

Enrolled House Bill 3458

Sponsored by COMMITTEE ON ELECTIONS AND RULES

CHAPTER

AN ACT

Relating to elections; creating new provisions; amending ORS 246.021, 260.005, 260.039, 260.041, 260.042, 260.043, 260.044, 260.045, 260.049, 260.052, 260.055, 260.076, 260.078, 260.083, 260.085, 260.102, 260.112, 260.118, 260.200, 260.205, 260.215, 260.225, 260.232, 260.241, 260.245, 260.255, 260.315, 260.402, 260.737 and 260.995; repealing ORS 260.058, 260.063, 260.068, 260.073, 260.159 and 260.161 and section 6, chapter 542, Oregon Laws 2003, and section 24, chapter _____, Oregon Laws 2005 (Enrolled House Bill 2167); and declaring an emergency.

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

SECTION 1. ORS 260.995 is amended to read:

260.995. (1) Except as provided in subsection (2) of this section, following an investigation under ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to exceed \$250 for each violation of any provision of Oregon Revised Statutes relating to the conduct of any election, any rule adopted by the secretary [*of State*] under ORS chapters 246 to 260 or any other matter preliminary to or relating to an election, for which no penalty is otherwise provided.

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

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

(b) **\$1,000 plus the amount converted to personal use for each violation of ORS 260.407.**

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

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

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

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

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

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

(5) The person against whom a penalty may be assessed need not appear in person at a hearing held under this section, but instead may submit written testimony [*and*] **or** other evidence, sworn to before a notary public, to the secretary [*of State*] or Attorney General for entry in the hearing

record. [Such documents] **The testimony or other evidence** must be received by the secretary [of State] or Attorney General not later than three business days before the day of the hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) This section does not prohibit the transfer of any amount deposited in the campaign account into a certificate of deposit, stock fund or other investment instrument.

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

(8) A political committee shall retain a copy of each financial institution account statement from the campaign account described in this section for not less than two years after the date the statement is issued by the financial institution.

(9) Subsections (1) to (8) of this section do not apply to candidates described in ORS 260.043.

SECTION 4. ORS 260.039 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. ORS 260.042 is amended to read:

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

(a) The name, address and nature of the committee. The address shall be the address of a residence, office, headquarters or similar location where the political committee or a responsible officer of the political committee may be conveniently located. However, a different address may be used

if the officer first files with the filing officer the officer's residence address and the address proposed to be used.

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

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

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

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

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

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

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

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

(j) A statement of whether the committee is a controlled committee.

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

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

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

SECTION 6. ORS 260.043 is amended to read:

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

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

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

(2) A candidate described in subsection (1) of this section must keep contribution and expenditure records during the applicable total period described in ORS 260.058 or 260.068.

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

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

(b) Establish a single exclusive campaign account as required under section 3 of this 2005 Act.

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

SECTION 7. ORS 260.200 is amended to read:

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

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

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

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

SECTION 8. ORS 260.083, as amended by section 14, chapter 542, Oregon Laws 2003, is amended to read:

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

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

(A) The name, occupation and address of each person, and the name and address of each political committee, that contributed an aggregate amount of more than [~~\$50~~] **\$100** on behalf of a candidate or to a political committee and the total amount contributed by that person or political committee. *The statement may list as a single item*; **and**

(B) The total amount of other contributions **as a single item**, but shall specify how those contributions were obtained.

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

(A) **The amount and purpose of each expenditure made in an aggregate amount of more than \$100 to a payee, the name or, if applicable, the business name of the payee of the expenditure, and the city, or county if the payee is not located in a city, and state in which the payee is located; and**

(B) **The total amount of other expenditures as a single item.**

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

[(d)] (c) All loans, whether repaid or not, made **by or** to the candidate or political committee. The statement shall list:

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

(B) The name of the lender holding the loan; **and**

(C) **The terms of the loan, including the interest rate and repayment schedule.**

(2) If an expenditure in an amount exceeding [~~\$50~~] **\$100** is a prepayment or a deposit made in consideration for any services, supplies, equipment or other thing of value to be performed or furnished at a future date, that portion of the deposit that has been expended during the reporting period shall be listed as an expenditure and the unexpended portion of the deposit shall be listed as an account receivable.

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

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

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

(6) If a political committee makes an expenditure that qualifies as an independent expenditure under ORS 260.005 *[(8)]* **(9)**, the listing of the expenditure under this section shall identify *[the candidate or]* **any** candidates *[who]* **or measures that** are the subject of the independent expenditure

and state whether the independent expenditure was used to advocate the election, **passage** or defeat of the [*candidate or*] candidates **or measures**.

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

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

(b) Nothing in this section [*shall require*] **requires** a vendor described in this subsection to disclose the vendor's internal or subcontracting costs for providing the specific product or service under paragraph (a) of this subsection.

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

NOTE: Sections 9 and 10 were deleted by amendment. Subsequent sections were not renumbered.

SECTION 11. Section 12 of this 2005 Act is added to and made a part of ORS chapter 260.

SECTION 12. A candidate or principal campaign committee of a candidate may not use amounts received as contributions by the candidate or committee to make an expenditure to or on behalf of the candidate in consideration for the rendering of professional services by the candidate.

SECTION 13. Section 14 of this 2005 Act is added to and made a part of ORS 260.035 to 260.156.

SECTION 14. (1) The Secretary of State by rule shall adopt an electronic filing system to be used by all candidates and political committees to file with the secretary statements of contributions received and expenditures made by the candidates and political committees, as described in ORS 260.083.

(2)(a) A candidate for nomination or election at any primary or general election or a political committee supporting or opposing a candidate or measure at any primary or general election shall file a statement described in subsection (1) of this section not later than seven calendar days after a contribution is received or an expenditure is made. This paragraph applies to contributions received and expenditures made during the period beginning on the 42nd calendar day before the date of any primary election and ending on the date of the primary election and the period beginning on the 42nd calendar day before the date of any general election and ending on the date of the general election.

(b) For any special election, the secretary by rule may establish a period during which a candidate for nomination or election at the special election or a political committee supporting or opposing a candidate or measure at the special election must file a statement described in subsection (1) of this section not later than seven calendar days after a contribution is received or an expenditure is made.

(3) Except as provided in subsection (4) of this section, during a period not described in subsection (2) of this section, a candidate or political committee shall file a statement described in subsection (1) of this section not later than 30 calendar days after a contribution is received or an expenditure is made.

(4)(a) If a candidate for nomination or election at any primary election or a political committee supporting or opposing a candidate or measure at any primary election receives

a contribution or makes an expenditure prior to the 42nd calendar day before the date of the primary election and the candidate or political committee has not filed a statement of the contribution or expenditure under subsection (3) of this section by the 43rd calendar day before the date of the primary election, the candidate or political committee shall file a statement described in subsection (1) of this section not later than the 35th calendar day before the date of the primary election.

(b) If a candidate for nomination or election at any general election or a political committee supporting or opposing a candidate or measure at any general election receives a contribution or makes an expenditure prior to the 42nd calendar day before the date of the general election and the candidate or political committee has not filed a statement of the contribution or expenditure under subsection (3) of this section by the 43rd calendar day before the date of the general election, the candidate or political committee shall file a statement described in subsection (1) of this section not later than the 35th calendar day before the date of the general election.

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

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

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

(6) The secretary shall make all data filed electronically under this section and all information filed with the secretary under ORS 260.044, 260.045, 260.049, 260.085, 260.102 or 260.118 available on the Internet to the public free of charge according to a schedule adopted by the secretary by rule. The secretary shall make the data available in a searchable database that is easily accessible by the public.

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

(8) Subsections (1) to (7) of this section do not apply to:

(a) Candidates for federal office;

(b) Candidates who are not required to file a statement of organization under ORS 260.043; or

(c) Candidates or political committees who file certificates under ORS 260.112.

SECTION 15. ORS 260.402 is amended to read:

260.402. *[No person shall make a contribution to any other person, relating to a nomination or election of any candidate or the support or opposition to any measure, in any name other than that of the person who in truth provides the contribution. No person shall knowingly receive the contribution or enter or cause it to be entered in accounts or records in another name than that of the person by whom it was actually provided. However, if the contribution is received from the treasurer of any political committee, it shall be sufficient to enter it as received from the treasurer.]*

(1) A person may not make a contribution in any name other than that of the person who in truth provides the contribution to:

(a) Any other person, relating to a nomination or election of any candidate or the support of or opposition to any measure;

(b) Any political committee; or

(c) A chief petitioner or treasurer required to file a statement under ORS 260.118.

(2) Except as provided in subsection (3) of this section, a person, political committee or chief petitioner may not knowingly receive a contribution prohibited under subsection (1) of this section or enter or cause the contribution to be entered in accounts or records in another name than that of the person by whom it was actually provided.

(3) If a person receives a contribution from a political committee, the person may enter the contribution into accounts or records as received from the political committee.

SECTION 16. ORS 260.083, as amended by section 14, chapter 542, Oregon Laws 2003, and section 8 of this 2005 Act, is amended to read:

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

(a) [Under contributions, all contributions received.] Except as provided in ORS 260.085, [the statement shall list] **for a contribution:**

(A) The name, occupation and address of each person, and the name and address of each political committee, that contributed an aggregate amount of more than \$100 **in a calendar year** on behalf of a candidate or to a political committee and the total amount contributed by that person or political committee; and

(B) The total amount of other contributions as a single item, but shall specify how those contributions were obtained.

(b) [Under expenditures, all expenditures made. The statement shall list] **For an expenditure:**

(A) The amount and purpose of each expenditure made in an aggregate amount of more than \$100 to a payee, the name or, if applicable, the business name of the payee of the expenditure, and the city, or county if the payee is not located in a city, and state in which the payee is located; and

(B) The total amount of other expenditures as a single item.

(c) [All loans] **Each loan**, whether repaid or not, made by or to the candidate or political committee. The statement shall list:

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

(B) The name of the lender holding the loan; and

(C) The terms of the loan, including the interest rate and repayment schedule.

(2) If an expenditure in an amount exceeding \$100 is a prepayment or a deposit made in consideration for any services, supplies, equipment or other thing of value to be performed or furnished at a future date, that portion of the deposit that has been expended [during the reporting period] shall be listed as an expenditure and the unexpended portion of the deposit shall be listed as an account receivable.

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

(4) If a candidate, political committee or chief petitioner under ORS 260.118 makes an expenditure that must be reported as an in-kind contribution and an expenditure as provided in subsection (3) of this section, the candidate, political committee or chief petitioner making the original expenditure shall, in any statement filed under ORS [260.058, 260.063, 260.068, 260.073 or] 260.118 or [section 6, chapter 542, Oregon Laws 2003] **section 14 of this 2005 Act**, identify the expenditure as an in-kind contribution and identify the candidate or political committee for whose benefit the expenditure was made.

(5) Expenditures made by an agent of a candidate or political committee on behalf of the candidate or committee shall be reported in the same manner as if the expenditures had been made by the candidate or political committee.

(6) If a political committee makes an expenditure that qualifies as an independent expenditure under ORS 260.005 (9), the listing of the expenditure under this section shall identify any candidates or measures that are the subject of the independent expenditure and state whether the independent expenditure was used to advocate the election, passage or defeat of the candidates or measures.

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

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

(b) Nothing in this section requires a vendor described in this subsection to disclose the vendor's internal or subcontracting costs for providing the specific product or service under paragraph (a) of this subsection.

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

SECTION 17. The amendments to ORS 260.083 by section 16 of this 2005 Act become operative on January 1, 2007.

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

SECTION 19. (1) A loan made by or to a candidate or political committee must be by written agreement.

(2) A candidate or political committee shall keep a copy of any written loan agreement with the detailed accounts of the candidate or political committee required under ORS 260.055.

(3) Notwithstanding ORS 260.055, a candidate or political committee shall preserve a written loan agreement until the loan is repaid.

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

260.005. As used in this chapter:

(1)(a) "Candidate" means:

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

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

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

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

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

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

(A) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compensation or consideration, of money, services other than personal services for which no compensation is asked or given, supplies, equipment or any other thing of value:

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

(ii) To or on behalf of a candidate, political committee or measure; and
(B) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforceable, to make a contribution.

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

(4)(a) “Controlled committee” means a political committee that, in connection with the making of contributions or expenditures:

(A) Is controlled directly or indirectly by a candidate or a controlled committee; or

(B) Acts jointly with a candidate or controlled committee.

(b) For purposes of this subsection, a candidate controls a political committee if:

(A) The candidate, the candidate’s agent, a member of the candidate’s immediate family or any other political committee that the candidate controls has a significant influence on the actions or decisions of the political committee; or

(B) The candidate’s principal campaign committee and the political committee both have the candidate or a member of the candidate’s immediate family as a treasurer or director.

[4] **(5) “County clerk”** means the county clerk or the county official in charge of elections.

[5] **(6) “Elector”** means an individual qualified to vote under section 2, Article II of the Oregon Constitution.

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

[7] **(8) “Filing officer”** means:

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

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

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

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

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

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

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

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

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

(9) “Independent expenditure” means an expenditure by a person for a communication in support of or in opposition to a clearly identified candidate or measure that is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or

suggestion of, a candidate or any agent or authorized committee of the candidate, or any political committee or agent of a political committee supporting or opposing a measure. For purposes of this subsection:

(a) A communication is “in support of or in opposition to” a candidate or measure if:

(A) The communication, taken in its context, clearly and unambiguously urges the election or defeat of a clearly identified candidate for nomination or election to public office, or the passage or defeat of a clearly identified measure;

(B) The communication, as a whole, seeks action rather than simply conveying information; and

(C) It is clear what action the communication advocates.

[(a)] **(b) “Agent” means any person who has:**

(A) Actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate or on behalf of a political committee supporting or opposing a measure; or

(B) Been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities the person may authorize expenditures.

[(b)] **(c) “Clearly identified” means, with respect to candidates:**

(A) The name of the candidate involved appears;

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

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

(d) “Clearly identified” means, with respect to measures:

(A) The ballot number of the measure appears;

(B) A description of the measure’s subject or effect appears; or

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

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

[(d)] **(e) “Made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any political committee or agent of a political committee supporting or opposing a measure”:**

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

(i) Based on information about the [candidate’s] plans, projects or needs of the candidate, or of the political committee supporting or opposing a measure, and provided to the expending person by the candidate or by the candidate’s agent, or by any political committee or agent of a political committee supporting or opposing a measure, with a view toward having an expenditure made; or

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

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

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

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

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

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

- (a) A proposed law.
- (b) An Act or part of an Act of the Legislative Assembly.
- (c) A revision of or amendment to the Oregon Constitution.
- (d) Local, special or municipal legislation.
- (e) A proposition or question.

[(13)] (14) “Occupation” means:

- (a) The nature of an individual’s principal business [*or,*; **and**
- (b) If the individual is employed by another person, [*the nature of the individual’s principal business or*] the business name and address, **by city and state**, of the employer.

[(14)] (15) “Person” means an individual, corporation, limited liability company, labor organization, association, firm, partnership, joint stock company, club, organization or other combination of individuals having collective capacity.

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

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

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

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

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

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

[(16)] (17) “Public office” means any national, state, county, district, city office or position, except a political party office, that is filled by the electors.

[(17)] (18) “Recall petition” means a petition to recall a public officer for which a prospective petition has been filed but that is not yet a measure.

[(18)] (19) “Referendum petition” means a petition to refer a measure for which a prospective petition has been filed but that is not yet a measure.

[(19)] (20) “Slate mailer” means a mass mailing that supports or opposes a total of three or more candidates or measures.

[(20)(a)] (21)(a) “Slate mailer organization” means, except as provided in paragraph (b) of this subsection, any person who directly or indirectly:

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

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

(b) Notwithstanding paragraph (a) of this subsection, “slate mailer organization” does not include:

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

(B) A political committee organized by the caucus of either the Senate or the House of Representatives of the Legislative Assembly.

[21] (22) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, state Senator, state Representative, judge or district attorney.

SECTION 21. ORS 260.005, as amended by section 9, chapter 542, Oregon Laws 2003, and section 20 of this 2005 Act, is amended to read:

260.005. As used in this chapter:

(1)(a) "Candidate" means:

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

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

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

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

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

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

(A) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compensation or consideration, of money, services other than personal services for which no compensation is asked or given, supplies, equipment or any other thing of value:

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

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

(B) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforceable, to make a contribution.

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

(4)(a) "Controlled committee" means a political committee that, in connection with the making of contributions or expenditures:

(A) Is controlled directly or indirectly by a candidate or a controlled committee; or

(B) Acts jointly with a candidate or controlled committee.

(b) For purposes of this subsection, a candidate controls a political committee if:

(A) The candidate, the candidate's agent, a member of the candidate's immediate family or any other political committee that the candidate controls has a significant influence on the actions or decisions of the political committee; or

(B) The candidate's principal campaign committee and the political committee both have the candidate or a member of the candidate's immediate family as a treasurer or director.

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

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

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

(8) “Filing officer” means:

(a) The Secretary of State[,];

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) **Notwithstanding paragraphs (a) to (d) of this subsection,** in the case of an irrigation district formed under ORS chapter 545:

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

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

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

(9) “Independent expenditure” means an expenditure by a person for a communication in support of or in opposition to a clearly identified candidate or measure that is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any political committee or agent of a political committee supporting or opposing a measure. For purposes of this subsection:

(a) A communication is “in support of or in opposition to” a candidate or measure if:

(A) The communication, taken in its context, clearly and unambiguously urges the election or defeat of a clearly identified candidate for nomination or election to public office, or the passage or defeat of a clearly identified measure;

- (B) The communication, as a whole, seeks action rather than simply conveying information; and
- (C) It is clear what action the communication advocates.
- (b) “Agent” means any person who has:
 - (A) Actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate or on behalf of a political committee supporting or opposing a measure; or
 - (B) Been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities the person may authorize expenditures.
- (c) “Clearly identified” means, with respect to candidates:
 - (A) The name of the candidate involved appears;
 - (B) A photograph or drawing of the candidate appears; or
 - (C) The identity of the candidate is apparent by unambiguous reference.
- (d) “Clearly identified” means, with respect to measures:
 - (A) The ballot number of the measure appears;
 - (B) A description of the measure’s subject or effect appears; or
 - (C) The identity of the measure is apparent by unambiguous reference.
- (e) “Made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any political committee or agent of a political committee supporting or opposing a measure”:
- (A) Means any arrangement, coordination or direction by the candidate or the candidate’s agent, or by any political committee or agent of a political committee supporting or opposing a measure, prior to the publication, distribution, display or broadcast of the communication. An expenditure shall be presumed to be so made when it is:
 - (i) Based on information about the plans, projects or needs of the candidate, or of the political committee supporting or opposing a measure, and provided to the expending person by the candidate or by the candidate’s agent, or by any political committee or agent of a political committee supporting or opposing a measure, with a view toward having an expenditure made; or
 - (ii) Made by or through any person who is or has been authorized to raise or expend funds, who is or has been an officer of a political committee authorized by the candidate or by a political committee or agent of a political committee supporting or opposing a measure, or who is or has been receiving any form of compensation or reimbursement from the candidate, the candidate’s principal campaign committee or agent or from any political committee or agent of a political committee supporting or opposing a measure; and
- (B) Does not include providing to the expending person upon request a copy of this chapter or any rules adopted by the Secretary of State relating to independent expenditures.
- (10) “Initiative petition” means a petition to initiate a measure for which a prospective petition has been filed but that is not yet a measure.
- (11) “Judge” means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court.
- (12) “Mass mailing” means more than 200 substantially similar pieces of mail, but does not include a form letter or other mail that is sent in response to an unsolicited request, letter or other inquiry.
- (13) “Measure” includes any of the following submitted to the people for their approval or rejection at an election:
 - (a) A proposed law.
 - (b) An Act or part of an Act of the Legislative Assembly.
 - (c) A revision of or amendment to the Oregon Constitution.
 - (d) Local, special or municipal legislation.
 - (e) A proposition or question.
- (14) “Occupation” means:
 - (a) The nature of an individual’s principal business; and

(b) If the individual is employed by another person, the business name and address, by city and state, of the employer.

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

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

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

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

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

(A) A contribution to a candidate or political committee that is required to report the contribution on a statement filed under ORS [260.058, 260.063, 260.068, 260.073,] 260.076 or 260.102 or [section 6, chapter 542, Oregon Laws 2003,] **section 14 of this 2005 Act** or a certificate filed under ORS 260.112; or

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

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

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

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

(20) "Regular district election" means the regular district election described in ORS 255.335.

[20] **(21)** "Slate mailer" means a mass mailing that supports or opposes a total of three or more candidates or measures.

[21(a)] **(22)(a)** "Slate mailer organization" means, except as provided in paragraph (b) of this subsection, any person who directly or indirectly:

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

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

(b) Notwithstanding paragraph (a) of this subsection, "slate mailer organization" does not include:

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

(B) A political committee organized by the caucus of either the Senate or the House of Representatives of the Legislative Assembly.

[22] **(23)** "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, state Senator, state Representative, judge or district attorney.

SECTION 22. The amendments to ORS 260.005 by section 21 of this 2005 Act become operative on January 1, 2007.

SECTION 23. ORS 260.041 is amended to read:

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

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

SECTION 24. ORS 260.043, as amended by section 6 of this 2005 Act, is amended to read:

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

- (a) File a statement of organization under ORS 260.039; [*or*]
- (b) Establish a single exclusive campaign account under section 3 of this 2005 Act; **or**
- (c) **File statements under section 14 of this 2005 Act.**

(2) A candidate described in subsection (1) of this section must keep contribution and expenditure records [*during the applicable total period described in ORS 260.058 or 260.068*] **for the previous 24 months.**

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

- (a) File a statement of organization under ORS 260.039.
- (b) Establish a single exclusive campaign account as required under section 3 of this 2005 Act.
- (c) **File a statement under section 14 of this 2005 Act showing all contributions received and expenditures made. The statement shall be filed not later than seven calendar days after aggregate contributions or aggregate expenditures exceed \$300 during a calendar year.**
- (d) **If necessary, file additional statements under section 14 of this 2005 Act.**

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

SECTION 25. The amendments to ORS 260.043 by section 24 of this 2005 Act become operative on January 1, 2007.

SECTION 26. ORS 260.044, as amended by section 10, chapter 542, Oregon Laws 2003, is amended to read:

260.044. (1) A person shall file a statement of **independent** expenditures [*made*] if the person makes **independent** expenditures in a total amount of more than [*\$50*] **\$100** in support of or in opposition to a candidate, a measure or a political committee. **The statement shall be filed with the Secretary of State.**

(2) A statement [*filed under*] **described in** subsection (1) of this section shall be filed for the reporting period described in ORS 260.063 or 260.073 during which the total amount of **independent** expenditures exceeds [*\$50*] **\$100**. The accounting period for the statement required by subsection (1) of this section begins on the date that an **independent** expenditure is made. The statement shall specify the candidate, measure or political committee supported or opposed by the **independent** expenditure. The secretary [*of State*] by rule shall prescribe the form of the [*statements*] **statement**. If a statement is filed for the reporting period for the supplement to the second pre-election statement, a second statement for the same **independent** expenditure does not need to be filed in the post-election reporting period.

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

(4) For purposes of this section:

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

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

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

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

SECTION 27. ORS 260.044, as amended by section 10, chapter 542, Oregon Laws 2003, and section 26 of this 2005 Act, is amended to read:

260.044. (1) A person shall file a statement of independent expenditures if the person makes independent expenditures in a total amount of more than \$100 **in a calendar year** in support of or in opposition to a candidate, a measure or a political committee. The statement shall be filed with the Secretary of State.

(2) A statement described in subsection (1) of this section shall be filed *[for the reporting period described in ORS 260.063 or 260.073 during which]* **not later than seven calendar days after** the total amount of independent expenditures exceeds \$100 **in a calendar year**. The accounting period for the statement required by subsection (1) of this section begins on the date that an independent expenditure is made. The statement shall specify the candidate, measure or political committee supported or opposed by the independent expenditure. The secretary by rule shall prescribe the form of the statement. *[If a statement is filed for the reporting period for the supplement to the second preelection statement, a second statement for the same independent expenditure does not need to be filed in the post-election reporting period.]*

(3) Notwithstanding ORS 260.005 (16), a person who solicits and receives a contribution or contributions is a political committee and shall file a statement of organization under ORS 260.042 and the statements required by *[ORS 260.063, 260.073 or 260.076. The statements filed under this subsection shall be filed for the reporting period described in ORS 260.063, 260.073 or 260.076 during which any contribution was received. The accounting period for the statement required by this subsection begins on the date that a contribution is received]* **ORS 260.076 or section 14 of this 2005 Act.**

(4) For purposes of this section:

(a) An independent expenditure does not include a contribution to a candidate or political committee that is required to report the contribution on a statement filed under ORS *[260.058, 260.063, 260.068, 260.073,]* 260.076 or 260.102 or *[section 6, chapter 542, Oregon Laws 2003,]* **section 14 of this 2005 Act** or a certificate filed under ORS 260.112;

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

(c) A person is not a political committee under subsection (3) of this section if all contributions received by the person are designated to a candidate or political committee and are required to be reported as contributions by a candidate or political committee on a statement filed under ORS *[260.058, 260.063, 260.068, 260.073,]* 260.076 or 260.102 or *[section 6, chapter 542, Oregon Laws 2003,]* **section 14 of this 2005 Act** or a certificate filed under ORS 260.112.

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

SECTION 28. The amendments to ORS 260.044 by section 27 of this 2005 Act become operative on January 1, 2007.

SECTION 28a. If House Bill 2167 becomes law, section 27 of this 2005 Act (amending ORS 260.044) and section 28 of this 2005 Act are repealed and ORS 260.044, as amended by section 10, chapter 542, Oregon Laws 2003, section 7, chapter ___, Oregon Laws 2005 (Enrolled House Bill 2167), and section 26 of this 2005 Act, is amended to read:

260.044. (1) A person shall file a statement of independent expenditures if the person makes independent expenditures in a total amount of more than \$100 in a calendar year. The statement shall be filed with the Secretary of State.

(2) A statement described in subsection (1) of this section shall be filed *[for the reporting period described in ORS 260.063 or 260.073 during which]* **not later than seven calendar days after** the total amount of independent expenditures exceeds \$100 in a calendar year. The accounting period for the statement required by subsection (1) of this section begins on the date that an independent expenditure is made. The statement shall specify the candidate or measure supported or opposed by the independent expenditure. The secretary by rule shall prescribe the form of the statement. *[If a statement is filed for the reporting period for the supplement to the second preelection statement, a second statement for the same independent expenditure does not need to be filed in the post-election reporting period.]*

(3) Notwithstanding ORS 260.005 (16), a person who solicits and receives a contribution or contributions is a political committee and shall file a statement of organization under ORS 260.042 and the statements required by *[ORS 260.063, 260.073 or 260.076. The statements filed under this subsection shall be filed for the reporting period described in ORS 260.063, 260.073 or 260.076 during which any contribution was received. The accounting period for the statement required by this subsection begins on the date that a contribution is received]* **ORS 260.076 or section 14 of this 2005 Act.**

(4) For purposes of this section:

(a) An independent expenditure does not include a contribution to a candidate or political committee that is required to report the contribution on a statement filed under ORS *[260.058, 260.063, 260.068, 260.073,]* 260.076 or 260.102 or *[section 6, chapter 542, Oregon Laws 2003,]* **section 14 of this 2005 Act** or a certificate filed under ORS 260.112;

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

(c) A person is not a political committee under subsection (3) of this section if all contributions received by the person are:

(A) Designated to an identified candidate or political committee;

(B) Delivered by the person to the designated candidate or political committee not later than seven business days after the contribution is received; and

(C) Required to be reported as contributions by a candidate or political committee on a statement filed under ORS *[260.058, 260.063, 260.068, 260.073,]* 260.076 or 260.102 or *[section 6, chapter 542, Oregon Laws 2003,]* **section 14 of this 2005 Act** or a certificate filed under ORS 260.112.

[(5) A person is a principal campaign committee if the person, in preparing to become a candidate in the general election, receives an aggregate amount of contributions, or makes an aggregate amount of expenditures, of more than \$2,000 before the date of the primary election. A person described in this subsection shall file the statements required by ORS 260.058 as if the person were a candidate in the primary election. This subsection does not apply to a candidate in the primary or nominating election.]

SECTION 28b. The amendments to ORS 260.044 by section 28a of this 2005 Act become operative on January 1, 2007.

SECTION 29. ORS 260.045, as amended by section 11, chapter 542, Oregon Laws 2003, is amended to read:

260.045. (1) If a candidate or treasurer receives a contribution of more than [50] **\$100** from a political committee not in this state, the candidate or treasurer shall file the following if required under subsection (2) of this section:

(a) A written statement of the name, occupation and address of each person, or the name, address and primary nature of each political committee, who contributed more than [50] **\$100** of the contribution. The statement shall be certified as true by an officer of the contributing political committee. As used in this paragraph, "address" includes street number and name, rural route number or post-office box, and city and state; or

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

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

(a) Requested by the Secretary of State; or

(b) The Secretary of State receives a request for the filing from any person made not later than six months after the deadline for filing a statement under ORS 260.058 (1), 260.063 (1), 260.068 (1), 260.073 (1) or 260.118 (4) or (9) or section 6 (1), chapter 542, Oregon Laws 2003, if a candidate or treasurer files a statement reporting a contribution received from a political committee not in this state.

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

SECTION 29a. ORS 260.045, as amended by section 11, chapter 542, Oregon Laws 2003, and section 29 of this 2005 Act, is amended to read:

260.045. (1) If a candidate or treasurer receives a contribution of more than \$100 from a political committee not in this state, the candidate or treasurer shall file the following if required under subsection (2) of this section:

(a) A written statement of the name, occupation and address of each person, or the name, address and primary nature of each political committee, who contributed more than \$100 of the contribution. The statement shall be certified as true by an officer of the contributing political committee. As used in this paragraph, "address" includes street number and name, rural route number or post-office box, and city and state; or

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

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

(a) Requested by the Secretary of State; or

(b) The Secretary of State receives a request for the filing from any person made not later than six months after the deadline for filing a statement under ORS [260.058 (1), 260.063 (1), 260.068 (1), 260.073 (1) or] 260.118 (4) or (9) or [section 6 (1), chapter 542, Oregon Laws 2003] **section 14 of this 2005 Act**, if a candidate or treasurer files a statement reporting a contribution received from a political committee not in this state.

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

SECTION 30. ORS 260.049 is amended to read:

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

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

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

SECTION 31. ORS 260.052 is amended to read:

260.052. The Secretary of State shall assign an identification number to each political committee *[for which the Secretary of State is the filing officer]* **required to file a statement with the secretary under section 14 of this 2005 Act.** The political committee shall include the identification number with each contribution made by the political committee.

SECTION 32. ORS 260.055, as amended by section 12, chapter 542, Oregon Laws 2003, is amended to read:

260.055. (1) Each candidate, other than a candidate for political party office, and the treasurer of each political committee shall keep detailed accounts. The accounts shall be current as of not later than the seventh **calendar** day after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be reported under ORS *[260.058, 260.063, 260.068, 260.073,]* 260.076 or 260.078 or *[section 6, chapter 542, Oregon Laws 2003]* **section 14 of this 2005 Act.** Subject to ORS 260.085, the accounts shall list all information required to be reported under ORS 260.083.

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

(3) Accounts kept by a candidate or treasurer shall be preserved by the candidate or treasurer for at least two years after the date of the election to which the accounts refer or at least two years after the date the last *[supplemental]* statement is filed under *[ORS 260.058 (2), 260.063 (2), 260.068 (3) or 260.073 (3) or section 6 (2), chapter 542, Oregon Laws 2003,]* **section 14 of this 2005 Act,** whichever is later.

SECTION 32a. ORS 260.076 is amended to read:

260.076. (1) A legislative official, statewide official or candidate therefor, or the official's or candidate's principal campaign committee, shall file statements showing contributions received by or on behalf of the official, candidate or committee during the period beginning January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending upon adjournment of the regular biennial session of the Legislative Assembly, or during any special session of the Legislative Assembly.

(2) The Governor, Governor-elect or a candidate for Governor, or the principal campaign committee of the Governor, Governor-elect or candidate, shall file statements showing contributions received by or on behalf of the Governor, Governor-elect, candidate or committee during the period beginning January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending 30 business days following adjournment of the regular biennial session of the Legislative Assembly, or during any special session of the Legislative Assembly.

(3) A person or political committee affiliated with a political party, caucus of either house of the Legislative Assembly, legislative official, statewide official or the Governor, Governor-elect or candidate for Governor shall file statements showing contributions received by the person or committee on behalf of a legislative official, statewide official or candidate therefor, during the period beginning January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending upon adjournment of the regular biennial session of the Legislative Assembly, or during any special session of the Legislative Assembly.

(4) A person or political committee affiliated with a political party, caucus of either house of the Legislative Assembly, legislative official, statewide official or the Governor, Governor-elect or candidate for Governor shall file statements showing contributions received by the person or committee on behalf of the Governor, Governor-elect or candidate for Governor, during the period beginning January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending 30 business days following adjournment of the regular biennial session of the Legislative Assembly, or during any special session of the Legislative Assembly.

(5) A statement described in subsections (1) to (4) of this section shall be filed **with the Secretary of State** not later than two business days after the date a contribution is received. A statement shall be filed on a form prescribed by the Secretary of State.

(6) If a statement has been filed under subsections (1) to (4) of this section, the next statement filed by the Governor, Governor-elect, official, candidate, principal campaign committee or other political committee under [ORS 260.058, 260.063, 260.068 or 260.073] **section 14 of this 2005 Act** shall include the contributions reported in statements filed under this section.

(7) This section applies notwithstanding the filing of a certificate under ORS 260.112.

(8) As used in this section:

(a) "Legislative official" means any member or member-elect of the Legislative Assembly.

(b) "Statewide official" means the Secretary of State or Secretary of State-elect, State Treasurer or State Treasurer-elect, Superintendent of Public Instruction or Superintendent-elect of Public Instruction, Attorney General or Attorney General-elect and the Commissioner of the Bureau of Labor and Industries or the Commissioner-elect of the Bureau of Labor and Industries.

SECTION 33. ORS 260.078, as amended by section 13, chapter 542, Oregon Laws 2003, is amended to read:

260.078. If [a report] **the first statement** filed by a candidate, a candidate's principal campaign committee or a political committee under [ORS 260.058 (1)(a), 260.063 (1)(a), 260.068 (1)(a) or 260.073 (1)(a) or section 6 (1)(a), chapter 542, Oregon Laws 2003,] **section 14 of this 2005 Act** shows any assets not previously reported on hand [at the beginning of the first reporting period], the [report] **statement** shall list all contributions giving rise to the assets in accordance with ORS 260.083.

SECTION 34. ORS 260.085, as amended by section 15, chapter 542, Oregon Laws 2003, is amended to read:

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

(2) If an account required by ORS 260.055 or a statement required by ORS 260.083 to list the occupation of a contributor does not list the occupation of the contributor as required by ORS 260.055 or on the first statement filed under ORS [260.058, 260.063, 260.068, 260.073 or] 260.076 or [section 6, chapter 542, Oregon Laws 2003,] **section 14 of this 2005 Act** after the contribution is received, the candidate or political committee shall file with the account and [the filing officer] **with the statement filed under section 14 of this 2005 Act** documentation of a written request to the contributor to furnish the contributor's occupation.

(3) If a candidate or political committee receives a contribution that does not identify the occupation of the contributor, the candidate or political committee shall make a written request to the

contributor to furnish the occupation of the contributor within seven **calendar** days after receiving the contribution.

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

*[(5) (4) If a candidate or political committee receives information identifying the occupation of a contributor after making a written request under subsection (3) of this section, the candidate or political committee, **within seven calendar days after receiving the information**, shall include the contributor's occupation in the account kept under ORS 260.055 *[and the next statement filed under ORS 260.058, 260.063, 260.068, 260.073 or 260.076 or section 6, chapter 542, Oregon Laws 2003]* **and in the contributor's entry filed under section 14 of this 2005 Act.***

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

SECTION 35. ORS 260.102 is amended to read:

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

(a) Is not the candidate or treasurer; and

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

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

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

SECTION 35a. ORS 260.102, as amended by section 35 of this 2005 Act, is amended to read:

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

(a) Is not the candidate or treasurer; and

(b) Does not receive or expend the money or other thing of value through the candidate or treasurer.

(2) The statement shall list the name, occupation and address of each person, or the name, address and primary nature of each political committee, who contributed an aggregate amount of more than \$100 on behalf of a candidate or regarding a measure. The statement may list as a single item the total amount of other contributions, but shall specify how those contributions were obtained. The statement must be signed and certified as true by the person required to file it or by the person's authorized representative.

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

SECTION 35b. If House Bill 2167 becomes law, section 24, chapter ___, Oregon Laws 2005 (Enrolled House Bill 2167) (amending ORS 260.102), is repealed.

SECTION 36. ORS 260.112 is amended to read:

260.112. (1) A candidate[*other than a candidate for federal office,*] or a treasurer of a political committee who expects neither the aggregate contributions to be received nor the aggregate expenditures to be made by or on behalf of the candidate or political committee to exceed \$2,000 in total amount during the [*total period described in ORS 260.058 (1), 260.063 (1), 260.068 (1) or 260.073 (1)*] **calendar year** shall file a certificate to that effect **with the Secretary of State**. The candidate or treasurer shall make the certificate according to the best of the knowledge or belief of the candidate or treasurer. **A candidate or treasurer filing a certificate under this section is not required to file statements under section 14 of this 2005 Act.** The certificate shall be filed:

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

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

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

(3) If at any time following the filing of a certificate under subsection (1) of this section and during the [*total period described in ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1)*] **calendar year** either the aggregate contributions or aggregate expenditures exceed \$2,000, the candidate[*other than a candidate for federal office,*] or treasurer shall **do all of the following:**

(a) File a [*contribution and expenditure*] statement [*when a statement for the reporting period in which the contributions or expenditures exceeded \$2,000 is filed*] **under section 14 of this 2005 Act within seven calendar days after either the aggregate contributions or aggregate expenditures exceed \$2,000.** The filed statement shall reflect all contributions received and expenditures made by or on behalf of the candidate or political committee to that date, beginning [*with the start of the first reporting period in ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1)*] **January 1 of the calendar year.**

(b) **If necessary, file additional statements under section 14 of this 2005 Act.**

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

SECTION 36a. If House Bill 2167 becomes law, section 36 of this 2005 Act (amending ORS 260.112) is repealed and ORS 260.112, as amended by section 15, chapter __, Oregon Laws 2005 (Enrolled House Bill 2167), is amended to read:

260.112. (1) A candidate[*other than a candidate for federal office,*] or a treasurer of a political committee who expects neither the aggregate contributions to be received nor the aggregate expenditures to be made by or on behalf of the candidate or political committee to exceed \$2,000 in total amount during the [*total period described in ORS 260.058 (1), 260.063 (1), 260.068 (1) or 260.073 (1)*] **calendar year** shall file a certificate to that effect **with the Secretary of State**. The candidate or treasurer shall make the certificate according to the best of the knowledge or belief of the candidate or treasurer. **A candidate or treasurer filing a certificate under this section is not required to file statements under section 14 of this 2005 Act.** The certificate shall be filed:

(a) By a candidate, not sooner than the date on which the candidate files a declaration of candidacy or nominating petition, accepts a nomination or is nominated to fill a vacancy in a nomination or in a partisan elective office, and not later than [*the 36th day before the date of the election*] **seven calendar days after the candidate receives a contribution or makes an expenditure.**

(b) By a treasurer of a political committee, not sooner than the date that the political committee files a statement of organization under ORS 260.042, and not later than [*the 36th day before the date*]

of the election] **seven calendar days after the political committee receives a contribution or makes an expenditure.**

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

(3) If at any time following the filing of a certificate under subsection (1) of this section and during the [total period described in ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1)] **calendar year** either the aggregate contributions or aggregate expenditures exceed \$2,000, the candidate[, other than a candidate for federal office,] or treasurer shall **do all of the following:**

(a) File a [contribution and expenditure] statement [when a statement for the accounting period in which the contributions or expenditures exceeded \$2,000 is filed] **under section 14 of this 2005 Act within seven calendar days after either the aggregate contributions or aggregate expenditures exceed \$2,000.** The statement shall reflect all contributions received and expenditures made by or on behalf of the candidate or political committee to that date, beginning [with the start of the first accounting period in ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1)] **January 1 of the calendar year.**

(b) **If necessary, file additional statements under section 14 of this 2005 Act.**

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

SECTION 37. ORS 260.118 is amended to read:

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

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

(b) File a statement of organization with the appropriate filing officer. The statement shall include:

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

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

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

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

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

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

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

(5) In addition to the statement required under subsection (4) of this section, for each statewide initiative petition, the treasurer appointed under subsection (1) of this section shall file with the Secretary of State a statement described in subsection (8) of this section for each period described in this subsection. A statement shall be filed under this subsection beginning with the period during

which the aggregate amount of contributions received or expenditures made exceeds \$2,000. The following statements shall be filed:

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

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

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

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

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

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

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

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

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

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

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

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

(10)(a) If a statement filed under subsection (6) of this section for a statewide initiative or referendum petition or any recall petition that did not qualify for the ballot shows an unexpended balance of contributions or an expenditure deficit, and the chief petitioner's committee does not intend to support or oppose a measure that is on the subsequent general election ballot, a supplemental statement shall be filed annually not later than September 10.

(b) If a statement filed under this section for a statewide initiative or referendum petition or any recall petition that did not qualify for the ballot shows an unexpended balance of contributions or an expenditure deficit, and the chief petitioner's committee intends to support or oppose a measure that is on the subsequent general election ballot, *[that committee shall]* **the treasurer appointed under subsection (1) of this section need** not file a supplemental statement in that year, but shall file the statements required under *[ORS 260.073]* **section 14 of this 2005 Act.** *[Supplemental statements shall be filed annually for each following year not later than September 10.]*

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

(11) As used in this section, “contribution” and “expenditure” include a contribution or expenditure to or on behalf of an initiative, referendum or recall petition.

SECTION 38. ORS 260.205, as amended by section 16, chapter 542, Oregon Laws 2003, is amended to read:

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

(2) A filing officer immediately shall notify a person required to file a statement with the filing officer under ORS [260.058, 260.063, 260.068, 260.073,] 260.083, 260.102, 260.112 or 260.118 or **section 14 of this 2005 Act** [section 6, chapter 542, Oregon Laws 2003,] if:

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

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

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

SECTION 38a. If House Bill 2167 becomes law, section 38 of this 2005 Act (amending ORS 260.205) is repealed and ORS 260.205, as amended by section 25, chapter __, Oregon Laws 2005 (Enrolled House Bill 2167), is amended to read:

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

(2) A filing officer immediately shall notify a person required to file a statement with the filing officer under ORS [260.058, 260.063, 260.068, 260.073,] 260.083, 260.102, 260.112 or 260.118 or **section 14 of this 2005 Act** [section 6, chapter 542, Oregon Laws 2003,] if:

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

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

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

SECTION 39. ORS 260.215, as amended by section 17, chapter 542, Oregon Laws 2003, is amended to read:

260.215. (1) Not later than the third month after the date of a primary election or general election, each filing officer shall examine each statement relating to the election filed with the officer under ORS 260.044 (1), 260.058, 260.063, 260.068, 260.073, 260.083, 260.102 or 260.112 or section 6, chapter 542, Oregon Laws 2003, to determine whether the statement is sufficient.

(2) Not later than the third month after the date a statement is filed under ORS 260.118, the filing officer shall examine the statement to determine whether the statement is sufficient.

(3) The filing officer **under subsections (1) and (2) of this section** may require any person to answer in writing and upon oath or affirmation before a judge, justice of the peace, county clerk or notary public any question within the knowledge of that person concerning the source of any contribution. The *[inquiry]* **filing officer** shall advise the person *[concerned]* of the penalty for failure to answer.

(4)(a) For statements filed during the total period described in ORS 260.058 (1) or 260.068 (1) and (2) or section 6, chapter 542, Oregon Laws 2003, in addition to the requirements of ORS 260.205 and this section, the Secretary of State shall review statements filed with the secretary under ORS 260.058 (1) or 260.068 (1) or (2) or section 6, chapter 542, Oregon Laws 2003, by the principal campaign committees of all candidates for nomination or election to state office. For each review, the secretary shall require a candidate or treasurer of a political committee to provide documentation of not more than eight transactions.

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

(c) As used in this subsection, “state office” does not include the office of judge or district attorney.

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

SECTION 39a. ORS 260.215, as amended by section 17, chapter 542, Oregon Laws 2003, and section 39 of this 2005 Act, is amended to read:

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

(1) For statements filed during each calendar year, each filing officer shall examine each statement filed with the filing officer under ORS 260.044 (1), 260.083, 260.102 or 260.112 or section 14 of this 2005 Act to determine whether the statement is sufficient. The filing officer shall examine statements under this section not later than 90 days after the end of each calendar quarter for statements filed during the previous calendar quarter.

(2) Not later than the third month after the date a statement is filed under ORS 260.118, the filing officer shall examine the statement to determine whether the statement is sufficient.

(3) The filing officer under subsections (1) and (2) of this section may require any person to answer in writing and upon oath or affirmation before a judge, justice of the peace, county clerk or notary public any question within the knowledge of that person concerning the source of any contribution. The filing officer shall advise the person of the penalty for failure to answer.

[(4)(a) For statements filed during the total period described in ORS 260.058 (1) or 260.068 (1) and (2) or section 6, chapter 542, Oregon Laws 2003, in addition to the requirements of ORS 260.205 and this section, the Secretary of State shall review statements filed with the secretary under ORS 260.058 (1) or 260.068 (1) or (2) or section 6, chapter 542, Oregon Laws 2003, by the principal campaign committees of all candidates for nomination or election to state office. For each review, the secretary shall require a candidate or treasurer of a political committee to provide documentation of not more than eight transactions.]

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

(c) *As used in this subsection, "state office" does not include the office of judge or district attorney.*

(4)(a) For statements filed during each calendar year, in addition to the requirements of ORS 260.205 and this section, the Secretary of State shall review statements filed with the secretary under section 14 of this 2005 Act by the principal campaign committees of all candidates for nomination or election to state office. For each review, the secretary shall require a candidate or treasurer of a political committee to provide documentation of not more than eight transactions.

(b) The secretary shall review statements under this subsection on a quarterly basis.

(c) As used in this subsection, "state office" does not include the office of judge or district attorney.

SECTION 39b. The amendments to ORS 260.215 by section 39a of this 2005 Act become operative on January 1, 2007.

SECTION 40. ORS 260.225, as amended by section 18, chapter 542, Oregon Laws 2003, is amended to read:

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

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

SECTION 41. ORS 260.232, as amended by section 19, chapter 542, Oregon Laws 2003, is amended to read:

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

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

(b) Failure to include in a statement filed under ORS *[260.058, 260.063, 260.068, 260.073,]* 260.076, 260.083, 260.102, 260.112 or 260.118 or *[section 6, chapter 542, Oregon Laws 2003,]* **section 14 of this 2005 Act** the information required under ORS 260.076, 260.083, 260.102 or 260.118 or *[section 6, chapter 542, Oregon Laws 2003]* **section 14 of this 2005 Act**.

(c) Violation of ORS 260.174.

(2) If a person required to file has not filed a statement or certificate complying with applicable provisions of ORS 260.044 (1), *[260.058, 260.063, 260.068, 260.073,]* 260.076, 260.078, 260.083, 260.085, 260.102, 260.112 or 260.118 or *[section 6, chapter 542, Oregon Laws 2003,]* **section 14 of this 2005 Act** within the time specified in ORS *[260.058, 260.063, 260.068, 260.073,]* 260.076, 260.078 or 260.118 or *[section 6, chapter 542, Oregon Laws 2003]* **section 14 of this 2005 Act**, the Secretary of State by certified mail shall notify the person that a penalty may be imposed and that the person has 20 days to request a hearing before the Secretary of State. If the person required to file is a candidate or the principal campaign committee of a candidate, the Secretary of State shall send the notice described in this subsection by certified mail to the individual who is the candidate and by first class mail to the candidate's treasurer or the treasurer of the candidate's principal campaign com-

mittee. The notice sent by certified mail to the individual who is a candidate shall be used for purposes of determining the deadline for requesting a hearing under subsection (3) of this section. The Secretary of State is not required to send two notices if the candidate serves as the treasurer of the candidate's principal campaign committee.

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

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

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

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

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

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

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

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

(a) \$10,000 for failure to file a statement or certificate required to be filed under ORS 260.044 (1), [260.058, 260.063, 260.068, 260.073,] 260.076, 260.083, 260.102, 260.112 or 260.118 or [section 6, chapter 542, Oregon Laws 2003] **section 14 of this 2005 Act**;

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

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

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

(9) Except as otherwise provided by this section, civil penalties under this section shall be imposed as provided in ORS 183.745.

SECTION 42. ORS 260.241 is amended to read:

260.241. (1) Despite delay in the filing of statements relating to a candidate's nomination required to be filed under [ORS 260.058 or in the filing of a certificate in lieu of the statement required by ORS 260.058] **section 14 of this 2005 Act, or in the filing of a certificate described in ORS 260.112 in lieu of a statement required under section 14 of this 2005 Act, prior to the nominating election**, the candidate's name shall appear on the general election ballot if those statements [are] **or the certificate is** filed before the 61st day before the general election.

(2) A candidate's name shall not be placed on the general election ballot if the statements **or certificate** referred to in subsection (1) of this section [are] **is** not filed before the 61st day before the general election.

(3) If the statements **or certificate** referred to in subsection (1) of this section [are] **is** not filed by the 68th day before the general election, the filing officer by mail shall notify the person required to file the statements **or certificate** that the candidate's name may not be placed on the general election ballot. The filing officer shall send the notice described in this subsection by certified mail to the individual who is the candidate and by first class mail to the candidate's treasurer or the

treasurer of the candidate's principal campaign committee. The filing officer is not required to send two notices if the candidate serves as the treasurer of the candidate's principal campaign committee.

SECTION 43. ORS 260.245, as amended by section 20, chapter 542, Oregon Laws 2003, is amended to read:

260.245. **The Secretary of State, county clerk or chief city elections officer may not grant** a certificate of election or certificate of nomination [*may not be granted*] to any candidate until the candidate has filed the statements relating to the election that the candidate is required to file under [ORS 260.058 and 260.068 and section 6, chapter 542, Oregon Laws 2003] **section 14 of this 2005 Act.**

SECTION 44. ORS 260.255, as amended by section 21, chapter 542, Oregon Laws 2003, is amended to read:

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

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

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

SECTION 44a. ORS 260.255, as amended by section 21, chapter 542, Oregon Laws 2003, and section 44 of this 2005 Act, is amended to read:

260.255. (1) **Except as provided in subsection (2) of this section,** a filing officer shall preserve each statement filed with the officer under ORS [260.058, 260.063, 260.068, 260.073,] 260.076, 260.083, 260.102, 260.112 or 260.118 [*or section 6, chapter 542, Oregon Laws 2003*] **or section 14 of this 2005 Act,** or an accurate copy of it, for at least six **calendar** years [*after the date of the election to which the statement refers*].

(2) **The Secretary of State shall maintain all data filed electronically under section 14 of this 2005 Act on the Internet for at least six calendar years after the date the secretary first makes the data available. After six calendar years, if the data are not maintained on the Internet, the secretary shall archive the data in a secure format so that the data are available to the public.**

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

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

SECTION 45. ORS 260.315, as amended by section 22, chapter 542, Oregon Laws 2003, is amended to read:

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

(2) A filing officer shall deliver a copy of this chapter to each candidate or person whom the officer has reason to believe is required to file a statement with the officer under ORS [260.058, 260.063, 260.068, 260.073,] 260.076, 260.083, 260.102, 260.112 or 260.118 or [section 6, chapter 542, Oregon Laws 2003] **section 14 of this 2005 Act.**

SECTION 46. ORS 246.021 is amended to read:

246.021. (1) Except as provided in ORS 247.012 **and subsection (2) of this section,** an election document and an accompanying payment of fees required to be filed with the Secretary of State,

county clerk or other filing officer must be delivered to and actually received at the office of the designated officer not later than 5 p.m. of the day the document or fee is due or, if the day due is a Saturday, Sunday or holiday, on the next business day.

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

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

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

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

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

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

SECTION 47. ORS 260.737 is amended to read:

260.737. (1) A slate mailer organization *[shall]* **may** not send a slate mailer unless all of the following are satisfied:

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

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

NOTICE TO VOTERS

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

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

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

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

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

(4) The Secretary of State by rule may define the term “payment” as used in this section and ORS 260.005 [(20)] (21) and 260.735.

SECTION 48. ORS 260.737, as amended by section 47 of this 2005 Act, is amended to read:

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

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

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

NOTICE TO VOTERS

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

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

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

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

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

(4) The Secretary of State by rule may define the term “payment” as used in this section and ORS 260.005 [(21)] (22) and 260.735.

SECTION 49. The amendments to ORS 260.737 by section 48 of this 2005 Act become operative on January 1, 2007.

SECTION 50. Section 51 of this 2005 Act is added to and made a part of ORS chapter 260.

SECTION 51. (1) A county or city may adopt charter provisions or ordinances that require the filing of:

(a) Statements of contributions received and expenditures made that are in addition to the statements required to be filed under this chapter by candidates for nomination or election to county or city office or by political committees supporting or opposing candidates for nomination or election to county or city office or the adoption of a county or city measure; or

(b) Statements of independent expenditures made by persons in support of or in opposition to candidates for nomination or election to county or city office or in support of or in

opposition to the adoption of a county or city measure that are in addition to the statements required to be filed under this chapter.

(2) If a county or city adopts a charter provision or ordinance under subsection (1) of this section:

(a) The county or city shall file a copy of the charter provision or ordinance with the Secretary of State; and

(b) For purposes of this chapter, any additional statements required to be filed by the charter provision or ordinance are considered statements required to be filed under ORS 260.044, 260.058, 260.063, 260.068 or 260.073.

SECTION 52. Section 51 of this 2005 Act is amended to read:

Sec. 51. (1) A county or city may adopt charter provisions or ordinances that [*require the filing of*]:

(a) Require the filing of electronic or paper statements of contributions received and expenditures made that are in addition to the statements required to be filed under this chapter by candidates for nomination or election to county or city office or by political committees supporting or opposing candidates for nomination or election to county or city office or the adoption of a county or city measure; [*or*]

(b) Require the filing of electronic or paper statements of independent expenditures made by persons in support of or in opposition to candidates for nomination or election to county or city office or in support of or in opposition to the adoption of a county or city measure that are in addition to the statements required to be filed under this chapter; **or**

(c) Subject to subsection (2) of this section, designate the county clerk or city elections officer as the filing officer for:

(A) Statements required to be filed under this chapter by candidates for nomination or election to county or city office or by political committees supporting or opposing candidates for nomination or election to county or city office or the adoption of a county or city measure;

(B) Statements required to be filed under this chapter by persons making independent expenditures in support of or opposition to candidates for nomination or election to county or city office or in support of or opposition to the adoption of a county or city measure;

(C) Any additional statements of contributions received or expenditures made that are required by a charter provision or ordinance to be filed by candidates for nomination or election to county or city office or by political committees supporting or opposing candidates for nomination or election to county or city office or the adoption of a county or city measure; or

(D) Any additional statements of independent expenditures made that are required by a charter provision or ordinance to be filed by persons supporting or opposing candidates for nomination or election to county or city office or supporting or opposing the adoption of a county or city measure.

(2) If a county or city adopts a charter provision or ordinance requiring the filing of statements of contributions received and expenditures made or the filing of statements of independent expenditures that are in addition to the statements required to be filed under this chapter, the charter provision or ordinance shall also designate the county clerk or city elections officer as the filing officer for the additional statements.

[~~2~~] **(3) If a county or city adopts a charter provision or ordinance under subsection (1) of this section:**

(a) The county or city shall file a copy of the charter provision or ordinance with the Secretary of State; and

(b) For purposes of this chapter, any additional statements required to be filed by the charter provision or ordinance are considered statements required to be filed under ORS 260.044, 260.058, 260.063, 260.068 or 260.073] or section 14 of this 2005 Act.

(4) If a county or city adopts a charter provision or ordinance under subsection (1) of this section that designates the county clerk or city elections officer as the filing officer for a statement described in subsection (1) of this section, any reference in this chapter to the filing officer or to the Secretary of State as the filing officer for the statement is considered a reference to the county clerk or the city elections officer.

SECTION 53. The amendments to section 51 of this 2005 Act by section 52 of this 2005 Act become operative on January 1, 2007.

SECTION 54. (1) To ensure that the electronic filing system described in section 14 of this 2005 Act is capable of receiving electronic statements beginning on January 1, 2007, the Secretary of State shall conduct testing of the electronic filing system or establish by rule a pilot project under which the electronic filing system may be used by selected candidates or political committees. The secretary shall conduct the testing or establish the pilot project during the period beginning on the effective date of this 2005 Act and ending on January 1, 2007.

(2) This section is repealed January 2, 2008.

SECTION 55. (1) During the period beginning on January 1, 2007, and ending on December 31, 2008, in setting the amount of a civil penalty under ORS 260.232, as amended by section 41 of this 2005 Act, for a violation involving a statement required to be filed using the electronic filing system described in section 14 of this 2005 Act, the Secretary of State shall consider as a mitigating circumstance any issues arising from the transition from a paper filing system to an electronic filing system for the filing of statements of contributions received and expenditures made under ORS chapter 260.

(2) This section is repealed January 2, 2010.

SECTION 56. ORS 260.058, 260.063, 260.068, 260.073, 260.159 and 260.161 and section 6, chapter 542, Oregon Laws 2003, are repealed.

SECTION 57. Sections 13 and 14 of this 2005 Act, the amendments to ORS 246.021, 260.045, 260.049, 260.052, 260.055, 260.076, 260.078, 260.085, 260.102, 260.112, 260.118, 260.205, 260.225, 260.232, 260.241, 260.245, 260.255 and 260.315 by sections 29a to 34, 35a, 36 to 38a, 40 to 43 and 44a to 46 of this 2005 Act and the repeal of ORS 260.058, 260.063, 260.068, 260.073, 260.159 and 260.161 and section 6, chapter 542, Oregon Laws 2003, by section 56 of this 2005 Act:

(1) Become operative on January 1, 2007;

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

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

SECTION 58. (1) Except as provided in subsections (2) and (3) of this section, a candidate or political committee shall file a first statement under section 14 of this 2005 Act for contributions received and expenditures made on or after January 1, 2007.

(2) The first statement filed by a candidate or political committee under section 14 of this 2005 Act on or after January 1, 2007, shall include any contributions received or expenditures made by the candidate or political committee prior to January 1, 2007, that were not included on a statement filed with a filing officer prior to January 1, 2007.

(3) If the last statement of contributions and expenditures filed by a candidate or political committee prior to January 1, 2007, for a previous election shows an unexpended balance of contributions or an expenditure deficit, the first statement required by section 14 of this 2005 Act shall list a beginning balance in an amount equal to the amount of the unexpended balance of contributions or the amount of the expenditure deficit.

SECTION 59. The Secretary of State, a county clerk or a chief city elections officer may take any action before January 1, 2007, that is necessary to enable the secretary, clerk or elections officer to exercise, on and after January 1, 2007, all the duties, functions and powers conferred upon the secretary, clerk or elections officer by sections 13 and 14 of this 2005 Act, the amendments to section 51 of this 2005 Act by section 52 of this 2005 Act, the amendments to ORS 246.021, 260.005, 260.043, 260.044, 260.045, 260.049, 260.052, 260.055, 260.076, 260.078, 260.083, 260.085, 260.102, 260.112, 260.118, 260.205, 260.215, 260.225, 260.232, 260.241, 260.245, 260.255, 260.315 and 260.737 by sections 16, 21, 24, 27, 28a, 29a to 34, 35a, 36 to 38a, 39a, 40 to 43, 44a to 46 and 48 of this 2005 Act and the repeal of ORS 260.058, 260.063, 260.068, 260.073, 260.159 and 260.161 and section 6, chapter 542, Oregon Laws 2003, by section 56 of this 2005 Act.

SECTION 60. (1) Section 3 of this 2005 Act and the amendments to ORS 260.039 and 260.042 by sections 4 and 5 of this 2005 Act apply to political committees for which a statement of organization is filed prior to, on or after the effective date of this 2005 Act.

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

(a) Comply with the requirements of section 3 of this 2005 Act not later than January 1, 2006; and

(b) Amend the statement of organization filed by the political committee under ORS 260.039 or 260.042 to contain any information required under ORS 260.039 or 260.042, as amended by sections 4 and 5 of this 2005 Act, not later than January 1, 2006.

SECTION 61. (1) The amendments to ORS 260.083 by section 8 of this 2005 Act apply to statements of contributions received and expenditures made filed on or after January 1, 2006. The amendments to ORS 260.083 by section 16 of this 2005 Act apply to statements required to be filed on or after January 1, 2007.

(2) The amendments to ORS 260.005 and 260.044 by sections 20 and 26 of this 2005 Act apply to independent expenditures made prior to, on or after the effective date of this 2005 Act and required to be reported on statements filed on or after the effective date of this 2005 Act. The amendments to ORS 260.044 by sections 27 and 28a of this 2005 Act apply to independent expenditures made on or after January 1, 2007, and to independent expenditures made prior to January 1, 2007, and not included on a statement filed with a filing officer prior to January 1, 2007.

(3) The amendments to ORS 260.118 by section 37 of this 2005 Act apply to statewide initiative and referendum petitions and any recall petitions for which a prospective petition is filed prior to, on or after the operative date specified in section 57 of this 2005 Act.

(4) The amendments to ORS 260.402 by section 15 of this 2005 Act apply to contributions made or received on or after the effective date of this 2005 Act.

(5) The amendments to ORS 260.995 by section 1 of this 2005 Act apply to violations of ORS 260.407 occurring on or after the effective date of this 2005 Act.

(6) Section 12 of this 2005 Act applies to expenditures made on or after the effective date of this 2005 Act.

SECTION 62. This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect on its passage.

Passed by House May 18, 2005

Repassed by House August 4, 2005

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Chief Clerk of House

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Speaker of House

Passed by Senate June 27, 2005

Repassed by Senate August 4, 2005

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President of Senate

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M,....., 2005

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Secretary of State