

## SENATE AMENDMENTS TO SENATE BILL 783

By COMMITTEE ON RULES

June 11

1 On page 1 of the printed bill, line 3, after “260.054,” insert “260.055, 260.056,” and delete  
2 “260.112, 260.118,” and insert “260.085, 260.112, 260.118, 260.200, 260.205.”

3 In line 4, after “260.232,” insert “260.255, 260.345.”

4 On page 8, line 32, after the period delete the rest of the line and delete line 33.

5 On page 9, delete line 35.

6 On page 10, line 27, delete “260.044 and”.

7 On page 12, delete lines 8 through 45.

8 On page 13, delete lines 1 through 23 and insert:

9 “**SECTION 10.** ORS 260.083 is amended to read:

10 “260.083. (1) A statement filed under ORS 260.057, 260.076 or 260.118 shall list:

11 “(a) Except as provided in ORS 260.085, for a contribution:

12 “(A) The name, occupation and address of each person, and the name and address of each poli-  
13 tical committee **or petition committee**, that contributed an aggregate amount of more than \$100  
14 in a calendar year on behalf of a candidate or to a political committee **or petition committee** and  
15 the total amount contributed by that person or [*political*] committee; and

16 “(B) The total amount of other contributions as a single item, but shall specify how those con-  
17 tributions were obtained.

18 “(b) For an expenditure:

19 “(A) The amount and purpose of each expenditure made in an aggregate amount of more than  
20 \$100 to a payee, the name or, if applicable, the business name of the payee of the expenditure, and  
21 the city, or county if the payee is not located in a city, and state in which the payee is located; and

22 “(B) The total amount of other expenditures as a single item.

23 “(c) Each loan, whether repaid or not, made by or to the candidate, [*or*] political committee **or**  
24 **petition committee**. The statement shall list:

25 “(A) The name and address of each person shown as a cosigner or guarantor on a loan and the  
26 amount of the obligation undertaken by each cosigner or guarantor;

27 “(B) The name of the lender holding the loan; and

28 “(C) The terms of the loan, including the interest rate and repayment schedule.

29 “(2)(a) [*If an expenditure in an amount exceeding \$100 is a prepayment or a deposit made in*  
30 *consideration for any services, supplies, equipment or other thing of value to be performed or furnished*  
31 *at a future date, that portion of the deposit that has been expended shall be listed as an expenditure*  
32 *and the unexpended portion of the deposit shall be listed as an account receivable.] **A contribution**  
33 **shall be reported as an account receivable only if the contribution is not received within the**  
34 **time specified in ORS 260.057, 260.076 or 260.118.***

35 “(b) **An expenditure shall be reported as an account payable only if the expenditure is**

1 **not paid within the time specified in ORS 260.057, 260.076 or 260.118.**

2 “(3) Anything of value paid for or contributed by any person shall be listed as both an in-kind  
3 contribution and an expenditure by the candidate or committee for whose benefit the payment or  
4 contribution was made.

5 “(4) If a candidate, political committee or [*chief petitioner*] **petition committee** under ORS  
6 260.057 or 260.118 makes an expenditure that must be reported as an in-kind contribution and an  
7 expenditure as provided in subsection (3) of this section, the candidate, political committee or [*chief*  
8 *petitioner*] **petition committee** making the original expenditure shall, in any statement filed under  
9 ORS 260.057 or 260.118, identify the expenditure as an in-kind contribution and identify the candi-  
10 date, [*or*] political committee **or petition committee** for whose benefit the expenditure was made.

11 “[*(5) Expenditures made by an agent of a candidate or political committee on behalf of the candi-*  
12 *date or committee shall be reported in the same manner as if the expenditures had been made by the*  
13 *candidate or political committee.*]

14 “[*(6)*] **(5)** If a political committee makes an expenditure that qualifies as an independent ex-  
15 penditure under ORS 260.005 [*(9)*] **(10)**, the listing of the expenditure under this section shall identify  
16 any candidates or measures that are the subject of the independent expenditure and state whether  
17 the independent expenditure was used to advocate the election, passage or defeat of the candidates  
18 or measures.

19 “[*(7) If a candidate, political committee, chief petitioner under ORS 260.118 or an agent of a can-*  
20 *didate, political committee or chief petitioner makes an expenditure for the purpose of paying any per-*  
21 *son money or other valuable consideration for obtaining signatures on an initiative, referendum or*  
22 *recall petition, the statement described in this section shall list the total amount paid by the candidate,*  
23 *political committee, chief petitioner or agent for the purpose of obtaining signatures. The statement is*  
24 *not required to list the name or address of any person as payee or the amount paid to any person.*]

25 “[*(8)(a) A vendor who enters into a contract with a candidate or political committee to prepare or*  
26 *produce brochures, mailings, polls, other opinion research or television, radio or newspaper advertising,*  
27 *or to provide mail handling and postage, is not considered an agent of the candidate or political com-*  
28 *mittee for purposes of subsection (5) of this section. The Secretary of State by rule may designate other*  
29 *specific products or services that would qualify a vendor for an exemption from reporting under this*  
30 *subsection.*]

31 “[*(b) Nothing in this section requires a vendor described in this subsection to disclose the vendor’s*  
32 *internal or subcontracting costs for providing the specific product or service under paragraph (a) of this*  
33 *subsection.*]

34 “[*(9)*] **(6)** As used in this section:[]

35 “**(a)** ‘Address’ has the meaning given that term in rules adopted by the Secretary of State.

36 “**(b) ‘Contribution’ and ‘expenditure’ include a contribution or expenditure to or on behalf**  
37 **of an initiative, referendum or recall petition.”.**

38 On page 15, delete lines 39 through 45.

39 On page 16, delete lines 1 through 12 and insert:

40 “**SECTION 13.** ORS 260.215 is amended to read:

41 “260.215. (1) For statements filed during each calendar year, each filing officer shall examine  
42 each statement filed with the filing officer under ORS 260.044 [*(1)*], 260.057, 260.083, 260.102, 260.112  
43 or 260.118 (4) to determine whether the statement is sufficient. The filing officer shall examine  
44 statements under this section not later than 90 days after the end of each calendar quarter for  
45 statements filed during the previous calendar quarter.

1 “(2) The filing officer may require any person to answer in writing and upon oath or affirmation  
2 before a judge, justice of the peace, county clerk or notary public any question within the knowledge  
3 of that person concerning the source of any contribution. The filing officer shall advise the person  
4 of the penalty for failure to answer.

5 “(3)(a) For statements filed during each calendar year, in addition to the requirements of **this**  
6 **section and** ORS 260.205 [*and this section*], the Secretary of State shall review statements filed with  
7 the secretary under ORS 260.057 by [*the principal campaign committees of all candidates for nomi-*  
8 *nation or election to state office*] **a candidate, political committee or petition committee**. For each  
9 review, the secretary shall require a candidate, [*or*] treasurer of a political committee **or treasurer**  
10 **of a petition committee** to provide documentation of not more than [*eight*] **10** transactions.

11 “(b) **The secretary by rule shall designate a method by which the statements filed by a**  
12 **candidate or committee shall be randomly selected for review under this subsection.** The  
13 secretary shall review statements under this subsection [*on a quarterly basis*] **twice in a calendar**  
14 **year.**

15 “[*c*] As used in this subsection, ‘state office’ does not include the office of judge or district  
16 attorney.]”.

17 Delete lines 24 through 45.

18 On page 17, delete lines 1 through 28 and insert:

19 “**SECTION 15.** ORS 260.232 is amended to read:

20 “260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in  
21 addition to any other penalty that may be imposed, for:

22 “(a) Failure to file a statement or certificate required to be filed under ORS 260.044 [(1)],  
23 260.057, 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118.

24 “(b) Failure to include in a statement filed under ORS 260.057, 260.076, 260.078, 260.083, 260.102,  
25 260.112 or 260.118 the information required under ORS 260.057, 260.076, 260.083, 260.102 or 260.118.

26 “(2)(a) If a person required to file has not filed a statement or certificate complying with ap-  
27 plicable provisions of ORS 260.044 [(1)], 260.057, 260.076, 260.078, 260.083, 260.085, 260.102, 260.112  
28 or 260.118 within the time specified in ORS **260.044**, 260.057, 260.076, 260.078 or 260.118, the Secre-  
29 tary of State by certified mail shall notify the person that a penalty may be imposed and that the  
30 person has 20 days to request a hearing before the Secretary of State.

31 “(b) If the person required to file is a candidate or the principal campaign committee of a can-  
32 didate, the Secretary of State shall send the notice described in **paragraph (a)** of this subsection  
33 by certified mail to the individual who is the candidate and by first class mail to the candidate’s  
34 treasurer or the treasurer of the candidate’s principal campaign committee. The notice sent by cer-  
35 tified mail to the individual who is a candidate shall be used for purposes of determining the dead-  
36 line for requesting a hearing under subsection (3) of this section. The Secretary of State is not  
37 required to send two notices if the candidate serves as the treasurer of the candidate’s principal  
38 campaign committee.

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

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

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

1 “(c) Upon the Secretary of State’s own motion.

2 “(4) A hearing under subsection (3) of this section shall be held not later than [30] **45** days after  
3 the deadline for the person against whom the penalty may be assessed to request a hearing. How-  
4 ever, if requested by the person against whom the penalty may be assessed, a hearing under sub-  
5 section (3) of this section shall be held not later than [45] **60** days after the deadline for the person  
6 against whom the penalty may be assessed to request a hearing.

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

9 “(6) The person against whom a penalty may be assessed need not appear in person at a hearing  
10 held under this section, but instead may submit written testimony and other evidence, subject to the  
11 penalty for false swearing, to the Secretary of State for entry in the hearing record. The testimony  
12 and other evidence must be received by the secretary not later than three business days before the  
13 day of the hearing.

14 “(7) A civil penalty imposed under this section may not be more than **the following**:

15 “(a) [*\$10,000*] For failure to file a statement or certificate required to be filed under ORS 260.044  
16 [(1)], 260.057, 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118, **10 percent of the total amount**  
17 **of the contribution or expenditure required to be included in the statement or certificate**; or

18 “(b) [*\$10,000*] For each failure to include in a statement filed under ORS 260.057, 260.076,  
19 260.078, 260.083, 260.102, 260.112 or 260.118 the information required under ORS 260.057, 260.076,  
20 260.083, 260.102 or 260.118, **10 percent of the total amount of the contribution or expenditure**  
21 **required to be included in the statement.**

22 “(8) The Secretary of State, upon a showing of mitigating circumstances, may reduce the amount  
23 of the penalty described in subsection (7) of this section.

24 “(9) Except as otherwise provided by this section, civil penalties under this section shall be  
25 imposed as provided in ORS 183.745.”

26 On page 22, after line 13, insert:

27 “**SECTION 21.** ORS 260.055 is amended to read:

28 “260.055. (1) Each candidate, other than a candidate for political party office, [*and*] the treasurer  
29 of each political committee **and the treasurer of each petition committee** shall keep detailed  
30 accounts. The accounts shall be current as of not later than the seventh calendar day after the date  
31 of receiving a contribution or making an expenditure[, *of*] **with respect to** all contributions received  
32 and all expenditures made by or on behalf of the candidate or [*political*] committee that are required  
33 to be reported under ORS 260.057, 260.076 or 260.078. Subject to ORS 260.085, the accounts shall list  
34 all information required to be reported under ORS 260.083.

35 “(2) Accounts kept by a candidate or the treasurer of a political committee may be inspected  
36 under reasonable circumstances at any time before the election to which the accounts refer or  
37 during the period specified for retention of the accounts under subsection (3) of this section by any  
38 opposing candidate or the treasurer of any political committee for the same electoral contest. The  
39 right of inspection may be enforced by writ of mandamus issued by any court of competent juris-  
40 diction. The treasurers of political committees supporting a candidate may be joined with the can-  
41 didate as defendants in a mandamus proceeding.

42 “(3) Accounts kept by a candidate or treasurer shall be preserved by the candidate or treasurer  
43 for at least two years after the date [*of the election to which the accounts refer or at least two years*  
44 *after the date the last statement is filed under ORS 260.057, whichever is later*] **the statement of the**  
45 **contribution or expenditure is filed under ORS 260.057.**

1       “(4)(a) Before the last statement is filed under ORS 260.057, a candidate, political com-  
2       mittee or petition committee shall file with the Secretary of State a notice of intent to dis-  
3       continue the statement of organization of the candidate or committee and close accounts.  
4       Upon receipt of the notice, the secretary shall examine each statement filed by the candidate  
5       or committee under ORS 260.044, 260.057, 260.083, 260.102, 260.112 or 260.118 to determine  
6       whether the statement is sufficient.

7       “(b) Except as provided in paragraph (c) of this subsection, not later than 90 days after  
8       receipt of the notice of intent, the secretary shall notify the candidate, political committee  
9       or petition committee that the statements are sufficient or that a statement is insufficient  
10      or otherwise may violate a law or rule. The notice shall include a description of the pro-  
11      visions of ORS 260.407.

12      “(c) If, after a candidate, political committee or petition committee files a notice of in-  
13      tent to discontinue the statement of organization of the candidate or committee and close  
14      accounts, the candidate or committee files a statement under ORS 260.044, 260.057, 260.083,  
15      260.102, 260.112 or 260.118, the secretary has an additional 90 days following the date the  
16      statement is filed to examine each statement and send a notification described in paragraph  
17      (b) of this subsection.

18      “(d) When a candidate, political committee or petition committee files the last statement  
19      under ORS 260.057, the secretary shall conduct a final review. If the secretary determines  
20      that all statements filed are sufficient, the secretary shall notify the candidate, political  
21      committee or petition committee. Upon receipt of the notice, the candidate or committee  
22      may discontinue the statement of organization of the candidate, political committee or peti-  
23      tion committee and close accounts.

24      “SECTION 22. ORS 260.205 is amended to read:

25      “260.205. (1) A filing officer shall inspect each statement filed under ORS 260.057, 260.083,  
26      260.102, 260.112 or 260.118 not later than the 10th business day after the filing deadline or the 10th  
27      business day after the statement is filed, whichever is later.

28      “(2) A filing officer immediately shall notify a person required to file a statement with the filing  
29      officer under ORS 260.057, 260.083, 260.102, 260.112 or 260.118 if:

30      “(a) Upon examination of relevant materials, it appears to the filing officer that the person has  
31      failed to file a required statement or that a statement filed with the filing officer by the person is  
32      insufficient; or

33      “(b) A complaint is filed with the filing officer under subsection (3) of this section.

34      “(3) An elector may file with a filing officer a complaint that a statement filed with the filing  
35      officer is insufficient or that a person has failed to file a required statement. The complaint shall  
36      be in writing, shall state in detail the reasons for complaint and shall be filed with the filing officer  
37      not later than the 90th day after the date the statement of which it complains is filed or should have  
38      been filed.

39      “(4) If upon receiving notification under subsection (2) of this section a person responds  
40      by filing a statement or submitting information to correct an insufficient statement, the  
41      filing officer shall confirm whether the person’s response is sufficient not later than 90 days  
42      after receiving the response. If, within 90 days, the filing officer does not confirm whether  
43      a response is sufficient under this subsection, the person is not subject to civil penalty under  
44      ORS 260.232 for failure to file or failure to include the required information in the statement.

45      “SECTION 23. ORS 260.345 is amended to read:

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

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

14 “(3) Upon receipt of a complaint under subsection (1) or (2) of this section the Secretary of State  
15 or Attorney General immediately shall examine the complaint to determine whether a violation of  
16 an election law or rule has occurred and shall make any investigation the Secretary of State or  
17 Attorney General considers necessary. Except as provided in this subsection, within 48 hours of  
18 receiving a complaint under subsection (1) or (2) of this section, the Secretary of State or Attorney  
19 General shall notify the person who is the subject of the complaint that a complaint has been re-  
20 ceived. If the Secretary of State or Attorney General receives a complaint or complaints involving  
21 25 or more individuals, [or] political committees **or petition committees** in any 24-hour period, the  
22 Secretary of State or Attorney General need not notify the persons who are the subjects of those  
23 complaints within 48 hours of receiving the complaints but shall notify those persons not later than  
24 10 business days after receiving the complaint or complaints.

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

27 “(a) In the case of a violation that is subject to a penalty under ORS 260.993, immediately shall  
28 report the findings to the Attorney General and request prosecution. If the violation involves the  
29 Attorney General, a candidate for that office or a political committee or person supporting or op-  
30 posing the Attorney General or a candidate for that office, the Secretary of State shall appoint an-  
31 other prosecutor for that purpose; or

32 “(b) In the case of a violation not subject to a penalty under ORS 260.993, may impose a civil  
33 penalty under ORS 260.995.

34 “(5) Upon receipt of a complaint or report under subsection (1), (2) or (4) of this section in-  
35 volving an alleged violation subject to a penalty under ORS 260.993, the Attorney General or other  
36 prosecutor immediately shall examine the complaint or report to determine whether a violation of  
37 an election law has occurred. If the Attorney General or prosecutor determines that a violation  
38 has occurred, the Attorney General or prosecutor immediately shall begin prosecution in the name  
39 of the state. The Attorney General or other prosecutor shall have the same powers in any county  
40 of this state as the district attorney for the county.

41 “(6) Upon receipt of a complaint under subsection (1) or (2) of this section involving an alleged  
42 violation of an election law or rule not subject to a penalty under ORS 260.993, the Attorney Gen-  
43 eral shall examine the complaint to determine whether a violation of an election law or rule has  
44 occurred and shall make any investigation the Attorney General considers necessary. If the Attor-  
45 ney General believes after an investigation that a violation of an election law or rule has occurred,

1 the Attorney General may impose a civil penalty under ORS 260.995.

2 “(7) In the case of an alleged violation subject to a civil penalty under ORS 260.995, a complaint  
3 shall be filed by an elector under this section no later than 90 days following the election at which  
4 a violation of an election law or rule is alleged to have occurred, or 90 days following the date the  
5 violation of an election law or rule is alleged to have occurred, whichever is later.

6 “(8) A filing officer having reason to believe that a violation of an election law or rule has oc-  
7 curred shall proceed promptly as though the officer had received a complaint. **Except as provided**  
8 **in section 25 of this 2009 Act**, a filing officer shall proceed under this subsection no later than two  
9 years following the election at which a violation of an election law or rule is alleged to have oc-  
10 curred, or two years following the date the violation of an election law or rule is alleged to have  
11 occurred, whichever is later. If a filing officer has not proceeded within two years because of fraud,  
12 deceit, misleading representation or the filing officer could not have reasonably discovered the al-  
13 leged violation, the filing officer shall proceed no later than five years following the election at  
14 which a violation of an election law or rule is alleged to have occurred, or five years following the  
15 date the violation of an election law or rule is alleged to have occurred, whichever is later.

16 **“SECTION 24. Sections 25 and 26 of this 2009 Act are added to and made a part of ORS**  
17 **chapter 260.**

18 **“SECTION 25. (1) A filing officer having reason to believe that a violation of an election**  
19 **law or rule for which a civil penalty may be imposed under ORS 260.232 has occurred shall**  
20 **proceed promptly as though the officer had received a complaint under ORS 260.345 and, not**  
21 **later than two years following the date the violation is alleged to have occurred, shall:**

22 **“(a) Determine whether a violation occurred; and**

23 **“(b) If a penalty is to be imposed, notify the person alleged to have committed the vio-**  
24 **lation in the manner described in ORS 260.232 (2).**

25 **“(2) Not later than 90 calendar days after receiving payment for a penalty imposed under**  
26 **ORS 260.232 or receiving other information in response to a notification under subsection (1)**  
27 **of this section, the Secretary of State shall send a notice to the person stating whether the**  
28 **response or payment received is sufficient.**

29 **“SECTION 26. (1) If a candidate, political committee or petition committee receives up-**  
30 **dated information that an in-kind contribution received from another candidate, political**  
31 **committee or petition committee reported in a statement filed under ORS 260.057, 260.076 or**  
32 **260.118 is inaccurate or otherwise insufficient, the candidate, political committee or petition**  
33 **committee that received the in-kind contribution shall, without penalty, file an updated**  
34 **statement with the Secretary of State:**

35 **“(a) Not later than the date that the statement is required to be filed under ORS 260.057,**  
36 **260.076 or 260.118; or**

37 **“(b) If the filing deadline has passed, not later than 30 calendar days after the candidate,**  
38 **political committee or petition committee received the updated information.**

39 **“(2) This section does not apply to a candidate, political committee or petition committee**  
40 **that knew or reasonably should have known that the information reported in the statement**  
41 **originally filed under ORS 260.057, 260.076 or 260.118 was inaccurate or insufficient at the**  
42 **time of filing.**

43 **“SECTION 27. ORS 260.056 is amended to read:**

44 **“260.056. (1) A loan made by or to a candidate, [or] political committee or petition committee**  
45 **must be by written agreement.**

1 “(2) A candidate, [or] political committee **or petition committee** shall keep a copy of any  
2 written loan agreement with the detailed accounts of the candidate or [*political*] committee required  
3 under ORS 260.055.

4 “(3) Notwithstanding ORS 260.055, a candidate, [or] political committee **or petition committee**  
5 shall preserve a written loan agreement until the loan is repaid.

6 “**SECTION 28.** ORS 260.085, as amended by section 4, chapter 41, Oregon Laws 2008, is  
7 amended to read:

8 “260.085. (1) An account required by ORS 260.055 and a statement required by ORS 260.083 to  
9 list the occupation of a contributor must list the occupation of the contributor in the account and  
10 on the first statement filed under ORS 260.057 or 260.076 after the contribution is received if the  
11 occupation is known to the candidate, [or] political committee **or petition committee** filing the  
12 statement.

13 “(2) If an account required by ORS 260.055 or a statement required by ORS 260.083 to list the  
14 occupation of a contributor does not list the occupation of the contributor as required by ORS  
15 260.055 or on the first statement filed under ORS 260.057 or 260.076 after the contribution is re-  
16 ceived, the candidate, [or] political committee **or petition committee** shall file with the account  
17 and with the statement filed under ORS 260.057 documentation of a written request to the contrib-  
18 utor to furnish the contributor’s occupation.

19 “(3) If a candidate, [or] political committee **or petition committee** receives a contribution that  
20 does not identify the occupation of the contributor, the candidate or [*political*] committee shall make  
21 a written request to the contributor to furnish the occupation of the contributor within seven cal-  
22 endar days after receiving the contribution. A written request under this subsection may be sent  
23 by electronic mail.

24 “(4) If a candidate, [or] political committee **or petition committee** receives information identi-  
25 fying the occupation of a contributor after making a written request under subsection (3) of this  
26 section, the candidate or [*political*] committee, within seven calendar days after receiving the infor-  
27 mation, shall include the contributor’s occupation in the account kept under ORS 260.055 and in the  
28 contributor’s entry filed under ORS 260.057.

29 “**SECTION 29.** ORS 260.200 is amended to read:

30 “260.200. The Secretary of State by rule shall:

31 “(1) Prescribe a uniform system for accounts required by ORS 260.055.

32 “(2) Prescribe forms for statements and other information required under this chapter to be filed  
33 with filing officers, and furnish those forms to persons required to file those statements and other  
34 information.

35 “(3) Prescribe materials, including financial institution account statements and copies of checks,  
36 that a candidate, [or] political committee **or petition committee** must retain or provide to the  
37 secretary for purposes of administering or enforcing the provisions of this chapter. The secretary  
38 shall prescribe personal or confidential information that is not required to be disclosed under this  
39 subsection.

40 “**SECTION 30.** ORS 260.255 is amended to read:

41 “260.255. (1) Except as provided in subsection (2) of this section, a filing officer shall preserve  
42 each statement filed with the officer under ORS 260.057, 260.076, 260.083, 260.102, 260.112 or 260.118,  
43 or an accurate copy of it, for at least six calendar years.

44 “(2) The Secretary of State shall maintain all data filed electronically under ORS 260.057 on the  
45 Internet for at least six calendar years after the date the secretary first makes the data available.



1 After six calendar years, if the data are not maintained on the Internet, the secretary shall [*archive*  
2 *the data in a secure format so that the data are available to the public. This subsection does not apply*  
3 *to data that may not be made available to the public under ORS 260.057 (6)(b).*] **retain and dispose**  
4 **of the data in a manner prescribed by the State Archivist. The State Archivist shall consider**  
5 **the value of the data for legal, administrative or research purposes and shall establish rules**  
6 **for procedures for the retention and disposition of data described in this section.”.**

7 In line 14, delete “21” and insert “31”.

8 In line 24, delete “22” and insert “32”.

9 After line 34, insert:

10 “(6) The amendments to ORS 260.055 (3) by section 21 of this 2009 Act apply to statements filed  
11 before, on or after January 1, 2010.

12 “(7) The amendments to ORS 260.205 by section 22 of this 2009 Act apply to notifications sent  
13 by a filing officer on or after January 1, 2010.

14 “(8) Section 25 of this 2009 Act and the amendments to ORS 260.345 by section 23 of this 2009  
15 Act apply to violations of provisions of ORS chapter 260 occurring on or after January 1, 2010.

16 “(9) Section 26 of this 2009 Act applies to information received by a candidate, political com-  
17 mittee or treasurer of a petition committee on or after January 1, 2010.

18 “(10) The amendments to ORS 260.255 by section 30 of this 2009 Act apply to data retained by  
19 the Secretary of State on and after January 1, 2010.”.

20 In line 35, delete “(6)” and insert “(11)”.

21 In line 39, delete “(7)” and insert “(12)”.

22 Delete line 45.

23 On page 23, delete lines 1 through 3 and insert:

24 “**SECTION 33. Sections 25 and 26 of this 2009 Act and the amendments to ORS 249.865,**  
25 **260.005, 260.039, 260.041, 260.042, 260.043, 260.044, 260.054, 260.055, 260.056, 260.057, 260.083,**  
26 **260.085, 260.112, 260.118, 260.200, 260.205, 260.215, 260.225, 260.232, 260.255, 260.345, 260.402,**  
27 **260.407, 260.737 and 260.995 by sections 1 to 8, 10 to 23 and 27 to 30 of this 2009 Act become**  
28 **operative on January 1, 2010.”.**

29 In line 4, delete “24” and insert “34”.

30 After line 9, insert:

31 “**SECTION 35. The State Archivist may take any action before January 1, 2010, that is**  
32 **necessary to enable the State Archivist to exercise, on and after January 1, 2010, all the**  
33 **duties, functions and powers conferred upon the State Archivist by the amendments to ORS**  
34 **260.255 by section 30 of this 2009 Act.”.**

35 In line 10, delete “25” and insert “36”.