

# House Bill 2083

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Presession filed (at the request of Secretary of State Bill Bradbury)

## 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**.

Exempts from disclosure as public record any campaign finance data filed in electronic system provided by Secretary of State but not required by election laws to be made available to public.

Directs candidates and political committees, during week before primary and general elections, to file electronic statement of contributions received or expenditures made not later than two calendar days after contribution is received or expenditure is made.

Requires treasurers of statewide initiative or referendum petitions and treasurers of recall petitions for state offices to file statements of contributions received and expenditures made using electronic filing system adopted by Secretary of State. Directs treasurers of statewide initiative petitions, during period beginning 42 days before deadline for submitting signatures for verification, to file statement not later than seven calendar days after contribution is received or expenditure is made. During other periods, requires filing of statement not later than 30 days after contribution is received or expenditure is made.

Directs treasurers of statewide referendum petitions and recall petitions for state office to file statements not later than seven calendar days after contribution is received or expenditure is made.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to elections; creating new provisions; amending ORS 260.045, 260.057, 260.118 and 260.215;  
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 260.057 is amended to read:

6 260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used  
7 by:

8 (a) All candidates and political committees to file with the secretary statements of contributions  
9 received and expenditures made by the candidates and political committees, as described in ORS  
10 260.083; and

11 (b) **Treasurers appointed by the chief petitioners of statewide initiative or referendum**  
12 **petitions or recall petitions for state offices under ORS 260.118 to file with the secretary**  
13 **statements of contributions received and expenditures made by the treasurers and chief**  
14 **petitioners.**

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

23 (b) **A candidate for nomination or election at any primary or general election or a poli-**

**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 **tical committee supporting or opposing a candidate or measure at any primary or general**  
 2 **election shall file a statement described in subsection (1) of this section not later than two**  
 3 **calendar days after a contribution is received or an expenditure is made. This paragraph**  
 4 **applies to contributions received and expenditures made during the period beginning on the**  
 5 **seventh calendar day before the date of any primary election and ending on the date of the**  
 6 **primary election and the period beginning on the seventh calendar day before the date of any**  
 7 **general election and ending on the date of the general election.**

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

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

17 (4)(a) If a candidate for nomination or election at any primary election or a political committee  
 18 supporting or opposing a candidate or measure at any primary election receives a contribution or  
 19 makes an expenditure prior to:

20 (A) The 42nd calendar day before the date of the primary election and the candidate or political  
 21 committee has not filed a statement of the contribution or expenditure under subsection (3) of this  
 22 section by the 43rd calendar day before the date of the primary election, the candidate or political  
 23 committee shall file a statement described in subsection (1) of this section not later than the 35th  
 24 calendar day before the date of the primary election; **or**

25 (B) **The seventh calendar day before the date of the primary election and the candidate**  
 26 **or political committee has not filed a statement of the contribution or expenditure under**  
 27 **subsection (3) of this section by the eighth calendar day before the date of the primary**  
 28 **election, the candidate or political committee shall file a statement described in subsection**  
 29 **(1) of this section not later than the fifth calendar day before the date of the primary**  
 30 **election.**

31 (b) If a candidate for nomination or election at any general election or a political committee  
 32 supporting or opposing a candidate or measure at any general election receives a contribution or  
 33 makes an expenditure prior to:

34 (A) The 42nd calendar day before the date of the general election and the candidate or political  
 35 committee has not filed a statement of the contribution or expenditure under subsection (3) of this  
 36 section by the 43rd calendar day before the date of the general election, the candidate or political  
 37 committee shall file a statement described in subsection (1) of this section not later than the 35th  
 38 calendar day before the date of the general election; **or**

39 (B) **The seventh calendar day before the date of the general election and the candidate**  
 40 **or political committee has not filed a statement of the contribution or expenditure under**  
 41 **subsection (3) of this section by the eighth calendar day before the date of the general**  
 42 **election, the candidate or political committee shall file a statement described in subsection**  
 43 **(1) of this section not later than the fifth calendar day before the date of the general**  
 44 **election.**

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

- 1 (a) Accept electronic files that conform to the format prescribed by the secretary by rule; or
- 2 (b) Be compatible with any other electronic filing application provided or approved by the sec-
- 3 retary.

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

9 **(b) The secretary may not make data that is filed electronically under this section or**  
 10 **ORS 260.118 and not required to be listed under ORS 260.083 available to the public under this**  
 11 **section. The secretary may not disclose under ORS 192.410 to 192.505 any data that is filed**  
 12 **electronically under this section or ORS 260.118 and not required to be listed under ORS**  
 13 **260.083.**

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

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

- 18 (a) Candidates for federal office;
- 19 (b) Candidates who are not required to file a statement of organization under ORS 260.043; or
- 20 (c) Candidates or political committees who file certificates under ORS 260.112.

21 **SECTION 2.** ORS 260.118, as amended by section 37, chapter 809, Oregon Laws 2005, is  
 22 amended to read:

23 260.118. (1) *[As provided in subsection (2) of this section,]* The chief petitioners of a statewide  
 24 initiative or referendum petition or any recall petition shall[:]

25 *[(a)]* appoint a treasurer *[and certify the name and address of the treasurer to the filing officer]*.  
 26 The treasurer shall be an elector of this state. Contributions shall be received and expenditures  
 27 made by or through the treasurer.

28 *[(b)]* **(2) The treasurer shall** file a statement of organization with the appropriate filing officer.  
 29 **The treasurer shall file the statement not later than the third business day after the chief**  
 30 **petitioners receive a contribution or make an expenditure relating to the statewide initiative**  
 31 **or referendum petition.** The statement shall include:

32 *[(A)]* **(a)** The name and address of the chief petitioners.

33 *[(B)]* **(b)** The name and address of the treasurer appointed under *[paragraph (a) of this]* sub-  
 34 section **(1) of this section.**

35 *[(C)]* **(c)** A designation of the statewide initiative or referendum petition or the recall petition.  
 36 The designation of the recall petition shall include the name of the officer whose recall is demanded.

37 *[(2) The chief petitioners shall certify the name of the treasurer and file the statement of organ-*  
 38 *ization not later than the third business day after the chief petitioners receive a contribution or make*  
 39 *an expenditure relating to the statewide initiative or referendum petition.]*

40 (3) *[Any]* **If there is a** change in the information submitted in a statement of organization under  
 41 subsection *[(1)]* **(2)** of this section, **the treasurer** shall *[be indicated in]* **file** an amended *[certification*  
 42 *or an amended]* statement of organization *[filed]* not later than the 10th day after the change in in-  
 43 formation.

44 *[(4) For each statewide initiative petition, the treasurer appointed under subsection (1) of this sec-*  
 45 *tion shall file with the Secretary of State a statement described in subsection (7) of this section for each*

1 *period described in this subsection. A statement shall be filed under this subsection beginning with the*  
 2 *period during which the aggregate amount of contributions received or expenditures made exceeds*  
 3 *\$2,000. The following statements shall be filed:]*

4 *[(a) A statement of contributions received and expenditures made filed not later than September 10*  
 5 *of an odd-numbered year. The accounting period for the statement required under this paragraph be-*  
 6 *gins on the date the treasurer is appointed under subsection (1) of this section and ends on September*  
 7 *1.]*

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

12 *[(c) A statement of contributions received and expenditures made filed not later than the 12th day*  
 13 *before the date of the primary election. The accounting period for the statement required under this*  
 14 *paragraph begins on the date the treasurer is appointed under subsection (1) of this section or on the*  
 15 *day following the last day of the accounting period for the previous statement filed and ends on the*  
 16 *16th day before the date of the primary election.]*

17 *[(5) Not later than the 15th day after the last day for filing a statewide initiative or referendum*  
 18 *petition or any recall petition with the filing officer for verification of signatures, the treasurer ap-*  
 19 *pointed under subsection (1) of this section shall file with the filing officer a statement described in*  
 20 *subsection (7) of this section. The statement required under this subsection shall be filed whether or*  
 21 *not the petition was completed or filed or was withdrawn under ORS 250.029.]*

22 **(4) The treasurer of a statewide initiative or referendum petition or a recall petition for**  
 23 **a state office shall use the electronic filing system adopted under ORS 260.057 to file with the**  
 24 **Secretary of State statements of contributions received and expenditures made by the**  
 25 **treasurer, as described in ORS 260.083.**

26 **(5) The treasurer of a statewide initiative petition shall file a statement described in**  
 27 **subsection (4) of this section not later than seven calendar days after a contribution is re-**  
 28 **ceived or an expenditure is made. This subsection applies to contributions received and**  
 29 **expenditures made during the period beginning on the 42nd calendar day before the deadline**  
 30 **for submitting signatures for verification and ending on the deadline for submitting signa-**  
 31 **tures for verification.**

32 **(6) The treasurer of a statewide referendum petition or a recall petition for a state office**  
 33 **shall file a statement described in subsection (4) of this section not later than seven calendar**  
 34 **days after a contribution is received or an expenditure is made. This subsection applies:**

35 **(a) For a statewide referendum petition, to contributions received and expenditures made**  
 36 **during the period beginning on the date the treasurer is appointed under subsection (1) of**  
 37 **this section and ending on the deadline for submitting signatures for verification; and**

38 **(b) For a recall petition for a state office, to contributions received and expenditures**  
 39 **made during the period beginning on the day after the date on which the statement of con-**  
 40 **tributions received and expenditures made required under ORS 249.865 is filed and ending on**  
 41 **the deadline for submitting signatures for verification.**

42 **(7) Except as provided in subsection (8) of this section, during a period not described in**  
 43 **subsection (5) or (6) of this section, a treasurer of a statewide initiative or referendum pe-**  
 44 **tion or of a recall petition for a state office shall file a statement described in subsection**  
 45 **(4) of this section not later than 30 calendar days after a contribution is received or an ex-**

1 **penditure is made.**

2 **(8) If a treasurer of a statewide initiative petition receives a contribution or makes an**  
 3 **expenditure prior to the 42nd calendar day before the deadline for submitting signatures for**  
 4 **verification and the treasurer has not filed a statement of the contribution or expenditure**  
 5 **under subsection (4) of this section by the 43rd calendar day before the deadline for submit-**  
 6 **ting signatures for verification, the treasurer shall file a statement described in subsection**  
 7 **(4) of this section not later than the 35th calendar day before the deadline for submitting**  
 8 **signatures for verification.**

9 [(6)] **(9)** Not later than the 15th day after the date an initiative or referendum petition that is  
 10 not statewide is filed with the filing officer for verification of signatures, the chief petitioners of the  
 11 initiative or referendum petition shall file with the filing officer a statement described in subsection  
 12 [(7)] **(11)** of this section.

13 **(10) Not later than the 15th day after the last day for filing a recall petition for other**  
 14 **than state office with the filing officer for verification of signatures, the treasurer appointed**  
 15 **under subsection (1) of this section shall file with the filing officer a statement described in**  
 16 **subsection (11) of this section. The statement required under this subsection shall be filed**  
 17 **whether or not the petition was completed or filed.**

18 [(7)] **(11)** The statement [referred to in subsections (4) to (6)] **required by subsection (9) or (10)**  
 19 of this section shall include the following information:

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

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

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

24 [(8)(a) *For a statewide initiative petition, the accounting period for the statement required by sub-*  
 25 *section (5) of this section begins on the 15th day before the date of the primary election and ends on*  
 26 *the deadline for submitting signatures for verification.*]

27 [(b) *For a statewide referendum petition, the accounting period for the statement required by sub-*  
 28 *section (5) of this section begins on the date that the name of the treasurer is certified to the filing of-*  
 29 *ficer under this section. The accounting period ends on the deadline for submitting signatures for*  
 30 *verification.*]

31 [(c) *For a recall petition, the accounting period for the statement required by subsection (5) of this*  
 32 *section begins on the day after the date on which the statement of contributions received and expen-*  
 33 *ditures made required under ORS 249.865 is filed. The accounting period ends on the deadline for*  
 34 *submitting signatures for verification.*]

35 **(12)(a) For a statewide initiative petition, the accounting period for the first statement**  
 36 **filed under this section begins on the date the treasurer is appointed under subsection (1)**  
 37 **of this section.**

38 [(d)] **(b)** For an initiative or referendum petition that is not statewide, the accounting period for  
 39 the statement required by subsection [(6)] **(9)** of this section begins on the date the prospective pe-  
 40 tition is filed and ends on the date that signatures are submitted for verification.

41 **(c) For a recall petition for other than state office, the accounting period for the state-**  
 42 **ment required by subsection (10) of this section begins on the day after the date on which**  
 43 **the statement of contributions received and expenditures made required under ORS 249.865**  
 44 **is filed. The accounting period ends on the deadline for submitting signatures for verification.**

45 [(9)(a) *If a statement filed under subsection (5) of this section for a statewide initiative or referen-*

1 *dum petition or any recall petition that did not qualify for the ballot shows an unexpended balance of*  
 2 *contributions or an expenditure deficit, and the chief petitioner's committee does not intend to support*  
 3 *or oppose a measure that is on the subsequent general election ballot, a supplemental statement shall*  
 4 *be filed annually not later than September 10.]*

5 *[(b) If a statement filed under this section for a statewide initiative or referendum petition or any*  
 6 *recall petition that did not qualify for the ballot shows an unexpended balance of contributions or an*  
 7 *expenditure deficit, and the chief petitioner's committee intends to support or oppose a measure that is*  
 8 *on the subsequent general election ballot, the treasurer appointed under subsection (1) of this section*  
 9 *need not file a supplemental statement in that year, but shall file the statements required under ORS*  
 10 *260.057.]*

11 *[(c) The accounting period for the supplemental statement required by this subsection begins on the*  
 12 *day following the last day of the accounting period for the previous statement filed and ends on Sep-*  
 13 *tember 1.]*

14 *[(10)] (13) Each statement required under [subsections (4) to (6) of] this section shall be signed*  
 15 *and certified as true by the chief petitioner or treasurer required to file it. **Signatures shall be***  
 16 ***supplied in the manner specified by the secretary by rule.***

17 *[(11)] (14) As used in this section, "contribution" and "expenditure" include a contribution or*  
 18 *expenditure to or on behalf of an initiative, referendum or recall petition.*

19 **SECTION 3.** ORS 260.045, as amended by section 29a, chapter 809, Oregon Laws 2005, is  
 20 amended to read:

21 260.045. (1) If a candidate or treasurer receives a contribution of more than \$100 from a political  
 22 committee not in this state, the candidate or treasurer shall file the following if required under  
 23 subsection (2) of this section:

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

29 (b) An affidavit that to the best of the candidate's or treasurer's knowledge and belief the con-  
 30 tributing political committee will not make contributions to candidates and treasurers in this state  
 31 that exceed two-thirds, in total amount, of all contributions made by it in this state and elsewhere  
 32 during the calendar year [*or the period described in ORS 260.118 (4) or (8)*] for which the statement  
 33 is filed. The affidavit shall be filed at the same time the statement is filed regarding the contribution.

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

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

36 (b) The Secretary of State receives a request for the filing from any person made not later than  
 37 six months after the deadline for filing a statement under ORS 260.057 or 260.118 [*(4) or (8)*], if a  
 38 candidate or treasurer files a statement reporting a contribution received from a political committee  
 39 not in this state.

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

43 **SECTION 4.** ORS 260.215, as amended by section 39a, chapter 809, Oregon Laws 2005, is  
 44 amended to read:

45 260.215. (1) For statements filed during each calendar year, each filing officer shall examine each

1 statement filed with the filing officer under ORS 260.044 (1), 260.057, 260.083, 260.102, [or] 260.112  
2 **or 260.118 (4)** to determine whether the statement is sufficient. The filing officer shall examine  
3 statements under this section not later than 90 days after the end of each calendar quarter for  
4 statements filed during the previous calendar quarter.

5 (2) Not later than the third month after the date a statement is filed under ORS 260.118 **(9) or**  
6 **(10)**, the filing officer shall examine the statement to determine whether the statement is sufficient.

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

11 (4)(a) For statements filed during each calendar year, in addition to the requirements of ORS  
12 260.205 and this section, the Secretary of State shall review statements filed with the secretary un-  
13 der ORS 260.057 by the principal campaign committees of all candidates for nomination or election  
14 to state office. For each review, the secretary shall require a candidate or treasurer of a political  
15 committee to provide documentation of not more than eight transactions.

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

17 (c) As used in this subsection, "state office" does not include the office of judge or district at-  
18 torney.

19 **SECTION 5. (1) The amendments to ORS 260.057 (2) and (4) by section 1 of this 2007 Act**  
20 **apply to contributions received and expenditures made on or after January 1, 2008.**

21 **(2) The amendments to ORS 260.057 (6) by section 1 of this 2007 Act apply to data filed**  
22 **electronically prior to, on or after January 1, 2008.**

23 **(3) The amendments to ORS 260.045, 260.118 and 260.215 by sections 2, 3 and 4 of this 2007**  
24 **Act apply to initiative and referendum petitions and any recall petitions for which a pro-**  
25 **spective petition is filed prior to, on or after January 1, 2008.**

26 **SECTION 6. (1) Except as provided in subsections (2) and (3) of this section, a treasurer**  
27 **or chief petitioner of an initiative, referendum or recall petition shall file a first statement**  
28 **of contributions received and expenditures made under ORS 260.057 and 260.118, as amended**  
29 **by sections 1 and 2 of this 2007 Act, for contributions received and expenditures made on or**  
30 **after January 1, 2008.**

31 **(2) The first statement of contributions received and expenditures made filed by a**  
32 **treasurer or chief petitioner of an initiative, referendum or recall petition under ORS 260.057**  
33 **and 260.118, as amended by sections 1 and 2 of this 2007 Act, on or after January 1, 2008, shall**  
34 **include any contributions received or expenditures made by the treasurer or chief petitioner**  
35 **prior to January 1, 2008, that were not included on a statement filed with a filing officer prior**  
36 **to January 1, 2008.**

37 **(3) If the last statement of contributions and expenditures filed by a treasurer or chief**  
38 **petitioner of an initiative, referendum or recall petition prior to January 1, 2008, shows an**  
39 **unexpended balance of contributions or an expenditure deficit, the first statement of contri-**  
40 **butions received and expenditures made required under ORS 260.057 and 260.118, as amended**  
41 **by sections 1 and 2 of this 2007 Act, shall list a beginning balance in an amount equal to the**  
42 **amount of the unexpended balance of contributions or the amount of the expenditure deficit.**

43 **SECTION 7. The Secretary of State, a county clerk or other elections officer may take**  
44 **any action before January 1, 2008, that is necessary to enable the secretary, clerk or**  
45 **elections officer to exercise, on and after January 1, 2008, all the duties, functions and pow-**

1   ers conferred upon the secretary, clerk or elections officer by ORS 260.045, 260.057, 260.118  
2   and 260.215 as amended by sections 1 to 4 of this 2007 Act.

3       SECTION 8. The amendments to ORS 260.045, 260.057, 260.118 and 260.215 by sections 1  
4   to 4 of this 2007 Act become operative on January 1, 2008.

5       SECTION 9. This 2007 Act being necessary for the immediate preservation of the public  
6   peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect  
7   on its passage.

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