

# House Bill 3458

Sponsored by COMMITTEE ON ELECTIONS AND RULES

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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

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

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

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

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

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

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

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

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

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

Declares emergency, effective on passage.

## A BILL FOR AN ACT

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

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

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

9 260.995. (1) Except as provided in subsection (2) of this section, following an investigation under  
10 ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to exceed  
11 \$250 for each violation of any provision of Oregon Revised Statutes relating to the conduct of any  
12 election, any rule adopted by the secretary [*of State*] under ORS chapters 246 to 260 or any other  
13 matter preliminary to or relating to an election, for which no penalty is otherwise provided.

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

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

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

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 **SECTION 2. Section 3 of this 2005 Act is added to and made a part of ORS 260.035 to**  
 42 **260.156.**

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

1 state.

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

5 (3) All expenditures made by the political committee shall be drawn from the campaign  
 6 account and:

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

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

10 (4) A contribution received by a candidate or the treasurer of a political committee, di-  
 11 rectly or indirectly, shall be deposited by the treasurer into the campaign account not later  
 12 than 10 days after the date the contribution is received.

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

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

16 260.039. (1) Except as provided in ORS 260.043, a candidate who serves as the candidate's own  
 17 treasurer, or the treasurer of the principal campaign committee, shall file a statement of organiza-  
 18 tion with the [appropriate] filing officer. The statement shall include:

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

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

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

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

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

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

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

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

37 (d) The location and name of the campaign account required to be established under  
 38 section 3 of this 2005 Act.

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

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

1 (4) Except as provided in ORS 260.043, a candidate who serves as the candidate's own treasurer  
 2 or the treasurer of the principal campaign committee of the candidate shall file a statement of or-  
 3 ganization under this section not later than the deadline for the candidate to file a nominating pe-  
 4 tition or declaration of candidacy under ORS 249.037 or a certificate of nomination under ORS  
 5 249.722.

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

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

11 260.042. (1) The treasurer of a political committee shall file a statement of organization with the  
 12 [*appropriate*] filing officer. The statement shall include:

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

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

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

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

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

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

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

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

31 **(i) The location and name of the campaign account required to be established under**  
 32 **section 3 of this 2005 Act.**

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

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

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

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

41 **SECTION 7. (1) For statements filed during the total period described in ORS 260.058 (1)**  
 42 **or 260.068 (1) and (2) or section 6, chapter 542, Oregon Laws 2003, in addition to the re-**  
 43 **quirements of ORS 260.205 and 260.215, the Secretary of State shall conduct a random review**  
 44 **of statements filed with the secretary under ORS 260.058 (1) or 260.068 (1) or (2) or section**  
 45 **6, chapter 542, Oregon Laws 2003, by the principal campaign committees of candidates for**

1 nomination or election to state office. For each review, the secretary may require a candi-  
 2 date or treasurer of a political committee to provide documentation of not more than four  
 3 contributions and expenditures listed on each statement for each reporting period.

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

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

8 **Sec. 7.** (1) For statements filed during [*the total period described in ORS 260.058 (1) or 260.068*  
 9 (*1) and (2) or section 6, chapter 542, Oregon Laws 2003*] **each calendar year**, in addition to the re-  
 10 quirements of ORS 260.205 and 260.215, the Secretary of State shall conduct a random review of  
 11 statements filed with the secretary under [*ORS 260.058 (1) or 260.068 (1) or (2) or section 6, chapter*  
 12 *542, Oregon Laws 2003,*] **section 19 of this 2005 Act** by the principal campaign committees of candi-  
 13 dates for nomination or election to state office. For each review, the secretary may require a  
 14 candidate or treasurer of a political committee to provide documentation of not more than four  
 15 contributions and expenditures [*listed on each statement for each reporting period*].

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

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

21 **SECTION 10.** Section 11 of this 2005 Act is added to and made a part of ORS 260.035 to  
 22 260.156.

23 **SECTION 11.** (1) A political committee for which the Secretary of State is the filing of-  
 24 ficer shall submit with each statement filed under section 19 of this 2005 Act a copy of the  
 25 most recent financial institution account statement from the campaign account described in  
 26 section 3 of this 2005 Act that is received by the political committee before the date the  
 27 statement of political contributions and expenditures is filed. A political committee is not  
 28 required to submit a copy of the same account statement more than once under this sub-  
 29 section.

30 (2) For the first statement filed under section 19 of this 2005 Act in a calendar year, the  
 31 political committee shall submit all relevant financial institution account statements re-  
 32 ceived by the political committee after the date the previous statement was filed or, if no  
 33 previous statement was filed, after the date a statement of organization was filed.

34 (3) A political committee is not required to disclose any personal or confidential infor-  
 35 mation under subsection (1) or (2) of this section.

36 (4) The secretary shall adopt rules describing:

37 (a) Financial institution account statements required to be submitted under subsection  
 38 (1) or (2) of this section; and

39 (b) Personal or confidential information that is not required to be disclosed under sub-  
 40 section (1) or (2) of this section.

41 (5) The secretary shall make the financial institution account statements submitted un-  
 42 der this section available for public review.

43 **SECTION 12.** Section 11 of this 2005 Act becomes operative on January 1, 2008.

44 **NOTE:** Section 13 was deleted. Subsequent sections were not renumbered.

45 **SECTION 14.** ORS 260.083, as amended by section 14, chapter 542, Oregon Laws 2003, is

1 amended to read:

2 260.083. (1) A statement filed under ORS 260.058, 260.063, 260.068, 260.073, 260.076 or 260.118 or  
3 section 6, chapter 542, Oregon Laws 2003, shall list:

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

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

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

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

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

15 (B) **The city, or county if the payee is not located in a city, and state in which the payee**  
16 **is located; and**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 **SECTION 17. (1) A person who holds public office may not use amounts received as**  
 26 **contributions by the person or the principal campaign committee of the person to make an**  
 27 **expenditure to or on behalf of the person for the purpose of reimbursing the person for a**  
 28 **specific expense for which the person has been reimbursed by a public body as defined in ORS**  
 29 **174.109.**

30 **(2) If a public body as defined in ORS 174.109 later reimburses a person who holds public**  
 31 **office for a specific expenditure that the person made from amounts received as contribu-**  
 32 **tions by the person or principal campaign committee of the person, the person shall deposit**  
 33 **the amount reimbursed from the public body into the person’s principal campaign committee**  
 34 **account.**

35 **(3) This section does not apply to federal office.**

36 **SECTION 18. Section 19 of this 2005 Act is added to and made a part of ORS 260.035 to**  
 37 **260.156.**

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

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

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

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

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

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

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

17 (b) Subsection (2) of this section does not apply to candidates described in ORS 260.043.

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

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

23 260.083. (1) A statement filed under [*ORS 260.058, 260.063, 260.068, 260.073, 260.076 or 260.118*  
24 *or section 6, chapter 542, Oregon Laws 2003,*] **section 19 of this 2005 Act** shall list:

25 (a) Under contributions, all contributions received. Except as provided in ORS 260.085, the  
26 statement[:]

27 [(A)] shall list:

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

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

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

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

36 (B) The city, or county if the payee is not located in a city, and state in which the payee is lo-  
37 cated; and

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

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

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

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

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

45 (2) If an expenditure in an amount exceeding \$50 is a prepayment or a deposit made in consid-

1 eration for any services, supplies, equipment or other thing of value to be performed or furnished  
2 at a future date, that portion of the deposit that has been expended [*during the reporting period*]  
3 shall be listed as an expenditure and the unexpended portion of the deposit shall be listed as an  
4 account receivable.

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

8 (4) If a candidate, political committee or chief petitioner under ORS 260.118 makes an expendi-  
9 ture that must be reported as an in-kind contribution and an expenditure as provided in subsection  
10 (3) of this section, the candidate, [*or*] political committee **or chief petitioner** making the original  
11 expenditure shall, in any statement filed under [*ORS 260.058, 260.063, 260.068, 260.073 or 260.118 or*  
12 *section 6, chapter 542, Oregon Laws 2003*] **ORS 260.118 or section 19 of this 2005 Act**, identify the  
13 expenditure as an in-kind contribution and identify the candidate or political committee for whose  
14 benefit the expenditure was made.

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

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

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

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

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

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

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

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

45 260.005. As used in this chapter:

1 (1)(a) “Candidate” means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (7) “Filing officer” means:

44 (a) The Secretary of State[.];

45 (A) Regarding a candidate for *[any state office or any office to be voted for in the state at large*

1 *or in a congressional district]* **public office;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (b) “Clearly identified” means:

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

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

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

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

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

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

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

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

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

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

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

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

27 (12) “Measure” includes any of the following submitted to the people for their approval or re-  
28 jection at an election:

29 (a) A proposed law.

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

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

32 (d) Local, special or municipal legislation.

33 (e) A proposition or question.

34 (13) “Occupation” means:

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

36 (b) If the individual is employed by another person, the nature of the individual’s principal  
37 business or the business name and address of the employer.

38 (14) “Person” means an individual, corporation, limited liability company, labor organization,  
39 association, firm, partnership, joint stock company, club, organization or other combination of indi-  
40 viduals having collective capacity.

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

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

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

1 political party.

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

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

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

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

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

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

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

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

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

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

24 (b) Notwithstanding paragraph (a) of this subsection, "slate mailer organization" does not in-  
 25 clude:

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

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

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

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

33 260.043. (1) A candidate, other than a candidate for federal office, who serves as the candidate's  
 34 own treasurer and who expects neither the aggregate contributions to be received nor the aggregate  
 35 expenditures to be made by or on behalf of the candidate to exceed \$300 in total amount during [*the*  
 36 *total period described in ORS 260.058 (1) or 260.068 (1)*] **a calendar year** is not required to file a  
 37 statement of organization under ORS 260.039 **or statements under section 19 of this 2005 Act.**

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

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

45 (a) A statement of organization under ORS 260.039; **and**

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

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

6       260.044. (1) A person shall file a statement of expenditures made if the person makes expen-  
 7 ditures in a total amount of more than \$50 **in a calendar year** in support of or in opposition to a  
 8 candidate, a measure or a political committee. **The statement shall be filed with the Secretary**  
 9 **of State.**

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

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

25       (4) For purposes of this section:

26       (a) An expenditure does not include a contribution to a candidate or political committee that is  
 27 required to report the contribution on a statement filed under ORS [*260.058, 260.063, 260.068,*  
 28 *260.073, 260.076 or*] 260.102 or [*section 6, chapter 542, Oregon Laws 2003, or a certificate filed under*  
 29 *ORS 260.112*] **section 19 of this 2005 Act;**

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

32       (c) A person is not a political committee under subsection (3) of this section if all contributions  
 33 received by the person are designated to a candidate or political committee and are required to be  
 34 reported as contributions by a candidate or political committee on a statement filed under ORS  
 35 [*260.058, 260.063, 260.068, 260.073, 260.076 or*] 260.102 or [*section 6, chapter 542, Oregon Laws 2003,*  
 36 *or a certificate filed under ORS 260.112*] **section 19 of this 2005 Act.**

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

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

45       260.045. (1) If a candidate or treasurer receives a contribution of more than \$50 from a political

1 committee not in this state, the candidate or treasurer shall file the following if required under  
 2 subsection (2) of this section:

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

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

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

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

17 (b) The Secretary of State receives a request for the filing from any person made not later than  
 18 six months after the deadline for filing a statement under ORS [*260.058 (1), 260.063 (1), 260.068 (1),*  
 19 *260.073 (1) or*] 260.118 (4) or (9) or [*section 6 (1), chapter 542, Oregon Laws 2003*] **section 19 of this**  
 20 **2005 Act**, if a candidate or treasurer files a statement reporting a contribution received from a  
 21 political committee not in this state.

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

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

26 260.049. (1) If the major source of revenue of a corporation is paid-in-capital and the primary  
 27 purpose of the corporation is to support or oppose any candidate, measure or political party, and  
 28 the corporation has made a contribution or an expenditure for that purpose, the corporation shall  
 29 report to the Secretary of State the names, addresses and occupations of its shareholders and shall  
 30 report the amount of paid-in-capital attributable to each shareholder.

31 (2) The information required under subsection (1) of this section, including information on the  
 32 nature and amount of all expenditures of money and in-kind contributions made by the corporation,  
 33 shall be filed [*on the same dates and for the same reporting periods described in ORS 260.063 and*  
 34 *260.073*] **not later than seven calendar days after the contribution or expenditure is made.**

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

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

38 260.052. The Secretary of State shall assign an identification number to each political committee  
 39 [*for which the Secretary of State is the filing officer*] **required to file a statement with the secre-**  
 40 **tary under section 19 of this 2005 Act.** The political committee shall include the identification  
 41 number with each contribution made by the political committee.

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

44 260.055. (1) Each candidate, other than a candidate for political party office, and the treasurer  
 45 of each political committee shall keep detailed accounts. The accounts shall be current as of not

1 later than the seventh **calendar** day after the date of receiving a contribution or making an ex-  
 2 penditure, of all contributions received and all expenditures made by or on behalf of the candidate  
 3 or political committee that are required to be reported under ORS [260.058, 260.063, 260.068, 260.073,  
 4 260.076 or] 260.078 or [section 6, chapter 542, Oregon Laws 2003] **section 19 of this 2005 Act**. Subject  
 5 to ORS 260.085, the accounts shall list all information required to be reported under ORS 260.083.

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

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

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

20 260.078. If [a report] **the first statement** filed by a candidate, a candidate's principal campaign  
 21 committee or a political committee under [ORS 260.058 (1)(a), 260.063 (1)(a), 260.068 (1)(a) or 260.073  
 22 (1)(a) or section 6 (1)(a), chapter 542, Oregon Laws 2003,] **section 19 of this 2005 Act** shows any  
 23 assets not previously reported on hand [at the beginning of the first reporting period], the [report]  
 24 **statement** shall list all contributions giving rise to the assets in accordance with ORS 260.083.

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

27 260.085. (1) An account required by ORS 260.055 and a statement required by ORS 260.083 to list  
 28 the occupation of a contributor [shall] **must** list the occupation of the contributor in the account  
 29 and on the first statement filed under [ORS 260.058, 260.063, 260.068, 260.073 or 260.076 or section  
 30 6, chapter 542, Oregon Laws 2003,] **section 19 of this 2005 Act** after the contribution is received if  
 31 the occupation is known to the candidate or political committee filing the statement.

32 (2) If an account required by ORS 260.055 or a statement required by ORS 260.083 to list the  
 33 occupation of a contributor does not list the occupation of the contributor as required by ORS  
 34 260.055 or on the first statement filed under [ORS 260.058, 260.063, 260.068, 260.073 or 260.076 or  
 35 section 6, chapter 542, Oregon Laws 2003,] **section 19 of this 2005 Act** after the contribution is re-  
 36 ceived, the candidate or political committee shall file with the account and [the filing officer] **with**  
 37 **the statement filed under section 19 of this 2005 Act** documentation of a written request to the  
 38 contributor to furnish the contributor's occupation.

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

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

1        [(5)] (4) If a candidate or political committee receives information identifying the occupation of  
 2 a contributor after making a written request under subsection (3) of this section, the candidate or  
 3 political committee, **within seven calendar days after receiving the information**, shall include  
 4 the contributor's occupation in the account kept under ORS 260.055 and the [next statement] **con-**  
 5 **tributor's entry** filed under [ORS 260.058, 260.063, 260.068, 260.073 or 260.076 or section 6, chapter  
 6 542, Oregon Laws 2003] **section 19 of this 2005 Act.**

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

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

10        260.102. (1) A person who receives or expends money or any other thing of value, after the date  
 11 of an election, for the purpose of reducing an expenditure deficit shown by a statement of contri-  
 12 butions and expenditures filed by a candidate or treasurer, [and who] **shall file with the Secretary**  
 13 **of State a statement showing the source of all moneys or other things of value received or**  
 14 **expended if the person:**

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

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

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

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

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

30        260.118. (1) As provided in subsection (2) of this section, the chief petitioners of a statewide in-  
 31 itiative or referendum petition or any recall petition shall:

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

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

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

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

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

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

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

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

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

13 (5) In addition to the statement required under subsection (4) of this section, for each statewide  
 14 initiative petition, the treasurer appointed under subsection (1) of this section shall file with the  
 15 Secretary of State a statement described in subsection (8) of this section for each period described  
 16 in this subsection. A statement shall be filed under this subsection beginning with the period during  
 17 which the aggregate amount of contributions received or expenditures made exceeds \$2,000. The  
 18 following statements shall be filed:

19 (a) A statement of contributions received and expenditures made filed not later than September  
 20 10 of an odd-numbered year. The accounting period for the statement required under this paragraph  
 21 begins on the date the treasurer is appointed under subsection (1) of this section and ends on Sep-  
 22 tember 1.

23 (b) A statement of contributions received and expenditures made filed not later than February  
 24 6 of an even-numbered year. The accounting period for the statement required under this paragraph  
 25 begins on the date the treasurer is appointed under subsection (1) of this section or on the day fol-  
 26 lowing the last day of the accounting period for the previous statement filed and ends on January  
 27 28.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 260.205. (1) *[Except as provided in this subsection,]* A filing officer shall inspect each statement  
 32 filed under ORS *[260.058, 260.063, 260.068, 260.073,]* 260.083, 260.102~~], 260.112]~~ or 260.118 or **section**  
 33 **19 of this 2005 Act** *[section 6, chapter 542, Oregon Laws 2003,]* not later than the 10th business day  
 34 after the filing deadline or the 10th business day after the statement is filed, whichever is later.  
 35 *[The statement required under ORS 260.068 (1)(d) and 260.073 (1)(d) shall be inspected not later than*  
 36 *the 30th business day after the filing deadline or the 30th business day after the statement is filed,*  
 37 *whichever is later. This subsection does not apply to statements required under ORS 260.058 (1)(c) and*  
 38 *(2), 260.063 (1)(c) and (2), 260.068 (1)(c) and (3) and 260.073 (1)(c) and (3).]*

39 (2) A filing officer immediately shall notify a person required to file a statement with the filing  
 40 officer under ORS *[260.058, 260.063, 260.068, 260.073,]* 260.083, 260.102~~], 260.112]~~ or 260.118 or **section**  
 41 **19 of this 2005 Act** *[section 6, chapter 542, Oregon Laws 2003,]* if:

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

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

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

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

8 260.215. (1) Not later than the third month after the date of [*a primary election or general*] **an**  
 9 election, each filing officer shall examine each statement relating to the election filed with the of-  
 10 ficer under ORS 260.044 (1), [*260.058, 260.063, 260.068, 260.073,*] 260.083[,] **or** 260.102 or [*260.112 or*  
 11 *section 6, chapter 542, Oregon Laws 2003,*] **section 19 of this 2005 Act** to determine whether the  
 12 statement is sufficient.

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

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

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

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

26 260.225. (1) Upon the petition of the Secretary of State or an elector, or of any other filing of-  
 27 ficer with whom a [*report*] **statement** is required to be filed, the circuit court for the county in  
 28 which the principal office of the filing officer is located may compel a candidate, treasurer or person  
 29 who fails to file a statement required to be filed with the filing officer under ORS 260.044 (1),  
 30 [*260.058, 260.063, 260.068, 260.073, 260.076,*] 260.083, 260.102[, *260.112*] or 260.118 or [*section 6, chapter*  
 31 *542, Oregon Laws 2003*] **section 19 of this 2005 Act**, or who files with the filing officer an insuffi-  
 32 cient statement, to file with the filing officer a proper statement. The petition shall be filed with the  
 33 circuit court not later than the 90th day after the date the statement is filed or should have been  
 34 filed.

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

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

40 260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in  
 41 addition to any other penalty that may be imposed, for:

42 (a) Failure to file a statement [*or certificate*] required to be filed under ORS 260.044 (1), [*260.058,*  
 43 *260.063, 260.068, 260.073, 260.076,*] 260.083, 260.102[, *260.112*] or 260.118 or [*section 6, chapter 542,*  
 44 *Oregon Laws 2003*] **section 19 of this 2005 Act.**

45 (b) Failure to include in a statement filed under ORS [*260.058, 260.063, 260.068, 260.073,*

1 260.076,] 260.083, 260.102[, 260.112] or 260.118 or [section 6, chapter 542, Oregon Laws 2003,] **section**  
2 **19 of this 2005 Act** the information required under ORS [260.076,] 260.083, 260.102 or 260.118 or  
3 [section 6, chapter 542, Oregon Laws 2003] **section 19 of this 2005 Act.**

4 (c) Violation of ORS 260.174.

5 (2) If a person required to file has not filed a statement [or certificate] complying with applicable  
6 provisions of ORS 260.044 (1), [260.058, 260.063, 260.068, 260.073, 260.076,] 260.078, 260.083, 260.085,  
7 260.102[, 260.112] or 260.118 or [section 6, chapter 542, Oregon Laws 2003,] **section 19 of this 2005**  
8 **Act** within the time specified in ORS [260.058, 260.063, 260.068, 260.073, 260.076,] 260.078 or 260.118  
9 or [section 6, chapter 542, Oregon Laws 2003] **section 19 of this 2005 Act**, the Secretary of State  
10 by certified mail shall notify the person that a penalty may be imposed and that the person has 20  
11 days to request a hearing before the Secretary of State. If the person required to file is a candidate  
12 or the principal campaign committee of a candidate, the Secretary of State shall send the notice  
13 described in this subsection by certified mail to the individual who is the candidate and by first class  
14 mail to the candidate's treasurer or the treasurer of the candidate's principal campaign committee.  
15 The notice sent by certified mail to the individual who is a candidate shall be used for purposes of  
16 determining the deadline for requesting a hearing under subsection (3) of this section. The Secretary  
17 of State is not required to send two notices if the candidate serves as the treasurer of the candi-  
18 date's principal campaign committee.

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

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

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

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

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

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

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

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

40 (a) \$10,000 for failure to file a statement [or certificate] required to be filed under ORS 260.044  
41 (1), [260.058, 260.063, 260.068, 260.073, 260.076,] 260.083, 260.102[, 260.112] or 260.118 or [section 6,  
42 chapter 542, Oregon Laws 2003] **section 19 of this 2005 Act**;

43 (b) \$10,000 for each failure to include in a statement filed under ORS [260.058, 260.063, 260.068,  
44 260.073, 260.076,] 260.083, 260.102[, 260.112] or 260.118 or [section 6, chapter 542, Oregon Laws 2003,]  
45 **section 19 of this 2005 Act** the information required under ORS [260.076,] 260.083, 260.102 or

1 260.118 or [section 6, chapter 542, Oregon Laws 2003] **section 19 of this 2005 Act**; or

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

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

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

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

8 260.241. (1) Despite delay in the filing of statements relating to a candidate's nomination re-  
9 quired to be filed under [ORS 260.058 or in the filing of a certificate in lieu of the statement required  
10 by ORS 260.058] **section 19 of this 2005 Act prior to the nominating election**, the candidate's  
11 name shall appear on the general election ballot if those statements are filed before the 61st day  
12 before the general election.

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

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

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

25 260.245. **The Secretary of State, county clerk or chief city elections officer may not grant**  
26 a certificate of election or certificate of nomination [*may not be granted*] to any candidate until the  
27 candidate has filed the statements relating to the election that the candidate is required to file un-  
28 der [ORS 260.058 and 260.068 and section 6, chapter 542, Oregon Laws 2003] **section 19 of this 2005**  
29 **Act**.

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

32 260.255. (1) **Except as provided in subsection (2) of this section**, a filing officer shall preserve  
33 each statement filed with the officer under ORS [260.058, 260.063, 260.068, 260.073, 260.076,] 260.083,  
34 260.102[, 260.112] or 260.118 [*or section 6, chapter 542, Oregon Laws 2003*] **or section 19 of this 2005**  
35 **Act**, or an accurate copy of it, for at least six **calendar** years after the date of the election to which  
36 the statement refers.

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

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

1 *pare such a summary regarding other offices or measures.]*

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

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

6 260.315. (1) The Secretary of State, at the expense of the state, shall furnish to the other filing  
 7 officers copies of this chapter.

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

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

13 246.021. (1) Except as provided in ORS 247.012 **and subsection (2) of this section**, an election  
 14 document and an accompanying payment of fees required to be filed with the Secretary of State,  
 15 county clerk or other filing officer must be delivered to and actually received at the office of the  
 16 designated officer not later than 5 p.m. of the day the document or fee is due or, if the day due is  
 17 a Saturday, Sunday or holiday, on the next business day.

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

23 (3) Any election document required to be filed with the filing officer other than ballots, voter  
 24 registration cards or petitions requiring signatures of electors may also be filed by means of an  
 25 electronic facsimile transmission machine. If an election document is required to be filed by a  
 26 specified time, the entire document must be received in the office of the filing officer not later than  
 27 5 p.m. of the day the document is due or, if the day due is a Saturday, Sunday or holiday, on the  
 28 next business day.

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

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

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

37 (5) As used in this section, “election document” includes, but is not limited to, a declaration of  
 38 candidacy for nomination for public or political party office, completed nominating petitions, state-  
 39 ments and portraits for voters’ pamphlets, statements of election campaign contributions and  
 40 expenditures, and initiative, referendum or recall petitions.

41 **SECTION 42.** ORS 260.058, 260.063, 260.068, 260.073, 260.076, 260.112, 260.159 and 260.161 and  
 42 **section 6, chapter 542, Oregon Laws 2003, are repealed.**

43 **SECTION 43.** Sections 18 and 19 of this 2005 Act, the amendments to ORS 246.021, 260.005,  
 44 260.043, 260.044, 260.045, 260.049, 260.052, 260.055, 260.078, 260.085, 260.102, 260.118, 260.205,  
 45 260.215, 260.225, 260.232, 260.241, 260.245, 260.255 and 260.315 by sections 22 to 41 of this 2005

1 Act and the repeal of ORS 260.058, 260.063, 260.068, 260.073, 260.076, 260.112, 260.159 and 260.161  
 2 and section 6, chapter 542, Oregon Laws 2003, by section 42 of this 2005 Act:

3 (1) Become operative on January 1, 2007;

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

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

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

14 (2) If the candidate or political committee did not file a statement prior to January 1,  
 15 2007, for a previous election, the accounting period for the first statement begins on the date  
 16 that the name of a treasurer is certified to the filing officer under ORS 260.035 or 260.037.

17 (3) If the last statement of contributions and expenditures filed by the candidate or pol-  
 18 itical committee prior to January 1, 2007, for a previous election shows:

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

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

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

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

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

31 **SECTION 46.** The Secretary of State may take any action before the operative date  
 32 specified in section 43 of this 2005 Act that is necessary to enable the secretary to exercise,  
 33 on and after the operative date specified in section 43 of this 2005 Act, all the duties, func-  
 34 tions and powers conferred upon the secretary by section 19 of this 2005 Act, the amend-  
 35 ments to ORS 246.021, 260.005, 260.043, 260.044, 260.045, 260.049, 260.052, 260.055, 260.078,  
 36 260.083, 260.085, 260.102, 260.118, 260.205, 260.215, 260.225, 260.232, 260.241, 260.245, 260.255 and  
 37 260.315 and section 7 of this 2005 Act by sections 8, 20 and 22 to 41 of this 2005 Act and the  
 38 repeal of ORS 260.058, 260.063, 260.068, 260.073, 260.076, 260.112, 260.159 and 260.161 and section  
 39 6, chapter 542, Oregon Laws 2003, by section 42 of this 2005 Act.

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

42 **SECTION 48.** (1) Section 3 of this 2005 Act and the amendments to ORS 260.039 and  
 43 260.042 by sections 4 and 5 of this 2005 Act apply to political committees for which a state-  
 44 ment of organization is filed prior to, on or after the effective date of this 2005 Act.

45 (2) A political committee for which a statement of organization was filed prior to the

1 effective date of this 2005 Act, and whose filing remains active on the effective date of this  
2 2005 Act, shall:

3 (a) Comply with the requirements of section 3 of this 2005 Act not later than September  
4 30, 2005; and

5 (b) Amend the statement of organization filed by the political committee under ORS  
6 260.039 or 260.042 to identify the location and name of the campaign account required to be  
7 established under section 3 of this 2005 Act not later than September 30, 2005.

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

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

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

14 SECTION 51. Sections 16 and 17 of this 2005 Act apply to expenditures made on or after  
15 the effective date of this 2005 Act.

16 SECTION 52. This 2005 Act being necessary for the immediate preservation of the public  
17 peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect  
18 on its passage.

19 \_\_\_\_\_