

# House Bill 4152

Sponsored by Representative MATTHEWS; Representatives DOHERTY, FREDERICK, HARKER, KENY-GUYER  
(Presession filed.)

## 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**.

Requires campaign finance statement to be filed within two calendar days if contribution or expenditure exceeding \$1,000 is received or made during 14-day period immediately preceding election. Changes filing deadline for statements from seven days to 14 days after contribution is received or expenditure is made during period beginning 42 days before election.

Becomes operative September 19, 2012.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to campaign finance reporting; creating new provisions; amending ORS 260.057 and 260.118;  
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 260.057 is amended to read:

6 260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used by:

7 (a) All candidates and political committees to file with the secretary statements of contributions  
8 received and expenditures made by the candidates and political committees, as described in ORS  
9 260.083.

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

13 **(2) Except as otherwise provided in this section, a candidate or political committee shall**  
14 **file a statement described in subsection (1) of this section not later than 30 calendar days**  
15 **after a contribution is received or an expenditure is made.**

16 ~~[(2)(a)]~~ **(3)(a) Except as provided in subsection (4) of this section,** a candidate for nomination  
17 or election at any primary or general election or a political committee supporting or opposing a  
18 candidate or measure at any primary or general election shall file a statement described in sub-  
19 section (1) of this section not later than ~~[seven]~~ **14** calendar days after a contribution is received or  
20 an expenditure is made. This paragraph applies to contributions received and expenditures made:

21 **(A)** During the period beginning on the 42nd calendar day before the date of any primary  
22 election and ending on the date of the primary election; and

23 **(B) During** the period beginning on the 42nd calendar day before the date of any general  
24 election and ending on the date of the general election.

25 **(b) If the candidate or political committee receives a contribution or makes an expendi-**  
26 **ture prior to the 42nd calendar day before the date of the primary or general election and**  
27 **the candidate or political committee has not filed a statement of the contribution or ex-**  
28 **penditure under subsection (2) of this section by the 43rd calendar day before the date of the**

**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 **primary or general election, the candidate or political committee shall file a statement de-**  
 2 **scribed in subsection (1) of this section not later than the 28th calendar day before the date**  
 3 **of the primary or general election.**

4 *[(b) For any special election, the secretary by rule may establish a period during which a candidate*  
 5 *for nomination or election at the special election or a political committee supporting or opposing a*  
 6 *candidate or measure at the special election must file a statement described in subsection (1) of this*  
 7 *section not later than seven calendar days after a contribution is received or an expenditure is made.]*

8 *[(3) Except as provided in subsection (4) of this section, during a period not described in subsection*  
 9 *(2) of this section, a candidate or political committee shall file a statement described in subsection (1)*  
 10 *of this section not later than 30 calendar days after a contribution is received or an expenditure is*  
 11 *made.]*

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

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

26 **(4)(a) A candidate for nomination or election at any primary or general election or a**  
 27 **political committee supporting or opposing a candidate or measure at any primary or general**  
 28 **election shall file a statement described in subsection (1) of this section not later than two**  
 29 **calendar days after a contribution is received or an expenditure is made if the contribution**  
 30 **or expenditure exceeds \$1,000. This paragraph applies to contributions received and expen-**  
 31 **ditures made:**

32 **(A) During the period beginning on the 14th calendar day before the date of any primary**  
 33 **election and ending on the date of the primary election; and**

34 **(B) During the period beginning on the 14th calendar day before the date of any general**  
 35 **election and ending on the date of the general election.**

36 **(b) If the candidate or political committee receives a contribution or makes an expendi-**  
 37 **ture in excess of \$1,000 prior to the 14th calendar day before the date of the primary or**  
 38 **general election and the candidate or political committee has not filed a statement of the**  
 39 **contribution or expenditure under subsection (3) of this section by the 15th calendar day**  
 40 **before the date of the primary or general election, the candidate or political committee shall**  
 41 **file a statement described in subsection (1) of this section not later than the 12th calendar**  
 42 **day before the date of the primary or general election.**

43 **(5) For any special election, the secretary by rule may establish a period during which a**  
 44 **candidate for nomination or election at the special election or a political committee sup-**  
 45 **porting or opposing a candidate or measure at the special election must file a statement**

1 **described in subsection (1) of this section. The period may not extend beyond:**

2 (a) **14 calendar days after a contribution is received or an expenditure is made; and**

3 (b) **Two calendar days after a contribution is received or an expenditure is made, if the**  
 4 **contribution or expenditure exceeds \$1,000.**

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

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

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

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

18 (b) The secretary may not make data that are filed electronically under this section or ORS  
 19 260.118 available to the public under this section, unless the data are required to be listed under  
 20 ORS 260.083. The secretary may not disclose under ORS 192.410 to 192.505 any data that are filed  
 21 electronically under this section or ORS 260.118, unless the data are required to be listed under ORS  
 22 260.083.

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

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

29 [(8)] (9) This section does not apply to:

30 (a) Candidates for federal office;

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

32 (c) Candidates, political committees or petition committees that file certificates under ORS  
 33 260.112.

34 **SECTION 2.** ORS 260.118 is amended to read:

35 260.118. (1) The chief petitioners of an initiative, referendum or recall petition shall appoint a  
 36 treasurer. The treasurer shall be an elector of this state. Contributions shall be received and  
 37 expenditures made by or through the treasurer.

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

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

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

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

1 (d) The name of the financial institution in which the petition account required under ORS  
 2 260.054 is established, the name and number of the account, the name of the account holder and the  
 3 names of all individuals who have signature authority for the account. The Secretary of State may  
 4 not disclose information received by the secretary under this paragraph except as necessary for  
 5 purposes of enforcing the provisions of ORS chapters 246 to 260.

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

9 (4) The treasurer of an initiative, referendum or recall petition committee shall use the elec-  
 10 tronic filing system adopted under ORS 260.057 to file with the Secretary of State statements of  
 11 contributions received and expenditures made by the petition committee, as described in ORS  
 12 260.083.

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

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

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

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

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

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

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

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

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

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

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

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

7 **SECTION 3. The amendments to ORS 260.057 and 260.118 by sections 1 and 2 of this 2012**  
8 **Act become operative on September 19, 2012.**

9 **SECTION 4. (1) The amendments to ORS 260.057 and 260.118 by sections 1 and 2 of this**  
10 **2012 Act apply to contributions received or expenditures made on or after September 19, 2012.**

11 **(2) The Secretary of State may take any action before the operative date specified in**  
12 **section 3 of this 2012 Act that is necessary to enable the secretary to exercise, on and after**  
13 **the operative date specified in section 3 of this 2012 Act, all of the duties, functions and**  
14 **powers conferred upon the secretary by the amendments to ORS 260.057 and 260.118 by**  
15 **sections 1 and 2 of this 2012 Act.**

16 **SECTION 5. This 2012 Act being necessary for the immediate preservation of the public**  
17 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**  
18 **on its passage.**