

Enrolled
Senate Bill 78

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CHAPTER

AN ACT

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

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

SECTION 1. ORS 260.057 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Candidates for federal office;

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

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

SECTION 2. ORS 260.037 is amended to read:

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

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

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

SECTION 3. ORS 260.039 is amended to read:

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

(a) The name, address, occupation, office sought and party affiliation of the candidate. The address shall be the address of a residence, office, headquarters or similar location where the candidate may be conveniently located;

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. ORS 260.042 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The Governor, Governor-elect or a candidate for Governor, or the principal campaign committee of the Governor, Governor-elect or candidate, shall file statements showing contributions received by or on behalf of the Governor, Governor-elect, candidate or committee during the period

beginning January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending 30 business days following adjournment of the regular biennial session of the Legislative Assembly, or during any special session of the Legislative Assembly.

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

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

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

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

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

(8) As used in this section:

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

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

SECTION 7. ORS 247.945 is amended to read:

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

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

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

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

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

247.945. (1) The county clerk, upon request before the 45th day before a primary, general or special election, shall deliver to any person a list of electors. The list may not contain any infor-

mation about participants in the Address Confidentiality Program established under ORS 192.820 to 192.868. The lists shall be prepared in the manner requested, limited only to the capabilities of the Secretary of State or the county clerk.

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

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

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

SECTION 8. ORS 260.054 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed by Senate May 9, 2007

Repassed by Senate June 13, 2007

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Secretary of Senate

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President of Senate

Passed by House June 8, 2007

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Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

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Secretary of State