

**B-Engrossed**  
**Senate Bill 1071**

Ordered by the House February 19  
Including Senate Amendments dated February 13 and House Amendments  
dated February 19

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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.

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.

**Allows candidate or political committee that receives contribution that does not identify occupation of contributor to make written request to contributor by electronic mail.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to campaign finance reporting; creating new provisions; amending ORS 246.021, 260.057 and  
3 260.085; 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 can-  
22 didate for nomination or election at the special election or a political committee supporting or op-

**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 posing a candidate or measure at the special election must file a statement described in subsection  
2 (1) of this section not later than seven calendar days after a contribution is received or an expend-  
3 iture is made.

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

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

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

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

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

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

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

35 (b) The secretary may not make data that are filed electronically under this section or ORS  
36 260.118 available to the public under this section, unless the data are required to be listed under  
37 ORS 260.083. The secretary may not disclose under ORS 192.410 to 192.505 any data that are filed  
38 electronically under this section or ORS 260.118, unless the data are required to be listed under ORS  
39 260.083.

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

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

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

2 (a) Candidates for federal office;

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

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

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

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

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

15 (3) Any election document required to be filed with the filing officer other than ballots, voter  
16 registration cards or petitions requiring signatures of electors may also be filed by means of an  
17 electronic facsimile transmission machine. If an election document is required to be filed by a  
18 specified time, the entire document must be received in the office of the filing officer not later than  
19 5 p.m. of the day the document is due or, if the day due is a Saturday, Sunday or holiday, on the  
20 next business day.

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

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

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

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

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

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

41 **SECTION 4.** ORS 260.085 is amended to read:

42 260.085. (1) An account required by ORS 260.055 and a statement required by ORS 260.083 to list  
43 the occupation of a contributor must list the occupation of the contributor in the account and on  
44 the first statement filed under ORS 260.057 or 260.076 after the contribution is received if the oc-  
45 cupation is known to the candidate or political committee filing the statement.

1 (2) If an account required by ORS 260.055 or a statement required by ORS 260.083 to list the  
2 occupation of a contributor does not list the occupation of the contributor as required by ORS  
3 260.055 or on the first statement filed under ORS 260.057 or 260.076 after the contribution is re-  
4 ceived, the candidate or political committee shall file with the account and with the statement filed  
5 under ORS 260.057 documentation of a written request to the contributor to furnish the contributor's  
6 occupation.

7 (3) If a candidate or political committee receives a contribution that does not identify the oc-  
8 cupation of the contributor, the candidate or political committee shall make a written request to the  
9 contributor to furnish the occupation of the contributor within seven calendar days after receiving  
10 the contribution. **A written request under this subsection may be sent by electronic mail.**

11 (4) If a candidate or political committee receives information identifying the occupation of a  
12 contributor after making a written request under subsection (3) of this section, the candidate or  
13 political committee, within seven calendar days after receiving the information, shall include the  
14 contributor's occupation in the account kept under ORS 260.055 and in the contributor's entry filed  
15 under ORS 260.057.

16 **SECTION 5. The amendments to ORS 260.085 by section 4 of this 2008 Act apply to writ-**  
17 **ten requests made on or after the effective date of this 2008 Act.**

18 **SECTION 6. The amendments to ORS 260.057 by section 1 of this 2008 Act apply to con-**  
19 **tributions received on or after January 1, 2009.**

20 **SECTION 7. This 2008 Act being necessary for the immediate preservation of the public**  
21 **peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect**  
22 **on its passage.**

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