

(Including Amendments to Resolve Conflicts)

B-Engrossed Senate Bill 78

Ordered by the House June 1
Including Senate Amendments dated May 7 and House Amendments dated
June 1

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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.

Allows candidate or candidate's treasurer to designate person to sign statements of contributions and expenditures. Specifies that default or violation by designee is default or violation by candidate or treasurer.

[Allows] **Requires** treasurer of campaign committee to designate person to receive certain notices provided by filing officers. Requires filing officer who provides notices to treasurer to also send notices to designee.

Provides that person designated by candidate may sign checks for political committee expenditures.

Establishes deadlines for legislators to file statements of contributions received during legislative session.

Allows Secretary of State to charge fee for delivery of statewide list of electors.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; and amending ORS 246.021, 247.945, 260.037, 260.039,
3 260.042, 260.054, 260.057 and 260.076.

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
12 file a statement described in subsection (1) of this section not later than seven calendar days after
13 a contribution is received or an expenditure is made. This paragraph applies to contributions re-
14 ceived and expenditures made during the period beginning on the 42nd calendar day before the date
15 of any primary election and ending on the date of the primary election and the period beginning on
16 the 42nd calendar day before the date of any general election and ending on the date of the general
17 election.

18 (b) For any special election, the secretary by rule may establish a period during which a can-
19 didate for nomination or election at the special election or a political committee supporting or op-
20 posing a candidate or measure at the special election must file a statement described in subsection

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 (1) of this section not later than seven calendar days after a contribution is received or an expend-
2 iture is made.

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

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

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

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

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

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

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

30 (7)(a) **Except as provided in paragraph (b) of this subsection**, each statement required by
31 this section shall be signed and certified as true by the candidate or treasurer required to file it.
32 Signatures shall be supplied in the manner specified by the secretary by rule.

33 **(b) A candidate or treasurer may designate a person to sign and certify as true a state-**
34 **ment required by this section. The designation must be filed in writing with the secretary**
35 **and must be renewed for each two-year period beginning January 1 of an even-numbered**
36 **year.**

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

38 (a) Candidates for federal office;

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

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

41 **SECTION 2.** ORS 260.037 is amended to read:

42 260.037. (1) A candidate may serve as the candidate's own treasurer or may appoint and certify
43 to the filing officer the name and address of a treasurer.

44 (2) A candidate's treasurer shall perform all the duties prescribed for the candidate under ORS
45 260.005 and 260.035 to 260.159.

1 **(3)** The candidate, in addition to the treasurer, [*shall be*] **is** personally responsible for the per-
2 formance of [*such duties and*] **the duties referred to in subsection (2) of this section.** Any default
3 or violation by the treasurer shall be conclusively considered a default or violation by the candidate.
4 **Any default or violation by the person designated by the candidate or treasurer under ORS**
5 **260.039, 260.042 or 260.057 is conclusively considered a default or violation by the candidate**
6 **or treasurer.**

7 **SECTION 3.** ORS 260.039 is amended to read:

8 260.039. (1) Except as provided in ORS 260.043, a candidate who serves as the candidate's own
9 treasurer, or the treasurer of the principal campaign committee, shall file a statement of organiza-
10 tion with the filing officer. The statement shall include:

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

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

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

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

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
21 directors are also directors of the committee filing the statement; and

22 (c) The name of the financial institution in which the campaign account required under ORS
23 260.054 is established, the name and number of the account, the name of the account holder and the
24 names of all persons who have signature authority for the account. The Secretary of State may not
25 disclose information received by the secretary under this paragraph except as necessary for pur-
26 poses of enforcing the provisions of ORS chapters 246 to 260.

27 **(2) A candidate or treasurer may designate a person to receive any notice provided by a**
28 **filing officer under ORS chapters 246 to 260. The candidate or treasurer shall include the**
29 **name and address of the person in the statement of organization filed under this section. A**
30 **filing officer who provides any notice under ORS chapters 246 to 260 to the candidate or**
31 **treasurer shall also provide the notice to the person designated by the candidate or treasurer**
32 **under this subsection.**

33 [(2)] **(3)** Except as provided in ORS 260.043, a candidate who serves as the candidate's own
34 treasurer shall file the statement of organization not later than the third business day after the
35 candidate first receives a contribution or makes an expenditure. The treasurer of a principal cam-
36 paign committee shall file the statement of organization not later than the date specified in ORS
37 260.035.

38 [(3)] **(4)** Any change in information submitted in a statement of organization under subsection
39 (1) of this section shall be indicated in an amended statement of organization filed not later than the
40 10th day after the change in information.

41 [(4)] **(5)** Except as provided in ORS 260.043, a candidate who serves as the candidate's own
42 treasurer or the treasurer of the principal campaign committee of the candidate shall file a state-
43 ment of organization under this section not later than the deadline for the candidate to file a nom-
44 inating petition or declaration of candidacy under ORS 249.037 or a certificate of nomination under
45 ORS 249.722.

1 [(5)] (6) Except as provided in ORS 260.043, a candidate who serves as the candidate's own
2 treasurer or the treasurer of the principal campaign committee of a candidate shall file a new or
3 amended statement of organization not later than the date that the candidate files a nominating
4 petition, declaration of candidacy or certificate of nomination.

5 **SECTION 4.** ORS 260.042 is amended to read:

6 260.042. (1) The treasurer of a political committee shall file a statement of organization with the
7 filing officer. The statement shall include:

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

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

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

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

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

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

21 (g) The name of the financial institution in which the campaign account required under ORS
22 260.054 is established, the name and number of the account, the name of the account holder and the
23 names of all persons who have signature authority for the account. The Secretary of State may not
24 disclose information received by the secretary under this paragraph except as necessary for pur-
25 poses of enforcing the provisions of ORS chapters 246 to 260.

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

27 **(2) A treasurer shall designate a person to receive any notice provided by a filing officer**
28 **under ORS chapters 246 to 260. The treasurer shall include the name and address of the**
29 **person in a statement of organization filed under this section. A filing officer who provides**
30 **any notice under ORS chapters 246 to 260 to the treasurer of the political committee shall**
31 **also provide the notice to the person designated by the treasurer under this subsection.**

32 [(2)] (3) The statement of organization shall be filed not later than the date specified in ORS
33 260.035.

34 [(3)] (4) Any change in information submitted in a statement of organization under subsection
35 (1) of this section shall be indicated in an amended statement of organization filed not later than the
36 10th day after the change in information.

37 [(4)] (5) This section does not apply to a political committee that is a principal campaign com-
38 mittee or to a political committee exclusively supporting or opposing one or more candidates for
39 federal or political party office.

40 **SECTION 5.** ORS 246.021, as amended by section 46, chapter 809, Oregon Laws 2005, is
41 amended to read:

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

1 a Saturday, Sunday or holiday, on the next business day.

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

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

12 (4) Notwithstanding any provision of subsections (1) to (3) of this section, if a statement is re-
13 quired to be filed electronically under ORS 260.057:

14 (a) The statement must be received electronically at the office of the Secretary of State not later
15 than [5 p.m.] **12 midnight** of the day the statement is due or, if the day due is a Saturday, Sunday
16 or holiday, on the next business day; and

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

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

23 **SECTION 6.** ORS 260.076, as amended by section 32a, chapter 809, Oregon Laws 2005, is
24 amended to read:

25 260.076. (1) A legislative official, statewide official or candidate therefor, or the official's or
26 candidate's principal campaign committee, shall file statements showing contributions received by
27 or on behalf of the official, candidate or committee during the period beginning January 1 imme-
28 diately preceding a regular biennial session of the Legislative Assembly and ending upon
29 adjournment of the regular biennial session of the Legislative Assembly, or during any special ses-
30 sion of the Legislative Assembly.

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

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

44 (4) A person or political committee affiliated with a political party, caucus of either house of the
45 Legislative Assembly, legislative official, statewide official or the Governor, Governor-elect or can-

1 didate for Governor shall file statements showing contributions received by the person or committee
2 on behalf of the Governor, Governor-elect or candidate for Governor, during the period beginning
3 January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending
4 30 business days following adjournment of the regular biennial session of the Legislative Assembly,
5 or during any special session of the Legislative Assembly.

6 (5) A statement described in subsections (1) to (4) of this section shall be filed with the Secretary
7 of State [*not later than two business days after the date a contribution is received. A statement shall*
8 *be filed on a form prescribed by the Secretary of State*] **on a form prescribed by the secretary. For**
9 **contributions received during the period beginning on January 1 immediately preceding a**
10 **regular biennial session of the Legislative Assembly and ending on the first day of the reg-**
11 **ular biennial session, a statement shall be filed not later than two business days after the**
12 **first day of the regular biennial session. For contributions received on or after the first day**
13 **of the regular biennial session, a statement shall be filed not later than two business days**
14 **after the date a contribution is received.**

15 (6) If a statement has been filed under subsections (1) to (4) of this section, the next statement
16 filed by the Governor, Governor-elect, official, candidate, principal campaign committee or other
17 political committee under ORS 260.057 shall include the contributions reported in statements filed
18 under this section.

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

20 (8) As used in this section:

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

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

26 **SECTION 7.** ORS 247.945 is amended to read:

27 247.945. (1) The county clerk, upon request before the 45th day before a primary, general or
28 special election, shall deliver to any person a list of electors. The lists shall be prepared in the
29 manner requested, limited only to the capabilities of the Secretary of State or the county clerk.

30 (2) The county clerk shall collect and pay into the county treasury a charge for the actual cost
31 of supplying lists under subsection (1) of this section.

32 (3) The county clerk shall keep a record of all persons to whom a list of electors is delivered
33 under this section.

34 (4) **Upon request, the Secretary of State shall deliver to any person a statewide list of**
35 **electors. The secretary shall charge a fee of \$500 for delivering a list under this subsection.**

36 **SECTION 7a.** **If House Bill 2131 becomes law, section 7 of this 2007 Act (amending ORS**
37 **247.945) is repealed and ORS 247.945, as amended by section 17, chapter __, Oregon Laws 2007**
38 **(Enrolled House Bill 2131), is amended to read:**

39 247.945. (1) The county clerk, upon request before the 45th day before a primary, general or
40 special election, shall deliver to any person a list of electors. The list may not contain any infor-
41 mation about participants in the Address Confidentiality Program established under ORS 192.820 to
42 192.868. The lists shall be prepared in the manner requested, limited only to the capabilities of the
43 Secretary of State or the county clerk.

44 (2) The county clerk shall collect and pay into the county treasury a charge for the actual cost
45 of supplying lists under subsection (1) of this section.

1 (3) The county clerk shall keep a record of all persons to whom a list of electors is delivered
2 under this section.

3 **(4) Upon request, the Secretary of State shall deliver to any person a statewide list of**
4 **electors. The secretary shall charge a fee of \$500 for delivering a list under this subsection.**
5 **The list may not contain any information about participants in the Address Confidentiality**
6 **Program established under ORS 192.820 to 192.868.**

7 **SECTION 8.** ORS 260.054 is amended to read:

8 260.054. (1) Each political committee shall establish a single exclusive campaign account in a
9 financial institution, as defined in ORS 706.008. The financial institution must be located in this
10 state and must ordinarily conduct business with the general public in this state.

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

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

16 (a) Issued on a check signed by the candidate on whose behalf the account is established, [*or*]
17 by the treasurer of the political committee **or by an individual designated by the candidate;** or

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

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

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

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

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

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

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

34 **SECTION 9.** (1) **The amendments to ORS 260.039 and 260.042 by sections 3 and 4 of this**
35 **2007 Act apply to principal campaign committees and political committees for which a**
36 **statement of organization is filed prior to, on or after the effective date of this 2007 Act.**

37 **(2) A political committee for which a statement of organization was filed under ORS**
38 **260.042 prior to the effective date of this 2007 Act and whose filing remains active on the**
39 **effective date of this 2007 Act shall amend the statement of organization to contain the in-**
40 **formation required under ORS 260.042 not later than January 31, 2008.**

41 **(3) The amendments to ORS 247.945 by section 7 or 7a of this 2007 Act apply to requests**
42 **made on or after the effective date of this 2007 Act.**

43 **(4) The amendments to ORS 260.054 by section 8 of this 2007 Act apply to checks signed**
44 **on or after the effective date of this 2007 Act.**