

House Bill 2259

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Health Care for Secretary of State Kate Brown)

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 **as introduced**.

Changes filing deadline for campaign finance statements from seven days to 14 days after contribution is received or expenditure is made during certain periods. Requires statement to be filed within 48 hours when contribution or expenditure exceeds \$5,000.

A BILL FOR AN ACT

1
2 Relating to campaign finance reporting; creating new provisions; and amending ORS 260.043, 260.044,
3 260.049, 260.054, 260.057, 260.085, 260.112 and 260.118.

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

5 **SECTION 1.** ORS 260.043, as amended by section 7, chapter 9, Oregon Laws 2010, is amended
6 to read:

7 260.043. (1) A candidate who serves as the candidate's own treasurer and who expects neither
8 the aggregate contributions to be received nor the aggregate expenditures to be made by or on be-
9 half of the candidate to exceed \$750 in total amount during a calendar year is not required to:

10 (a) File a statement of organization under ORS 260.039;

11 (b) Establish a single exclusive campaign account under ORS 260.054; or

12 (c) File statements under ORS 260.057.

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

15 (3) If at any time following the filing of a nominating petition, declaration of candidacy or cer-
16 tificate of nomination and during the calendar year either the aggregate contributions or aggregate
17 expenditures exceed \$750, the candidate shall do all of the following:

18 (a) File a statement of organization under ORS 260.039.

19 (b) Establish a single exclusive campaign account as required under ORS 260.054.

20 (c) File a statement under ORS 260.057 showing all contributions received and expenditures
21 made. The statement shall be filed not later than [*seven*] 14 calendar days after aggregate contri-
22 butions or aggregate expenditures exceed \$750 during a calendar year.

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

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

25 **SECTION 2.** ORS 260.044 is amended to read:

26 260.044. (1) A person shall file a statement of independent expenditures if the person makes in-
27 dependent expenditures in a total amount of more than \$100 in a calendar year. The statement shall
28 be filed with the Secretary of State.

29 (2) A statement described in subsection (1) of this section shall be filed not later than [*seven*]
30 14 calendar days after the total amount of independent expenditures exceeds \$100 in a calendar

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 year. The accounting period for the statement required by subsection (1) of this section begins on
 2 the date that an independent expenditure is made. The statement shall specify the candidate or
 3 measure supported or opposed by the independent expenditure. The secretary by rule shall prescribe
 4 the form of the statement.

5 (3) Notwithstanding ORS 260.005 (18), a person who solicits and receives a contribution or con-
 6 tributions is a political committee and shall file a statement of organization under ORS 260.042 and
 7 the statements required by ORS 260.057 or 260.076.

8 (4) For purposes of this section:

9 (a) An independent expenditure does not include a contribution to a candidate or political
 10 committee that is required to report the contribution on a statement filed under ORS 260.057,
 11 260.076 or 260.102 or a certificate filed under ORS 260.112;

12 (b) An independent expenditure does not include a contribution to a candidate who is not re-
 13 quired to file a statement of organization under ORS 260.043; and

14 (c) A person is not a political committee under subsection (3) of this section if all contributions
 15 received by the person are:

16 (A) Designated to an identified candidate or political committee;

17 (B) Delivered by the person to the designated candidate or political committee not later than
 18 seven business days after the contribution is received; and

19 (C) Required to be reported as contributions by a candidate or political committee on a state-
 20 ment filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS 260.112.

21 **SECTION 3.** ORS 260.049 is amended to read:

22 260.049. (1) If the major source of revenue of a corporation is paid-in-capital and the primary
 23 purpose of the corporation is to support or oppose any candidate, measure or political party, and
 24 the corporation has made a contribution or an expenditure for that purpose, the corporation shall
 25 report to the Secretary of State the names, addresses and occupations of its shareholders and shall
 26 report the amount of paid-in-capital attributable to each shareholder.

27 (2) The information required under subsection (1) of this section, including information on the
 28 nature and amount of all expenditures of money and in-kind contributions made by the corporation,
 29 shall be filed not later than *[seven]* 14 calendar days after the contribution or expenditure is made.

30 (3) The Secretary shall adopt by rule a form for the filing of the information required under this
 31 section.

32 **SECTION 4.** ORS 260.054 is amended to read:

33 260.054. (1) Each political committee shall establish a single exclusive campaign account and
 34 each petition committee organized under ORS 260.118 shall establish a single exclusive petition ac-
 35 count in a financial institution, as defined in ORS 706.008. The financial institution must be located
 36 in this state and must ordinarily conduct business with the general public in this state.

37 (2) A political committee shall maintain the campaign account in the name of the political
 38 committee. A petition committee shall maintain the petition account in the name of the petition
 39 committee.

40 (3) Except as provided in subsection (4) of this section:

41 (a) All expenditures made by the political committee shall be drawn from the campaign account
 42 and:

43 (A) Issued on a check signed by the candidate on whose behalf the account is established, by
 44 the treasurer of the political committee or by an individual designated by the candidate or treasurer;
 45 or

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

2 (b) All expenditures made by the petition committee shall be drawn from the petition account
3 and:

4 (A) Issued on a check signed by the chief petitioner or treasurer of the petition committee or
5 by an individual designated by the chief petitioner or treasurer; or

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

7 (4) Subsection (3) of this section does not prohibit a person from making a cash or other ex-
8 penditure on behalf of the political committee or petition committee and receiving reimbursement
9 from the campaign or petition account.

10 (5)(a) Not later than [*seven*] **14** calendar days after the date the contribution is received:

11 (A) A contribution received by a candidate or the treasurer of a political committee, directly
12 or indirectly, shall be deposited into the campaign account.

13 (B) A contribution received by a chief petitioner or treasurer of a petition committee, directly
14 or indirectly, shall be deposited into the petition account.

15 (b) This subsection does not apply to in-kind contributions received by a candidate, political
16 committee or petition committee.

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

19 (7) A campaign or petition account may not include any private moneys, other than contribu-
20 tions received by the political committee or petition committee.

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

24 (9) This section does not apply to candidates described in ORS 260.043.

25 (10) As used in this section, “contribution” and “expenditure” include a contribution or ex-
26 penditure to or on behalf of an initiative, referendum or recall petition.

27 **SECTION 5.** ORS 260.057 is amended to read:

28 260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used by:

29 (a) All candidates and political committees to file with the secretary statements of contributions
30 received and expenditures made by the candidates and political committees, as described in ORS
31 260.083.

32 (b) Treasurers of a petition committee organized under ORS 260.118 to file with the secretary
33 statements of contributions received and expenditures made by the treasurers and chief petitioners
34 as described in ORS 260.083.

35 (2) **Except as provided in subsection (5) of this section:**

36 (a) A candidate for nomination or election at any primary or general election or a political
37 committee supporting or opposing a candidate or measure at any primary or general election shall
38 file a statement described in subsection (1) of this section not later than [*seven*] **14** calendar days
39 after a contribution is received or an expenditure is made. This paragraph applies to contributions
40 received and expenditures made during the period beginning on the 42nd calendar day before the
41 date of any primary election and ending on the date of the primary election and the period beginning
42 on the 42nd calendar day before the date of any general election and ending on the date of the
43 general election.

44 (b) For any special election, the secretary by rule may establish a period during which a candi-
45 didate for nomination or election at the special election or a political committee supporting or op-

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] 14 calendar days after a contribution is received or an ex-
 3 penditure is made.

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

8 **(4) Except as provided in subsection (5) of this section:**

9 (a) If a candidate for nomination or election at any primary election or a political committee
 10 supporting or opposing a candidate or measure at any primary election receives a contribution or
 11 makes an expenditure prior to the 42nd calendar day before the date of the primary election and the
 12 candidate or political committee has not filed a statement of the contribution or expenditure under
 13 subsection (3) of this section by the 43rd calendar day before the date of the primary election, the
 14 candidate or political committee shall file a statement described in subsection (1) of this section not
 15 later than the [35th] **28th** calendar day before the date of the primary election.

16 (b) If a candidate for nomination or election at any general election or a political committee
 17 supporting or opposing a candidate or measure at any general election receives a contribution or
 18 makes an expenditure prior to the 42nd calendar day before the date of the general election and the
 19 candidate or political committee has not filed a statement of the contribution or expenditure under
 20 subsection (3) of this section by the 43rd calendar day before the date of the general election, the
 21 candidate or political committee shall file a statement described in subsection (1) of this section not
 22 later than the [35th] **28th** calendar day before the date of the general election.

23 **(5) A candidate for nomination or election at any primary or general election or a poli-**
 24 **tical committee supporting or opposing a candidate or measure at any primary or general**
 25 **election shall file a statement described in subsection (1) of this section not later than 48**
 26 **hours after a contribution is received or an expenditure is made if the contribution or ex-**
 27 **penditure exceeds \$5,000.**

28 [(5)] (6) The electronic filing system shall be provided free of charge by the secretary and:

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

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

32 [(6)(a)] (7)(a) Except as provided in paragraph (b) of this subsection, the secretary shall make
 33 all data filed electronically under this section and ORS 260.118 and all information filed with the
 34 secretary under ORS 260.045, 260.049, 260.085 or 260.102 available on the Internet to the public free
 35 of charge according to a schedule adopted by the secretary by rule. The secretary shall make the
 36 data available in a searchable database that is easily accessible by the public. When the secretary
 37 makes data or information available on the Internet under this subsection, the secretary shall dis-
 38 play any contribution received from a person or political committee with an out-of-state address in
 39 a different colored font than a contribution received from a person or political committee with an
 40 in-state address.

41 (b) The secretary may not make data that are filed electronically under this section or ORS
 42 260.118 available to the public under this section, unless the data are required to be listed under
 43 ORS 260.083. The secretary may not disclose under ORS 192.410 to 192.505 any data that are filed
 44 electronically under this section or ORS 260.118, unless the data are required to be listed under ORS
 45 260.083.

1 [(7)(a)] **(8)(a)** Except as provided in paragraph (b) of this subsection, each statement required
 2 by this section shall be signed and certified as true by the candidate or treasurer required to file
 3 it. Signatures shall be supplied in the manner specified by the secretary by rule.

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

7 [(8)] **(9)** This section does not apply to:

8 (a) Candidates for federal office;

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

10 (c) Candidates, political committees or petition committees that file certificates under ORS
 11 260.112.

12 **SECTION 6.** ORS 260.085 is amended to read:

13 260.085. (1) An account required by ORS 260.055 and a statement required by ORS 260.083 to list
 14 the occupation of a contributor must list the occupation of the contributor in the account and on
 15 the first statement filed under ORS 260.057 or 260.076 after the contribution is received if the oc-
 16 cupation is known to the candidate, political committee or petition committee filing the statement.

17 (2) If an account required by ORS 260.055 or a statement required by ORS 260.083 to list the
 18 occupation of a contributor does not list the occupation of the contributor as required by ORS
 19 260.055 or on the first statement filed under ORS 260.057 or 260.076 after the contribution is re-
 20 ceived, the candidate, political committee or petition committee shall file with the account and with
 21 the statement filed under ORS 260.057 documentation of a written request to the contributor to
 22 furnish the contributor's occupation.

23 (3) If a candidate, political committee or petition committee receives a contribution that does
 24 not identify the occupation of the contributor, the candidate or committee shall make a written re-
 25 quest to the contributor to furnish the occupation of the contributor within *[seven]* **14** calendar days
 26 after receiving the contribution. A written request under this subsection may be sent by electronic
 27 mail.

28 (4) If a candidate, political committee or petition committee receives information identifying the
 29 occupation of a contributor after making a written request under subsection (3) of this section, the
 30 candidate or committee, within *[seven]* **14** calendar days after receiving the information, shall include
 31 the contributor's occupation in the account kept under ORS 260.055 and in the contributor's entry
 32 filed under ORS 260.057.

33 **SECTION 7.** ORS 260.112 is amended to read:

34 260.112. (1)(a) A candidate or a treasurer of a political committee who expects neither the ag-
 35 gregate contributions to be received nor the aggregate expenditures to be made by or on behalf of
 36 the candidate or political committee to exceed \$2,000 in total amount during the calendar year shall
 37 file a certificate to that effect with the Secretary of State. The candidate or treasurer shall make
 38 the certificate according to the best of the knowledge or belief of the candidate or treasurer. A
 39 candidate or treasurer filing a certificate under this section is not required to file statements under
 40 ORS 260.057.

41 (b) A treasurer of a petition committee organized under ORS 260.118 who expects neither the
 42 aggregate contributions to be received nor the aggregate expenditures to be made by a chief
 43 petitioner or the treasurer to exceed \$2,000 in total amount during the calendar year shall file a
 44 certificate to that effect with the Secretary of State. The treasurer shall make the certificate ac-
 45 cording to the best of the knowledge or belief of the treasurer. A treasurer filing a certificate under

1 this section is not required to file statements under ORS 260.118.

2 (2) A certificate described in subsection (1) of this section shall be filed:

3 (a) By a candidate, not sooner than the date on which the candidate files a declaration of can-
4 didacy or nominating petition, accepts a nomination or is nominated to fill a vacancy in a nomi-
5 nation or in a partisan elective office, and not later than [seven] 14 calendar days after the candidate
6 receives a contribution or makes an expenditure.

7 (b) By a treasurer of a political committee, not sooner than the date that the political committee
8 files a statement of organization under ORS 260.042, and not later than [seven] 14 calendar days af-
9 ter the political committee receives a contribution or makes an expenditure.

10 (c) By a treasurer of a petition committee, not sooner than the date that a chief petitioner or
11 the treasurer files a statement of organization under ORS 260.118, and not later than [seven] 14
12 calendar days after a chief petitioner or the treasurer receives a contribution or makes an expend-
13 iture.

14 (3) A candidate, political committee or petition committee under this section must keep contri-
15 bution and expenditure records during the calendar year.

16 (4) If at any time following the filing of a certificate under this section and during the calendar
17 year either the aggregate contributions or aggregate expenditures exceed \$2,000, the candidate or
18 treasurer shall do all of the following:

19 (a) File a statement under ORS 260.057 or 260.118 within [seven] 14 calendar days after either
20 the aggregate contributions or aggregate expenditures exceed \$2,000. The statement must reflect all
21 contributions received and expenditures made by or on behalf of the candidate, political committee
22 or petition committee to that date, beginning January 1 of the calendar year.

23 (b) If necessary, file additional statements under ORS 260.057 or 260.118.

24 (5) This section does not apply to a candidate for federal office.

25 (6) As used in this section, "contribution" and "expenditure" include a contribution or expendi-
26 ture to or on behalf of an initiative, referendum or recall petition.

27 **SECTION 8.** ORS 260.118 is amended to read:

28 260.118. (1) The chief petitioners of an initiative, referendum or recall petition shall appoint a
29 treasurer. The treasurer shall be an elector of this state. Contributions shall be received and
30 expenditures made by or through the treasurer.

31 (2) The treasurer shall file a statement of organization of a petition committee with the appro-
32 priate filing officer. The treasurer shall file the statement not later than the third business day after
33 a chief petitioner or the treasurer receives a contribution or makes an expenditure relating to the
34 initiative, referendum or recall petition. The statement shall include:

35 (a) The name and address of the chief petitioners.

36 (b) The name and address of the treasurer appointed under subsection (1) of this section.

37 (c) A designation of the initiative, referendum or recall petition. The designation of the recall
38 petition shall include the name of the officer whose recall is demanded.

39 (d) The name of the financial institution in which the petition account required under ORS
40 260.054 is established, the name and number of the account, the name of the account holder and the
41 names of all individuals who have signature authority for the account. The Secretary of State may
42 not disclose information received by the secretary under this paragraph except as necessary for
43 purposes of enforcing the provisions of ORS chapters 246 to 260.

44 (3) If there is a change in the information submitted in a statement of organization under sub-
45 section (2) of this section, the treasurer shall file an amended statement of organization not later

1 than the 10th day after the change in information.

2 (4) The treasurer of an initiative, referendum or recall petition committee shall use the elec-
 3 tronic filing system adopted under ORS 260.057 to file with the Secretary of State statements of
 4 contributions received and expenditures made by the petition committee, as described in ORS
 5 260.083.

6 (5) The treasurer of an initiative petition committee shall file a statement described in sub-
 7 section (4) of this section not later than [*seven*] **14** calendar days after a contribution is received or
 8 an expenditure is made. This subsection applies to contributions received and expenditures made:

9 (a) During the period beginning on the 42nd calendar day before the date that is four months
 10 before a general election and ending on the date that is four months before a general election; and

11 (b) During the period beginning on the 42nd calendar day before the date of any primary
 12 election and ending on the date of the primary election and the period beginning on the 42nd cal-
 13 endar day before the date of any general election and ending on the date of the general election.

14 (6) The treasurer of a referendum petition committee or a recall petition committee shall file a
 15 statement described in subsection (4) of this section not later than [*seven*] **14** calendar days after a
 16 contribution is received or an expenditure is made. This subsection applies:

17 (a) For a referendum petition committee, to contributions received and expenditures made during
 18 the period beginning on the date the treasurer is appointed under subsection (1) of this section and
 19 ending on the deadline for submitting signatures for verification; and

20 (b) For a recall petition committee, to contributions received and expenditures made during the
 21 period beginning on the day after the date on which the statement of contributions received and
 22 expenditures made that is required under ORS 249.865 is filed and ending on the deadline for sub-
 23 mitting signatures for verification.

24 (7) Except as provided in subsection (8) of this section, during a period not described in sub-
 25 section (5) or (6) of this section, a treasurer of an initiative, referendum or recall petition committee
 26 shall file a statement described in subsection (4) of this section not later than 30 calendar days after
 27 a contribution is received or an expenditure is made.

28 (8) If a treasurer of an initiative petition committee receives a contribution or makes an ex-
 29 penditure prior to the 42nd calendar day before the date that is four months before a general
 30 election, or the 42nd day before the date of the primary election or general election, and the treas-
 31 urer has not filed a statement of the contribution or expenditure under subsection (4) of this section
 32 by the 43rd calendar day before the date that is four months before a general election, or the 43rd
 33 day before the date of the primary election or general election, the treasurer shall file a statement
 34 described in subsection (4) of this section not later than the [*35th*] **28th** calendar day before the date
 35 that is four months before a general election, or the [*35th*] **28th** day before the date of the primary
 36 election or general election.

37 (9) For an initiative petition committee, the accounting period for the first statement filed under
 38 this section begins on the date the treasurer is appointed under subsection (1) of this section.

39 (10) Each statement required under this section shall be signed and certified as true by the
 40 treasurer. Signatures shall be supplied in the manner specified by the secretary by rule.

41 (11) Subsections (4) to (10) of this section do not apply to petition committees that file certif-
 42 icates under ORS 260.112.

43 (12) As used in this section, “contribution” and “expenditure” include a contribution or ex-
 44 penditure to or on behalf of an initiative, referendum or recall petition.

45 **SECTION 9. The amendments to ORS 260.043, 260.044, 260.049, 260.054, 260.057, 260.085,**

1 **260.112 and 260.118 by sections 1 to 8 of this 2011 Act apply to contributions received or**
2 **expenditures made on or after the effective date of this 2011 Act.**

3
