

House Bill 3028

Sponsored by Representatives MATTHEWS, WILLIAMSON; Representatives BARTON, DOHERTY, FREDERICK, GREENLICK, WITT

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 statements of independent expenditures to be filed with Secretary of State using electronic filing system.

A BILL FOR AN ACT

1
2 Relating to independent expenditures; creating new provisions; and amending ORS 260.044, 260.057
3 and 260.083.

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

5 **SECTION 1.** ORS 260.044 is amended to read:

6 260.044. (1) A person shall file a statement of independent expenditures if the person makes in-
7 dependent expenditures in a total amount of more than \$750 in a calendar year. The statement shall
8 be filed with the Secretary of State **using the electronic filing system adopted under ORS**
9 **260.057**.

10 (2) A statement described in subsection (1) of this section shall be filed not later than seven
11 calendar days after the total amount of independent expenditures exceeds \$750 in a calendar year.
12 The accounting period for the statement required by subsection (1) of this section begins on the date
13 that an independent expenditure is made. The statement shall specify the candidate or measure
14 supported or opposed by the independent expenditure. The secretary by rule shall prescribe the form
15 of the statement.

16 (3) Notwithstanding ORS 260.005 (18), a person who solicits and receives a contribution or con-
17 tributions is a political committee and shall file a statement of organization under ORS 260.042 and
18 the statements required by ORS 260.057 or 260.076.

19 (4) For purposes of this section:

20 (a) An independent expenditure does not include a contribution to a candidate or political
21 committee that is required to report the contribution on a statement filed under ORS 260.057,
22 260.076 or 260.102 or a certificate filed under ORS 260.112;

23 (b) An independent expenditure does not include a contribution to a candidate who is not re-
24 quired to file a statement of organization under ORS 260.043; and

25 (c) A person is not a political committee under subsection (3) of this section if all contributions
26 received by the person are:

27 (A) Designated to an identified candidate or political committee;

28 (B) Delivered by the person to the designated candidate or political committee not later than
29 seven business days after the contribution is received; and

30 (C) Required to be reported as contributions by a candidate or political committee on a state-
31 ment filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS 260.112.

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 **SECTION 2.** ORS 260.057 is amended to read:

2 260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used by:

3 (a) All candidates and political committees to file with the secretary statements of contributions
4 received and expenditures made by the candidates and political committees, as described in ORS
5 260.083.

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

9 **(c) A person to file with the secretary a statement of independent expenditures as re-**
10 **quired by ORS 260.044.**

11 (2)(a) A candidate for nomination or election at any primary or general election or a political
12 committee supporting or opposing a candidate or measure at any primary or general election shall
13 file a statement described in subsection (1) of this section not later than seven calendar days after
14 a contribution is received or an expenditure is made. This paragraph applies to contributions re-
15 ceived and expenditures made during the period beginning on the 42nd calendar day before the date
16 of any primary election and ending on the date of the primary election and the period beginning on
17 the 42nd calendar day before the date of any general election and ending on the date of the general
18 election.

19 (b) For any special election, the secretary by rule may establish a period during which a can-
20 didate for nomination or election at the special election or a political committee supporting or op-
21 posing a candidate or measure at the special election must file a statement described in subsection
22 (1) of this section not later than seven calendar days after a contribution is received or an expend-
23 iture is made.

24 (3) Except as provided in subsection (4) of this section, during a period not described in sub-
25 section (2) of this section, a candidate or political committee shall file a statement described in
26 subsection (1) of this section not later than 30 calendar days after a contribution is received or an
27 expenditure is made.

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

35 (b) If a candidate for nomination or election at any general election or a political committee
36 supporting or opposing a candidate or measure at any general election receives a contribution or
37 makes an expenditure prior to the 42nd calendar day before the date of the general election and the
38 candidate or political committee has not filed a statement of the contribution or expenditure under
39 subsection (3) of this section by the 43rd calendar day before the date of the general election, the
40 candidate or political committee shall file a statement described in subsection (1) of this section not
41 later than the 35th calendar day before the date of the general election.

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

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

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

1 (6)(a) Except as provided in paragraph (b) of this subsection, the secretary shall make all data
 2 filed electronically under **subsection (1) of this section** [*and ORS 260.118*] and all information filed
 3 with the secretary under ORS 260.045, 260.049, 260.085 or 260.102 available on the Internet to the
 4 public free of charge according to a schedule adopted by the secretary by rule. The secretary shall
 5 make the data available in a searchable database that is easily accessible by the public. When the
 6 secretary makes data or information available on the Internet under this subsection, the secretary
 7 shall display any contribution received from a person or political committee with an out-of-state
 8 address in a different colored font than a contribution received from a person or political committee
 9 with an in-state address.

10 (b) The secretary may not make data that are filed electronically under **subsection (1) of this**
 11 **section** [*or ORS 260.118*] available to the public under this section, unless the data are required to
 12 be listed under ORS 260.083. The secretary may not disclose under ORS 192.410 to 192.505 any data
 13 that are filed electronically under **subsection (1) of this section** [*or ORS 260.118*], unless the data
 14 are required to be listed under ORS 260.083.

15 (7)(a) Except as provided in paragraph (b) of this subsection, each statement required by this
 16 section shall be signed and certified as true by the candidate or treasurer required to file it. Sig-
 17 natures shall be supplied in the manner specified by the secretary by rule.

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

21 (8) This section does not apply to:

22 (a) Candidates for federal office;

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

24 (c) Candidates, political committees or petition committees that file certificates under ORS
 25 260.112.

26 **SECTION 3.** ORS 260.083 is amended to read:

27 260.083. (1) A statement filed under ORS **260.044**, 260.057, 260.076 or 260.118 shall list:

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

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

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

35 (b) For an expenditure:

36 (A) The amount and purpose of each expenditure made in an aggregate amount of more than
 37 \$100 to a payee, the name or, if applicable, the business name of the payee of the expenditure, and
 38 the city, or county if the payee is not located in a city, and state in which the payee is located; and

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

40 (c) **For an independent expenditure:**

41 (A) **The amount and purpose of the independent expenditure;**

42 (B) **The name and address of the payee, including the city, or county if the payee is not**
 43 **located in a city, and state in which the payee is located; and**

44 (C) **Any candidates or measures supported or opposed by the independent expenditure.**

45 [(c)] (d) **For** each loan, whether repaid or not, made by or to [*the*] a candidate, political com-

1 mittee or petition committee[.], the statement shall list:

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

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

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

6 (2)(a) A contribution shall be reported as an account receivable only if the contribution is not
7 received within the time specified in ORS 260.057, 260.076 or 260.118.

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

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

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

19 *[(5) If a political committee makes an expenditure that qualifies as an independent expenditure*
20 *under ORS 260.005 (10), the listing of the expenditure under this section shall identify any candidates*
21 *or measures that are the subject of the independent expenditure and state whether the independent ex-*
22 *penditure was used to advocate the election, passage or defeat of the candidates or measures.]*

23 [(6)] (5) As used in this section:

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

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

27 **SECTION 4. The amendments to ORS 260.044, 260.057 and 260.083 by sections 1 to 3 of this**
28 **2013 Act apply to statements of independent expenditures required to be filed on or after the**
29 **effective date of this 2013 Act.**

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