

A-Engrossed Senate Bill 998

Ordered by the Senate February 15
Including Senate Amendments dated February 15

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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.

Modifies date by which Secretary of State must submit report to Legislative Assembly regarding cross-nomination system for candidates for public office.

[Conforms certain laws relating to double majority voting requirements in property tax elections to Oregon Constitution so that double majority requirement does not apply to local property tax measures submitted to electors in elections held in May or November of any year.]

[Takes effect on 91st day following adjournment sine die.]

Modifies provisions relating to registration of voters.

Makes registration to obtain signatures on referendum or recall petition valid until date petition is filed for signature verification.

Expands ability to vote by facsimile machine to include all long term absent electors.

Increases amount of contributions that candidates may receive to remain exempt from certain compliance measures.

Modifies requirements for filing statement of notice of intent to discontinue statement of organization.

Expands prohibition against use of contributions to pay civil penalty that is imposed for misuse of contributed amounts.

Excludes certain information relating to persons who donate to Oregon Political Party Fund from specified disclosure requirements.

Requires Secretary of State to prepare and disseminate guidelines for fixing precinct and other electoral district boundaries.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; amending ORS 246.410, 247.025, 247.295, 250.048,
3 253.690, 258.290, 260.043, 260.055, 260.407, 260.995 and 305.758 and section 10, chapter 720,
4 Oregon Laws 2009, and section 3, chapter 798, Oregon Laws 2009; and declaring an emergency.

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

6 **SECTION 1.** Section 3, chapter 798, Oregon Laws 2009, is amended to read:

7 **Sec. 3.** The Secretary of State shall conduct a general review of the adoption of a cross-
8 nomination system for candidates for public office in Oregon. The secretary may assess similar laws
9 in other states. The secretary shall report conclusions of the secretary's review and any recom-
10 mended legislation to the Legislative Assembly not later than *[October 1, 2010]* **March 31, 2011.**

11 **SECTION 2.** ORS 247.025 is amended to read:

12 247.025. To vote in an election:

13 (1) A person's registration card must be received at an office or location described in ORS
14 247.012 not later than the time the office or location closes for business on the 21st day immediately
15 preceding the election, but in no case later than midnight of the 21st day immediately preceding the
16 election; *[or]*

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 (2) A person's registration card must be postmarked not later than the 21st day immediately
2 preceding the election and be addressed to an office of any county clerk, the Office of the Secretary
3 of State, an office of the Department of Transportation or any designated voter registration agency
4 as described in ORS 247.208[.]; **or**

5 **(3) A person's registration card must be delivered electronically as described in ORS**
6 **247.019 not later than 11:59 p.m. of the 21st day immediately preceding the election.**

7 **SECTION 3.** ORS 247.295 is amended to read:

8 247.295. (1) The Secretary of State shall subscribe to a change of address service that is ap-
9 proved or endorsed by the United States Postal Service and use the service to verify the accuracy
10 of the addresses of electors contained in the centralized voter registration system.

11 (2) If the secretary determines that the address of an elector is different from the address for
12 the elector as contained in the records of the county clerk, the secretary shall provide the infor-
13 mation obtained under this section to the county clerk of each affected county. Based on information
14 received under this section, each county clerk shall update the registration of electors in the county
15 **if the clerk determines that an update is required.**

16 **SECTION 4.** ORS 250.048 is amended to read:

17 250.048. (1) A person may not pay money or other valuable consideration to another person for
18 obtaining signatures of electors on a state initiative, referendum or recall petition or a prospective
19 petition for a state measure to be initiated, and a person may not receive money or other valuable
20 consideration for obtaining signatures of electors on a state initiative, referendum or recall petition
21 or a prospective petition for a state measure to be initiated, unless the person obtaining the signa-
22 tures:

23 (a) Registers with the Secretary of State in the manner prescribed by this section and by rule
24 of the secretary; and

25 (b) Completes the training program prescribed by rule of the secretary.

26 (2) A person may apply to the secretary for a registration required under subsection (1) of this
27 section. The application shall include:

28 (a) The full name and any assumed name of the applicant;

29 (b) The residential street address of the applicant;

30 (c) An example of the signature of the applicant;

31 (d) A list of the prospective petitions on which the applicant will gather signatures;

32 (e) A list of the initiative, referendum and recall petitions on which the applicant will gather
33 signatures;

34 (f) If the applicant has been convicted for a criminal offense involving fraud, forgery or iden-
35 tification theft, information relating to the circumstances of the conviction as required by the sec-
36 retary;

37 (g) A statement signed by the applicant acknowledging that the applicant has read and under-
38 stands Oregon law applicable to the gathering of signatures on state initiative, referendum and re-
39 call petitions and prospective petitions for state measures to be initiated, as the law is summarized
40 in the training program established by the Secretary of State;

41 (h) Evidence indicating that the applicant has completed the training required by the secretary
42 by rule;

43 (i) A photograph of the applicant; and

44 (j) A statement signed by a chief petitioner of each petition or prospective petition, or a person
45 designated by a chief petitioner under this paragraph, upon which the applicant will gather signa-

1 tures acknowledging that the chief petitioner is liable for violations of law or rule committed by the
2 person obtaining signatures as provided in ORS 260.561. A chief petitioner may designate a person
3 to sign a statement described in this paragraph on behalf of the chief petitioner.

4 (3)(a) If an applicant complies with subsection (2) of this section, not later than five business
5 days after the applicant applies, the secretary shall register the applicant and assign the applicant
6 a registration number.

7 (b) A person who is registered to obtain signatures on a prospective petition for a state measure
8 to be initiated need not reapply for a registration under this section in order to obtain signatures
9 on a state initiative, referendum or recall petition, except that the person shall submit a list of the
10 initiative, referendum and recall petitions on which the person will gather signatures.

11 (c) A registration [*issued by the secretary under this section*] **to obtain signatures on a state**
12 **initiative petition or a prospective petition for a state measure to be initiated** is valid until the
13 date that is four months before the next general election.

14 **(d) A registration to obtain signatures on a referendum or recall petition is valid until**
15 **the date the petition is filed for signature verification.**

16 (4) A person may not apply for registration under this section if, during the five-year period
17 prior to the date of application, the person:

18 (a) Has been convicted for a criminal offense involving fraud, forgery or identification theft in
19 any state;

20 (b) Has had a civil penalty imposed under ORS 260.995 for a violation of this section or ORS
21 260.262; or

22 (c) Has had a civil or criminal penalty imposed for violation of a statute subject to a criminal
23 penalty under ORS 260.993.

24 (5) To assist in determining the identity of an applicant or whether an applicant has been con-
25 victed for a criminal offense described in subsection (4) of this section, upon consent of the applicant
26 and upon request of the secretary, the Department of State Police shall furnish to the secretary any
27 information that the department may have in its possession from its central bureau of criminal
28 identification, including but not limited to the Law Enforcement Data System established in ORS
29 181.730, other computerized information and any other information to which the department may
30 have access. For purposes of receiving the information described in this subsection, the office of the
31 Secretary of State is a "criminal justice agency" under ORS 181.010 to 181.560 and 181.715 to
32 181.730 and the rules adopted under ORS 181.555. Upon submitting an application for registration
33 described in subsection (2) of this section, an applicant is deemed to have given the consent neces-
34 sary for purposes of this subsection.

35 (6) If a person receives money or other valuable consideration for obtaining signatures of elec-
36 tors on a state initiative, referendum or recall petition or a prospective petition for a state measure
37 to be initiated and the person was not registered as required under this section at the time the
38 signatures were obtained, the secretary may not include any signatures obtained by the person in
39 a count under ORS 250.045 (3) or 250.105 or ORS chapter 249 for purposes of determining whether
40 the petition or prospective petition contains the required number of signatures of electors.

41 (7) A person registered under this section shall carry evidence of registration with the person
42 while the person is obtaining signatures on a state initiative, referendum or recall petition or a
43 prospective petition for a state measure to be initiated. The evidence of registration shall contain
44 the photograph and registration number of the person. The secretary by rule shall designate the
45 form of the evidence of registration.

1 (8) A photograph of an applicant submitted under subsection (2) of this section shall:

2 (a) Be a conventional photograph with a plain background;

3 (b) Show the face or the face, neck and shoulders of the applicant; and

4 (c) Be prepared and processed for printing as prescribed by the secretary.

5 (9) A person registered under this section may not obtain signatures on a petition or prospective
6 petition for which the person is being paid and, at the same time, obtain signatures on a petition
7 or prospective petition for which the person is not being paid. The secretary may not include any
8 signatures obtained in violation of this subsection in a count under ORS 250.045 (3) or 250.105 or
9 ORS chapter 249 for purposes of determining whether a state initiative, referendum or recall petition
10 or a prospective petition for a state measure to be initiated contains the required number of signa-
11 tures of electors.

12 (10) The secretary shall adopt rules necessary to implement this section, including rules:

13 (a) Establishing procedures for registering persons who may be paid money or other valuable
14 consideration for obtaining signatures of electors on state initiative, referendum or recall petitions
15 or prospective petitions for state measures to be initiated; and

16 (b) Establishing a training program for persons who may be paid money or other valuable con-
17 sideration for obtaining signatures of electors on state initiative, referendum or recall petitions or
18 prospective petitions for state measures to be initiated.

19 **SECTION 5.** ORS 253.690 is amended to read:

20 253.690. (1) A long term absent elector described in ORS 253.510 [(1) or (2)] may cast a ballot
21 using a facsimile machine as provided in this section. Notwithstanding ORS 254.470 (8), a ballot cast
22 under this section shall be counted only if the ballot:

23 (a) Is received in the office of the county clerk not later than 8 p.m. on the day of the election;

24 (b) Is accompanied by a return identification envelope containing the signature of the elector
25 and a signed waiver described in subsection (2) of this section; and

26 (c) The signature is verified as provided in subsection (3) of this section.

27 (2) Each elector who casts a ballot under this section shall complete and submit using a fac-
28 simile machine a waiver described in this subsection. The elector shall attest to the information
29 supplied on the waiver by signing the completed waiver. The Secretary of State by rule shall design
30 the form of the waiver, which shall include all of the following:

31 (a) Space for the elector to provide the elector's full name, residence or mailing address, a phone
32 or facsimile number where the elector may be contacted and any other necessary information.

33 (b) A waiver in substantially the following form:

34 _____
35
36 I, _____, acknowledge that by casting my voted ballot using a facsimile machine I have
37 waived my right to a secret ballot.
38 _____

39
40 (c) A statement to notify the elector that the elector's ballot will not be counted unless the
41 elector has complied with the provisions of this section.

42 (d) Space for the elector to provide the elector's signature to attest to the information supplied.

43 (3) The county clerk shall verify the signature of each elector on the return identification en-
44 velope transmitted by facsimile machine under this section with the signature on the elector's reg-
45 istration card, according to the procedure provided by rules adopted by the Secretary of State.

1 (4) The Secretary of State shall adopt rules to administer this section and to ensure the secrecy
2 of ballots cast using a facsimile machine to the greatest extent possible.

3 **SECTION 6.** ORS 258.290 is amended to read:

4 258.290. (1) If the official canvass of votes of an election reveals that the difference in the
5 number of votes cast for or against any measure is not more than one-fifth of one percent of the
6 total votes cast for and against the measure, the Secretary of State, in the case of a measure for
7 which the Secretary of State is the filing officer, and the county clerk who conducted the election
8 in the case of any other measure shall order a full recount of all votes cast for the measure.

9 (2) The cost of a full recount conducted under this section shall be paid by the state, county,
10 city or special district for which the measure was proposed.

11 (3) This section does not apply if the election on the measure is an election at which at least
12 50 percent of registered voters eligible to vote in the election must cast a ballot under [section 11]
13 **sections 11 and 11k**, Article XI, Oregon Constitution, and less than 50 percent of registered voters
14 eligible to vote in the election cast ballots.

15 **SECTION 7.** ORS 260.043 is amended to read:

16 260.043. (1) A candidate who serves as the candidate's own treasurer and who expects neither
17 the aggregate contributions to be received nor the aggregate expenditures to be made by or on be-
18 half of the candidate to exceed [~~\$350~~] **\$750** in total amount during a calendar year is not required
19 to:

- 20 (a) File a statement of organization under ORS 260.039;
- 21 (b) Establish a single exclusive campaign account under ORS 260.054; or
- 22 (c) File statements under ORS 260.057.

23 (2) A candidate described in subsection (1) of this section must keep contribution and expendi-
24 ture records for the previous 24 months.

25 (3) If at any time following the filing of a nominating petition, declaration of candidacy or cer-
26 tificate of nomination and during the calendar year either the aggregate contributions or aggregate
27 expenditures exceed [~~\$350~~] **\$750**, the candidate shall do all of the following:

- 28 (a) File a statement of organization under ORS 260.039.
- 29 (b) Establish a single exclusive campaign account as required under ORS 260.054.
- 30 (c) File a statement under ORS 260.057 showing all contributions received and expenditures
31 made. The statement shall be filed not later than seven calendar days after aggregate contributions
32 or aggregate expenditures exceed [~~\$350~~] **\$750** during a calendar year.

33 (d) If necessary, file additional statements under ORS 260.057.

34 (4) This section does not apply to candidates for federal office.

35 **SECTION 8.** ORS 260.055 is amended to read:

36 260.055. (1) Each candidate, other than a candidate for political party office, the treasurer of
37 each political committee and the treasurer of each petition committee shall keep detailed accounts.
38 The accounts shall be current as of not later than the seventh calendar day after the date of re-
39 ceiving a contribution or making an expenditure with respect to all contributions received and all
40 expenditures made by or on behalf of the candidate or committee that are required to be reported
41 under ORS 260.057, 260.076 or 260.078. Subject to ORS 260.085, the accounts shall list all information
42 required to be reported under ORS 260.083.

43 (2) Accounts kept by a candidate or the treasurer of a political committee may be inspected
44 under reasonable circumstances at any time before the election to which the accounts refer or
45 during the period specified for retention of the accounts under subsection (3) of this section by any

1 opposing candidate or the treasurer of any political committee for the same electoral contest. The
 2 right of inspection may be enforced by writ of mandamus issued by any court of competent juris-
 3 diction. The treasurers of political committees supporting a candidate may be joined with the can-
 4 didate as defendants in a mandamus proceeding.

5 (3) Accounts kept by a candidate or treasurer shall be preserved by the candidate or treasurer
 6 for at least two years after the date the statement of the contribution or expenditure is filed under
 7 ORS 260.057.

8 (4)(a) *[Before the last statement is filed under ORS 260.057,]* **If** a candidate, political committee
 9 or petition committee **intends to discontinue the statement of organization of the candidate**
 10 **or committee and close accounts, the candidate or committee** shall file with the Secretary of
 11 State a notice of intent *[to discontinue the statement of organization of the candidate or committee and*
 12 *close accounts]*. Upon receipt of the notice, the secretary shall examine each statement filed by the
 13 candidate or committee under ORS 260.044, 260.057, 260.083, 260.102, 260.112 or 260.118 to determine
 14 whether the statement is sufficient.

15 (b) Not later than 90 days after receipt of the notice of intent, the secretary shall notify the
 16 candidate, political committee or petition committee that the statements are sufficient or that a
 17 statement is insufficient or otherwise may violate a law or rule. The notice shall include a de-
 18 scription of the provisions of ORS 260.407.

19 (c) If, after a candidate, political committee or petition committee files a notice of intent to
 20 discontinue the statement of organization of the candidate or committee and close accounts, the
 21 candidate or committee files an additional statement under ORS 260.044, 260.057, 260.083, 260.102,
 22 260.112 or 260.118, the secretary has 90 days following the date the additional statement is filed to
 23 examine the statement and send a notification described in paragraph (b) of this subsection.

24 (d) When a candidate, political committee or petition committee files the last statement under
 25 ORS 260.057, the secretary shall conduct a final review. If the secretary determines that all state-
 26 ments filed are sufficient, the secretary shall notify the candidate, political committee or petition
 27 committee. Upon receipt of the notice, the candidate or committee may discontinue the statement
 28 of organization of the candidate, political committee or petition committee and close accounts.

29 **SECTION 9.** ORS 260.407 is amended to read:

30 260.407. (1)(a) Except as provided in paragraph (b) of this subsection, amounts received as con-
 31 tributions by a candidate or the principal campaign committee of a candidate for public office that
 32 are in excess of any amount necessary to defray *[campaign]* expenditures and any other funds do-
 33 nated to a holder of public office may be:

34 (A) Used to defray any expenses incurred in connection with the recipient's duties as a holder
 35 of public office;

36 (B) Transferred to any national, state or local political committee of any political party;

37 (C) Contributed to any organization described in section 170(c) of the Internal Revenue Code
 38 or to any charitable corporation as defined in ORS 128.620; or

39 (D) Used for any other lawful purpose.

40 (b) Amounts received as contributions by a candidate or the principal campaign committee of a
 41 candidate for public office that are in excess of any amount necessary to defray *[campaign]* expen-
 42 ditures and other funds donated to a holder of public office may not be:

43 (A) Converted by any person to any personal use other than to defray any expenses incurred in
 44 connection with the person's duties as a holder of public office or to repay to a candidate any loan
 45 the proceeds of which were used in connection with the candidate's campaign;

1 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS
2 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by
3 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-
4 butions described in this paragraph may be used to pay a civil penalty imposed under this chapter,
5 other than a civil penalty imposed for a violation of this section or ORS 260.409; or

6 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by the
7 candidate or public official in any civil, criminal or other legal proceeding or investigation that re-
8 lates to or arises from the course and scope of the duties of the person as a candidate or public
9 official. Contributions described in this paragraph may be used to pay legal expenses incurred by
10 the candidate or public official in connection with a legal proceeding brought under this chapter,
11 other than a proceeding brought under this section or ORS 260.409.

12 (2)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions
13 by a political committee that is not a principal campaign committee that are in excess of any
14 amount necessary to defray expenditures may be:

15 (A) Used to repay to the political committee any loan the proceeds of which were used in con-
16 nection with the campaign;

17 (B) Transferred to any national, state or local political committee of any political party;

18 (C) Contributed to any organization described in section 170(c) of the Internal Revenue Code
19 or to any charitable corporation as defined in ORS 128.620; or

20 (D) Used for any other lawful purpose.

21 (b) Amounts received as contributions by the political committee may not be:

22 (A) Converted by any person to any personal use;

23 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS
24 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by
25 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-
26 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,
27 other than a civil penalty imposed for a violation of this section or ORS 260.409; or

28 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a
29 treasurer or director of a political committee in any civil, criminal or other legal proceeding or in-
30 vestigation that relates to or arises from the course and scope of the duties of the person as a
31 treasurer or director. Contributions described in this subsection may be used to pay legal expenses
32 incurred by a treasurer or director in connection with a legal proceeding brought under this chap-
33 ter, other than a proceeding brought under this section or ORS 260.409.

34 (3)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions
35 by a chief petitioner or treasurer of a petition committee organized under ORS 260.118 that are in
36 excess of any amount necessary to defray expenditures may be:

37 (A) Used to repay to the chief petitioner any loan the proceeds of which were used in con-
38 nection with the initiative, referendum or recall petition;

39 (B) Transferred to any national, state or local political committee of any political party;

40 (C) Contributed to any organization described in section 170(c) of the Internal Revenue Code
41 or to any charitable corporation as defined in ORS 128.620; or

42 (D) Used for any other lawful purpose.

43 (b) Amounts received as contributions by a chief petitioner or treasurer of a petition committee
44 may not be:

45 (A) Converted by any person to any personal use;

1 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS
2 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by
3 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-
4 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,
5 other than a civil penalty imposed for a violation of this section or ORS 260.409; or

6 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a chief
7 petitioner or treasurer in any civil, criminal or other legal proceeding or investigation that relates
8 to or arises from the course and scope of the duties of the person as a chief petitioner or treasurer.
9 Contributions described in this subsection may be used to pay legal expenses incurred by a chief
10 petitioner or treasurer in connection with a legal proceeding brought under this chapter, other than
11 a proceeding brought under this section or ORS 260.409.

12 (4) As used in this section:

13 (a) "Contribution" and "expenditure" include a contribution or expenditure to or on behalf of
14 an initiative, referendum or recall petition.

15 (b) "Funds donated" means all funds, including but not limited to gifts, loans, advances, credits
16 or deposits of money that are donated for the purpose of supporting the activities of a holder of
17 public office. "Funds donated" does not mean funds appropriated by the Legislative Assembly or
18 another similar public appropriating body or personal funds of the office holder donated to an ac-
19 count containing only those personal funds.

20 (c) "Public office" does not include national or political party office.

21 **SECTION 10.** ORS 260.995 is amended to read:

22 260.995. (1) Except as provided in subsection (2) of this section, following an investigation under
23 ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to exceed
24 \$250 for each violation of any provision of Oregon Revised Statutes relating to the conduct of any
25 election, any rule adopted by the secretary under ORS chapters 246 to 260 or any other matter
26 preliminary to or relating to an election, for which a civil penalty is not otherwise provided.

27 (2) The secretary or the Attorney General may impose a civil penalty not to exceed:

28 (a) \$1,000 for each violation of ORS 251.049 (3) or 251.405 (3);

29 (b) \$1,000 plus the amount converted to personal use for each violation of ORS 260.407; or

30 (c) \$10,000 for each violation of ORS 260.555, 260.558, 260.575 or 260.715 (1) or section 1b, Article
31 IV of the Oregon Constitution.

32 (3) Except as otherwise provided by this section, civil penalties under this section shall be im-
33 posed as provided in ORS 183.745. In addition to the requirements of ORS 183.745, the notice shall
34 include:

35 (a) A statement of the authority and jurisdiction under which the hearing is to be held; and

36 (b) If the person is an agency, corporation or an unincorporated association, a statement that
37 such person must be represented by an attorney licensed in Oregon, unless the person is a political
38 committee which may be represented by any officer identified in the most recent statement of or-
39 ganization filed with the filing officer.

40 (4) A hearing on whether to impose a civil penalty and to consider circumstances in mitigation
41 shall be held by the secretary or Attorney General:

42 (a) Upon request of the person against whom the penalty may be assessed, if the request is made
43 not later than the 20th day after the date the person received notice sent under subsection (3) of
44 this section; or

45 (b) Upon the secretary's or Attorney General's own motion.

1 (5) The person against whom a penalty may be assessed need not appear in person at a hearing
2 held under this section, but instead may submit written testimony or other evidence, sworn to before
3 a notary public, to the secretary or Attorney General for entry in the hearing record. The testimony
4 or other evidence must be received by the secretary or Attorney General not later than three
5 business days before the day of the hearing.

6 (6) All hearings under this section shall be held not later than 45 days after the deadline for the
7 person against whom the penalty may be assessed to request a hearing. However, if requested by
8 the person against whom the penalty may be assessed, a hearing under subsection (4) of this section
9 shall be held not later than 60 days after the deadline for the person against whom the penalty may
10 be assessed to request a hearing.

11 (7) The secretary or Attorney General shall issue an order not later than 90 days after a hearing
12 or after the deadline for requesting a hearing if no hearing is held.

13 (8) All penalties recovered under this section shall be paid into the State Treasury and credited
14 to the General Fund.

15 (9) In the case of a civil penalty imposed under this section for a violation of ORS 260.407, the
16 person against whom the penalty is assessed:

17 (a) Is personally responsible for the payment of the civil penalty;

18 (b) Shall pay the civil penalty from personal funds of the person; and

19 (c) May not pay the civil penalty from contributions received by a candidate [*or the*], a
20 **candidate's** principal campaign committee [*of a candidate*], a **political committee or a petition**
21 **committee**.

22 **SECTION 11.** ORS 305.758 is amended to read:

23 305.758. (1) A payment to a political party under ORS 305.757 is considered a contribution to
24 that political party for the purposes of ORS chapter 260.

25 **(2) Any moneys received by the treasurer of a political party under ORS 305.757 for which**
26 **a statement must be filed under ORS chapter 260 shall be reported as received from the**
27 **Oregon Political Party Fund. The names of individual taxpayers are not required to be dis-**
28 **closed for purposes of ORS chapter 260.**

29 **SECTION 12.** ORS 246.410 is amended to read:

30 246.410. (1)(a) **After each federal decennial census, the Secretary of State shall prepare**
31 **detailed and comprehensive directives providing guidelines for fixing precinct and other**
32 **electoral district boundaries based on census population figures.**

33 **(b) After the federal decennial census and before the Legislative Assembly or Secretary**
34 **of State, whichever is applicable, apportions the state into congressional and legislative dis-**
35 **tricts, the secretary shall deliver the directives to:**

36 **(A) Each county clerk; and**

37 **(B) Any local government, as defined in ORS 174.116, or special government body, as de-**
38 **fined in ORS 174.117, that fixes electoral district boundaries based on census population fig-**
39 **ures.**

40 **(2)(a) In accordance with any directive distributed by the Secretary of State under this**
41 **section, the county clerk, not later than the 30th day before an election, may create, combine or**
42 **divide one or more precincts. The number of electors to be included in a precinct shall not exceed**
43 **5,000. The county clerk shall fix the boundaries of the precincts and designate the precincts by**
44 **numbers or names.**

45 **(b) A local government or special government body that fixes electoral district bounda-**

1 **ries based on census population figures shall fix the electoral district boundaries in accord-**
2 **ance with any directive distributed by the Secretary of State under this section.**

3 **SECTION 13.** ORS 246.410, as amended by section 3, chapter 720, Oregon Laws 2009, is
4 amended to read:

5 246.410. [(1) *The county clerk, not later than the 30th day before an election, shall create, combine*
6 *or divide one or more precincts as necessary to ensure that:*]

7 [(a) *Each precinct is part of the same congressional and legislative districts.*]

8 [(b) *Each precinct is contiguous.*]

9 [(c) *The number of electors included in a precinct does not exceed 5,000.*]

10 [(2) *The county clerk shall fix the boundaries of the precincts and designate the precincts by num-*
11 *bers or names.*]

12 [(3) *If the number of electors in a precinct exceeds 5,000, the county clerk shall divide the precinct*
13 *into two equal precincts according to the provisions of subsection (1) of this section.*]

14 [(4) *Not later than 10 days after a county clerk creates, combines or divides a precinct under this*
15 *section, the clerk shall notify the Secretary of State.*]

16 (1)(a) **After each federal decennial census, the Secretary of State shall prepare detailed**
17 **and comprehensive directives providing guidelines for fixing precinct and other electoral**
18 **district boundaries based on census population figures.**

19 (b) **After the federal decennial census and before the Legislative Assembly or Secretary**
20 **of State, whichever is applicable, apportions the state into congressional and legislative dis-**
21 **tricts, the secretary shall deliver the directives to:**

22 (A) **Each county clerk; and**

23 (B) **Any local government, as defined in ORS 174.116, or special government body, as de-**
24 **defined in ORS 174.117, that fixes electoral district boundaries based on census population fi-**
25 **gures.**

26 (2)(a) **In accordance with any directive distributed by the Secretary of State under this**
27 **section, the county clerk, not later than the 30th day before an election, may create, combine**
28 **or divide one or more precincts. The number of electors to be included in a precinct shall**
29 **not exceed 5,000. The county clerk shall fix the boundaries of the precincts and designate the**
30 **precincts by numbers or names.**

31 (b) **A local government or special government body that fixes electoral district bounda-**
32 **ries based on census population figures shall fix the electoral district boundaries in accord-**
33 **ance with any directive distributed by the Secretary of State under this section.**

34 **SECTION 14.** Section 10, chapter 720, Oregon Laws 2009, is amended to read:

35 **Sec. 10.** [(1)(a) *The amendments to ORS 246.410 by section 3 of this 2009 Act become operative*
36 *January 1, 2012.*]

37 [(b) *The amendments to ORS 246.410 by section 3 of this 2009 Act apply to precincts on and after*
38 *January 1, 2012.*]

39 [(2)] (1) The amendments to ORS 254.545 by section 4, **chapter 720, Oregon Laws 2009**, [of this
40 *2009 Act*] apply to elections held on or after January 1, 2010.

41 [(3)] (2) The amendments to ORS 250.105 by section 5, **chapter 720, Oregon Laws 2009**, [of this
42 *2009 Act*] apply to state initiative petitions and prospective petitions for a state measure to be ini-
43 *tiated that are filed with the Secretary of State for the purpose of verifying whether the petition*
44 *contains the required number of signatures of electors on or after [the effective date of this 2009*
45 *Act]* **July 16, 2009.**

1 **SECTION 15.** (1) The amendments to ORS 247.025 by section 2 of this 2010 Act apply to
2 registration cards delivered electronically on or after the effective date of this 2010 Act.

3 (2) The amendments to ORS 247.295 by section 3 of this 2010 Act apply to information
4 received by the Secretary of State or county clerk before, on or after the effective date of
5 this 2010 Act.

6 (3) The amendments to ORS 250.048 by section 4 of this 2010 Act apply to registrations
7 issued by the Secretary of State before, on or after the effective date of this 2010 Act.

8 (4) The amendments to ORS 253.690 by section 5 of this 2010 Act apply to elections held
9 on or after the effective date of this 2010 Act.

10 (5) The amendments to ORS 260.043 by section 7 of this 2010 Act apply to calendar years
11 beginning on or after January 1, 2011.

12 (6) The amendments to ORS 260.995 by section 10 of this 2010 Act apply to penalties im-
13 posed on or after the effective date of this 2010 Act.

14 (7) The amendments to ORS 305.758 by section 11 of this 2010 Act apply to statements
15 filed before, on or after the effective date of this 2010 Act.

16 **SECTION 16.** This 2010 Act being necessary for the immediate preservation of the public
17 peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect
18 on its passage.
19
