

**A-Engrossed**  
**Senate Bill 1071**

Ordered by the Senate February 13  
Including Senate Amendments dated February 13

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Elections and Ethics)

**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.

Requires that out-of-state contributions appear in different colored font than in-state contributions on electronic filing system. **Modifies deadline by which electronic campaign finance statement must be filed.**

**Requires treasurer appointed by chief petitioners of initiative, referendum or recall petition to file, not later than April 1, 2008, electronic statement of contributions received or expenditures made prior to January 1, 2008.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to campaign finance reporting; creating new provisions; amending ORS 246.021 and 260.057;  
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 by:

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

10 (b) Treasurers appointed by the chief petitioners of initiative, referendum or recall petitions  
11 under ORS 260.118 to file with the secretary statements of contributions received and expenditures  
12 made by the treasurers and chief petitioners.

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

21 (b) For any special election, the secretary by rule may establish a period during which a candi-  
22 didate for nomination or election at the special election or a political committee supporting or op-  
23 posing a candidate or measure at the special election must file a statement described in subsection  
24 (1) of this section not later than seven calendar days after a contribution is received or an expend-

**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 iture is made.

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

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

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

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

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

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

24 (6)(a) Except as provided in paragraph (b) of this subsection, the secretary shall make all data  
25 filed electronically under this section and all information filed with the secretary under ORS  
26 260.044, 260.045, 260.049, 260.085, 260.102 or 260.118 available on the Internet to the public free of  
27 charge according to a schedule adopted by the secretary by rule. The secretary shall make the data  
28 available in a searchable database that is easily accessible by the public. **When the secretary**  
29 **makes data or information available on the Internet under this subsection, the secretary**  
30 **shall display any contribution received from a person or political committee with an out-of-**  
31 **state address in a different colored font than a contribution received from a person or poli-**  
32 **tical committee with an in-state address.**

33 (b) The secretary may not make data that are filed electronically under this section or ORS  
34 260.118 available to the public under this section, unless the data are required to be listed under  
35 ORS 260.083. The secretary may not disclose under ORS 192.410 to 192.505 any data that are filed  
36 electronically under this section or ORS 260.118, unless the data are required to be listed under ORS  
37 260.083.

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

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

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

45 (a) Candidates for federal office;

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

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

3 **SECTION 2.** ORS 246.021 is amended to read:

4 246.021. (1) Except as provided in ORS 247.012 and subsection (2) of this section, an election  
5 document and an accompanying payment of fees required to be filed with the Secretary of State,  
6 county clerk or other filing officer must be delivered to and actually received at the office of the  
7 designated officer not later than 5 p.m. of the day the document or fee is due or, if the day due is  
8 a Saturday, Sunday or holiday, on the next business day.

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

13 (3) Any election document required to be filed with the filing officer other than ballots, voter  
14 registration cards or petitions requiring signatures of electors may also be filed by means of an  
15 electronic facsimile transmission machine. If an election document is required to be filed by a  
16 specified time, the entire document must be received in the office of the filing officer not later than  
17 5 p.m. of the day the document is due or, if the day due is a Saturday, Sunday or holiday, on the  
18 next business day.

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

21 (a) The statement must be received electronically at the office of the Secretary of State not later  
22 than [12 *midnight*] **11:59 p.m.** of the day the statement is due or, if the day due is a Saturday, Sun-  
23 day or holiday, on the next business day; and

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

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

30 **SECTION 3.** (1) **Not later than April 1, 2008, a treasurer appointed by the chief petitioners**  
31 **of an initiative, referendum or recall petition shall file a statement under ORS 260.057 and**  
32 **260.118 of any contributions received or expenditures made by the treasurer or chief**  
33 **petitioner prior to January 1, 2008, that were not included on a statement filed with a filing**  
34 **officer prior to January 1, 2008.**

35 (2) **Subsection (1) of this section does not apply if the treasurer has filed a statement**  
36 **under ORS 260.057 and 260.118 prior to April 1, 2008, that includes all contributions received**  
37 **and expenditures made by the treasurer or chief petitioner prior to January 1, 2008, that**  
38 **were not included on a statement filed with a filing officer prior to January 1, 2008.**

39 **SECTION 4.** **The amendments to ORS 260.057 by section 1 of this 2008 Act apply to con-**  
40 **tributions received on or after January 1, 2009.**

41 **SECTION 5.** **This 2008 Act being necessary for the immediate preservation of the public**  
42 **peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect**  
43 **on its passage.**

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