

House Bill 2419

Sponsored by Representative MATTHEWS (Pre-session 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 equaling or exceeding \$1,000 is received during 14-day period immediately preceding election. Adjusts other filing deadlines for campaign finance statements.

Becomes operative September 19, 2013.

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

29 *[(3) Except as provided in subsection (4) of this section, during a period not described in subsection*
30 *(2) of this section, a candidate or political committee shall file a statement described in subsection (1)*

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 of this section not later than 30 calendar days after a contribution is received or an expenditure is
2 made.]

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

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

17 **(b) If the candidate or political committee receives a contribution or makes an expendi-
18 ture prior to the 42nd calendar day before the date of the primary or general election and
19 the candidate or political committee has not filed a statement of the contribution or ex-
20 penditure under subsection (2) of this section by the 43rd calendar day before the date of the
21 primary or general election, the candidate or political committee shall file a statement de-
22 scribed in subsection (1) of this section not later than the 28th calendar day before the date
23 of the primary or general election.**

24 **(4)(a) A candidate for nomination or election at any primary or general election or a
25 political committee supporting or opposing a candidate or measure at any primary or general
26 election shall file a statement of contributions received not later than two calendar days af-
27 ter a contribution is received if the contribution equals or exceeds \$1,000. This paragraph
28 applies to contributions received:**

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

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

33 **(b) If the candidate or political committee receives a contribution that equals or exceeds
34 \$1,000 prior to the 14th calendar day before the date of the primary or general election and
35 the candidate or political committee has not filed a statement of the contribution under
36 subsection (3) of this section by the 15th calendar day before the date of the primary or
37 general election, the candidate or political committee shall file a statement of the contribu-
38 tion received not later than the 12th calendar day before the date of the primary or general
39 election.**

40 **(5) For any special election, the secretary by rule may establish a period during which a
41 candidate for nomination or election at the special election or a political committee sup-
42 porting or opposing a candidate or measure at the special election must file a statement
43 described in subsection (1) of this section. The period may not extend beyond:**

44 **(a) Fourteen calendar days after a contribution is received or an expenditure is made;
45 and**

1 **(b) Two calendar days after a contribution is received, if the contribution equals or ex-**
 2 **ceeds \$1,000.**

3 [(5)] **(6)** The electronic filing system shall be provided free of charge by the secretary and:

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

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

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

16 (b) The secretary may not make data that are filed electronically under this section or ORS
 17 260.118 available to the public under this section, unless the data are required to be listed under
 18 ORS 260.083. The secretary may not disclose under ORS 192.410 to 192.505 any data that are filed
 19 electronically under this section or ORS 260.118, unless the data are required to be listed under ORS
 20 260.083.

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

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

27 [(8)] **(9)** This section does not apply to:

28 (a) Candidates for federal office;

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

30 (c) Candidates, political committees or petition committees that file certificates under ORS
 31 260.112.

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

33 260.118. (1) The chief petitioners of an initiative, referendum or recall petition shall appoint a
 34 treasurer. The treasurer shall be an elector of this state. Contributions shall be received and
 35 expenditures made by or through the treasurer.

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

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

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

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

44 (d) The name of the financial institution in which the petition account required under ORS
 45 260.054 is established, the name and number of the account, the name of the account holder and the

1 names of all individuals who have signature authority for the account. The Secretary of State may
2 not disclose information received by the secretary under this paragraph except as necessary for
3 purposes of enforcing the provisions of ORS chapters 246 to 260.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **SECTION 3. The amendments to ORS 260.057 and 260.118 by sections 1 and 2 of this 2013**
6 **Act become operative on September 19, 2013.**

7 **SECTION 4. (1) The amendments to ORS 260.057 and 260.118 by sections 1 and 2 of this**
8 **2013 Act apply to contributions received or expenditures made on or after September 19, 2013.**

9 **(2) The Secretary of State may take any action before the operative date specified in**
10 **section 3 of this 2013 Act that is necessary to enable the secretary to exercise, on and after**
11 **the operative date specified in section 3 of this 2013 Act, all of the duties, functions and**
12 **powers conferred upon the secretary by the amendments to ORS 260.057 and 260.118 by**
13 **sections 1 and 2 of this 2013 Act.**

14 **SECTION 5. This 2013 Act being necessary for the immediate preservation of the public**
15 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
16 **on its passage.**

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