

Senate Bill 271

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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**.

Establishes Campaign Finance Fund. Continuously appropriates moneys to Secretary of State for purpose of operating electronic filing system.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Campaign Finance Fund; creating new provisions; amending ORS 260.232; appropriating money; and declaring an emergency.

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

5 **SECTION 1. (1) The Campaign Finance Fund is established in the State Treasury, separate and distinct from the General Fund. Moneys in the Campaign Finance Fund may be**
6 **invested as provided in ORS 293.701 to 293.820. Interest earned by the Campaign Finance**
7 **Fund shall be credited to the fund.**
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9 **(2) The Campaign Finance Fund consists of moneys collected from any civil penalty imposed under ORS 260.232 and any other moneys transferred to the fund.**
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11 **(3) Moneys deposited to the credit of the Campaign Finance Fund are continuously appropriated to the Secretary of State for the purpose of operating the electronic filing system described in ORS 260.057.**
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14 **SECTION 2.** ORS 260.232 is amended to read:

15 260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in addition to any other penalty that may be imposed, for:

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

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

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

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

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

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

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

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

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

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

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

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

25 (a) For failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,
 26 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118, 10 percent of the total amount of the contri-
 27 bution or expenditure required to be included in the statement or certificate; or

28 (b) For each failure to include in a statement filed under ORS 260.057, 260.076, 260.078, 260.083,
 29 260.102, 260.112 or 260.118 the information required under ORS 260.057, 260.076, 260.083, 260.102 or
 30 260.118, 10 percent of the total amount of the contribution or expenditure required to be included
 31 in the statement.

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

34 (9) Except as otherwise provided by this section, civil penalties under this section shall be im-
 35 posed as provided in ORS 183.745.

36 **(10) All penalties recovered under this section shall be paid into the State Treasury and**
 37 **credited to the Campaign Finance Fund established under section 1 of this 2011 Act.**

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