

**A-Engrossed**  
**House Bill 3523**

Ordered by the House June 4  
Including House Amendments dated June 4

Sponsored by Representatives MATTHEWS, KENY-GUYER, PARRISH, JENSON

**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.

Requires statements of independent expenditures to be filed with Secretary of State using electronic filing system. Applies filing deadlines to additional statements of independent expenditures.

Requires campaign finance statement to be filed within two business days if *[contribution]* **aggregate amount of contributions** equaling or exceeding \$1,000 **from single donor** is received during 14-day period immediately preceding election. Adjusts other filing deadlines for campaign finance statements.

Requires candidate, political committee or petition committee that makes expenditure that must be reported by candidate or committee as in-kind contribution to provide written notice of expenditure to candidate or committee for whose benefit expenditure was made. Requires candidate or committee to give notice not later than 48 hours after time that original expenditure is reported in electronic filing system maintained by secretary.

**Removes requirement to report unfulfilled pledges as political contributions.**

**Removes requirement that statements of organization include campaign's bank account number.**

Becomes operative *[September 19, 2013]* **January 1, 2014.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to election campaign finance; creating new provisions; amending ORS 260.005, 260.039,  
3 260.042, 260.044, 260.057, 260.083, 260.118 and 260.232; and declaring an emergency.

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 inde-*  
7 *pendent expenditures in a total amount of more than \$750 in a calendar year. The statement shall be*  
8 *filed with the Secretary of State.]*

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

15 **(1) If a person makes independent expenditures in a total amount of more than \$750 in**  
16 **a calendar year, the person shall use the electronic filing system adopted under ORS 260.057**  
17 **to file with the Secretary of State a statement of independent expenditures not later than**  
18 **seven calendar days after the total amount of independent expenditures exceeds \$750 in a**  
19 **calendar year.**

20 **(2) A person who files a statement of independent expenditures under subsection (1) of**

**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 this section shall use the electronic filing system adopted under ORS 260.057 to file with the  
2 secretary additional statements of independent expenditures made by the person, as de-  
3 scribed in ORS 260.083.

4 (3) Except as provided in subsections (4) and (5) of this section, a person shall file a  
5 statement described in subsection (2) of this section not later than 30 calendar days after  
6 an independent expenditure is made.

7 (4)(a) A person shall file a statement described in subsection (2) of this section not later  
8 than 14 calendar days after an independent expenditure is made. This paragraph applies to  
9 independent expenditures made:

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

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

14 (b) If the person makes an independent expenditure prior to the 42nd calendar day before  
15 the date of the primary or general election and the person has not filed a statement under  
16 subsection (3) of this section by the 43rd calendar day before the date of the primary or  
17 general election, the person shall file a statement described in subsection (2) of this section  
18 not later than the 28th calendar day before the date of the primary or general election.

19 (5) For any special election, the secretary by rule may establish a period during which a  
20 person must file a statement described in subsection (2) of this section. The period may not  
21 extend beyond 14 calendar days after an independent expenditure is made.

22 [(3)] (6) Notwithstanding ORS 260.005 (18), a person who solicits and receives a contribution or  
23 contributions is a political committee and shall file a statement of organization under ORS 260.042  
24 and the statements required by ORS 260.057, [or] 260.076 or **260.078**.

25 [(4)] (7) For purposes of this section:

26 (a) An independent expenditure does not include a contribution to a candidate or political  
27 committee that is required to report the contribution on a statement filed under ORS 260.057,  
28 260.076, **260.078** or 260.102 or a certificate filed under ORS 260.112;

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

31 (c) A person is not a political committee under subsection [(3)] (6) of this section if all contri-  
32 butions received by the person are:

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

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

36 (C) Required to be reported as contributions by a candidate or political committee on a state-  
37 ment filed under ORS 260.057, 260.076, **260.078** or 260.102 or a certificate filed under ORS 260.112.

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

39 260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used by:

40 (a) All candidates and political committees to file with the secretary statements of contributions  
41 received and expenditures made by the candidates and political committees, as described in ORS  
42 260.083.

43 (b) Treasurers of [a petition committee] **petition committees** organized under ORS 260.118 to file  
44 with the secretary statements of contributions received and expenditures made by the treasurers and  
45 chief petitioners as described in ORS 260.083.

1       **(c) Persons who make independent expenditures as provided in ORS 260.044 to file with**  
 2 **the secretary statements of independent expenditures made by the persons as described in**  
 3 **ORS 260.083.**

4       **(2) Except as otherwise provided in this section, a candidate or political committee shall**  
 5 **file a statement of contributions received and expenditures made described in subsection**  
 6 **(1)(a) of this section not later than 30 calendar days after a contribution is received or an**  
 7 **expenditure is made.**

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

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

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

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

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

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

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

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

1 **date of the primary or general election.**

2 (4)(a) **A candidate for nomination or election at any primary or general election or a**  
3 **political committee supporting or opposing a candidate or measure at any primary or general**  
4 **election shall file a statement of contributions received not later than two business days af-**  
5 **ter a contribution is received that brings the aggregate amount of contributions received**  
6 **from a single donor during the period to \$1,000 or more, and for each subsequent contribu-**  
7 **tion received from the donor thereafter. This paragraph applies to contributions received:**

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

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

12 (b) **If the candidate or political committee receives an aggregate amount of contributions**  
13 **from a single donor that totals \$1,000 or more prior to the 14th calendar day before the date**  
14 **of the primary or general election and the candidate or political committee has not filed a**  
15 **statement of the contributions under subsection (3) of this section by the 15th calendar day**  
16 **before the date of the primary or general election, the candidate or political committee shall**  
17 **file a statement of contributions received not later than the 12th calendar day before the**  
18 **date of the primary or general election.**

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

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

25 (b) **Two business days after a contribution is received, if the aggregate amount of con-**  
26 **tributions received from a single donor during the special election period equals or exceeds**  
27 **\$1,000.**

28 [(5)] (6) **The electronic filing system shall be provided free of charge by the secretary and**  
29 **shall:**

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

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

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

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

1 the data are required to be listed under ORS 260.083.

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

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

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

9 (a) Candidates for federal office;

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

11 (c) Candidates, political committees or petition committees that file certificates under ORS  
12 260.112.

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

14 260.083. (1)**(a) For a contribution, except as provided in ORS 260.085**, a statement filed under  
15 ORS **260.044**, 260.057, 260.076, **260.078** or 260.118 shall list:

16 [(a) *Except as provided in ORS 260.085, for a contribution:*]

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

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

23 (b) For an expenditure, **including an independent expenditure, a statement filed under ORS**  
24 **260.044, 260.057, 260.076, 260.078 or 260.118 shall list:**

25 (A) The amount and purpose of each expenditure made in an aggregate amount of more than  
26 \$100 to a payee, the name or, if applicable, the business name of the payee of the expenditure, and  
27 the city, or county if the payee is not located in a city, and state in which the payee is located; and

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

29 (c) **For** each loan, whether repaid or not, made by or to [*the*] **a** candidate, political committee  
30 or petition committee[. *The*], **a statement filed under ORS 260.044, 260.057, 260.076, 260.078 or**  
31 **260.118 shall list:**

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

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

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

36 [(2)(a) *A contribution shall be reported as an account receivable only if the contribution is not re-*  
37 *ceived within the time specified in ORS 260.057, 260.076 or 260.118.*]

38 [(b)] **(2)** An expenditure shall be reported as an account payable only if the expenditure is not  
39 paid within the time specified in ORS 260.057, 260.076 or 260.118.

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

43 (4) If a candidate, political committee or petition committee under ORS 260.057 or 260.118 makes  
44 an expenditure that must be reported as an in-kind contribution and an expenditure as provided in  
45 subsection (3) of this section, the candidate, political committee or petition committee making the

1 original expenditure shall, in any statement filed under ORS 260.057, **260.078** or 260.118, identify the  
2 expenditure as an in-kind contribution and identify the candidate, political committee or petition  
3 committee for whose benefit the expenditure was made.

4 (5) If a political committee makes an expenditure that qualifies as an independent expenditure  
5 under ORS 260.005 (10), the listing of the expenditure under this section shall identify any candi-  
6 dates or measures that are the subject of the independent expenditure and state whether the inde-  
7 pendent expenditure was used to advocate the election, passage or defeat of the candidates or  
8 measures.

9 (6) As used in this section:

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

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

13 **SECTION 4.** ORS 260.118 is amended to read:

14 260.118. (1) The chief petitioners of an initiative, referendum or recall petition shall appoint a  
15 treasurer. The treasurer shall be an elector of this state. Contributions shall be received and  
16 expenditures made by or through the treasurer.

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

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

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

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

25 (d) The name of the financial institution in which the petition account required under ORS  
26 260.054 is established, the name [*and number*] of the account, the name of the account holder and  
27 the names of all individuals who have signature authority for the account. The Secretary of State  
28 may not disclose information received by the secretary under this paragraph except as necessary for  
29 purposes of enforcing the provisions of ORS chapters 246 to 260.

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

33 (4) The treasurer of an initiative, referendum or recall petition committee shall use the elec-  
34 tronic filing system adopted under ORS 260.057 to file with the Secretary of State statements of  
35 contributions received and expenditures made by the petition committee, as described in ORS  
36 260.083.

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

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

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

45 (6) The treasurer of a referendum petition committee or a recall petition committee shall file a

1 statement described in subsection (4) of this section not later than [seven] 14 calendar days after a  
2 contribution is received or an expenditure is made. This subsection applies:

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

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

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

14 (8) If a treasurer of an initiative petition committee receives a contribution or makes an ex-  
15 penditure prior to the 42nd calendar day before the date that is four months before a general  
16 election, or the 42nd day before the date of the primary election or general election, and the treas-  
17 urer has not filed a statement of the contribution or expenditure under subsection (4) of this section  
18 by the 43rd calendar day before the date that is four months before a general election, or the 43rd  
19 day before the date of the primary election or general election, the treasurer shall file a statement  
20 described in subsection (4) of this section not later than the [35th] 28th calendar day before the date  
21 that is four months before a general election, or the [35th] 28th day before the date of the primary  
22 election or general election.

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

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

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

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

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

32 260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in  
33 addition to any other penalty that may be imposed, for:

34 (a) Failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,  
35 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118.

36 (b) Failure to include in a statement filed under ORS **260.044**, 260.057, 260.076, 260.078, 260.083,  
37 260.102, 260.112 or 260.118 the information required under ORS **260.044**, 260.057, 260.076, 260.083,  
38 260.102 or 260.118.

39 (2)(a) If a person required to file has not filed a statement or certificate complying with appli-  
40 cable provisions of ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.085, 260.102, 260.112 or  
41 260.118 within the time specified in ORS 260.044, 260.057, 260.076, 260.078 or 260.118, the Secretary  
42 of State by first class mail shall notify the person that a penalty may be imposed and that the person  
43 has 20 days from the service date on the notice to request a hearing before the Secretary of State.

44 (b) If the person required to file is a candidate or the principal campaign committee of a can-  
45 didate, the Secretary of State shall send the notice described in paragraph (a) of this subsection by

1 first class mail to the candidate and to the candidate's treasurer or the treasurer of the candidate's  
2 principal campaign committee. The notice sent to the candidate shall be used for purposes of de-  
3 termining the deadline for requesting a hearing under subsection (3) of this section. The Secretary  
4 of State is not required to send two notices if the candidate serves as the treasurer of the  
5 candidate's principal campaign committee.

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

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

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

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

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

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

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

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

27 (a) For failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,  
28 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118, 10 percent of the total amount of the contri-  
29 bution or expenditure required to be included in the statement or certificate; or

30 (b) For each failure to include in a statement filed under ORS **260.044**, 260.057, 260.076, 260.078,  
31 260.083, 260.102, 260.112 or 260.118 the information required under ORS **260.044**, 260.057, 260.076,  
32 260.083, 260.102 or 260.118, 10 percent of the total amount of the contribution or expenditure re-  
33 quired to be included in the statement.

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

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

38 **SECTION 6. Section 7 of this 2013 Act is added to and made a part of ORS chapter 260.**

39 **SECTION 7. (1) If a candidate, political committee or petition committee under ORS**  
40 **260.057 or 260.118 makes an expenditure that must be reported as both an in-kind contribu-**  
41 **tion and an expenditure by the candidate, political committee or petition committee for**  
42 **whose benefit the expenditure was made as provided in ORS 260.083 (3), the candidate, poli-**  
43 **tical committee or petition committee making the original expenditure shall:**

44 (a) **Notify the candidate or committee for whose benefit the expenditure was made in**  
45 **writing that the expenditure was made; and**



1       **(b) Deliver the notice not later than 48 hours after the time that the candidate, political**  
2 **committee or petition committee making the original expenditure includes the expenditure**  
3 **in a statement under ORS 260.057.**

4       **(2) The Secretary of State shall adopt rules requiring expenditures that must be reported**  
5 **as both an in-kind contribution and an expenditure by the candidate, political committee or**  
6 **petition committee for whose benefit the expenditure was made to be highlighted in an**  
7 **identifiable color in the electronic filing system required under ORS 260.057.**

8       **SECTION 8.** ORS 260.005 is amended to read:

9       260.005. As used in this chapter:

10       (1)(a) “Candidate” means:

11       (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,  
12 nominating petition or certificate of nomination to public office has been filed or whose name is  
13 expected to be or has been presented, with the individual’s consent, for nomination or election to  
14 public office;

15       (B) An individual who has solicited or received and accepted a contribution, made an expendi-  
16 ture, or given consent to an individual, organization, political party or political committee to solicit  
17 or receive and accept a contribution or make an expenditure on the individual’s behalf to secure  
18 nomination or election to any public office at any time, whether or not the office for which the in-  
19 dividual will seek nomination or election is known when the solicitation is made, the contribution  
20 is received and retained or the expenditure is made, and whether or not the name of the individual  
21 is printed on a ballot; or

22       (C) A public office holder against whom a recall petition has been completed and filed.

23       (b) For purposes of this section and ORS 260.035 to 260.156, “candidate” does not include a  
24 candidate for the office of precinct committeeperson.

25       (2) “Committee director” means any person who directly and substantially participates in  
26 decision-making on behalf of a political committee concerning the solicitation or expenditure of  
27 funds and the support of or opposition to candidates or measures. The officers of a political party  
28 shall be considered the directors of any political party committee of that party, unless otherwise  
29 provided in the party’s bylaws.

30       (3) Except as provided in ORS 260.007, “contribute” or “contribution” includes:

31       (a) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compen-  
32 sation or consideration, of money, services other than personal services for which no compensation  
33 is asked or given, supplies, equipment or any other thing of value:

34       (A) For the purpose of influencing an election for public office or an election on a measure, or  
35 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-  
36 itical committee; or

37       (B) To or on behalf of a candidate, political committee or measure; **and**

38       *[(b) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforceable,*  
39 *to make a contribution; and]*

40       *[(c)]* (b) The excess value of a contribution made for compensation or consideration of less than  
41 equivalent value.

42       (4) “Controlled committee” means a political committee that, in connection with the making of  
43 contributions or expenditures:

44       (a) Is controlled directly or indirectly by a candidate or a controlled committee; or

45       (b) Acts jointly with a candidate or controlled committee.

1 (5) “Controlled directly or indirectly by a candidate” means:

2 (a) The candidate, the candidate’s agent, a member of the candidate’s immediate family or any  
3 other political committee that the candidate controls has a significant influence on the actions or  
4 decisions of the political committee; or

5 (b) The candidate’s principal campaign committee and the political committee both have the  
6 candidate or a member of the candidate’s immediate family as a treasurer or director.

7 (6) “County clerk” means the county clerk or the county official in charge of elections.

8 (7) “Elector” means an individual qualified to vote under **Article II**, section 2, [*Article II*] of the  
9 Oregon Constitution.

10 (8) Except as provided in ORS 260.007, “expend” or “expenditure” includes the payment or fur-  
11 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation  
12 by or on behalf of a candidate, political committee or person in consideration for any services,  
13 supplies, equipment or other thing of value performed or furnished for any reason, including support  
14 of or opposition to a candidate, political committee or measure, or for reducing the debt of a candi-  
15 dicate for nomination or election to public office. “Expenditure” also includes contributions made  
16 by a candidate or political committee to or on behalf of any other candidate or political committee.

17 (9) “Filing officer” means:

18 (a) The Secretary of State:

19 (A) Regarding a candidate for public office;

20 (B) Regarding a statement required to be filed under ORS 260.118;

21 (C) Regarding any measure; or

22 (D) Regarding any political committee.

23 (b) In the case of an irrigation district formed under ORS chapter 545, “filing officer” means:

24 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district  
25 formation election where the proposed district is situated wholly in one county;

26 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation  
27 district will be located, regarding any candidate for office or any measure at an irrigation district  
28 formation election where the proposed district is situated in more than one county; or

29 (C) The secretary of the irrigation district for any election other than an irrigation district  
30 formation election.

31 (10) “Independent expenditure” means an expenditure by a person for a communication in sup-  
32 port of or in opposition to a clearly identified candidate or measure that is not made with the co-  
33 operation or with the prior consent of, or in consultation with, or at the request or suggestion of,  
34 a candidate or any agent or authorized committee of the candidate, or any political committee or  
35 agent of a political committee supporting or opposing a measure. For purposes of this subsection:

36 (a) “Agent” means any person who has:

37 (A) Actual oral or written authority, either express or implied, to make or to authorize the  
38 making of expenditures on behalf of a candidate or on behalf of a political committee supporting or  
39 opposing a measure; or

40 (B) Been placed in a position within the campaign organization where it would reasonably ap-  
41 pear that in the ordinary course of campaign-related activities the person may authorize expen-  
42 ditures.

43 (b)(A) “Clearly identified” means, with respect to candidates:

44 (i) The name of the candidate involved appears;

45 (ii) A photograph or drawing of the candidate appears; or

1 (iii) The identity of the candidate is apparent by unambiguous reference.

2 (B) "Clearly identified" means, with respect to measures:

3 (i) The ballot number of the measure appears;

4 (ii) A description of the measure's subject or effect appears; or

5 (iii) The identity of the measure is apparent by unambiguous reference.

6 (c) "Communication in support of or in opposition to a clearly identified candidate or measure"  
7 means:

8 (A) The communication, taken in its context, clearly and unambiguously urges the election or  
9 defeat of a clearly identified candidate for nomination or election to public office, or the passage  
10 or defeat of a clearly identified measure;

11 (B) The communication, as a whole, seeks action rather than simply conveying information; and

12 (C) It is clear what action the communication advocates.

13 (d) "Made with the cooperation or with the prior consent of, or in consultation with, or at the  
14 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any  
15 political committee or agent of a political committee supporting or opposing a measure":

16 (A) Means any arrangement, coordination or direction by the candidate or the candidate's agent,  
17 or by any political committee or agent of a political committee supporting or opposing a measure,  
18 prior to the publication, distribution, display or broadcast of the communication. An expenditure  
19 shall be presumed to be so made when it is:

20 (i) Based on information about the plans, projects or needs of the candidate, or of the political  
21 committee supporting or opposing a measure, and provided to the expending person by the candidate  
22 or by the candidate's agent, or by any political committee or agent of a political committee sup-  
23 porting or opposing a measure, with a view toward having an expenditure made; or

24 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who  
25 is or has been an officer of a political committee authorized by the candidate or by a political  
26 committee or agent of a political committee supporting or opposing a measure, or who is or has been  
27 receiving any form of compensation or reimbursement from the candidate, the candidate's principal  
28 campaign committee or agent or from any political committee or agent of a political committee  
29 supporting or opposing a measure.

30 (B) Does not mean providing to the expending person upon request a copy of this chapter or any  
31 rules adopted by the Secretary of State relating to independent expenditures.

32 (11) "Initiative petition" means a petition to initiate a measure for which a prospective petition  
33 has been filed but that is not yet a measure.

34 (12) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon  
35 Tax Court.

36 (13) "Mass mailing" means more than 200 substantially similar pieces of mail, but does not in-  
37 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other  
38 inquiry.

39 (14) "Measure" includes any of the following submitted to the people for their approval or re-  
40 jection at an election:

41 (a) A proposed law.

42 (b) An Act or part of an Act of the Legislative Assembly.

43 (c) A revision of or amendment to the Oregon Constitution.

44 (d) Local, special or municipal legislation.

45 (e) A proposition or question.

1 (15) "Occupation" means:

2 (a) The nature of an individual's principal business; and

3 (b) If the individual is employed by another person, the business name and address, by city and  
4 state, of the employer.

5 (16) "Person" means an individual, corporation, limited liability company, labor organization,  
6 association, firm, partnership, joint stock company, club, organization or other combination of indi-  
7 viduals having collective capacity.

8 (17) "Petition committee" means an initiative, referendum or recall petition committee organized  
9 under ORS 260.118.

10 (18) "Political committee" means a combination of two or more individuals, or a person other  
11 than an individual, that has:

12 (a) Received a contribution for the purpose of supporting or opposing a candidate, measure or  
13 political party; or

14 (b) Made an expenditure for the purpose of supporting or opposing a candidate, measure or  
15 political party. For purposes of this paragraph, an expenditure does not include:

16 (A) A contribution to a candidate or political committee that is required to report the contri-  
17 bution on a statement filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS  
18 260.112; or

19 (B) An independent expenditure for which a statement is required to be filed by a person under  
20 ORS 260.044.

21 (19) "Public office" means any national, state, county, district, city office or position, except a  
22 political party office, that is filled by the electors.

23 (20) "Recall petition" means a petition to recall a public officer for which a prospective petition  
24 has been filed but that is not yet a measure.

25 (21) "Referendum petition" means a petition to refer a measure for which a prospective petition  
26 has been filed but that is not yet a measure.

27 (22) "Regular district election" means the regular district election described in ORS 255.335.

28 (23) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney  
29 General, Commissioner of the Bureau of Labor and Industries, state Senator, state Representative,  
30 judge or district attorney.

31 **SECTION 9.** ORS 260.039 is amended to read:

32 260.039. (1) Except as provided in ORS 260.043, a candidate who serves as the candidate's own  
33 treasurer, or the treasurer of the principal campaign committee, shall file a statement of organiza-  
34 tion with the filing officer. The statement shall include:

35 (a) The name, address, occupation, office sought and party affiliation of the candidate. The ad-  
36 dress shall be the address of a residence, office, headquarters or similar location where the candi-  
37 date may be conveniently located.

38 (b) In the case of a principal campaign committee:

39 (A) The name and address of the committee. The address shall be the address of a residence,  
40 office, headquarters or similar location where the political committee or a responsible officer of the  
41 political committee may be conveniently located.

42 (B) The name, address and occupation of the committee director or directors, if any.

43 (C) The name and address of the committee treasurer.

44 (D) The name and address of any other political committee of which two or more committee  
45 directors are also directors of the committee filing the statement.

1 (c) The name of the financial institution in which the campaign account required under ORS  
2 260.054 is established, the name [*and number*] of the account, the name of the account holder and  
3 the names of all individuals who have signature authority for the account. The Secretary of State  
4 may 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 (2) A candidate or treasurer may designate an individual to receive any notice provided by a  
7 filing officer under ORS chapters 246 to 260. The candidate or treasurer shall include the name and  
8 address of the individual in the statement of organization filed under this section. A filing officer  
9 who provides any notice under ORS chapters 246 to 260 to the candidate or treasurer shall also  
10 provide the notice to the individual designated by the candidate or treasurer under this subsection.

11 (3) Except as provided in ORS 260.043, a candidate who serves as the candidate's own treasurer  
12 shall file the statement of organization not later than the third business day after the candidate first  
13 receives a contribution or makes an expenditure. The treasurer of a principal campaign committee  
14 shall file the statement of organization not later than the date specified in ORS 260.035.

15 (4) Any change in information submitted in a statement of organization under subsection (1) of  
16 this section shall be indicated in an amended statement of organization filed not later than the 10th  
17 day after the change in information.

18 (5) Except as provided in ORS 260.043, a candidate who serves as the candidate's own treasurer  
19 or the treasurer of the principal campaign committee of the candidate shall file a statement of or-  
20 ganization under this section not later than the deadline for the candidate to file a nominating pe-  
21 tition or declaration of candidacy under ORS 249.037 or a certificate of nomination under ORS  
22 249.722.

23 (6) Except as provided in ORS 260.043, a candidate who serves as the candidate's own treasurer  
24 or the treasurer of the principal campaign committee of a candidate shall file a new or amended  
25 statement of organization not later than the date that the candidate files a nominating petition,  
26 declaration of candidacy or certificate of nomination.

27 **SECTION 10.** ORS 260.042 is amended to read:

28 260.042. (1) The treasurer of a political committee shall file a statement of organization with the  
29 filing officer. The statement shall include:

30 (a) The name, address and nature of the committee. The address shall be the address of a resi-  
31 dence, office, headquarters or similar location where the political committee or a responsible officer  
32 of the political committee may be conveniently located.

33 (b) The name, address and occupation of the committee director or directors.

34 (c) The name and address of the committee treasurer.

35 (d) The name and address of any other political committee of which two or more committee di-  
36 rectors are also directors of the committee filing the statement.

37 (e) The name, office sought, and party affiliation of each candidate whom the committee is sup-  
38 porting or specifically opposing or intends to support or specifically oppose, when known, or, if the  
39 committee is supporting or specifically opposing all the candidates of a given party, the name of that  
40 party.

41 (f) A designation of any measure that the committee is opposing or supporting, or intends to  
42 support or oppose.

43 (g) The name of the financial institution in which the campaign account required under ORS  
44 260.054 is established, the name [*and number*] of the account, the name of the account holder and  
45 the names of all individuals who have signature authority for the account. The Secretary of State

1 may not disclose information received by the secretary under this paragraph except as necessary for  
2 purposes of enforcing the provisions of ORS chapters 246 to 260.

3 (h) A statement of whether the committee is a controlled committee.

4 (2) A treasurer may designate an individual to receive any notice provided by a filing officer  
5 under ORS chapters 246 to 260. The treasurer shall include the name and address of the individual  
6 in a statement of organization filed under this section. A filing officer who provides any notice under  
7 ORS chapters 246 to 260 to the treasurer of the political committee shall also provide the notice to  
8 the individual designated by the treasurer under this subsection.

9 (3) The statement of organization shall be filed not later than the date specified in ORS 260.035.

10 (4) Any change in information submitted in a statement of organization under subsection (1) of  
11 this section shall be indicated in an amended statement of organization filed not later than the 10th  
12 day after the change in information.

13 (5) This section does not apply to a political committee that is a principal campaign committee  
14 or to a political committee exclusively supporting or opposing one or more candidates for federal  
15 or political party office.

16 **SECTION 11. Section 7 of this 2013 Act and the amendments to ORS 260.005, 260.039,**  
17 **260.042, 260.044, 260.057, 260.083, 260.118 and 260.232 by sections 1 to 5 and 8 to 10 of this 2013**  
18 **Act become operative on January 1, 2014.**

19 **SECTION 12. (1) Section 7 of this 2013 Act and the amendments to ORS 260.005, 260.039,**  
20 **260.042, 260.044, 260.057, 260.083, 260.118 and 260.232 by sections 1 to 5 and 8 to 10 of this 2013**  
21 **Act apply to contributions received, expenditures made and statements of independent**  
22 **expenditures required to be filed on or after the operative date specified in section 11 this**  
23 **2013 Act.**

24 (2) The Secretary of State may take any action before the operative date specified in  
25 section 11 of this 2013 Act that is necessary to enable the secretary to exercise, on and after  
26 the operative date specified in section 11 of this 2013 Act, all of the duties, functions and  
27 powers conferred upon the secretary by section 7 of this 2013 Act and the amendments to  
28 ORS 260.005, 260.039, 260.042, 260.044, 260.057, 260.083, 260.118 and 260.232 by sections 1 to 5  
29 and 8 to 10 of this 2013 Act.

30 **SECTION 13. This 2013 Act being necessary for the immediate preservation of the public**  
31 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
32 **on its passage.**

33