. (1) Except as provided in ORS 260.043, a candidate who serves as the candidate's own  
28       treasurer, or the treasurer of the principal campaign committee, shall file a statement of organiza-  
29       tion with the [appropriate] filing officer. The statement shall include:

30       (a) The name, address, occupation, office sought and party affiliation of the candidate. The ad-  
31       dress shall be the address of a residence, office, headquarters or similar location where the candi-  
32       date may be conveniently located. However, a different address may be used if the candidate first  
33       files with the filing officer the candidate's residence address and the address proposed to be used;

34       (b) A statement of how the candidate or principal campaign committee intends to solicit funds;  
35       [and]

36       (c) In the case of a principal campaign committee:

37       (A) The name and address of the committee. The address shall be the address of a residence,  
38       office, headquarters or similar location where the political committee or a responsible officer of the  
39       political committee may be conveniently located. However, a different address may be used if the  
40       officer first files with the filing officer the officer's residence address and the address proposed to  
41       be used.

42       (B) The name, address and occupation of the committee director or directors, if any.

43       (C) The name and address of the committee treasurer.

44       (D) The name and address of any other political committee of which two or more committee  
45       directors are also directors of the committee filing the statement.

1 (E) A statement of whether the committee presently intends to remain in existence for more  
2 than one year; **and**

3 **(d) The name of the financial institution in which the campaign account required under**  
4 **section 3 of this 2005 Act is established, the name and number of the account, the name of**  
5 **the account holder and the names of all persons who have signature authority for the ac-**  
6 **count. The Secretary of State may not disclose information received by the secretary under**  
7 **this paragraph except as necessary for purposes of enforcing the provisions of ORS chapters**  
8 **246 to 260.**

9 (2) Except as provided in ORS 260.043, a candidate who serves as the candidate's own treasurer  
10 shall file the statement of organization not later than the third business day after the candidate first  
11 receives a contribution or makes an expenditure. The treasurer of a principal campaign committee  
12 shall file the statement of organization not later than the date specified in ORS 260.035.

13 (3) Any change in information submitted in a statement of organization under subsection (1) of  
14 this section shall be indicated in an amended statement of organization filed not later than the 10th  
15 day after the change in information.

16 (4) Except as provided in ORS 260.043, a candidate who serves as the candidate's own treasurer  
17 or the treasurer of the principal campaign committee of the candidate shall file a statement of or-  
18 ganization under this section not later than the deadline for the candidate to file a nominating pe-  
19 tition or declaration of candidacy under ORS 249.037 or a certificate of nomination under ORS  
20 249.722.

21 (5) Except as provided in ORS 260.043, a candidate [*for state office*] who serves as the candidate's  
22 own treasurer or the treasurer of the principal campaign committee of a candidate [*for state office*]  
23 shall file a new or amended statement of organization not later than the date that the candidate files  
24 a nominating petition, declaration of candidacy or certificate of nomination.

25 **SECTION 5.** ORS 260.042 is amended to read:

26 260.042. (1) The treasurer of a political committee shall file a statement of organization with the  
27 [*appropriate*] filing officer. The statement shall include:

28 (a) The name, address and nature of the committee. The address shall be the address of a resi-  
29 dence, office, headquarters or similar location where the political committee or a responsible officer  
30 of the political committee may be conveniently located. However, a different address may be used  
31 if the officer first files with the filing officer the officer's residence address and the address proposed  
32 to be used.

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

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

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

37 (e) A statement of whether the committee presently intends to remain in existence for more than  
38 one year.

39 (f) The name, office sought, and party affiliation of each candidate whom the committee is sup-  
40 porting or specifically opposing or intends to support or specifically oppose, when known, or, if the  
41 committee is supporting or specifically opposing all the candidates of a given party, the name of that  
42 party.

43 (g) A designation of any measure [*which*] **that** the committee is opposing or supporting, or in-  
44 tends to support or oppose.

45 (h) A statement of how the committee intends to solicit funds.

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

7 (2) The statement of organization shall be filed not later than the date specified in ORS 260.035.

8 (3) Any change in information submitted in a statement of organization under subsection (1) of  
9 this section shall be indicated in an amended statement of organization filed not later than the 10th  
10 day after the change in information.

11 (4) This section does not apply to a political committee that is a principal campaign committee  
12 or to a political committee exclusively supporting or opposing one or more candidates for federal  
13 or political party office.

14 **SECTION 6.** Section 7 of this 2005 Act is added to and made a part of ORS chapter 260.

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

22 (2) The secretary shall review statements under this section during the three-month pe-  
23 riod following the deadline for filing a statement under ORS 260.058 or 260.068 or section 6,  
24 chapter 542, Oregon Laws 2003, for a primary, general or special election.

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

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

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

36 **SECTION 9.** The amendments to section 7 of this 2005 Act by section 8 of this 2005 Act  
37 become operative on January 1, 2007.

38 **SECTION 10.** ORS 260.200 is amended to read:

39 260.200. The Secretary of State **by rule** shall:

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

41 (2) Prescribe forms for statements and other information required under this chapter to be filed  
42 with filing officers, and furnish those forms to persons required to file those statements and other  
43 information.

44 (3) **Prescribe materials, including financial institution account statements and copies of**  
45 **checks, that a candidate or political committee must retain or provide to the secretary for**

1 **purposes of administering or enforcing the provisions of this chapter. The secretary shall**  
2 **prescribe personal or confidential information that is not required to be disclosed under this**  
3 **subsection.**

4 **NOTE:** Sections 11 through 13 were deleted by amendment. Subsequent sections were not re-  
5 numbered.

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

8 260.083. (1) A statement filed under ORS 260.058, 260.063, 260.068, 260.073, 260.076 or 260.118 or  
9 section 6, chapter 542, Oregon Laws 2003, shall list:

10 (a) Under contributions, all contributions received. Except as provided in ORS 260.085, the  
11 statement:

12 (A) Shall list the name, occupation and address of each person, and the name and address of  
13 each political committee, that contributed an aggregate amount of more than \$50 on behalf of a  
14 candidate or to a political committee and the total amount contributed by that person or political  
15 committee[. *The statement*]; **and**

16 (B) May list as a single item the total amount of other contributions, but shall specify how those  
17 contributions were obtained.

18 (b) Under expenditures, all expenditures made[, *showing the name of the payee and the amount*  
19 *and purpose of each*]. **The statement shall list:**

20 (A) **The name or, if applicable, the business name of the payee of each expenditure;**

21 (B) **For expenditures made in an aggregate amount of more than \$50, the city, or county**  
22 **if the payee is not located in a city, and state in which the payee is located; and**

23 (C) **The amount and purpose of each expenditure.**

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

25 (d) All loans, whether repaid or not, made to the candidate or political committee. The statement  
26 shall list:

27 (A) The name and address of each person shown as a cosigner or guarantor on a loan and the  
28 amount of the obligation undertaken by each cosigner or guarantor[. *The statement also shall list*];  
29 **and**

30 (B) The name of the lender holding the loan.

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

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

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

45 (5) Except as provided in subsection (8) of this section, expenditures made by an agent of a

1 candidate or political committee on behalf of the candidate or committee shall be reported in the  
2 same manner as if the expenditures had been made by the candidate or political committee.

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

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

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

20 (b) *[Nothing in this section shall]* **This section does not** require a vendor described in this  
21 subsection to disclose the vendor's internal or subcontracting costs for providing the specific prod-  
22 uct or service under paragraph (a) of this subsection.

23 (9) As used in this section, "address" *[shall have]* **has** the meaning given that term in rules  
24 adopted by the Secretary of State.

25 **SECTION 15. Sections 16 and 17 of this 2005 Act are added to and made a part of ORS**  
26 **chapter 260.**

27 **SECTION 16. A candidate or principal campaign committee of a candidate may not use**  
28 **amounts received as contributions by the candidate or committee to make an expenditure**  
29 **to or on behalf of the candidate in consideration for the rendering of professional services**  
30 **by the candidate.**

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

33 (1) **Food or lodging on any day for which the member receives a per diem under ORS**  
34 **171.072; or**

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

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

39 260.407. (1) Except as provided in subsection (2) of this section, amounts received as contribu-  
40 tions by a candidate or the principal campaign committee of a candidate for public office that are  
41 in excess of any amount necessary to defray campaign expenditures and any other funds donated to  
42 a holder of public office may be:

43 (a) Used to defray any expenses incurred in connection with the recipient's duties as a holder  
44 of public office;

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

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

3 (d) Used for any other lawful purpose.

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

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

10 (b) **Used to make mortgage, rent or household utility payments for any part of a personal**  
11 **residence of the candidate for or holder of public office or a relative of the candidate for or**  
12 **holder of public office.**

13 (3) As used in this section:

14 (a) "Funds donated" means all funds, including but not limited to gifts, loans, advances, credits  
15 or deposits of money that are donated for the purpose of supporting the activities of a holder of  
16 public office. "Funds donated" does not mean funds appropriated by the Legislative Assembly or  
17 another similar public appropriating body or personal funds of the office holder donated to an ac-  
18 count containing only those personal funds.

19 (b) "Public office" does not include national or political party office.

20 (c) **"Relative" means:**

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

22 (B) **Any children of the candidate for or holder of public office or of the candidate's or**  
23 **public office holder's spouse; or**

24 (C) **Brothers, sisters or parents of the candidate for or holder of public office or of the**  
25 **candidate's or public office holder's spouse.**

26 **SECTION 18. Section 19 of this 2005 Act is added to and made a part of ORS 260.035 to**  
27 **260.156.**

28 **SECTION 19. (1) The Secretary of State by rule shall adopt an electronic filing system**  
29 **to be used by all candidates and political committees to file with the secretary statements**  
30 **of contributions received or expenditures made by the candidates and political committees,**  
31 **as described in ORS 260.083.**

32 (2) **Except as provided in subsection (5) of this section, each candidate or political com-**  
33 **mittee shall use the electronic filing system to file a statement described in subsection (1)**  
34 **of this section not later than seven calendar days after a contribution is received or an ex-**  
35 **penditure is made.**

36 (3) **The electronic filing system shall be provided free of charge by the secretary and:**

37 (a) **Accept electronic files that conform to the format prescribed by the secretary by**  
38 **rule; or**

39 (b) **Be compatible with any other electronic filing application provided or approved by the**  
40 **secretary.**

41 (4) **The secretary shall make all data filed electronically under this section and all infor-**  
42 **mation filed with the secretary under ORS 260.044, 260.045, 260.049, 260.085 or 260.102 available**  
43 **on the Internet to the public free of charge according to a schedule adopted by the secretary**  
44 **by rule. The secretary shall make the data available in a searchable database that is easily**  
45 **accessible by the public.**

1       (5)(a) A candidate for federal office shall file statements required by the federal election  
2 laws in lieu of the statements required by ORS 260.035 to 260.156. At any time the secretary  
3 by rule may make a determination that the standards and requirements of the federal  
4 election laws relating to candidates for federal office are not substantially similar to those  
5 contained in ORS 260.035 to 260.156. If the secretary makes this determination, candidates  
6 for federal office are subject to the requirements of ORS 260.035 to 260.156.

7       (b) Subsection (2) of this section does not apply to candidates described in ORS 260.043  
8 or to candidates who file certificates under ORS 260.112.

9       (6) Each statement required by this section shall be signed and certified as true by the  
10 candidate or treasurer required to file it. Signatures shall be supplied in the manner specified  
11 by the secretary by rule.

12       **SECTION 20.** ORS 260.083, as amended by section 14, chapter 542, Oregon Laws 2003, and  
13 section 14 of this 2005 Act, is amended to read:

14       260.083. (1) A statement filed under [*ORS 260.058, 260.063, 260.068, 260.073, 260.076 or 260.118*  
15 *or section 6, chapter 542, Oregon Laws 2003,*] **section 19 of this 2005 Act** shall list:

16       (a) Under contributions, all contributions received. Except as provided in ORS 260.085, the  
17 statement[.]

18       [(A)] shall list:

19       (A) The name, occupation and address of each person, and the name and address of each poli-  
20 tical committee, that contributed an aggregate amount of more than \$50 **in a calendar year** on be-  
21 half of a candidate or to a political committee and the total amount contributed by that person or  
22 political committee; and

23       (B) [*May list as a single item*] The total amount of other contributions **as a single item**, but  
24 shall specify how those contributions were obtained.

25       (b) Under expenditures, all expenditures made. The statement shall list:

26       (A) The name or, if applicable, the business name of the payee of each expenditure;

27       (B) For expenditures made in an aggregate amount of more than \$50, the city, or county if the  
28 payee is not located in a city, and state in which the payee is located; and

29       (C) The amount and purpose of each expenditure.

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

31       (d) All loans, whether repaid or not, made to the candidate or political committee. The statement  
32 shall list:

33       (A) The name and address of each person shown as a cosigner or guarantor on a loan and the  
34 amount of the obligation undertaken by each cosigner or guarantor; and

35       (B) The name of the lender holding the loan.

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

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

44       (4) If a candidate, political committee or chief petitioner under ORS 260.118 makes an expendi-  
45 ture that must be reported as an in-kind contribution and an expenditure as provided in subsection

1 (3) of this section, the candidate, [or] political committee **or chief petitioner** making the original  
 2 expenditure shall, in any statement filed under [ORS 260.058, 260.063, 260.068, 260.073 or 260.118 or  
 3 section 6, chapter 542, Oregon Laws 2003] **ORS 260.118 or section 19 of this 2005 Act**, identify the  
 4 expenditure as an in-kind contribution and identify the candidate or political committee for whose  
 5 benefit the expenditure was made.

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

9 (6) If a political committee makes an **independent** expenditure [that qualifies as an independent  
 10 expenditure under ORS 260.005 (8)], the listing of the expenditure under this section shall identify  
 11 the candidate or candidates who are the subject of the independent expenditure and state whether  
 12 the independent expenditure was used to advocate the election or defeat of the candidate or candi-  
 13 dates.

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

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

27 (b) This section does not require a vendor described in this subsection to disclose the vendor's  
 28 internal or subcontracting costs for providing the specific product or service under paragraph (a)  
 29 of this subsection.

30 (9) As used in this section, "address" has the meaning given that term in rules adopted by the  
 31 Secretary of State.

32 **SECTION 21. The amendments to ORS 260.083 by section 20 of this 2005 Act become op-**  
 33 **erative on January 1, 2007.**

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

35 260.112. (1) A candidate[, other than a candidate for federal office,] or a treasurer of a political  
 36 committee who expects neither the aggregate contributions to be received nor the aggregate  
 37 expenditures to be made by or on behalf of the candidate or political committee to exceed \$2,000 in  
 38 total amount during the [total period described in ORS 260.058 (1), 260.063 (1), 260.068 (1) or 260.073  
 39 (1)] **calendar year** shall file a certificate to that effect **with the Secretary of State**. The candidate  
 40 or treasurer shall make the certificate according to the best of the knowledge or belief of the can-  
 41 didate or treasurer. **A candidate or treasurer filing a certificate under this section is not re-**  
 42 **quired to file statements under section 19 of this 2005 Act.** The certificate shall be filed:

43 (a) By a candidate, not sooner than the date on which the candidate files a declaration of can-  
 44 didacy or nominating petition, accepts a nomination or is nominated to fill a vacancy in a nomi-  
 45 nation or in a partisan elective office, and not later than [the 29th day before the date of the

1 *election*] **seven calendar days after the candidate receives a contribution or makes an ex-**  
2 **penditure.**

3 (b) By a treasurer of a political committee, not sooner than the date that the political committee  
4 files a statement of organization under ORS 260.042, and not later than *[the 29th day before the date*  
5 *of the election]* **seven calendar days after the political committee receives a contribution or**  
6 **makes an expenditure.**

7 (2) A candidate or political committee under this section must keep contribution and expenditure  
8 records during the *[applicable total period described in ORS 260.058, 260.063, 260.068 or 260.073]*  
9 **calendar year.**

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

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

20 **SECTION 22.** ORS 260.005, as amended by section 9, chapter 542, Oregon Laws 2003, is  
21 amended to read:

22 260.005. As used in this chapter:

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

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

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

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

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

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

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

44 (A) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compen-  
45 sation or consideration, of money, services other than personal services for which no compensation

1 is asked or given, supplies, equipment or any other thing of value:

2 (i) For the purpose of influencing an election for public office or an election on a measure, or  
3 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-  
4 itical committee; or

5 (ii) To or on behalf of a candidate, political committee or measure; and

6 (B) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforcea-  
7 ble, to make a contribution.

8 (b) Regarding a contribution made for compensation or consideration of less than equivalent  
9 value, only the excess value of it shall be considered a contribution.

10 (4) "County clerk" means the county clerk or the county official in charge of elections.

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

13 (6) Except as provided in ORS 260.007, "expend" or "expenditure" includes the payment or fur-  
14 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation  
15 by or on behalf of a candidate, political committee or person in consideration for any services,  
16 supplies, equipment or other thing of value performed or furnished for any reason, including support  
17 of or opposition to a candidate, political committee or measure, or for reducing the debt of a can-  
18 didate for nomination or election to public office. "Expenditure" also includes contributions made  
19 by a candidate or political committee to or on behalf of any other candidate or political committee.

20 (7) "Filing officer" means:

21 (a) The Secretary of State[,];

22 (A) Regarding a candidate for [*any state office or any office to be voted for in the state at large*  
23 *or in a congressional district*] **public office;**

24 (B) **Regarding a statement required to be filed under ORS 260.118 by the chief petitioners**  
25 **of a statewide initiative or referendum petition or by the chief petitioners of a recall petition**  
26 **relating to a person holding state office; [or]**

27 (C) Regarding [*a measure to be voted on in the state at large.*] **any measure; or**

28 (D) **Regarding any political committee.**

29 (b) The county clerk, regarding [*a candidate for any county office or any district or precinct office*  
30 *within the county, or regarding a measure to be voted for in one county or in a district situated wholly*  
31 *within one county*] **a statement required to be filed under ORS 260.118 by:**

32 (A) **The chief petitioners of a county initiative or referendum petition;**

33 (B) **The chief petitioners of a district initiative or referendum petition where the district**  
34 **is situated wholly within one county; or**

35 (C) **The chief petitioners of a recall petition relating to a county public office holder or**  
36 **a district public office holder where the district is situated wholly within one county.**

37 (c) The chief city elections officer, regarding [*a candidate for any city office, or a measure to be*  
38 *voted for in a city only*] **a statement required to be filed under ORS 260.118 by:**

39 (A) **The chief petitioners of a city initiative or referendum petition; or**

40 (B) **The chief petitioners of a recall petition relating to a city public office holder.**

41 (d) The county clerk of the county in which the office of the chief administrative officer or ad-  
42 ministrative board is located [*regarding a candidate for office for any district or regarding a measure*  
43 *to be voted on in a district*], when the district is situated in more than one county, **regarding a**  
44 **statement required to be filed under ORS 260.118 by:**

45 (A) **The chief petitioners of a district initiative or referendum petition; or**

1       **(B) The chief petitioners of a recall petition relating to a district public office holder.**

2       (e) **Notwithstanding paragraph (a) of this subsection**, in the case of an irrigation district  
3 formed under ORS chapter 545:

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

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

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

11       (8) “Independent expenditure” means an expenditure by a person for a communication expressly  
12 advocating the election or defeat of a clearly identified candidate that is not made with the coop-  
13 eration or with the prior consent of, or in consultation with, or at the request or suggestion of, a  
14 candidate or any agent or authorized committee of the candidate. As used in this subsection:

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

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

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

21       (b) “Clearly identified” means:

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

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

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

25       (c) “Expressly advocating” means any communication containing a message advocating election  
26 or defeat, including but not limited to the name of the candidate, or expressions such as “vote  
27 for,” “elect,” “support,” “cast your ballot for,” “vote against,” “defeat” or “reject.”

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

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

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

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

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

42       (9) “Initiative petition” means a petition to initiate a measure for which a prospective petition  
43 has been filed but that is not yet a measure.

44       (10) “Judge” means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon  
45 Tax Court.

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

4 (12) "Measure" includes any of the following submitted to the people for their approval or re-  
5 jection at an election:

6 (a) A proposed law.

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

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

9 (d) Local, special or municipal legislation.

10 (e) A proposition or question.

11 (13) "Occupation" means:

12 (a) The nature of an individual's principal business; or[,]

13 (b) If the individual is employed by another person, the nature of the individual's principal  
14 business or the business name and address of the employer.

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

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

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

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

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

25 (A) A contribution to a candidate or political committee that is required to report the contri-  
26 bution on a statement filed under ORS [260.058, 260.063, 260.068, 260.073, 260.076 or] 260.102 or  
27 [section 6, chapter 542, Oregon Laws 2003, or a certificate filed under ORS 260.112] **section 19 of this**  
28 **2005 Act**; or

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

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

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

35 (18) "Referendum petition" means a petition to refer a measure for which a prospective petition  
36 has been filed but that is not yet a measure.

37 (19) "Slate mailer" means a mass mailing that supports or opposes a total of three or more  
38 candidates or measures.

39 (20)(a) "Slate mailer organization" means, except as provided in paragraph (b) of this subsection,  
40 any person who directly or indirectly:

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

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

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

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

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

6 (21) “State office” means the office of Governor, Secretary of State, State Treasurer, Attorney  
7 General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction,  
8 state Senator, state Representative, judge or district attorney.

9 **SECTION 23.** ORS 260.043 is amended to read:

10 260.043. (1) A candidate[, *other than a candidate for federal office,*] who serves as the candidate’s  
11 own treasurer and who expects neither the aggregate contributions to be received nor the aggregate  
12 expenditures to be made by or on behalf of the candidate to exceed \$300 in total amount during [*the*  
13 *total period described in ORS 260.058 (1) or 260.068 (1)*] **a calendar year** is not required to:

14 (a) File a statement of organization under ORS 260.039;

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

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

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

20 (3) If at any time following the filing of a nominating petition, declaration of candidacy or cer-  
21 tificate of nomination and during the [*total period described in ORS 260.058 (1) or 260.068 (1)*] **cal-**  
22 **endar year** either the aggregate contributions or aggregate expenditures exceed \$300, the  
23 candidate[, *other than a candidate for federal office,*] shall **do all of the following:**

24 (a) File a statement of organization under ORS 260.039.

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

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

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

31 (4) **This section does not apply to candidates for federal office.**

32 **SECTION 24.** ORS 260.044, as amended by section 10, chapter 542, Oregon Laws 2003, is  
33 amended to read:

34 260.044. (1) A person shall file a statement of expenditures made if the person makes expen-  
35 ditures in a total amount of more than \$50 **in a calendar year** in support of or in opposition to a  
36 candidate, a measure or a political committee. **The statement shall be filed with the Secretary**  
37 **of State.**

38 (2) A statement filed under subsection (1) of this section shall be filed [*for the reporting period*  
39 *described in ORS 260.063 or 260.073 during which*] **not later than seven calendar days after** the  
40 total amount of expenditures exceeds \$50 **in a calendar year.** The accounting period for the  
41 statement required by subsection (1) of this section begins on the date that an expenditure is made.  
42 The statement shall specify the candidate, measure or political committee supported or opposed by  
43 the expenditure. The secretary [*of State*] by rule shall prescribe the form of the statements. [*If a*  
44 *statement is filed for the reporting period for the supplement to the second preelection statement, a*  
45 *second statement for the same expenditure does not need to be filed in the post-election reporting*

1 *period.]*

2 (3) Notwithstanding ORS 260.005 (15), a person who solicits and receives a contribution or con-  
 3 tributions shall be a political committee and shall file a statement of organization under ORS 260.042  
 4 and the statements required by [ORS 260.063, 260.073 or 260.076. *The statements filed under this*  
 5 *subsection shall be filed for the reporting period described in ORS 260.063, 260.073 or 260.076 during*  
 6 *which any contribution was received. The accounting period for the statement required by this sub-*  
 7 *section begins on the date that a contribution is received]* **section 19 of this 2005 Act.**

8 (4) For purposes of this section:

9 (a) An expenditure does not include a contribution to a candidate or political committee that is  
 10 required to report the contribution on a statement filed under ORS [260.058, 260.063, 260.068,  
 11 260.073, 260.076 or] 260.102 or [section 6, chapter 542, Oregon Laws 2003, or a certificate filed under  
 12 ORS 260.112] **section 19 of this 2005 Act;**

13 (b) An expenditure does not include a contribution to a candidate who is not required to file a  
 14 statement of organization under ORS 260.043; and

15 (c) A person is not a political committee under subsection (3) of this section if all contributions  
 16 received by the person are designated to a candidate or political committee and are required to be  
 17 reported as contributions by a candidate or political committee on a statement filed under ORS  
 18 [260.058, 260.063, 260.068, 260.073, 260.076 or] 260.102 or [section 6, chapter 542, Oregon Laws 2003,  
 19 or a certificate filed under ORS 260.112] **section 19 of this 2005 Act.**

20 (5) A person shall be a principal campaign committee if the person, in preparing to become a  
 21 candidate in the general election, receives a contribution, receives a loan, whether repaid or not,  
 22 or makes an expenditure in a total amount of more than \$2,000 before the date of the primary  
 23 election. A person described in this subsection shall file the statements required by [ORS 260.058]  
 24 **section 19 of this 2005 Act** as if the person were a candidate in the primary election. This sub-  
 25 section does not apply to a candidate in the primary or nominating election.

26 **SECTION 25.** ORS 260.045, as amended by section 11, chapter 542, Oregon Laws 2003, is  
 27 amended to read:

28 260.045. (1) If a candidate or treasurer receives a contribution of more than \$50 from a political  
 29 committee not in this state, the candidate or treasurer shall file the following if required under  
 30 subsection (2) of this section:

31 (a) A written statement of the name, occupation and address of each person, or the name, ad-  
 32 dress and primary nature of each political committee, who contributed more than \$50 of the contri-  
 33 bution. The statement shall be certified as true by an officer of the contributing political committee.  
 34 As used in this paragraph, "address" includes street number and name, rural route number or  
 35 post-office box, and city and state; or

36 (b) An affidavit that to the best of the candidate's or treasurer's knowledge and belief the con-  
 37 tributing political committee will not make contributions to candidates and treasurers in this state  
 38 that exceed two-thirds, in total amount, of all contributions made by it in this state and elsewhere  
 39 during the [*period described in ORS 260.058 (1), 260.063 (1), 260.068 (1) or 260.073 (1) or section 6 (1),*  
 40 *chapter 542, Oregon Laws 2003,*] **calendar year** or the period described in ORS 260.118 (4) or (9) for  
 41 which the statement is filed. The affidavit shall be filed at the same time the statement is filed re-  
 42 garding the contribution.

43 (2) The statement or affidavit described in subsection (1) of this section shall be filed if:

44 (a) Requested by the Secretary of State; or

45 (b) The Secretary of State receives a request for the filing from any person made not later than

1 six months after the deadline for filing a statement under ORS [260.058 (1), 260.063 (1), 260.068 (1),  
 2 260.073 (1) or] 260.118 (4) or (9) or [section 6 (1), chapter 542, Oregon Laws 2003] **section 19 of this**  
 3 **2005 Act**, if a candidate or treasurer files a statement reporting a contribution received from a  
 4 political committee not in this state.

5 (3) If requested under subsection (2) of this section, the statement or affidavit described in sub-  
 6 section (1) of this section shall be filed not later than 10 business days after a candidate or treasurer  
 7 receives a request from the Secretary of State.

8 **SECTION 26.** ORS 260.049 is amended to read:

9 260.049. (1) If the major source of revenue of a corporation is paid-in-capital and the primary  
 10 purpose of the corporation is to support or oppose any candidate, measure or political party, and  
 11 the corporation has made a contribution or an expenditure for that purpose, the corporation shall  
 12 report to the Secretary of State the names, addresses and occupations of its shareholders and shall  
 13 report the amount of paid-in-capital attributable to each shareholder.

14 (2) The information required under subsection (1) of this section, including information on the  
 15 nature and amount of all expenditures of money and in-kind contributions made by the corporation,  
 16 shall be filed [on the same dates and for the same reporting periods described in ORS 260.063 and  
 17 260.073] **not later than seven calendar days after the contribution or expenditure is made.**

18 (3) The Secretary shall adopt by rule a form for the filing of the information required under this  
 19 section.

20 **SECTION 27.** ORS 260.052 is amended to read:

21 260.052. The Secretary of State shall assign an identification number to each political committee  
 22 [for which the Secretary of State is the filing officer] **required to file a statement with the secre-**  
 23 **tary under section 19 of this 2005 Act.** The political committee shall include the identification  
 24 number with each contribution made by the political committee.

25 **SECTION 28.** ORS 260.055, as amended by section 12, chapter 542, Oregon Laws 2003, is  
 26 amended to read:

27 260.055. (1) Each candidate, other than a candidate for political party office, and the treasurer  
 28 of each political committee shall keep detailed accounts. The accounts shall be current as of not  
 29 later than the seventh **calendar** day after the date of receiving a contribution or making an ex-  
 30 penditure, of all contributions received and all expenditures made by or on behalf of the candidate  
 31 or political committee that are required to be reported under ORS [260.058, 260.063, 260.068, 260.073,  
 32 260.076 or] 260.078 or [section 6, chapter 542, Oregon Laws 2003] **section 19 of this 2005 Act.** Subject  
 33 to ORS 260.085, the accounts shall list all information required to be reported under ORS 260.083.

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

41 (3) Accounts kept by a candidate or treasurer shall be preserved by the candidate or treasurer  
 42 for at least two years after the date of the election to which the accounts refer or at least two years  
 43 after the date the last [supplemental] statement is filed under [ORS 260.058 (2), 260.063 (2), 260.068  
 44 (3) or 260.073 (3) or section 6 (2), chapter 542, Oregon Laws 2003,] **section 19 of this 2005 Act,**  
 45 whichever is later.

1        **SECTION 29.** ORS 260.078, as amended by section 13, chapter 542, Oregon Laws 2003, is  
2 amended to read:

3        260.078. If *[a report]* **the first statement** filed by a candidate, a candidate's principal campaign  
4 committee or a political committee under *[ORS 260.058 (1)(a), 260.063 (1)(a), 260.068 (1)(a) or 260.073*  
5 *(1)(a) or section 6 (1)(a), chapter 542, Oregon Laws 2003,]* **section 19 of this 2005 Act** shows any  
6 assets not previously reported on hand *[at the beginning of the first reporting period]*, the *[report]*  
7 **statement** shall list all contributions giving rise to the assets in accordance with ORS 260.083.

8        **SECTION 30.** ORS 260.085, as amended by section 15, chapter 542, Oregon Laws 2003, is  
9 amended to read:

10        260.085. (1) An account required by ORS 260.055 and a statement required by ORS 260.083 to list  
11 the occupation of a contributor *[shall]* **must** list the occupation of the contributor in the account  
12 and on the first statement filed under *[ORS 260.058, 260.063, 260.068, 260.073 or 260.076 or section*  
13 *6, chapter 542, Oregon Laws 2003,]* **section 19 of this 2005 Act** after the contribution is received if  
14 the occupation is known to the candidate or political committee filing the statement.

15        (2) If an account required by ORS 260.055 or a statement required by ORS 260.083 to list the  
16 occupation of a contributor does not list the occupation of the contributor as required by ORS  
17 260.055 or on the first statement filed under *[ORS 260.058, 260.063, 260.068, 260.073 or 260.076 or*  
18 *section 6, chapter 542, Oregon Laws 2003,]* **section 19 of this 2005 Act** after the contribution is re-  
19 ceived, the candidate or political committee shall file with the account and *[the filing officer]* **with**  
20 **the statement filed under section 19 of this 2005 Act** documentation of a written request to the  
21 contributor to furnish the contributor's occupation.

22        (3) If a candidate or political committee receives a contribution that does not identify the oc-  
23 cupation of the contributor, the candidate or political committee shall make a written request to the  
24 contributor to furnish the occupation of the contributor within seven **calendar** days after receiving  
25 the contribution.

26        *[(4) Documentation of a written request under subsection (3) of this section shall be filed with the*  
27 *account and the first statement under ORS 260.058, 260.063, 260.068, 260.073 or 260.076 or section 6,*  
28 *chapter 542, Oregon Laws 2003, that is filed at least seven days after the contribution is received.]*

29        *[(5)]* (4) If a candidate or political committee receives information identifying the occupation of  
30 a contributor after making a written request under subsection (3) of this section, the candidate or  
31 political committee, **within seven calendar days after receiving the information**, shall include  
32 the contributor's occupation in the account kept under ORS 260.055 and the *[next statement]* **con-**  
33 **tributor's entry** filed under *[ORS 260.058, 260.063, 260.068, 260.073 or 260.076 or section 6, chapter*  
34 *542, Oregon Laws 2003]* **section 19 of this 2005 Act.**

35        *[(6) The filing officer shall be in compliance with law by accepting the information described in this*  
36 *section.]*

37        **SECTION 31.** ORS 260.102 is amended to read:

38        260.102. (1) A person who receives or expends money or any other thing of value, after the date  
39 of an election, for the purpose of reducing an expenditure deficit shown by a statement of contri-  
40 butions and expenditures filed by a candidate or treasurer, *[and who]* **shall file with the Secretary**  
41 **of State a statement showing the source of all moneys or other things of value received or**  
42 **expended if the person:**

43        (a) Is not the candidate or treasurer; and

44        (b) Does not receive or expend the money or other thing of value through the candidate or  
45 treasurer, *shall file with the filing officer a statement showing the source of all money or other things*

1 *of value so received or expended*].

2 (2) The statement shall list the name, occupation and address of each person, or the name, ad-  
3 dress and primary nature of each political committee, who contributed an aggregate amount of more  
4 than \$100 on behalf of a candidate for statewide office or regarding a [*statewide*] **state** measure, or  
5 more than \$50 on behalf of a candidate for other than statewide office or regarding a measure other  
6 than a [*statewide*] **state** measure. The statement may list as a single item the total amount of other  
7 contributions, but shall specify how those contributions were obtained. The statement [*shall*] **must**  
8 be signed and certified as true by the person required to file it or by the person's authorized rep-  
9 resentative.

10 (3) As used in this section, "address" includes street number and name, rural route number or  
11 post-office box, and city and state.

12 **SECTION 32.** ORS 260.118 is amended to read:

13 260.118. (1) As provided in subsection (2) of this section, the chief petitioners of a statewide in-  
14 itiative or referendum petition or any recall petition shall:

15 (a) Appoint a treasurer and certify the name and address of the treasurer to the filing officer.  
16 The treasurer shall be an elector of this state. Contributions shall be received and expenditures  
17 made by or through the treasurer.

18 (b) File a statement of organization with the appropriate filing officer. The statement shall in-  
19 clude:

20 (A) The name and address of the chief petitioners.

21 (B) The name and address of the treasurer appointed under paragraph (a) of this subsection.

22 (C) A designation of the statewide initiative or referendum petition or the recall petition. The  
23 designation of the recall petition shall include the name of the officer whose recall is demanded.

24 (D) A statement of how the petitioners intend to solicit funds.

25 (2) The chief petitioners shall certify the name of the treasurer and file the statement of or-  
26 ganization not later than the third business day after the chief petitioners receive a contribution  
27 or make an expenditure relating to the statewide initiative or referendum petition or any recall  
28 petition.

29 (3) Any change in the information submitted in a statement of organization under subsection (1)  
30 of this section shall be indicated in an amended certification or an amended statement of organiza-  
31 tion filed not later than the 10th day after the change in information.

32 (4) For each statewide initiative petition, not sooner than the 15th day before the date of the  
33 primary election and not later than the 12th day before the date of the primary election, the treas-  
34 urer appointed under subsection (1) of this section shall file with the Secretary of State a statement  
35 described in subsection (8) of this section. The accounting period for the statement begins on the  
36 date that the name of the treasurer is certified to the Secretary of State under subsection (1) of this  
37 section or on the day following the last day of the accounting period for the previous statement filed  
38 and ends on the 16th day before the date of the primary election. The statement required under this  
39 subsection shall be filed whether or not the petition was completed or filed or was withdrawn under  
40 ORS 250.029.

41 (5) In addition to the statement required under subsection (4) of this section, for each statewide  
42 initiative petition, the treasurer appointed under subsection (1) of this section shall file with the  
43 Secretary of State a statement described in subsection (8) of this section for each period described  
44 in this subsection. A statement shall be filed under this subsection beginning with the period during  
45 which the aggregate amount of contributions received or expenditures made exceeds \$2,000. The

1 following statements shall be filed:

2 (a) A statement of contributions received and expenditures made filed not later than September  
3 10 of an odd-numbered year. The accounting period for the statement required under this paragraph  
4 begins on the date the treasurer is appointed under subsection (1) of this section and ends on Sep-  
5 tember 1.

6 (b) A statement of contributions received and expenditures made filed not later than February  
7 6 of an even-numbered year. The accounting period for the statement required under this paragraph  
8 begins on the date the treasurer is appointed under subsection (1) of this section or on the day fol-  
9 lowing the last day of the accounting period for the previous statement filed and ends on January  
10 28.

11 (6) Not later than the 15th day after the last day for filing a statewide initiative or referendum  
12 petition or any recall petition with the filing officer for verification of signatures, the treasurer ap-  
13 pointed under subsection (1) of this section shall file with the filing officer a statement described in  
14 subsection (8) of this section. The statement required under this subsection shall be filed whether  
15 or not the petition was completed or filed or was withdrawn under ORS 250.029.

16 (7) Not later than the 15th day after the date an initiative or referendum petition that is not  
17 statewide is filed with the filing officer for verification of signatures, the chief petitioners of the  
18 initiative or referendum petition shall file with the filing officer a statement described in subsection  
19 (8) of this section.

20 (8) The statement referred to in subsections (4) to (7) of this section shall include the following  
21 information:

22 (a) The name and address of the chief petitioner.

23 (b) A designation of the initiative, referendum or recall petition. The designation of any recall  
24 petition shall include the name of the officer whose recall is demanded.

25 (c) A statement conforming to ORS 260.083 of contributions received and expenditures made.

26 (9)(a) For a statewide initiative petition, the accounting period for the statement required by  
27 subsection (6) of this section begins on the 15th day before the date of the primary election and ends  
28 on the deadline for submitting signatures for verification.

29 (b) For a statewide referendum petition, the accounting period for the statement required by  
30 subsection (6) of this section begins on the date that the name of the treasurer is certified to the  
31 filing officer under this section. The accounting period ends on the deadline for submitting signa-  
32 tures for verification.

33 (c) For a recall petition, the accounting period for the statement required by subsection (6) of  
34 this section begins on the day after the date on which the statement of contributions received and  
35 expenditures made required under ORS 249.865 is filed. The accounting period ends on the deadline  
36 for submitting signatures for verification.

37 (d) For an initiative or referendum petition that is not statewide, the accounting period for the  
38 statement required by subsection (7) of this section begins on the date the prospective petition is  
39 filed and ends on the date that signatures are submitted for verification.

40 (10)(a) If a statement filed under subsection (6) of this section for a statewide initiative or ref-  
41 erendum petition or any recall petition that did not qualify for the ballot shows an unexpended  
42 balance of contributions or an expenditure deficit, and the chief petitioner's committee does not in-  
43 tend to support or oppose a measure that is on the subsequent general election ballot, a supple-  
44 mental statement shall be filed annually not later than September 10.

45 (b) If a statement filed under this section for a statewide initiative or referendum petition or any

1 recall petition that did not qualify for the ballot shows an unexpended balance of contributions or  
 2 an expenditure deficit, and the chief petitioner's committee intends to support or oppose a measure  
 3 that is on the subsequent general election ballot, *[that committee shall]* **the treasurer appointed**  
 4 **under subsection (1) of this section need** not file a supplemental statement in that year, but shall  
 5 file the statements required under *[ORS 260.073]* **section 19 of this 2005 Act.** *[Supplemental state-*  
 6 *ments shall be filed annually for each following year not later than September 10.]*

7 (c) The accounting period for the **supplemental** statement required by this subsection begins  
 8 on the day following the last day of the accounting period for the previous statement filed and ends  
 9 on September 1.

10 (11) As used in this section, "contribution" and "expenditure" include a contribution or ex-  
 11 penditure to or on behalf of an initiative, referendum or recall petition.

12 **SECTION 33.** ORS 260.205, as amended by section 16, chapter 542, Oregon Laws 2003, is  
 13 amended to read:

14 260.205. (1) *[Except as provided in this subsection,]* A filing officer shall inspect each statement  
 15 filed under ORS *[260.058, 260.063, 260.068, 260.073,]* 260.083, 260.102, 260.112 or 260.118 or **section**  
 16 **19 of this 2005 Act** *[section 6, chapter 542, Oregon Laws 2003,]* not later than the 10th business day  
 17 after the filing deadline or the 10th business day after the statement is filed, whichever is later.  
 18 *[The statement required under ORS 260.068 (1)(d) and 260.073 (1)(d) shall be inspected not later than*  
 19 *the 30th business day after the filing deadline or the 30th business day after the statement is filed,*  
 20 *whichever is later. This subsection does not apply to statements required under ORS 260.058 (1)(c) and*  
 21 *(2), 260.063 (1)(c) and (2), 260.068 (1)(c) and (3) and 260.073 (1)(c) and (3).]*

22 (2) A filing officer immediately shall notify a person required to file a statement with the filing  
 23 officer under ORS *[260.058, 260.063, 260.068, 260.073,]* 260.083, 260.102, 260.112 or 260.118 or **section**  
 24 **19 of this 2005 Act** *[section 6, chapter 542, Oregon Laws 2003,]* if:

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

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

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

34 **SECTION 34.** ORS 260.215, as amended by section 17, chapter 542, Oregon Laws 2003, is  
 35 amended to read:

36 260.215. (1) Not later than the third month after the date of *[a primary election or general]* **an**  
 37 election, each filing officer shall examine each statement relating to the election filed with the of-  
 38 ficer under ORS 260.044 (1), *[260.058, 260.063, 260.068, 260.073,]* 260.083, *260.102 or 260.112 or section*  
 39 *6, chapter 542, Oregon Laws 2003,]* **260.102 or 260.112 or section 19 of this 2005 Act** to determine  
 40 whether the statement is sufficient.

41 **(2) Not later than the third month after the date a statement is filed under ORS 260.118,**  
 42 **the filing officer shall examine the statement to determine whether the statement is suffi-**  
 43 **cient.**

44 **(3) The filing officer under subsections (1) and (2) of this section** may require any person to  
 45 answer in writing and upon oath or affirmation before a judge, justice of the peace, county clerk

1 or notary public any question within the knowledge of that person concerning the source of any  
 2 contribution. The *[inquiry]* **filing officer** shall advise the person *[concerned]* of the penalty for failure  
 3 to answer.

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

7 **SECTION 35.** ORS 260.225, as amended by section 18, chapter 542, Oregon Laws 2003, is  
 8 amended to read:

9 260.225. (1) Upon the petition of the Secretary of State or an elector, or of any other filing of-  
 10 ficer with whom a *[report]* **statement** is required to be filed, the circuit court for the county in  
 11 which the principal office of the filing officer is located may compel a candidate, treasurer or person  
 12 who fails to file a statement required to be filed with the filing officer under ORS 260.044 (1),  
 13 *[260.058, 260.063, 260.068, 260.073, 260.076,]* 260.083, 260.102, 260.112 or 260.118 or *[section 6, chapter*  
 14 *542, Oregon Laws 2003]* **section 19 of this 2005 Act**, or who files with the filing officer an insuffi-  
 15 cient statement, to file with the filing officer a proper statement. The petition shall be filed with the  
 16 circuit court not later than the 90th day after the date the statement is filed or should have been  
 17 filed.

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

21 **SECTION 36.** ORS 260.232, as amended by section 19, chapter 542, Oregon Laws 2003, is  
 22 amended to read:

23 260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in  
 24 addition to any other penalty that may be imposed, for:

25 (a) Failure to file a statement *[or certificate]* required to be filed under ORS 260.044 (1), *[260.058,*  
 26 *260.063, 260.068, 260.073, 260.076,]* 260.083, 260.102, 260.112 or 260.118 or *[section 6, chapter 542,*  
 27 *Oregon Laws 2003]* **section 19 of this 2005 Act**.

28 (b) Failure to include in a statement filed under ORS *[260.058, 260.063, 260.068, 260.073,*  
 29 *260.076,]* 260.083, 260.102, 260.112 or 260.118 or *[section 6, chapter 542, Oregon Laws 2003,]* **section**  
 30 **19 of this 2005 Act** the information required under ORS *[260.076,]* 260.083, 260.102 or 260.118 or  
 31 *[section 6, chapter 542, Oregon Laws 2003]* **section 19 of this 2005 Act**.

32 (c) Violation of ORS 260.174.

33 (2) If a person required to file has not filed a statement *[or certificate]* complying with applicable  
 34 provisions of ORS 260.044 (1), *[260.058, 260.063, 260.068, 260.073, 260.076,]* 260.078, 260.083, 260.085,  
 35 260.102, 260.112 or 260.118 or *[section 6, chapter 542, Oregon Laws 2003,]* **section 19 of this 2005**  
 36 **Act** within the time specified in ORS *[260.058, 260.063, 260.068, 260.073, 260.076,]* 260.078 or 260.118  
 37 or *[section 6, chapter 542, Oregon Laws 2003]* **section 19 of this 2005 Act**, the Secretary of State  
 38 by certified mail shall notify the person that a penalty may be imposed and that the person has 20  
 39 days to request a hearing before the Secretary of State. If the person required to file is a candidate  
 40 or the principal campaign committee of a candidate, the Secretary of State shall send the notice  
 41 described in this subsection by certified mail to the individual who is the candidate and by first class  
 42 mail to the candidate's treasurer or the treasurer of the candidate's principal campaign committee.  
 43 The notice sent by certified mail to the individual who is a candidate shall be used for purposes of  
 44 determining the deadline for requesting a hearing under subsection (3) of this section. The Secretary  
 45 of State is not required to send two notices if the candidate serves as the treasurer of the candi-

1 date's principal campaign committee.

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

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

7 (b) Upon request of the filing officer with whom a statement [*or certificate*] was required to be  
8 filed but was not filed; or

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

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

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

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

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

23 (a) \$10,000 for failure to file a statement [*or certificate*] required to be filed under ORS 260.044  
24 (1), [260.058, 260.063, 260.068, 260.073, 260.076,] 260.083, 260.102, 260.112 or 260.118 or [section 6,  
25 chapter 542, Oregon Laws 2003] **section 19 of this 2005 Act**;

26 (b) \$10,000 for each failure to include in a statement filed under ORS [260.058, 260.063, 260.068,  
27 260.073, 260.076,] 260.083, 260.102, 260.112 or 260.118 or [section 6, chapter 542, Oregon Laws 2003,]  
28 **section 19 of this 2005 Act** the information required under ORS [260.076,] 260.083, 260.102 or  
29 260.118 or [section 6, chapter 542, Oregon Laws 2003] **section 19 of this 2005 Act**; or

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

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

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

35 **SECTION 37.** ORS 260.241 is amended to read:

36 260.241. (1) Despite delay in the filing of statements relating to a candidate's nomination re-  
37 quired to be filed under [ORS 260.058 or in the filing of a certificate in lieu of the statement required  
38 by ORS 260.058] **section 19 of this 2005 Act prior to the nominating election**, the candidate's  
39 name shall appear on the general election ballot if those statements are filed before the 61st day  
40 before the general election.

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

44 (3) If the statements referred to in subsection (1) of this section are not filed by the 68th day  
45 before the general election, the filing officer by mail shall notify the person required to file the

1 statements that the candidate's name may not be placed on the general election ballot. The filing  
 2 officer shall send the notice described in this subsection by certified mail to the individual who is  
 3 the candidate and by first class mail to the candidate's treasurer or the treasurer of the candidate's  
 4 principal campaign committee. The filing officer is not required to send two notices if the candidate  
 5 serves as the treasurer of the candidate's principal campaign committee.

6 **SECTION 38.** ORS 260.245, as amended by section 20, chapter 542, Oregon Laws 2003, is  
 7 amended to read:

8 260.245. **The Secretary of State, county clerk or chief city elections officer may not grant**  
 9 a certificate of election or certificate of nomination [*may not be granted*] to any candidate until the  
 10 candidate has filed the statements relating to the election that the candidate is required to file un-  
 11 der [ORS 260.058 and 260.068 and section 6, chapter 542, Oregon Laws 2003] **section 19 of this 2005**  
 12 **Act.**

13 **SECTION 39.** ORS 260.255, as amended by section 21, chapter 542, Oregon Laws 2003, is  
 14 amended to read:

15 260.255. (1) **Except as provided in subsection (2) of this section,** a filing officer shall preserve  
 16 each statement filed with the officer under ORS [260.058, 260.063, 260.068, 260.073, 260.076,] 260.083,  
 17 260.102, 260.112 or 260.118 [*or section 6, chapter 542, Oregon Laws 2003*] **or section 19 of this 2005**  
 18 **Act,** or an accurate copy of it, for at least six **calendar** years after the date of the election to which  
 19 the statement refers.

20 **(2) The Secretary of State shall maintain all data filed electronically under section 19 of**  
 21 **this 2005 Act on the Internet for at least six calendar years after the date the secretary first**  
 22 **makes the data available. After six calendar years, if the data are not maintained on the**  
 23 **Internet, the secretary shall archive the data in a secure format so that the data are avail-**  
 24 **able to the public.**

25 [*(2) The Secretary of State shall prepare for each election a summary of the statements filed with*  
 26 *the secretary under ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1) and shall make the sum-*  
 27 *mary available to the public. The county clerk shall prepare such a summary regarding candidates for*  
 28 *county offices and county measures. The Secretary of State by rule may require a filing officer to pre-*  
 29 *pare such a summary regarding other offices or measures.]*

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

32 **SECTION 40.** ORS 260.315, as amended by section 22, chapter 542, Oregon Laws 2003, is  
 33 amended to read:

34 260.315. (1) The Secretary of State, at the expense of the state, shall furnish to the other filing  
 35 officers copies of this chapter.

36 (2) A filing officer shall deliver a copy of this chapter to each candidate or person whom the  
 37 officer has reason to believe is required to file a statement with the officer under ORS [260.058,  
 38 260.063, 260.068, 260.073, 260.076,] 260.083, 260.102, 260.112 or 260.118 or [section 6, chapter 542,  
 39 Oregon Laws 2003] **section 19 of this 2005 Act.**

40 **SECTION 41.** ORS 246.021 is amended to read:

41 246.021. (1) Except as provided in ORS 247.012 **and subsection (2) of this section,** an election  
 42 document and an accompanying payment of fees required to be filed with the Secretary of State,  
 43 county clerk or other filing officer must be delivered to and actually received at the office of the  
 44 designated officer not later than 5 p.m. of the day the document or fee is due or, if the day due is  
 45 a Saturday, Sunday or holiday, on the next business day.

1 (2) [The exception to subsection (1) of this section is, when at 5 p.m.] **If, at 5 p.m. of the day an**  
 2 **election document is due**, an individual is physically present in the office of the [designated  
 3 officer] **secretary, county clerk or other filing officer** and in line waiting to deliver [a] **the doc-**  
 4 **ument**, the individual [shall be considered as having] **is considered to have** begun the act of deliv-  
 5 **ering** the document and [shall be] **is** permitted to file it.

6 (3) Any election document required to be filed with the filing officer other than ballots, voter  
 7 registration cards or petitions requiring signatures of electors may also be filed by means of an  
 8 electronic facsimile transmission machine. If an election document is required to be filed by a  
 9 specified time, the entire document must be received in the office of the filing officer not later than  
 10 5 p.m. of the day the document is due or, if the day due is a Saturday, Sunday or holiday, on the  
 11 next business day.

12 (4) Notwithstanding any provision of subsections (1) to (3) of this section, if a statement is re-  
 13 quired to be filed [in an electronic format under ORS 260.159] **electronically under section 19 of**  
 14 **this 2005 Act:**

15 (a) The statement must be received [in an electronic format] **electronically** at the office of the  
 16 Secretary of State not later than 5 p.m. of the day the statement is due or, if the day due is a Sat-  
 17 urday, Sunday or holiday, on the next business day; and

18 (b) The Secretary of State [shall] **may** not accept the filing of the statement in any form other  
 19 than an electronic format.

20 (5) As used in this section, "election document" includes, but is not limited to, a declaration of  
 21 candidacy for nomination for public or political party office, completed nominating petitions, state-  
 22 ments and portraits for voters' pamphlets, statements of election campaign contributions and  
 23 expenditures, and initiative, referendum or recall petitions.

24 **SECTION 42. ORS 260.058, 260.063, 260.068, 260.073, 260.076, 260.159 and 260.161 and section**  
 25 **6, chapter 542, Oregon Laws 2003, are repealed.**

26 **SECTION 43. Sections 18 and 19 of this 2005 Act, the amendments to ORS 246.021, 260.005,**  
 27 **260.043, 260.044, 260.045, 260.049, 260.052, 260.055, 260.078, 260.085, 260.102, 260.112, 260.118,**  
 28 **260.205, 260.215, 260.225, 260.232, 260.241, 260.245, 260.255 and 260.315 by sections 21a to 41 of**  
 29 **this 2005 Act and the repeal of ORS 260.058, 260.063, 260.068, 260.073, 260.076, 260.159 and**  
 30 **260.161 and section 6, chapter 542, Oregon Laws 2003, by section 42 of this 2005 Act:**

31 (1) **Become operative on January 1, 2007;**

32 (2) **Do not relieve a person of any obligation with respect to a fee, fine or other charge,**  
 33 **interest, civil penalty or other liability, duty or obligation accruing under a law amended or**  
 34 **repealed by this 2005 Act; and**

35 (3) **Do not affect an act done or proceeding begun, a liability incurred or a right accruing,**  
 36 **accrued or acquired before the operative date specified in this section, under the law then**  
 37 **in effect. A proceeding begun before the operative date specified in this section in accordance**  
 38 **with the law then in effect may be completed after the operative date specified in this section**  
 39 **as if this 2005 Act had not been enacted.**

40 **SECTION 44. (1) A candidate or political committee shall file a first statement under**  
 41 **section 19 of this 2005 Act on or after January 1, 2007.**

42 (2) **If the candidate or political committee did not file a statement prior to January 1,**  
 43 **2007, for a previous election, the accounting period for the first statement begins on the date**  
 44 **that the name of a treasurer is certified to the filing officer under ORS 260.035 or 260.037.**

45 (3) **If the last statement of contributions and expenditures filed by the candidate or pol-**

1 itical committee prior to January 1, 2007, for a previous election shows:

2 (a) An unexpended balance of contributions or an expenditure deficit:

3 (A) The accounting period begins on the day following the last day of the accounting pe-  
4 riod for the statement filed for the previous election.

5 (B) The beginning balance on the statement required by section 19 of this 2005 Act shall  
6 be the amount of the unexpended balance of contributions or expenditure deficit.

7 (b) No balance or no deficit, the accounting period begins on the day that the candidate  
8 or the candidate's principal campaign committee next receives a contribution or makes an  
9 expenditure.

10 SECTION 45. The amendments to ORS 260.118 by section 32 of this 2005 Act apply to  
11 statewide initiative and referendum petitions and any recall petitions for which a prospective  
12 petition is filed prior to, on or after the operative date specified in section 43 of this 2005  
13 Act.

14 SECTION 46. The Secretary of State may take any action before the operative date  
15 specified in section 43 of this 2005 Act that is necessary to enable the secretary to exercise,  
16 on and after the operative date specified in section 43 of this 2005 Act, all the duties, func-  
17 tions and powers conferred upon the secretary by section 19 of this 2005 Act, the amend-  
18 ments to ORS 246.021, 260.005, 260.043, 260.044, 260.045, 260.049, 260.052, 260.055, 260.078,  
19 260.083, 260.085, 260.102, 260.112, 260.118, 260.205, 260.215, 260.225, 260.232, 260.241, 260.245,  
20 260.255 and 260.315 and section 7 of this 2005 Act by sections 8, 20 and 21a to 41 of this 2005  
21 Act and the repeal of ORS 260.058, 260.063, 260.068, 260.073, 260.076, 260.159 and 260.161 and  
22 section 6, chapter 542, Oregon Laws 2003, by section 42 of this 2005 Act.

23 SECTION 47. The amendments to ORS 260.995 by section 1 of this 2005 Act apply to vio-  
24 lations of ORS 260.407 occurring on or after the effective date of this 2005 Act.

25 SECTION 48. (1) Section 3 of this 2005 Act and the amendments to ORS 260.039 and  
26 260.042 by sections 4 and 5 of this 2005 Act apply to political committees for which a state-  
27 ment of organization is filed prior to, on or after the effective date of this 2005 Act.

28 (2) A political committee for which a statement of organization was filed prior to the  
29 effective date of this 2005 Act, and whose filing remains active on the effective date of this  
30 2005 Act, shall:

31 (a) Comply with the requirements of section 3 of this 2005 Act not later than September  
32 30, 2005; and

33 (b) Amend the statement of organization filed by the political committee under ORS  
34 260.039 or 260.042 to contain the required information about the campaign account required  
35 to be established under section 3 of this 2005 Act not later than September 30, 2005.

36 SECTION 49. (1) Section 7 of this 2005 Act applies to statements of contributions received  
37 and expenditures made filed on or after January 1, 2006.

38 (2) The amendments to section 7 of this 2005 Act by section 8 of this 2005 Act apply to  
39 statements of contributions received and expenditures made filed on or after January 1, 2007.

40 SECTION 50. The amendments to ORS 260.083 by section 14 of this 2005 Act apply to  
41 statements of contributions received and expenditures made filed on or after January 1, 2006.

42 SECTION 51. Sections 16 and 17 of this 2005 Act and the amendments to ORS 260.407 by  
43 section 17a of this 2005 Act apply to expenditures made on or after the effective date of this  
44 2005 Act.

45 SECTION 52. This 2005 Act being necessary for the immediate preservation of the public

1 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**  
2 **on its passage.**

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