

# House Bill 3327

Sponsored by COMMITTEE ON ELECTIONS, ETHICS 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**.

Modifies schedule for electronic campaign finance statements. Requires statements for each calendar month. Requires additional statements for each period of seven days during period beginning 30 days before primary and general elections and ending on 10th day before election. Requires additional statements for each period of three days during period beginning ninth day before primary and general elections and ending on third day before election. Sets aggregate thresholds for pre-election statements.

Allows candidate or treasurer of political committee to designate person to file campaign finance statements or amendments to statements or organization. Sets rules for liability of person.

Sets maximum amounts for civil penalties that may be imposed for failure to file campaign finance statement or failure to include required information in campaign finance statement.

Requires campaign finance civil penalties be imposed not later than 180 days after violation occurs. Sets requirements for issuance of civil penalties.

Directs filing officers to inform candidate or treasurer of all insufficiencies discovered during inspection or examination of campaign finance statement. Allows candidate or treasurer to remedy violation without penalty in next statement.

Directs Secretary of State to publish campaign finance manual. Prohibits adoption of manual as administrative rule.

## A BILL FOR AN ACT

1  
2 Relating to elections; creating new provisions; and amending ORS 246.021, 260.037, 260.039, 260.042,  
3 260.054, 260.057, 260.232 and 260.345.

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 by  
7 all candidates and political committees to file with the secretary statements of contributions re-  
8 ceived and expenditures made by the candidates and political committees, as described in ORS  
9 260.083.

10 *[(2)(a) A candidate for nomination or election at any primary or general election or a political*  
11 *committee supporting or opposing a candidate or measure at any primary or general election shall file*  
12 *a statement described in subsection (1) of this section not later than seven calendar days after a con-*  
13 *tribution is received or an expenditure is made. This paragraph applies to contributions received and*  
14 *expenditures made during the period beginning on the 42nd calendar day before the date of any pri-*  
15 *mary election and ending on the date of the primary election and the period beginning on the 42nd*  
16 *calendar day before the date of any general election and ending on the date of the general election.]*

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

21 *[(3) Except as provided in subsection (4) of this section, during a period not described in subsection*  
22 *(2) of this section, a candidate or political committee shall file a statement described in subsection (1)*

**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 of this section not later than 30 calendar days after a contribution is received or an expenditure is  
 2 made.]

3 **(2) Each candidate or political committee shall use the electronic filing system to file a**  
 4 **statement described in subsection (1) of this section for each calendar month.**

5 **(3) In an even-numbered year, in addition to the statements required under subsection**  
 6 **(2) of this section:**

7 **(a) During the periods that begin on the 30th calendar day before the primary and general**  
 8 **elections and end on the 10th day before the primary election and general elections, each**  
 9 **candidate or political committee shall use the electronic filing system to file a statement**  
 10 **described in subsection (1) of this section for each period of seven calendar days; and**

11 **(b) During the periods that begin on the ninth calendar day before the primary and gen-**  
 12 **eral elections and end on the third day before the primary election and general elections,**  
 13 **each candidate or political committee shall use the electronic filing system to file a state-**  
 14 **ment described in subsection (1) of this section for each period of three calendar days.**

15 **(4) Candidates and political committees shall file the statements described in subsection**  
 16 **(3) of this section if, during the applicable period, the candidate or political committee re-**  
 17 **ceives contributions or makes expenditures in an aggregate amount exceeding:**

18 **(a) \$1,000 for a candidate for other than state office or a political committee supporting**  
 19 **or opposing only candidates for other than state office or measures other than state meas-**  
 20 **ures;**

21 **(b) \$2,500 for a candidate for state Senator or state Representative or a political com-**  
 22 **mittee supporting or opposing only candidates for state Senator or state Representative;**

23 **(c) \$2,500 for a political committee supporting or opposing a candidate for other than**  
 24 **state office and a candidate for state office or a measure other than a state measure and a**  
 25 **state measure; and**

26 **(d) \$5,000 for a candidate for state office other than state Senator or state Representative**  
 27 **or a political committee supporting or opposing only candidates for state office other than**  
 28 **state Senator or state Representative or a state measure.**

29 **(5)(a) Candidates or political committees shall file statements required for each calendar**  
 30 **month not later than the 15th calendar day of the following month. The accounting periods**  
 31 **for the statements begin on the first day of the month and end on the last day of the month.**  
 32 **If a candidate or political committee does not receive a contribution or make an expenditure**  
 33 **during a calendar month, the candidate or political committee shall file a statement for that**  
 34 **month indicating no activity. The statement indicating no activity shall be filed in lieu of the**  
 35 **statement required under subsection (1) of this section.**

36 **(b) Candidates or political committees shall file statements required under subsections**  
 37 **(3) and (4) of this section not later than the next calendar day after the end of the applicable**  
 38 **reporting period.**

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

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

8        [(5)] (6) The electronic filing system shall be provided free of charge by the secretary and:

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

10       (b) Be compatible with any other electronic filing application provided or approved by the sec-  
 11 retary.

12       [(6)] (7) The secretary shall make all data filed electronically under this section and all infor-  
 13 mation filed with the secretary under ORS 260.044, 260.045, 260.049, 260.085, 260.102 or 260.118  
 14 available on the Internet to the public free of charge according to a schedule adopted by the sec-  
 15 retary by rule. The secretary shall make the data available in a searchable database that is easily  
 16 accessible by the public.

17       [(7)] (8)(a) **Except as provided in paragraph (b) of this subsection**, each statement required  
 18 by this section shall be signed and certified as true by the candidate or treasurer required to file  
 19 it.

20       **(b) A candidate or treasurer may designate a person to sign and certify as true a state-**  
 21 **ment required by this section. The designation must be filed in writing with the secretary**  
 22 **and must be renewed for each calendar year.**

23       (c) Signatures shall be supplied in the manner specified by the secretary by rule.

24       [(8)] (9) Subsections (1) to [(7)] (8) of this section do not apply to:

25       (a) Candidates for federal office;

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

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

28       **SECTION 2.** ORS 246.021, as amended by section 46, chapter 809, Oregon Laws 2005, is  
 29 amended to read:

30       246.021. (1) Except as provided in ORS 247.012 and subsection (2) of this section, an election  
 31 document and an accompanying payment of fees required to be filed with the Secretary of State,  
 32 county clerk or other filing officer must be delivered to and actually received at the office of the  
 33 designated officer not later than 5 p.m. of the day the document or fee is due or, if the day due is  
 34 a Saturday, Sunday or holiday, on the next business day.

35       (2) If, at 5 p.m. of the day an election document is due, an individual is physically present in the  
 36 office of the secretary, county clerk or other filing officer and in line waiting to deliver the docu-  
 37 ment, the individual is considered to have begun the act of delivering the document and is permitted  
 38 to file it.

39       (3) Any election document required to be filed with the filing officer other than ballots, voter  
 40 registration cards or petitions requiring signatures of electors may also be filed by means of an  
 41 electronic facsimile transmission machine. If an election document is required to be filed by a  
 42 specified time, the entire document must be received in the office of the filing officer not later than  
 43 5 p.m. of the day the document is due or, if the day due is a Saturday, Sunday or holiday, on the  
 44 next business day.

45       (4) Notwithstanding any provision of subsections (1) to (3) of this section, if a statement is re-

1 quired to be filed electronically under ORS 260.057:

2 (a) The statement must be received electronically at the office of the Secretary of State not later  
3 than 5 p.m. of the day the statement is due or, if the day due is a Saturday, Sunday or holiday, on  
4 the next business day; and

5 (b) The Secretary of State may not accept the filing of the statement in any form other than an  
6 electronic format.

7 (5) As used in this section[,]:

8 (a) "Election document" includes, but is not limited to, a declaration of candidacy for nomi-  
9 nation for public or political party office, completed nominating petitions, statements and portraits  
10 for voters' pamphlets, statements of election campaign contributions and expenditures, and initiative,  
11 referendum or recall petitions.

12 (b) "**Holiday**" means any holiday recognized under state or federal law.

13 **SECTION 3.** ORS 260.037 is amended to read:

14 260.037. (1) A candidate may serve as the candidate's own treasurer or may appoint and certify  
15 to the filing officer the name and address of a treasurer.

16 (2) A candidate's treasurer shall perform all the duties prescribed for the candidate under ORS  
17 260.005 and 260.035 to 260.159.

18 (3) The candidate, in addition to the treasurer **and any person designated by the candidate**  
19 **or treasurer under ORS 260.039, 260.042 or 260.057**, shall be personally responsible for the per-  
20 formance of [*such duties and*] **the duties referred to in subsection (2) of this section.** Any default  
21 or violation by the treasurer [*shall be*] **is conclusively considered a default or violation by the candi-**  
22 **date. Any default or violation by the person designated by the candidate or treasurer under**  
23 **ORS 260.039, 260.042 or 260.057 is conclusively considered a default or violation by the candi-**  
24 **date or treasurer.**

25 (4) **A violation by a person designated by the candidate or treasurer under ORS 260.039,**  
26 **260.042 or 260.057 is not considered a violation by the candidate or treasurer if the person**  
27 **acted with intent to cause the violation.**

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

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

32 (a) The name, address, occupation, office sought and party affiliation of the candidate. The ad-  
33 dress shall be the address of a residence, office, headquarters or similar location where the candi-  
34 date may be conveniently located; **and**

35 (b) In the case of a principal campaign committee:

36 (A) The name and address of the committee. The address shall be the address of a residence,  
37 office, headquarters or similar location where the political committee or a responsible officer of the  
38 political committee may be conveniently located.

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

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

41 (D) The name and address of any other political committee of which two or more committee  
42 directors are also directors of the committee filing the statement[; *and*]

43 [*c*] *The name of the financial institution in which the campaign account required under ORS*  
44 *260.054 is established, the name and number of the account, the name of the account holder and the*  
45 *names of all persons who have signature authority for the account. The Secretary of State may not*

1 *disclose information received by the secretary under this paragraph except as necessary for purposes*  
2 *of enforcing the provisions of ORS chapters 246 to 260].*

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

7 (3) Any change in information submitted in a statement of organization under subsection (1) of  
8 this section shall be indicated in an amended statement of organization filed not later than the 10th  
9 day after the change in information. **A candidate or treasurer may designate a person to file**  
10 **an amended statement required by this section. The designation must be filed in writing with**  
11 **the secretary and must be renewed for each calendar year.**

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

17 (5) Except as provided in ORS 260.043, a candidate who serves as the candidate's own treasurer  
18 or the treasurer of the principal campaign committee of a candidate shall file a new or amended  
19 statement of organization not later than the date that the candidate files a nominating petition,  
20 declaration of candidacy or certificate of nomination. **A candidate or treasurer may designate a**  
21 **person to file an amended statement required by this section. The designation must be filed**  
22 **in writing with the secretary and must be renewed for each calendar year.**

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

24 260.042. (1) The treasurer of a political committee shall file a statement of organization with the  
25 filing officer. The statement shall include:

26 (a) The name, address and nature of the committee. The address shall be the address of a resi-  
27 dence, office, headquarters or similar location where the political committee or a responsible officer  
28 of the political committee may be conveniently located.

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

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

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

33 (e) The name, office sought, and party affiliation of each candidate whom the committee is sup-  
34 porting or specifically opposing or intends to support or specifically oppose, when known, or, if the  
35 committee is supporting or specifically opposing all the candidates of a given party, the name of that  
36 party.

37 (f) A designation of any measure that the committee is opposing or supporting, or intends to  
38 support or oppose.

39 [(g) *The name of the financial institution in which the campaign account required under ORS*  
40 *260.054 is established, the name and number of the account, the name of the account holder and the*  
41 *names of all persons who have signature authority for the account. The Secretary of State may not*  
42 *disclose information received by the secretary under this paragraph except as necessary for purposes*  
43 *of enforcing the provisions of ORS chapters 246 to 260.]*

44 [(h)] (g) A statement of whether the committee is a controlled committee.

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

1 (3) Any change in information submitted in a statement of organization under subsection (1) of  
 2 this section shall be indicated in an amended statement of organization filed not later than the 10th  
 3 day after the change in information. **A candidate or treasurer may designate a person to file**  
 4 **an amended statement required by this section. The designation must be filed in writing with**  
 5 **the secretary and must be renewed for each calendar year.**

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

9 **SECTION 6.** ORS 260.232, as amended by section 41, chapter 809, Oregon Laws 2005, is  
 10 amended to read:

11 260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in  
 12 addition to any other penalty that may be imposed, for:

13 (a) Failure to file a statement or certificate required to be filed under ORS 260.044 (1), 260.057,  
 14 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118.

15 (b) Failure to include in a statement filed under ORS 260.057, 260.076, 260.078, 260.083, 260.102,  
 16 260.112 or 260.118 the information required under ORS 260.057, 260.076, 260.083, 260.102 or 260.118.

17 (2) If a person required to file has not filed a statement or certificate complying with applicable  
 18 provisions of ORS 260.044 (1), 260.057, 260.076, 260.078, 260.083, 260.085, 260.102, 260.112 or 260.118  
 19 within the time specified in ORS 260.057, 260.076, 260.078 or 260.118, the Secretary of State by cer-  
 20 tified mail shall notify the person that a penalty may be imposed and that the person has 20 days  
 21 to request a hearing before the Secretary of State. If the person required to file is a candidate or  
 22 the principal campaign committee of a candidate, the Secretary of State shall send the notice de-  
 23 scribed in this subsection by certified mail to the individual who is the candidate and by first class  
 24 mail to the candidate's treasurer or the treasurer of the candidate's principal campaign committee.  
 25 The notice sent by certified mail to the individual who is a candidate shall be used for purposes of  
 26 determining the deadline for requesting a hearing under subsection (3) of this section. The Secretary  
 27 of State is not required to send two notices if the candidate serves as the treasurer of the candi-  
 28 date's principal campaign committee.

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

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

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

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

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

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

44 (6) The person against whom a penalty may be assessed need not appear in person at a hearing  
 45 held under this section, but instead may submit written testimony and other evidence, subject to the

1 penalty for false swearing, to the Secretary of State for entry in the hearing record. The testimony  
 2 and other evidence must be received by the secretary not later than three business days before the  
 3 day of the hearing.

4 (7) [A civil penalty imposed under this section may not be more than:]

5 [(a) \$10,000 for failure to file a statement or certificate required to be filed under ORS 260.044 (1),  
 6 260.057, 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118; or]

7 [(b) \$10,000 for each failure to include in a statement filed under ORS 260.057, 260.076, 260.078,  
 8 260.083, 260.102, 260.112 or 260.118 the information required under ORS 260.057, 260.076, 260.083,  
 9 260.102 or 260.118.] **A civil penalty imposed under this section for failure to file a statement**  
 10 **required to be filed under ORS 260.044 (1), 260.057, 260.076, 260.078, 260.083, 260.102 or 260.118**  
 11 **may not exceed:**

12 (a) **For each of the first 10 business days that the statement is not filed, an amount equal**  
 13 **to one percent of the total amount of contributions required to be listed on the statement**  
 14 **or one percent of the total amount of expenditures required to be listed on the statement,**  
 15 **whichever is greater;**

16 (b) **For each business day after the 10th business day that the statement is not filed, an**  
 17 **amount equal to five percent of the total amount of contributions required to be listed on**  
 18 **the statement or five percent of the total amount of expenditures required to be listed on**  
 19 **the statement, whichever is greater; or**

20 (c) **A maximum amount of \$5,000 for the first violation in a biennium.**

21 (8) **A civil penalty imposed under this section for failure to include in a statement filed**  
 22 **under ORS 260.057, 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118 the information re-**  
 23 **quired under ORS 260.057, 260.076, 260.083, 260.102 or 260.118 may not exceed:**

24 (a) **For each business day of the first calendar month that the information is not in-**  
 25 **cluded, an amount equal to one percent of the total amount of information that is not in-**  
 26 **cluded;**

27 (b) **For each business day after the first calendar month that the information is not in-**  
 28 **cluded, an amount equal to two percent of the total amount of information that is not in-**  
 29 **cluded; or**

30 (c) **A maximum amount equal to:**

31 (A) **The total amount of information that is not included and that is less than one year**  
 32 **late; and**

33 (B) **Twice the total amount of information that is not included and that is more than one**  
 34 **year late.**

35 (9) **A civil penalty imposed under this section may not be more than \$10,000 for failure**  
 36 **to file a certificate required to be filed under ORS 260.112.**

37 (10) **Penalties described in subsection (7) of this section are the exclusive penalties that**  
 38 **may be imposed under this section for statements required to be filed under ORS 260.057 (3).**

39 (11)(a) **The Secretary of State may not impose a penalty of \$25 or less under this section.**

40 (b) **The secretary shall waive collection of the first three penalties imposed under this**  
 41 **section in a biennium against a candidate or treasurer in an amount that exceeds \$25 and is**  
 42 **less than \$100. A candidate or treasurer may appeal the penalty.**

43 [(8)] (12) **The Secretary of State, upon a showing of mitigating circumstances, may reduce the**  
 44 **amount of the penalty described in [subsection (7) of] this section.**

45 (13) **The Secretary of State must impose a civil penalty under this section not later than**

1 180 days after the date the violation occurred. During a session of the Legislative Assembly,  
 2 the secretary may not impose a civil penalty under this section against a member of the  
 3 Legislative Assembly. The secretary must impose the penalty not later than 30 days after  
 4 adjournment sine die of the session of the Legislative Assembly.

5 [(9)] (14) Except as otherwise provided by this section, civil penalties under this section shall  
 6 be imposed as provided in ORS 183.745.

7 **SECTION 7.** Sections 8 to 10 of this 2007 Act are added to and made a part of ORS  
 8 chapter 260.

9 **SECTION 8.** (1) If the treasurer of a political committee that is not a principal campaign  
 10 committee files an amendment to a statement referred to in ORS 260.232 during the first six  
 11 months after replacing a previous treasurer for the same committee, and the amendment  
 12 relates to a statement filed by the previous treasurer, the Secretary of State shall impose  
 13 any civil penalty under ORS 260.232 related to the amendment against the previous treasurer.

14 (2) The secretary may not provide notice of a civil penalty imposed under ORS 260.232  
 15 solely by electronic mail.

16 (3) In any notice of penalty provided to a candidate or treasurer, the secretary shall list  
 17 the transactions generating the proposed penalty in chart format.

18 (4)(a) Subject to paragraph (b) of this section, the secretary may not provide public notice  
 19 of penalties the secretary proposes to impose under ORS 260.232 until the secretary has no-  
 20 tified the candidate or treasurer against whom the penalty is imposed.

21 (b) The secretary may not provide public notice on the Internet of penalties the secretary  
 22 proposes to impose under ORS 260.232.

23 (c) The secretary may provide public notice on the Internet of all final orders imposing  
 24 penalties under ORS 260.232.

25 **SECTION 9.** (1) In any inspection or examination conducted under ORS 260.205 or 260.215,  
 26 the filing officer or Secretary of State shall notify the person filing the statement of all in-  
 27 sufficiencies the filing officer or secretary discovered as a result of the inspection or exam-  
 28 ination.

29 (2) The person may cure the insufficiency without penalty not later than the date the  
 30 next statement for that candidate or treasurer must be filed and may submit third party  
 31 documentation or signed statements from the candidate or treasurer explaining the reason  
 32 for any amendment to the original statement.

33 **SECTION 10.** (1) The Secretary of State shall issue a comprehensive election campaign  
 34 finance manual not later than January 31 of each even-numbered year. The secretary may  
 35 delay issuance of the manual if state election law was significantly changed during the pre-  
 36 vious calendar year.

37 (2) The secretary may not adopt the election campaign finance manual as an adminis-  
 38 trative rule.

39 (3) The secretary shall adopt rules implementing provisions of ORS chapter 246 to 260  
 40 organized according to election law topics. The secretary may not adopt consolidated or  
 41 omnibus rules.

42 (4) The secretary shall notify by electronic mail all candidates or political committee  
 43 treasurers of any proposed and final administrative rules adopted under ORS 246.150.

44 (5) If the secretary gives notice of the adoption, amendment or repeal of a rule under  
 45 ORS 183.335, the secretary may not change the proposal for adoption, amendment or repeal



1 **during the period beginning on the date the notice is given and ending on the date any**  
 2 **hearing is held under ORS 183.335 (3), unless the secretary provides another notice under**  
 3 **ORS 183.335 (1).**

4 **SECTION 11.** ORS 260.345 is amended to read:

5 260.345. (1) Any elector may file with any filing officer a written complaint alleging that a vio-  
 6 lation of an election law or rule adopted by the Secretary of State under ORS chapters 246 to 260  
 7 has occurred and stating the reason for believing that the violation occurred and any evidence re-  
 8 lating to it. A complaint alleging a violation involving the Secretary of State, a candidate for the  
 9 office of Secretary of State, or any political committee or person supporting the Secretary of State  
 10 or a candidate for the office of Secretary of State may be filed with the Attorney General. The  
 11 Secretary of State or Attorney General *[shall]* **may** not accept an anonymous complaint.

12 (2) The Secretary of State by rule shall prescribe the procedure for processing a complaint filed  
 13 with any person other than the Secretary of State. If the complaint concerns the Secretary of State,  
 14 any candidate for the office of the Secretary of State, or any political committee or person sup-  
 15 porting the candidacy of the Secretary of State or of another person for the office of Secretary of  
 16 State, the complaint and any additional information relating to the complaint shall be sent to the  
 17 Attorney General.

18 (3)(a) Upon receipt of a complaint under subsection (1) or (2) of this section the Secretary of  
 19 State or Attorney General immediately shall examine the complaint to determine whether a vio-  
 20 lation of an election law or rule has occurred and shall make any investigation the Secretary of  
 21 State or Attorney General considers necessary.

22 (b) Except as provided in this subsection, within 48 hours of receiving a complaint under sub-  
 23 section (1) or (2) of this section, the Secretary of State or Attorney General shall notify the person  
 24 who is the subject of the complaint that a complaint has been received.

25 (c) If the Secretary of State or Attorney General receives a complaint or complaints involving  
 26 25 or more individuals or political committees in any 24-hour period, the Secretary of State or At-  
 27 torney General need not notify the persons who are the subjects of those complaints within 48 hours  
 28 of receiving the complaints but shall notify those persons not later than 10 business days after re-  
 29 ceiving the complaint or complaints.

30 (4) If the Secretary of State believes after an investigation under subsection (3) of this section  
 31 that a violation of an election law or rule has occurred, the secretary:

32 (a) In the case of a violation that is subject to a penalty under ORS 260.993, immediately shall  
 33 report the findings to the Attorney General and request prosecution. If the violation involves the  
 34 Attorney General, a candidate for *[that office]* **Attorney General** or a political committee or person  
 35 supporting or opposing the Attorney General or a candidate for *[that office]* **Attorney General**, the  
 36 Secretary of State shall appoint another prosecutor for that purpose; or

37 (b) In the case of a violation not subject to a penalty under ORS 260.993, may impose a civil  
 38 penalty under ORS **260.232** or 260.995.

39 (5) Upon receipt of a complaint or report under subsection (1), (2) or (4) of this section involving  
 40 an alleged violation subject to a penalty under ORS 260.993, the Attorney General or other  
 41 prosecutor immediately shall examine the complaint or report to determine whether a violation of  
 42 an election law has occurred. If the Attorney General or prosecutor determines that a violation  
 43 has occurred, the Attorney General or prosecutor immediately shall begin prosecution in the name  
 44 of the state. The Attorney General or other prosecutor *[shall have]* **has** the same powers in any  
 45 county of this state as the district attorney for the county.

1 (6) Upon receipt of a complaint under subsection (1) or (2) of this section involving an alleged  
 2 violation of an election law or rule not subject to a penalty under ORS 260.993, the Attorney Gen-  
 3 eral shall examine the complaint to determine whether a violation of an election law or rule has  
 4 occurred and shall make any investigation the Attorney General considers necessary. If the Attor-  
 5 ney General believes after an investigation that a violation of an election law or rule has occurred,  
 6 the Attorney General may impose a civil penalty under ORS **260.232 or** 260.995.

7 (7) In the case of an alleged violation subject to a civil penalty under ORS **260.232 or** 260.995,  
 8 [*a complaint shall be filed by*] an elector **must file a complaint** under this section no later than 90  
 9 days following the election at which a violation of an election law or rule is alleged to have oc-  
 10 curred, or 90 days following the date the violation of an election law or rule is alleged to have oc-  
 11 curred, whichever is later.

12 (8)(a) A filing officer having reason to believe that a violation of an election law or rule has  
 13 occurred shall proceed promptly as though the officer had received a complaint.

14 (b) **Except as provided in ORS 260.232**, a filing officer shall proceed under this subsection no  
 15 later than two years following the election at which a violation of an election law or rule is alleged  
 16 to have occurred, or two years following the date the violation of an election law or rule is alleged  
 17 to have occurred, whichever is later.

18 (c) If a filing officer has not proceeded within two years because of fraud, deceit, misleading  
 19 representation or the filing officer could not have reasonably discovered the alleged violation, the  
 20 filing officer shall proceed no later than five years following the election at which a violation of an  
 21 election law or rule is alleged to have occurred, or five years following the date the violation of an  
 22 election law or rule is alleged to have occurred, whichever is later.

23 **SECTION 12.** ORS 260.054 is amended to read:

24 260.054. (1) Each political committee shall establish a single exclusive campaign account in a  
 25 financial institution, as defined in ORS 706.008. The financial institution must be located in this  
 26 state and must ordinarily conduct business with the general public in this state.

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

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

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

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

35 (4) Subsection (3) of this section does not prohibit a person from making a cash or other ex-  
 36 penditure on behalf of the political committee and receiving reimbursement from the campaign ac-  
 37 count.

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

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

44 (7) The campaign account may not include any private moneys, other than contributions re-  
 45 ceived by the political committee.

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

4 **(9) Each candidate or treasurer shall file with the filing officer the name and branch of**  
5 **the financial institution in which the campaign account is established. A candidate or treas-**  
6 **urer shall file the information required under this subsection not later than seven business**  
7 **days after first receiving a contribution or three business days after opening the account,**  
8 **whichever is sooner.**

9 [(9)] (10) Subsections (1) to [(8)] (9) of this section do not apply to candidates described in ORS  
10 260.043.

11 **SECTION 13. Not later than 30 days after the effective date of this 2007 Act, each filing**  
12 **officer with whom the number of an account described in ORS 260.054 was filed under ORS**  
13 **260.039 or 260.042 was filed prior to the effective date of this 2007 Act shall destroy all records**  
14 **of the account number.**