

Senate Bill 270

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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 **as introduced**.

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; amending ORS 260.232; and de-
3 claring an emergency.

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

5 **SECTION 1.** ORS 260.232 is amended to read:

6 260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in
7 addition to any other penalty that may be imposed, for:

8 (a) Failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,
9 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118.

10 (b) Failure to include in a statement filed under ORS 260.057, 260.076, 260.078, 260.083, 260.102,
11 260.112 or 260.118 the information required under ORS 260.057, 260.076, 260.083, 260.102 or 260.118.

12 (2)(a) If a person required to file has not filed a statement or certificate complying with appli-
13 cable provisions of ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.085, 260.102, 260.112 or
14 260.118 within the time specified in ORS 260.044, 260.057, 260.076, 260.078 or 260.118, the Secretary
15 of State by certified mail shall notify the person that a penalty may be imposed and that the person
16 has 20 days to request a hearing before the Secretary of State.

17 (b) If the person required to file is a candidate or the principal campaign committee of a can-
18 didate, the Secretary of State shall send the notice described in paragraph (a) of this subsection by
19 certified mail to the individual who is the candidate and by first class mail to the candidate's
20 treasurer or the treasurer of the candidate's principal campaign committee. The notice sent by cer-
21 tified mail to the individual who is a candidate shall be used for purposes of determining the dead-
22 line for requesting a hearing under subsection (3) of this section. The Secretary of State is not
23 required to send two notices if the candidate serves as the treasurer of the candidate's principal
24 campaign committee.

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

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

30 (b) Upon request of the filing officer with whom a statement or certificate was required to be

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 filed but was not filed; or

2 (c) Upon the Secretary of State's own motion.

3 (4) A hearing under subsection (3) of this section shall be held not later than 45 days after the
 4 deadline for the person against whom the penalty may be assessed to request a hearing. However,
 5 if requested by the person against whom the penalty may be assessed, a hearing under subsection
 6 (3) of this section shall be held not later than 60 days after the deadline for the person against whom
 7 the penalty may be assessed to request a hearing.

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

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

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

17 (a) For failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,
 18 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118, 10 percent of the total amount of the contri-
 19 bution or expenditure required to be included in the statement or certificate; or

20 (b) For each failure to include in a statement filed under ORS 260.057, 260.076, 260.078, 260.083,
 21 260.102, 260.112 or 260.118 the information required under ORS 260.057, 260.076, 260.083, 260.102 or
 22 260.118, 10 percent of the total amount of the contribution or expenditure required to be included
 23 in the statement.

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

26 **(9) The period for which a penalty may be assessed under this section shall begin on the**
 27 **date that is the final date by which a statement or certificate may be timely filed under ORS**
 28 **260.044, 260.057, 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118.**

29 [(8)] (10) The Secretary of State, upon a showing of mitigating circumstances, may reduce the
 30 amount of the penalty described in subsection (7) of this section.

31 [(9)] (11) Except as otherwise provided by this section, civil penalties under this section shall
 32 be imposed as provided in ORS 183.745.

33 **SECTION 2. The amendments to ORS 260.232 by section 1 of this 2011 Act apply to**
 34 **statements required to be filed on or after the effective date of this 2011 Act.**

35 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**
 36 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
 37 **on its passage.**