

**A-Engrossed**  
**Senate Bill 270**

Ordered by the Senate February 28  
Including Senate Amendments dated February 28

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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 definition of "contribution" for purposes related to campaign finance regulation. Eliminates requirement that candidate or political committee, or chief petitioners of initiative, referendum or recall petition, disclose bank account number when filing statement of organization.**

Modifies provisions related to assessment of campaign finance penalties.

*[Declares emergency, effective on passage.]*

**A BILL FOR AN ACT**

1  
2 Relating to campaign finance reporting; creating new provisions; and amending ORS 260.005, 260.039,  
3 260.042, 260.083, 260.118 and 260.232.

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

5 **SECTION 1.** ORS 260.005 is amended to read:

6 260.005. As used in this chapter:

7 (1)(a) "Candidate" means:

8 (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,  
9 nominating petition or certificate of nomination to public office has been filed or whose name is  
10 expected to be or has been presented, with the individual's consent, for nomination or election to  
11 public office;

12 (B) An individual who has solicited or received and accepted a contribution, made an expendi-  
13 ture, or given consent to an individual, organization, political party or political committee to solicit  
14 or receive and accept a contribution or make an expenditure on the individual's behalf to secure  
15 nomination or election to any public office at any time, whether or not the office for which the in-  
16 dividual will seek nomination or election is known when the solicitation is made, the contribution  
17 is received and retained or the expenditure is made, and whether or not the name of the individual  
18 is printed on a ballot; or

19 (C) A public office holder against whom a recall petition has been completed and filed.

20 (b) For purposes of this section and ORS 260.035 to 260.156, "candidate" does not include a  
21 candidate for the office of precinct committeeperson.

22 (2) "Committee director" means any person who directly and substantially participates in  
23 decision-making on behalf of a political committee concerning the solicitation or expenditure of  
24 funds and the support of or opposition to candidates or measures. The officers of a political party  
25 shall be considered the directors of any political party committee of that party, unless otherwise

**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 provided in the party's bylaws.

2 (3) Except as provided in ORS 260.007, "contribute" or "contribution" includes:

3 (a) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compen-  
4 sation or consideration, of money, services other than personal services for which no compensation  
5 is asked or given, supplies, equipment or any other thing of value:

6 (A) For the purpose of influencing an election for public office or an election on a measure, or  
7 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-  
8 itical committee; or

9 (B) To or on behalf of a candidate, political committee or measure; **and**

10 *[(b) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforceable,*  
11 *to make a contribution; and]*

12 *[(c)]* (b) The excess value of a contribution made for compensation or consideration of less than  
13 equivalent value.

14 (4) "Controlled committee" means a political committee that, in connection with the making of  
15 contributions or expenditures:

16 (a) Is controlled directly or indirectly by a candidate or a controlled committee; or

17 (b) Acts jointly with a candidate or controlled committee.

18 (5) "Controlled directly or indirectly by a candidate" means:

19 (a) The candidate, the candidate's agent, a member of the candidate's immediate family or any  
20 other political committee that the candidate controls has a significant influence on the actions or  
21 decisions of the political committee; or

22 (b) The candidate's principal campaign committee and the political committee both have the  
23 candidate or a member of the candidate's immediate family as a treasurer or director.

24 (6) "County clerk" means the county clerk or the county official in charge of elections.

25 (7) "Elector" means an individual qualified to vote under section 2, Article II of the Oregon  
26 Constitution.

27 (8) Except as provided in ORS 260.007, "expend" or "expenditure" includes the payment or fur-  
28 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation  
29 by or on behalf of a candidate, political committee or person in consideration for any services,  
30 supplies, equipment or other thing of value performed or furnished for any reason, including support  
31 of or opposition to a candidate, political committee or measure, or for reducing the debt of a can-  
32 didate for nomination or election to public office. "Expenditure" also includes contributions made  
33 by a candidate or political committee to or on behalf of any other candidate or political committee.

34 (9) "Filing officer" means:

35 (a) The Secretary of State:

36 (A) Regarding a candidate for public office;

37 (B) Regarding a statement required to be filed under ORS 260.118;

38 (C) Regarding any measure; or

39 (D) Regarding any political committee.

40 (b) In the case of an irrigation district formed under ORS chapter 545, "filing officer" means:

41 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district  
42 formation election where the proposed district is situated wholly in one county;

43 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation  
44 district will be located, regarding any candidate for office or any measure at an irrigation district  
45 formation election where the proposed district is situated in more than one county; or

1 (C) The secretary of the irrigation district for any election other than an irrigation district  
2 formation election.

3 (10) "Independent expenditure" means an expenditure by a person for a communication in sup-  
4 port of or in opposition to a clearly identified candidate or measure that is not made with the co-  
5 operation or with the prior consent of, or in consultation with, or at the request or suggestion of,  
6 a candidate or any agent or authorized committee of the candidate, or any political committee or  
7 agent of a political committee supporting or opposing a measure. For purposes of this subsection:

8 (a) "Agent" means any person who has:

9 (A) Actual oral or written authority, either express or implied, to make or to authorize the  
10 making of expenditures on behalf of a candidate or on behalf of a political committee supporting or  
11 opposing a measure; or

12 (B) Been placed in a position within the campaign organization where it would reasonably ap-  
13 pear that in the ordinary course of campaign-related activities the person may authorize expen-  
14 ditures.

15 (b)(A) "Clearly identified" means, with respect to candidates:

16 (i) The name of the candidate involved appears;

17 (ii) A photograph or drawing of the candidate appears; or

18 (iii) The identity of the candidate is apparent by unambiguous reference.

19 (B) "Clearly identified" means, with respect to measures:

20 (i) The ballot number of the measure appears;

21 (ii) A description of the measure's subject or effect appears; or

22 (iii) The identity of the measure is apparent by unambiguous reference.

23 (c) "Communication in support of or in opposition to a clearly identified candidate or measure"  
24 means:

25 (A) The communication, taken in its context, clearly and unambiguously urges the election or  
26 defeat of a clearly identified candidate for nomination or election to public office, or the passage  
27 or defeat of a clearly identified measure;

28 (B) The communication, as a whole, seeks action rather than simply conveying information; and

29 (C) It is clear what action the communication advocates.

30 (d) "Made with the cooperation or with the prior consent of, or in consultation with, or at the  
31 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any  
32 political committee or agent of a political committee supporting or opposing a measure":

33 (A) Means any arrangement, coordination or direction by the candidate or the candidate's agent,  
34 or by any political committee or agent of a political committee supporting or opposing a measure,  
35 prior to the publication, distribution, display or broadcast of the communication. An expenditure  
36 shall be presumed to be so made when it is:

37 (i) Based on information about the plans, projects or needs of the candidate, or of the political  
38 committee supporting or opposing a measure, and provided to the expending person by the candidate  
39 or by the candidate's agent, or by any political committee or agent of a political committee sup-  
40 porting or opposing a measure, with a view toward having an expenditure made; or

41 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who  
42 is or has been an officer of a political committee authorized by the candidate or by a political  
43 committee or agent of a political committee supporting or opposing a measure, or who is or has been  
44 receiving any form of compensation or reimbursement from the candidate, the candidate's principal  
45 campaign committee or agent or from any political committee or agent of a political committee

1 supporting or opposing a measure.

2 (B) Does not mean providing to the expending person upon request a copy of this chapter or any  
3 rules adopted by the Secretary of State relating to independent expenditures.

4 (11) "Initiative petition" means a petition to initiate a measure for which a prospective petition  
5 has been filed but that is not yet a measure.

6 (12) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon  
7 Tax Court.

8 (13) "Mass mailing" means more than 200 substantially similar pieces of mail, but does not in-  
9 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other  
10 inquiry.

11 (14) "Measure" includes any of the following submitted to the people for their approval or re-  
12 jection at an election:

13 (a) A proposed law.

14 (b) An Act or part of an Act of the Legislative Assembly.

15 (c) A revision of or amendment to the Oregon Constitution.

16 (d) Local, special or municipal legislation.

17 (e) A proposition or question.

18 (15) "Occupation" means:

19 (a) The nature of an individual's principal business; and

20 (b) If the individual is employed by another person, the business name and address, by city and  
21 state, of the employer.

22 (16) "Person" means an individual, corporation, limited liability company, labor organization,  
23 association, firm, partnership, joint stock company, club, organization or other combination of indi-  
24 viduals having collective capacity.

25 (17) "Petition committee" means an initiative, referendum or recall petition committee organized  
26 under ORS 260.118.

27 (18) "Political committee" means a combination of two or more individuals, or a person other  
28 than an individual, that has:

29 (a) Received a contribution for the purpose of supporting or opposing a candidate, measure or  
30 political party; or

31 (b) Made an expenditure for the purpose of supporting or opposing a candidate, measure or  
32 political party. For purposes of this paragraph, an expenditure does not include:

33 (A) A contribution to a candidate or political committee that is required to report the contri-  
34 bution on a statement filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS  
35 260.112; or

36 (B) An independent expenditure for which a statement is required to be filed by a person under  
37 ORS 260.044.

38 (19) "Public office" means any national, state, county, district, city office or position, except a  
39 political party office, that is filled by the electors.

40 (20) "Recall petition" means a petition to recall a public officer for which a prospective petition  
41 has been filed but that is not yet a measure.

42 (21) "Referendum petition" means a petition to refer a measure for which a prospective petition  
43 has been filed but that is not yet a measure.

44 (22) "Regular district election" means the regular district election described in ORS 255.335.

45 (23) "Slate mailer" means a mass mailing that supports or opposes a total of three or more

1 candidates or measures.

2 (24)(a) "Slate mailer organization" means any person who directly or indirectly:

3 (A) Is involved in the production of one or more slate mailers and exercises control over the  
4 selection of the candidates and measures to be supported or opposed in the slate mailers; and

5 (B) Receives or is promised payment for producing one or more slate mailers or for endorsing  
6 or opposing, or refraining from endorsing or opposing, a candidate or measure in one or more slate  
7 mailers.

8 (b) "Slate mailer organization" does not include:

9 (A) A political committee organized by a political party; or

10 (B) A political committee organized by the caucus of either the Senate or the House of Repre-  
11 sentatives of the Legislative Assembly.

12 (25) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney  
13 General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction,  
14 state Senator, state Representative, judge or district attorney.

15 **SECTION 2.** ORS 260.039 is amended to read:

16 260.039. (1) Except as provided in ORS 260.043, a candidate who serves as the candidate's own  
17 treasurer, or the treasurer of the principal campaign committee, shall file a statement of organiza-  
18 tion with the filing officer. The statement shall include:

19 (a) The name, address, occupation, office sought and party affiliation of the candidate. The ad-  
20 dress shall be the address of a residence, office, headquarters or similar location where the candi-  
21 date may be conveniently located.

22 (b) In the case of a principal campaign committee:

23 (A) The name and address of the committee. The address shall be the address of a residence,  
24 office, headquarters or similar location where the political committee or a responsible officer of the  
25 political committee may be conveniently located.

26 (B) The name, address and occupation of the committee director or directors, if any.

27 (C) The name and address of the committee treasurer.

28 (D) The name and address of any other political committee of which two or more committee  
29 directors are also directors of the committee filing the statement.

30 (c) The name of the financial institution in which the campaign account required under ORS  
31 260.054 is established, the name [*and number*] of the account, the name of the account holder and  
32 the names of all individuals who have signature authority for the account. The Secretary of State  
33 may not disclose information received by the secretary under this paragraph except as necessary for  
34 purposes of enforcing the provisions of ORS chapters 246 to 260.

35 (2) A candidate or treasurer may designate an individual to receive any notice provided by a  
36 filing officer under ORS chapters 246 to 260. The candidate or treasurer shall include the name and  
37 address of the individual in the statement of organization filed under this section. A filing officer  
38 who provides any notice under ORS chapters 246 to 260 to the candidate or treasurer shall also  
39 provide the notice to the individual designated by the candidate or treasurer under this subsection.

40 (3) Except as provided in ORS 260.043, a candidate who serves as the candidate's own treasurer  
41 shall file the statement of organization not later than the third business day after the candidate first  
42 receives a contribution or makes an expenditure. The treasurer of a principal campaign committee  
43 shall file the statement of organization not later than the date specified in ORS 260.035.

44 (4) Any change in information submitted in a statement of organization under subsection (1) of  
45 this section shall be indicated in an amended statement of organization filed not later than the 10th

1 day after the change in information.

2 (5) Except as provided in ORS 260.043, a candidate who serves as the candidate's own treasurer  
3 or the treasurer of the principal campaign committee of the candidate shall file a statement of or-  
4 ganization under this section not later than the deadline for the candidate to file a nominating pe-  
5 tition or declaration of candidacy under ORS 249.037 or a certificate of nomination under ORS  
6 249.722.

7 (6) Except as provided in ORS 260.043, a candidate who serves as the candidate's own treasurer  
8 or the treasurer of the principal campaign committee of a candidate shall file a new or amended  
9 statement of organization not later than the date that the candidate files a nominating petition,  
10 declaration of candidacy or certificate of nomination.

11 **SECTION 3.** ORS 260.042 is amended to read:

12 260.042. (1) The treasurer of a political committee shall file a statement of organization with the  
13 filing officer. The statement shall include:

14 (a) The name, address and nature of the committee. The address shall be the address of a resi-  
15 dence, office, headquarters or similar location where the political committee or a responsible officer  
16 of the political committee may be conveniently located.

17 (b) The name, address and occupation of the committee director or directors.

18 (c) The name and address of the committee treasurer.

19 (d) The name and address of any other political committee of which two or more committee di-  
20 rectors are also directors of the committee filing the statement.

21 (e) The name, office sought, and party affiliation of each candidate whom the committee is sup-  
22 porting or specifically opposing or intends to support or specifically oppose, when known, or, if the  
23 committee is supporting or specifically opposing all the candidates of a given party, the name of that  
24 party.

25 (f) A designation of any measure that the committee is opposing or supporting, or intends to  
26 support or oppose.

27 (g) The name of the financial institution in which the campaign account required under ORS  
28 260.054 is established, the name [*and number*] of the account, the name of the account holder and  
29 the names of all individuals who have signature authority for the account. The Secretary of State  
30 may not disclose information received by the secretary under this paragraph except as necessary for  
31 purposes of enforcing the provisions of ORS chapters 246 to 260.

32 (h) A statement of whether the committee is a controlled committee.

33 (2) A treasurer may designate an individual to receive any notice provided by a filing officer  
34 under ORS chapters 246 to 260. The treasurer shall include the name and address of the individual  
35 in a statement of organization filed under this section. A filing officer who provides any notice under  
36 ORS chapters 246 to 260 to the treasurer of the political committee shall also provide the notice to  
37 the individual designated by the treasurer under this subsection.

38 (3) The statement of organization shall be filed not later than the date specified in ORS 260.035.

39 (4) Any change in information submitted in a statement of organization under subsection (1) of  
40 this section shall be indicated in an amended statement of organization filed not later than the 10th  
41 day after the change in information.

42 (5) This section does not apply to a political committee that is a principal campaign committee  
43 or to a political committee exclusively supporting or opposing one or more candidates for federal  
44 or political party office.

45 **SECTION 4.** ORS 260.083 is amended to read:

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

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

3 (A) The name, occupation and address of each person, and the name and address of each poli-  
4 tical committee or petition committee, that contributed an aggregate amount of more than \$100 in  
5 a calendar year on behalf of a candidate or to a political committee or petition committee and the  
6 total amount contributed by that person or committee; and

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

9 (b) For an expenditure:

10 (A) The amount and purpose of each expenditure made in an aggregate amount of more than  
11 \$100 to a payee, the name or, if applicable, the business name of the payee of the expenditure, and  
12 the city, or county if the payee is not located in a city, and state in which the payee is located; and

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

14 (c) Each loan, whether repaid or not, made by or to the candidate, political committee or peti-  
15 tion committee. The statement shall list:

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

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

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

20 [(2)(a) A contribution shall be reported as an account receivable only if the contribution is not re-  
21 ceived within the time specified in ORS 260.057, 260.076 or 260.118.]

22 [(b)] (2) An expenditure shall be reported as an account payable only if the expenditure is not  
23 paid within the time specified in ORS 260.057, 260.076 or 260.118.

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

27 (4) If a candidate, political committee or petition committee under ORS 260.057 or 260.118 makes  
28 an expenditure that must be reported as an in-kind contribution and an expenditure as provided in  
29 subsection (3) of this section, the candidate, political committee or petition committee making the  
30 original expenditure shall, in any statement filed under ORS 260.057 or 260.118, identify the ex-  
31 penditure as an in-kind contribution and identify the candidate, political committee or petition  
32 committee for whose benefit the expenditure was made.

33 (5) If a political committee makes an expenditure that qualifies as an independent expenditure  
34 under ORS 260.005 (10), the listing of the expenditure under this section shall identify any candi-  
35 dates or measures that are the subject of the independent expenditure and state whether the inde-  
36 pendent expenditure was used to advocate the election, passage or defeat of the candidates or  
37 measures.

38 (6) As used in this section:

39 (a) "Address" has the meaning given that term in rules adopted by the Secretary of State.

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

42 **SECTION 5.** ORS 260.118 is amended to read:

43 260.118. (1) The chief petitioners of an initiative, referendum or recall petition shall appoint a  
44 treasurer. The treasurer shall be an elector of this state. Contributions shall be received and  
45 expenditures made by or through the treasurer.

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

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

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

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

9 (d) The name of the financial institution in which the petition account required under ORS  
10 260.054 is established, the name [*and number*] of the account, the name of the account holder and  
11 the names of all individuals who have signature authority for the account. The Secretary of State  
12 may not disclose information received by the secretary under this paragraph except as necessary for  
13 purposes of enforcing the provisions of ORS chapters 246 to 260.

14 (3) If there is a change in the information submitted in a statement of organization under sub-  
15 section (2) of this section, the treasurer shall file an amended statement of organization not later  
16 than the 10th day after the change in information.

17 (4) The treasurer of an initiative, referendum or recall petition committee shall use the elec-  
18 tronic filing system adopted under ORS 260.057 to file with the Secretary of State statements of  
19 contributions received and expenditures made by the petition committee, as described in ORS  
20 260.083.

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

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

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

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

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

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

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

43 (8) If a treasurer of an initiative petition committee receives a contribution or makes an ex-  
44 penditure prior to the 42nd calendar day before the date that is four months before a general  
45 election, or the 42nd day before the date of the primary election or general election, and the treas-



1 urer has not filed a statement of the contribution or expenditure under subsection (4) of this section  
2 by the 43rd calendar day before the date that is four months before a general election, or the 43rd  
3 day before the date of the primary election or general election, the treasurer shall file a statement  
4 described in subsection (4) of this section not later than the 35th calendar day before the date that  
5 is four months before a general election, or the 35th day before the date of the primary election or  
6 general election.

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

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

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

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

15 **SECTION 6.** ORS 260.232 is amended to read:

16 260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in  
17 addition to any other penalty that may be imposed, for:

18 (a) Failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,  
19 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118.

20 (b) Failure to include in a statement filed under ORS 260.057, 260.076, 260.078, 260.083, 260.102,  
21 260.112 or 260.118 the information required under ORS 260.057, 260.076, 260.083, 260.102 or 260.118.

22 (2)(a) If a person required to file has not filed a statement or certificate complying with appli-  
23 cable provisions of ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.085, 260.102, 260.112 or  
24 260.118 within the time specified in ORS 260.044, 260.057, 260.076, 260.078 or 260.118, the Secretary  
25 of State by certified mail shall notify the person that a penalty may be imposed and that the person  
26 has 20 days to request a hearing before the Secretary of State.

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

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

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

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

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

43 (4) A hearing under subsection (3) of this section shall be held not later than 45 days after the  
44 deadline for the person against whom the penalty may be assessed to request a hearing. However,  
45 if requested by the person against whom the penalty may be assessed, a hearing under subsection

1 (3) of this section shall be held not later than 60 days after the deadline for the person against whom  
2 the penalty may be assessed to request a hearing.

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

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

10 (7) **Except as provided in subsection (8) of this section,** a civil penalty imposed under this  
11 section may not be more than the following:

12 (a) For failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,  
13 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118, 10 percent of the total amount of the contri-  
14 bution or expenditure required to be included in the statement or certificate; or

15 (b) For each failure to include in a statement filed under ORS 260.057, 260.076, 260.078, 260.083,  
16 260.102, 260.112 or 260.118 the information required under ORS 260.057, 260.076, 260.083, 260.102 or  
17 260.118, 10 percent of the total amount of the contribution or expenditure required to be included  
18 in the statement.

19 (8) **The Secretary of State may not impose a penalty under this section that exceeds an**  
20 **aggregate total of \$5,000 for any one calendar month.**

21 (9) **The period for which a penalty may be assessed under this section shall begin on the**  
22 **date that is the final date by which a statement or certificate may be timely filed under ORS**  
23 **260.044, 260.057, 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118.**

24 [(8)] (10) The Secretary of State, upon a showing of mitigating circumstances, may reduce the  
25 amount of the penalty described in subsection (7) of this section.

26 [(9)] (11) Except as otherwise provided by this section, civil penalties under this section shall  
27 be imposed as provided in ORS 183.745.

28 **SECTION 7. (1) The amendments to ORS 260.039, 260.042 and 260.118 by sections 2, 3 and**  
29 **5 of this 2011 Act apply to statements of organization filed by a principal campaign commit-**  
30 **tee, political committee or petition committee on or after the effective date of this 2011 Act.**

31 (2) **The amendments to ORS 260.005 and 260.083 by sections 1 and 4 of this 2011 Act apply**  
32 **to contributions made on or after the effective date of this 2011 Act.**

33 (3) **The amendments to ORS 260.232 by section 6 of this 2011 Act apply to statements**  
34 **required to be filed on or after the effective date of this 2011 Act.**

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