

Minority Report

B-Engrossed

House Bill 2176

Ordered by the Senate July 2
Including House Amendments dated March 20 and Senate Minority
Report Amendments dated July 2

Sponsored by nonconcurring members of the Senate Committee on Rules: Senators FERRIOLI, BOQUIST

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.

Removes requirement that person elected to county office provide county clerk with certificate of election.

Requires certain election documents to be filed electronically.

Changes certain ballot markings from "Presidential only" to "Federal only."

Alters certain filing deadlines.

Removes requirement that signature sheets for initiative or referral petition or prospective petition be attached to full and correct copy of measure.

Requires Secretary of State to establish process for modifying petition and prospective petition templates.

Requires that one copy of prospective initiative and referral petitions be sent to required officials, rather than two.

Permits district attorney to make clerical corrections to ballot title for district measure.

Requires all estimates, portraits, statements and arguments for voters' pamphlet to be filed electronically.

[Makes candidate's statement for voters' pamphlet subject to prohibition on and penalties for false publication.]

Establishes that person who fails to file required statement or certificate has 20 days from date notice is sent by Secretary of State to request hearing.

Establishes that Secretary of State, rather than county clerk, is responsible for signature verification for state candidate petitions.

Requires Secretary of State to verify accuracy of required portion of candidate's statement for voters' pamphlet. Clarifies that knowingly providing false information in required portion of candidate's statement for voters' pamphlet is punishable by maximum of five years' imprisonment, \$125,000 fine, or both.

Makes treasurer of political committee or treasurer of petition committee responsible for performance of duties related to treasurer, subject to certain exceptions. Makes alternative filer designated by candidate, treasurer of political committee or treasurer of petition committee responsible for statements certified as true by alternative filer, subject to certain exceptions.

Requires professional services provided to candidates, political committees or petition committees to be reported as contributions.

Expands ways in which political committee is considered controlled committee.

Makes treasurer of political committee serving at time amended statement of organization is required to be filed responsible for timely filing, subject to certain exceptions.

Requires Secretary of State to develop method for regularly auditing statements of contributions of \$100 or less to determine if person, political committee or petition committee has made aggregate contributions of more than \$100 during calendar year.

Clarifies how candidates, principal campaign committees, political committees and petition committees may use amounts received as contributions.

Corrects statutory reference from section 9, chapter 8, Oregon Laws 2015 (Enrolled House Bill 2177), to ensure proper calculation of total number of registered voters as of July 1, 2015.

Makes knowingly providing false information relating to individual's occupation, current employer, educational and occupational background or prior governmental service on campaign finance filings punishable by maximum of five years' imprisonment, \$125,000 fine, or both.

Requires person receiving notice from Secretary of State regarding potential violation

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 campaign finance filing to take action to amend filing and comply with applicable law**
2 **within 180 days of receiving notice. Makes failure to comply within 180 days of receiving no-**
3 **tice punishable by maximum of five years' imprisonment, \$125,000 fine, or both.**
4 Declares emergency, effective on passage.

4 **A BILL FOR AN ACT**

5 Relating to elections; creating new provisions; amending ORS 204.020, 221.031, 246.021, 247.420,
6 248.006, 248.007, 249.005, 249.008, 249.031, 249.037, 249.064, 249.078, 249.170, 249.180, 249.735,
7 249.740, 249.830, 250.045, 250.052, 250.065, 250.067, 250.075, 250.141, 250.175, 250.185, 250.275,
8 250.285, 251.065, 251.085, 251.087, 251.115, 251.255, 254.115, 254.135, 254.515, 254.565, 255.085,
9 255.145, 255.295, 260.005, 260.007, 260.035, 260.037, 260.043, 260.054, 260.055, 260.057, 260.078,
10 260.083, 260.095, 260.205, 260.232, 260.241 and 260.407 and section 9, chapter 8, Oregon Laws
11 2015 (Enrolled House Bill 2177); repealing ORS 247.435; and declaring an emergency.

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

13 **SECTION 1.** ORS 204.020 is amended to read:

14 204.020. (1) The term of office of each officer elected pursuant to ORS 204.005 commences on the
15 first Monday of January next following election to office.

16 (2) Before entering upon any elective office listed in ORS 204.005, the person [*elected*] **who has**
17 **received a certificate of election** must qualify by filing with the county clerk of the county in
18 which the person is elected the person's [*certificate of election, with an*] oath of office, [*indorsed*
19 *thereon, and*] subscribed by the [*elected*] person, to the effect that the person will support the Con-
20 stitution of the United States and of this state, and faithfully carry out the office being assumed.
21 The person shall also give and file the undertaking provided for under subsection (3) of this section.

22 (3) A county governing body may require, by ordinance, for the filing by each officer under ORS
23 204.005, prior to that officer assuming office, of an official undertaking with such surety as the
24 governing body determines necessary or of an irrevocable letter of credit issued by an insured in-
25 stitution, as defined in ORS 706.008, in either case in a reasonable amount with the county govern-
26 ing body.

27 **SECTION 2.** ORS 246.021 is amended to read:

28 246.021. (1) Except as provided in ORS 247.012 and subsection (2) of this section, an election
29 document and an accompanying payment of fees required to be filed with the Secretary of State,
30 county clerk or other filing officer must be delivered to and actually received at the office of the
31 designated officer not later than 5 p.m. of the day the document or fee is due or, if the day due is
32 a Saturday, Sunday or holiday, on the next business day.

33 (2) If, at 5 p.m. of the day an election document is due, an individual is physically present in the
34 office of the secretary, county clerk or other filing officer and in line waiting to deliver the docu-
35 ment, the individual is considered to have begun the act of delivering the document and is permitted
36 to file it.

37 (3) Except as provided in ORS 253.690, any election document required to be filed with the filing
38 officer other than ballots, voter registration cards or petitions requiring signatures of electors may
39 also be filed by means of an electronic facsimile transmission machine **or electronic mail**. If an
40 election document is required to be filed by a specified time, the entire document must be received
41 [*in*] **at** the office of the filing officer not later than 5 p.m. of the day the document is due or, if the
42 day due is a Saturday, Sunday or holiday, on the next business day.

43 (4) Notwithstanding any provision of subsections (1) to (3) of this section, if a statement is re-
44 quired to be filed electronically under ORS 260.057:

45 (a) The statement must be received electronically at the office of the Secretary of State not later

1 than 11:59 p.m. of the day the statement is due or, if the day due is a Saturday, Sunday or holiday,
2 on the next business day; and

3 (b) The Secretary of State may not accept the filing of the statement in any form other than an
4 electronic format.

5 (5) As used in this section, “election document” includes, but is not limited to, a declaration of
6 candidacy for nomination for public or political party office, completed nominating petitions, state-
7 ments and portraits for voters’ pamphlets, statements of election campaign contributions and
8 expenditures, and initiative, referendum or recall petitions.

9 **SECTION 3.** ORS 247.420 is amended to read:

10 247.420. (1) A county clerk shall give a ballot marked “[*Presidential*] **Federal** only” to any per-
11 son eligible under ORS 247.410 who personally appears in the office of the county clerk, completes
12 a registration card and verifies eligibility to vote under ORS 247.410.

13 (2) No person shall supply any information under subsection (1) of this section, knowing it to
14 be false.

15 **SECTION 4.** ORS 254.515 is amended to read:

16 254.515. Ballots marked “[*Presidential*] **Federal** only” may be counted only for the offices for
17 which the elector is entitled to vote. Votes on the ballot for other offices may not be counted.

18 **SECTION 5.** ORS 248.007 is amended to read:

19 248.007. (1) Subject to ORS 248.005, a major political party may organize and select delegates
20 to national party conventions in any manner.

21 (2) The provisions of ORS 248.012 to 248.315 do not apply to a major political party if the party
22 has notified the Secretary of State as provided in subsection (5) of this section that the party does
23 not intend to be subject to the provisions of ORS 248.012 to 248.315. References to precinct com-
24 mitteepersons in any provisions of ORS chapters 246 to 260 do not apply to a party described in this
25 subsection.

26 (3) ORS 248.012 to 248.315 apply only to a major political party that has notified the Secretary
27 of State as provided in subsection (5) of this section that the political party intends to be subject
28 to the provisions of ORS 248.012 to 248.315. References to precinct committeepersons in any pro-
29 visions of ORS chapters 246 to 260 shall apply to a party described in this subsection. If a major
30 political party fails to notify the Secretary of State under this subsection, the party shall be con-
31 sidered subject to the provisions of ORS 248.012 to 248.315.

32 (4) A major political party shall notify the Secretary of State as provided in subsection (5) of this
33 section if the party does not intend to be subject to the provisions of ORS 248.012 to 248.315 except
34 that the party intends to elect precinct committeepersons. If a party notifies the Secretary of State
35 under this subsection, the party shall elect precinct committeepersons only as provided in ORS
36 248.015 and shall elect precinct committeepersons in the same manner in all precincts in this state.

37 (5) Not later than the [274th] **271st** day before the date of the primary election, a major political
38 party shall notify the Secretary of State in writing whether or not the party intends to be subject
39 to the provisions of ORS 248.012 to 248.315 or whether the party intends to elect precinct com-
40 mitteepersons under subsection (4) of this section. If the major political party does not intend to be
41 subject to the provisions of ORS 248.012 to 248.315 or intends to elect precinct committeepersons
42 under subsection (4) of this section, the party shall file with the Secretary of State, at the same time
43 notice is given under this subsection, a copy of its organizational documents setting forth the man-
44 ner in which its officers and managing committees are selected or any other manner in which it
45 conducts its affairs.

1 (6) In each even-numbered year, a major political party shall file with the Secretary of State a
2 statement indicating that the party is operating subject to ORS 248.012 to 248.315 or a copy of
3 current organizational documents setting forth the manner in which its officers and managing com-
4 mittees are selected or any other manner in which it conducts its affairs. Material described in this
5 subsection shall be filed [on the 274th] **between the 271st and the 277th** day before the third
6 Tuesday in May of each odd-numbered year.

7 (7) A major political party subject to the provisions of this section shall nominate candidates
8 of the major political party, for other than political party office, at the primary election.

9 **SECTION 6.** ORS 248.006 is amended to read:

10 248.006. (1) An affiliation of electors becomes a major political party in this state and is qualified
11 to make nominations at a primary election when a number of electors equal to at least five percent
12 of the number of electors registered in this state are registered as members of the party not later
13 than the 275th day before the date of a primary election. An affiliation of electors satisfying the
14 requirements of this subsection shall be subject to the provisions of ORS 248.007 on the date the
15 Secretary of State determines the registration requirements are satisfied.

16 (2) The number of electors described in subsection (1) of this section shall be calculated based
17 on the number of electors registered in this state and eligible to vote, as reported on the official
18 abstracts of the election, at the general election immediately preceding the deadline specified in
19 subsection (1) of this section.

20 (3) After an affiliation of electors becomes a major political party under subsection (1) of this
21 section, in order to maintain status as a major political party subject to ORS 248.007, the party must
22 satisfy the registration requirement of subsection (1) of this section not later than the 275th day
23 before each primary election.

24 (4) An affiliation of electors ceases to be a major political party if the registration requirements
25 of subsection (1) of this section are not satisfied by the 275th day before each primary election. The
26 affiliation of electors ceases to be a major political party on the date the Secretary of State deter-
27 mines that the registration requirement is not satisfied.

28 (5) When an affiliation of electors has not satisfied the registration requirement of subsection
29 (1) of this section for the first time, at the request of a representative of the affiliation of electors,
30 the Secretary of State shall determine not less than once each month whether at least five percent
31 of the number of eligible electors registered in this state are registered as members of the party.
32 After an affiliation of electors has qualified as a major political party, the Secretary of State shall
33 determine on the [274th] **271st** day before each primary election whether the major political party
34 has satisfied the registration requirements described in subsection (3) of this section.

35 **SECTION 7.** ORS 249.031 is amended to read:

36 249.031. (1) Except as provided in subsection (2) of this section, a nominating petition or decla-
37 ration of candidacy shall contain:

38 (a) The name by which the candidate is commonly known. A candidate may use a nickname in
39 parentheses in connection with the candidate's full name.

40 (b) Address information as required by the Secretary of State by rule.

41 (c) The office and department or position number, if any, for which the candidate seeks nomi-
42 nation.

43 (d) If the candidate is seeking the nomination of a major political party, the name of the major
44 political party of which the candidate will have been a member, subject to the exceptions stated in
45 ORS 249.046, during at least 180 days before the deadline for filing a nominating petition or decla-

1 ration of candidacy.

2 (e) A statement that the candidate is willing to accept the nomination or election or, regarding
3 a candidate for precinct committeeperson, that the candidate accepts the office if elected.

4 (f) A statement that the candidate will qualify if elected.

5 (g) If the candidate is seeking the nomination of a major political party, a statement that the
6 candidate, if not nominated, will not accept the nomination or endorsement of any political party
7 other than the one of which the candidate is a member on the date the petition or declaration is
8 filed.

9 (h) The signature of the candidate.

10 (i) A statement of the candidate's occupation, educational and occupational background and
11 prior governmental experience.

12 (2) Subsection (1)(i) of this section does not apply to a candidate for election as a precinct
13 committeeperson.

14 (3) A declaration of candidacy shall include a statement that the required fee is included with
15 the declaration.

16 **(4) A nominating petition or declaration of candidacy must be filed using the electronic**
17 **filing system adopted by the Secretary of State under ORS 251.014 if the petition or declara-**
18 **tion is filed:**

19 **(a) For a primary election; and**

20 **(b) For an office for which the Secretary of State is designated as the filing officer under**
21 **ORS 249.035.**

22 [(4)] (5) If required by the national rules of the major political party, the declaration of a can-
23 didate for election as a precinct committeeperson shall include the name of the individual the can-
24 didate supports for President of the United States or "uncommitted" or "no preference."

25 **SECTION 8.** ORS 249.037 is amended to read:

26 249.037. (1) Except as otherwise provided in this section, a nominating petition or declaration
27 of candidacy shall be filed not sooner than the 250th day and not later than the 70th day before the
28 date of the primary election.

29 (2) If a vacancy occurs in a partisan elective office after the 80th day and before the 70th day
30 before the primary election, a nominating petition or declaration of candidacy for that office may
31 be filed not later than the [65th] **64th** day before the primary election.

32 (3) A declaration of candidacy for the office of precinct committeeperson may not be filed before
33 February 1 immediately preceding the primary election.

34 **SECTION 9.** ORS 249.170 is amended to read:

35 249.170. (1) A candidate who has filed a declaration of candidacy or a nominating petition may
36 withdraw not later than the [67th] **63rd** day before the date of the primary election by filing a
37 statement of withdrawal with the filing officer with whom the declaration or petition was filed. The
38 statement shall be made under oath and state the reasons for withdrawal.

39 (2) The official with whom a declaration of candidacy is filed, upon request received not later
40 than the [67th] **63rd** day before the date of the primary election, shall refund the filing fee of a
41 candidate who dies, withdraws or becomes ineligible for the nomination.

42 **SECTION 10.** ORS 249.180 is amended to read:

43 249.180. Any person who has been nominated at a primary election, or any person who has been
44 nominated to fill a vacancy as provided in ORS 188.120 or 249.190 and 249.200, may withdraw from
45 nomination by filing a written statement declining the nomination and stating the reason for with-

1 drawal. The statement shall be signed by the candidate and filed not later than the [67th] **63rd** day
2 before the general election with the officer with whom the candidate's declaration of candidacy or
3 nominating petition was filed.

4 **SECTION 11.** ORS 249.830 is amended to read:

5 249.830. (1) A person who has been nominated and has accepted the nomination under ORS
6 249.712 may withdraw from the nomination by filing with the officer with whom the certificate of
7 nomination was filed a written statement declining the nomination and stating the reason for with-
8 drawal.

9 (2) The statement must be:

10 (a) Signed by the person withdrawing from the nomination; and

11 (b) Filed not later than the [67th] **63rd** day before the general election.

12 (3) The statement may be sent to the Secretary of State through a county clerk, as provided by
13 ORS 249.850.

14 **SECTION 12.** ORS 250.045 is amended to read:

15 250.045. (1) Before circulating a petition to initiate or refer a state measure under section 1,
16 Article IV, Oregon Constitution, the petitioner shall file with the Secretary of State a prospective
17 petition. The prospective petition for a state measure to be initiated shall contain the signatures of
18 at least 1,000 electors. *[The signature sheets must be attached to a full and correct copy of the measure*
19 *to be initiated.]*

20 (2) Before obtaining signatures on a prospective petition for a state measure to be initiated, the
21 chief petitioners shall file with the secretary a statement declaring whether one or more persons
22 will be paid money or other valuable consideration for obtaining signatures of electors on the pro-
23 spective petition. After a statement has been filed under this subsection, the chief petitioners shall
24 notify the secretary not later than the 10th day after any of the chief petitioners first has knowledge
25 or should have had knowledge that:

26 (a) Any person is being paid for obtaining signatures, when the statement filed under this sub-
27 section declared that no such person would be paid.

28 (b) No person is being paid for obtaining signatures, when the statement filed under this sub-
29 section declared that one or more such persons would be paid.

30 (3) The secretary by rule shall establish procedures for verifying whether a prospective petition
31 for a state measure to be initiated contains the required number of signatures of electors.

32 (4) The secretary shall date and time stamp the prospective petition and specify the form on
33 which the initiative or referendum petition shall be printed for circulation as provided in ORS
34 250.052. The secretary shall retain the prospective petition.

35 (5) The chief petitioner may amend the state measure to be initiated that has been filed with the
36 secretary without filing another prospective petition, if:

37 (a) The Attorney General certifies to the secretary that the proposed amendment will not sub-
38 stantially change the substance of the measure; and

39 (b) The deadline for submitting written comments on the draft title has not passed.

40 (6) The cover of an initiative or referendum petition shall designate the name and residence
41 address of not more than three persons as chief petitioners and shall contain instructions for per-
42 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the sec-
43 retary by rule. The cover of a referendum petition shall contain the final measure summary
44 described in ORS 250.065 (1). If a petition seeking a different ballot title is not filed with the Su-
45 preme Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative peti-

1 tion shall contain the latest ballot title certified by the Attorney General under ORS 250.067 (2).
2 However, if the Supreme Court has reviewed the ballot title, the cover of the initiative petition shall
3 contain the title certified by the court.

4 (7) The chief petitioners shall include with the prospective petition a statement declaring
5 whether one or more persons will be paid money or other valuable consideration for obtaining sig-
6 natures of electors on the initiative or referendum petition. After the prospective petition is filed,
7 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief
8 petitioners first has knowledge or should have had knowledge that:

9 (a) Any person is being paid for obtaining signatures, when the statement included with the
10 prospective petition declared that no such person would be paid.

11 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
12 spective petition declared that one or more such persons would be paid.

13 (8)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot
14 title. Each sheet of signatures on a referendum petition shall contain the subject expressed in the
15 title of the Act to be referred.

16 (b) Each sheet of signatures on an initiative or referendum petition shall:

17 (A) Contain a notice describing the meaning of the color of the signature sheet in accordance
18 with ORS 250.052; and

19 (B) If one or more persons will be paid for obtaining signatures of electors on the petition,
20 contain a notice stating: "Some Circulators For This Petition Are Being Paid." The notice shall be
21 in boldfaced type and shall be prominently displayed on the sheet.

22 (c) The secretary by rule shall adopt a method of designation to distinguish signature sheets of
23 referendum petitions containing the same subject reference and being circulated during the same
24 period.

25 (9) The reverse side of the cover of an initiative or referendum petition shall be used for ob-
26 taining signatures on the initiative or referendum petition.

27 (10) Not more than 20 signatures on the signature sheet of the initiative or referendum petition
28 may be counted. The circulator shall certify on each signature sheet of the initiative or referendum
29 petition that the circulator:

30 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
31 the signature sheet; and

32 (b) Believes each individual is an elector.

33 (11) The person obtaining signatures on the petition **or prospective petition** shall carry at least
34 one full and correct copy of the measure to be initiated or referred and shall allow any person to
35 review a copy upon request of the person.

36 **SECTION 13.** ORS 221.031 is amended to read:

37 221.031. (1) Before circulating a petition to incorporate unincorporated territory as a city, the
38 petitioners shall file a petition for incorporation in a form prescribed by rule of the Secretary of
39 State with:

40 (a) The county clerk of the county in which the proposed city lies; or

41 (b) If the proposed city lies in more than one county, the county clerk of the county in which
42 the largest part of its territory lies.

43 (2) The county clerk shall immediately date and time stamp the prospective petition and shall
44 authorize the circulation of the petition when the economic feasibility statement required by ORS
45 221.035 is filed with the county clerk. The county clerk shall retain the prospective petition and

1 economic feasibility statement and shall immediately send two copies of the prospective petition to
2 the appropriate county court.

3 (3)(a) A petition for incorporation filed with the county clerk under subsection (1) of this section
4 shall designate the name and residence address of not more than three persons as chief petitioners,
5 who shall be electors registered within the boundaries of the proposed city.

6 (b) The petition shall contain the name of the proposed city.

7 (c) The petition shall include a proposed permanent rate limit for operating taxes that would
8 generate operating tax revenues sufficient to support an adequate level of municipal services. The
9 tax rate limit shall be expressed in dollars per thousand dollars of assessed value. The tax rate limit
10 shall be calculated for the latest tax year for which the assessed value of the proposed city is
11 available.

12 (d) There shall be attached to the cover sheet of the petition a map indicating the exterior
13 boundaries of the proposed city. The map shall not exceed 14 inches by 17 inches in size and shall
14 be used in lieu of a metes and bounds or legal description of the proposed city.

15 (e) If the territory proposed to be incorporated is within the jurisdiction of a local government
16 boundary commission, the petition shall be accompanied by the economic feasibility analysis re-
17 quired under ORS 199.476 (1). Notwithstanding subsection (2) of this section, unless the economic
18 feasibility analysis is approved by the local government boundary commission as provided in ORS
19 199.522, the county clerk shall not authorize the circulation of the petition.

20 (f) If the petitioners propose not to extinguish a special district pursuant to ORS 222.510 (2) or
21 a county service district pursuant to ORS 451.585 (1), the petition shall include a statement of this
22 proposal.

23 (4) *[Each sheet of signatures shall be attached to a full and correct copy of the petition for incor-*
24 *poration.]* **The circulator shall carry at least one full and correct copy of the petition for in-**
25 **corporation and shall allow any person to review a copy upon request of the person.** Not more
26 than 20 signatures on each sheet of the petition for incorporation shall be counted. The circulator
27 shall certify on each signature sheet that the circulator witnessed the signing of the signature sheet
28 by each individual whose signature appears on the signature sheet and that the circulator believes
29 each individual is an elector registered in the county. If the territory proposed to be incorporated
30 is within the jurisdiction of a local government boundary commission, each signature sheet shall
31 contain a statement that the economic feasibility analysis for the proposed city was approved by the
32 boundary commission, that the analysis is available for inspection at the offices of the boundary
33 commission and that subsequent to the gathering of the petitions the boundary commission must
34 review and finally approve the proposal prior to submission at an election.

35 **SECTION 14.** ORS 250.052 is amended to read:

36 250.052. (1)(a) For each state initiative, referendum or recall petition, the Secretary of State
37 shall prepare official templates of the cover and signature sheets for the petition. Except as pro-
38 vided in this section, templates of cover and signature sheets for state initiative and referendum
39 petitions are subject to the requirements of ORS 250.045. The templates of signature sheets to be
40 used by persons who are being paid to obtain signatures on the petition shall be a different color
41 from the sheets to be used by persons who are not being paid to obtain signatures on the petition.

42 (b) For each prospective petition for a state measure to be initiated the secretary shall prepare
43 official templates of the cover and signature sheets. The templates of signature sheets to be used
44 by persons who are being paid to obtain signatures on the prospective petition shall be a different
45 color from the sheets to be used by persons who are not being paid to obtain signatures on the

1 prospective petition. Each signature sheet for the prospective petition shall:

2 (A) Contain a notice describing the meaning of the color of the signature sheet; and

3 (B) If one or more persons will be paid for obtaining signatures of electors on the prospective
4 petition, contain a notice stating: "Some Circulators For This Prospective Petition Are Being
5 Paid." The notice shall be in boldfaced type and shall be prominently displayed on the sheet.

6 (2) A person obtaining signatures on a state initiative, referendum or recall petition or a pro-
7 spective petition for a state measure to be initiated may use only the cover and signature sheets
8 contained in the official templates prepared for the petition or prospective petition. A person who
9 is being paid to obtain signatures on the petition or prospective petition shall use the signature
10 sheet template designated for use by persons being paid to obtain signatures. A person who is not
11 being paid to obtain signatures on the petition or prospective petition shall use the signature sheet
12 template designated for use by persons who are not being paid to obtain signatures.

13 (3) The secretary shall issue templates for a petition or prospective petition only to a chief
14 petitioner of the petition or prospective petition or to an agent designated by a chief petitioner.

15 (4) The secretary shall issue official templates to a chief petitioner or designated agent not later
16 than:

17 (a) Three business days after the deadline for filing a petition under ORS 250.085 relating to a
18 ballot title certified by the Attorney General for the state initiative petition or, if a petition is filed
19 with the Supreme Court under ORS 250.085, three business days after the Supreme Court certifies
20 to the secretary [*of State*] a ballot title for the state initiative petition;

21 (b) Three business days after a prospective petition is filed under ORS 249.865 or 250.045 for a
22 state recall petition or state referendum petition; or

23 (c) Three business days after the chief petitioner files a statement with the secretary under ORS
24 250.045 (2) for a prospective petition for a state measure to be initiated.

25 (5) **The secretary by rule shall establish a process by which** [*Not later than five business days*
26 *after the deadline for the secretary to issue templates under subsection (4) of this section,*] a chief
27 petitioner of a state initiative, referendum or recall petition or a prospective petition for a state
28 measure to be initiated [*may submit to the secretary a written*] **may** request [*for*] **a** modification of
29 the templates **issued under subsection (4) of this section.** [*The secretary shall approve or disap-*
30 *prove the request not later than five business days after receiving the request. If the secretary disap-*
31 *proves the request, the secretary shall advise the chief petitioner in writing of the reasons for the*
32 *disapproval.*]

33 (6) In addition to the templates prepared under subsections (1) to (5) of this section, for each
34 state initiative, referendum or recall petition **or prospective petition**, the secretary shall prepare
35 an official electronic template of a signature sheet for the petition **or prospective petition.** A
36 template prepared under this subsection shall allow space for the signature of one elector. An
37 elector may print a copy of the electronic signature sheet for a petition **or prospective petition**,
38 sign the sheet and deliver the signed sheet to a chief petitioner or an agent designated by a chief
39 petitioner. Electronic templates described in this subsection are subject to the requirements of ORS
40 250.045, other than ORS 250.045 (6), (9) and (10).

41 (7) The secretary shall adopt rules prescribing the contents and method of production of official
42 templates required under this section.

43 **SECTION 15.** ORS 250.067 is amended to read:

44 250.067. (1) The Secretary of State, upon receiving a draft ballot title from the Attorney General
45 under ORS 250.065 or 250.075, shall provide reasonable statewide notice of having received the draft

1 ballot title and of the public's right to submit written comments as provided in this section. Written
 2 comments concerning a draft ballot title may be submitted to the secretary not later than the 10th
 3 business day after the secretary receives the draft title from the Attorney General. On the next
 4 business day after the deadline for submitting comments, the secretary shall send a copy of all
 5 written comments to the Attorney General. The secretary shall maintain a record of written com-
 6 ments received.

7 (2)(a) If written comments are submitted to the secretary under subsection (1) of this section,
 8 the Attorney General shall consider the comments and certify to the secretary either the draft ballot
 9 title or a revised ballot title not later than the 10th business day after receiving the comments from
 10 the secretary.

11 (b) If no written comments are submitted to the secretary, the Attorney General shall certify the
 12 draft ballot title not later than the [20th] **21st** business day after the secretary receives the draft
 13 title from the Attorney General. If the Attorney General determines that a draft ballot title de-
 14 scribed in this paragraph contains a clerical error, the Attorney General may correct the error be-
 15 fore certifying the corrected draft ballot title to the secretary.

16 (c) If the Attorney General determines that a ballot title certified under this subsection contains
 17 a clerical error, the Attorney General may correct the error and certify to the secretary a corrected
 18 ballot title not later than the 10th business day after the date the ballot title was certified.

19 (d) The secretary shall furnish the chief petitioner with a copy of each ballot title certified un-
 20 der this subsection.

21 (3) Unless the Supreme Court certifies a different ballot title, the latest ballot title certified by
 22 the Attorney General under subsection (2) of this section is the title to be printed in the voters'
 23 pamphlet and on the ballot.

24 (4) If a petition is filed with the Supreme Court as provided in ORS 250.085, the Secretary of
 25 State shall file with the Supreme Court a copy of the written comments received as part of the re-
 26 cord on review of the ballot title.

27 (5) The secretary by rule shall specify the means for providing reasonable statewide notice for
 28 submitting comments on a draft ballot title.

29 (6) As used in this section, "clerical error" means a typographical, arithmetical or grammatical
 30 error or omission that is evident from the text of the draft or certified ballot title or by comparison
 31 of the text of the draft or certified ballot title with a written explanation that was provided by the
 32 Attorney General and issued concurrently with the draft or certified ballot title.

33 **SECTION 16.** ORS 250.065 is amended to read:

34 250.065. (1) When a prospective petition for a state measure to be referred is filed with the
 35 Secretary of State, the secretary shall authorize the circulation of the petition using the final
 36 measure summary of the latest version of the printed, engrossed measure in lieu of the ballot title.
 37 On the next business day after the referendum petition has been filed containing the required num-
 38 ber of verified signatures, the Secretary of State shall send [two copies] **one copy** of the prospective
 39 petition to the Attorney General.

40 (2) When an approved prospective petition for a state measure to be initiated is filed with the
 41 Secretary of State, the secretary immediately shall send [two copies] **one copy** of it to the Attorney
 42 General.

43 (3) Not later than the fifth business day after receiving the [copies] **copy** of the prospective pe-
 44 tition for a state measure to be initiated, the Attorney General shall provide a draft ballot title for
 45 the state measure to be initiated and [return] **send** one copy of the [prospective petition and the]

1 ballot title to the Secretary of State.

2 (4) Not later than the 10th business day after receiving the [copies] **copy** of the prospective pe-
3 tition for a state measure to be referred, the Attorney General shall provide a draft ballot title for
4 the state measure to be referred and [return] **send** one copy of the [prospective petition and the] draft
5 ballot title to the Secretary of State.

6 **SECTION 17.** ORS 250.075 is amended to read:

7 250.075. (1) When the Legislative Assembly refers a measure to the people, a ballot title for the
8 measure may be prepared by the assembly. The ballot title shall be filed with the Secretary of State
9 when the measure is filed with the Secretary of State.

10 (2) If the title is not prepared under subsection (1) of this section, when the measure is filed
11 with the Secretary of State, the secretary shall send [two copies] **one copy** of the referred measure
12 to the Attorney General. Not later than the 30th day after the Legislative Assembly adjourns, the
13 Attorney General shall provide a draft ballot title for the measure. The Attorney General shall send
14 a copy of the draft ballot title to each member of the Legislative Assembly, and file with the Sec-
15 retary of State a copy of the [referred measure and the] draft ballot title and a certificate of mailing
16 of the draft ballot title to each member.

17 **SECTION 18.** ORS 250.175 is amended to read:

18 250.175. (1) When a prospective petition for a county measure to be referred is filed with the
19 county clerk, the clerk shall authorize the circulation of the petition containing the title of the
20 measure as enacted by the county governing body or, if there is no title, the title supplied by the
21 petitioner filing the prospective petition. The county clerk immediately shall send [two copies] **one**
22 **copy** of the prospective petition to the district attorney.

23 (2) Not later than the sixth business day after a prospective petition for a county measure to
24 be initiated is filed with the county clerk, the clerk shall send [two copies] **one copy** of it to the
25 district attorney if the measure to be initiated has been determined to be in compliance with section
26 1 (2)(d), Article IV, and section 10, Article VI of the Oregon Constitution, as provided in ORS
27 250.168.

28 (3)(a) Not later than the fifth business day after receiving the [copies] **copy** of the prospective
29 petition, and notwithstanding ORS 203.145 (3), the district attorney shall prepare a ballot title for
30 the county measure to be initiated or referred and [return one copy of the prospective petition and]
31 certify the ballot title to the county clerk.

32 (b) If the district attorney determines that a ballot title certified under this subsection contains
33 a clerical error, the district attorney may correct the error and certify to the county clerk a cor-
34 rected ballot title not later than the 10th business day after the date the ballot title was certified.

35 (c) A copy of the ballot title shall be furnished to the chief petitioner.

36 (4) Unless the circuit court certifies a different ballot title, the latest ballot title certified by the
37 district attorney under subsection (3) of this section is the title to be printed on the ballot.

38 (5)(a) The county clerk, upon receiving a ballot title for a county measure to be referred or in-
39 itiated from the district attorney or the county governing body, shall publish in the next available
40 edition of a newspaper of general circulation in the county a notice of receipt of the ballot title
41 including notice that an elector may file a petition for review of the ballot title not later than the
42 date referred to in ORS 250.195.

43 (b) In addition to publishing a notice as described in paragraph (a) of this subsection, the county
44 clerk may publish a notice on the county's website for a minimum of seven days.

45 (6) As used in this section, "clerical error" means a typographical, arithmetical or grammatical

1 error or omission that is evident from the text of the certified ballot title or by comparison of the
2 text of the ballot title with a written explanation that was provided by the district attorney and
3 issued concurrently with the certified ballot title.

4 **SECTION 19.** ORS 250.185 is amended to read:

5 250.185. (1) When the county governing body refers a measure to the people, a ballot title for
6 the measure may be prepared by the body. The measure and the ballot title prepared under this
7 subsection shall be filed at the same time with the county clerk.

8 (2) If the title is not prepared under subsection (1) of this section, when the measure is filed
9 with the county clerk, the clerk shall send [*two copies*] **one copy** to the district attorney. Not later
10 than the fifth business day after receiving the [*copies*] **copy**, the district attorney shall provide a
11 ballot title for the measure and send a copy of it to the county governing body and the county clerk.

12 **SECTION 20.** ORS 250.275 is amended to read:

13 250.275. (1) When a prospective petition for a city measure to be referred is filed with the city
14 elections officer, the officer shall authorize the circulation of the petition containing the title of the
15 measure as enacted by the city governing body or, if there is no title, the title supplied by the
16 petitioner filing the prospective petition. The city elections officer immediately shall send [*two*
17 *copies*] **one copy** of the prospective petition to the city attorney.

18 (2) Not later than the sixth business day after a prospective petition for a city measure to be
19 initiated is filed with the city elections officer, the officer shall send [*two copies*] **one copy** of it to
20 the city attorney if the measure to be initiated has been determined to be in compliance with section
21 1 (2)(d) and (5), Article IV of the Oregon Constitution, as provided in ORS 250.270.

22 (3)(a) Not later than the fifth business day after receiving the [*copies*] **copy** of the prospective
23 petition, the city attorney shall provide a ballot title for the city measure to be initiated or referred
24 and [*return one copy of the prospective petition and*] certify the ballot title to the city elections offi-
25 cer.

26 (b) If the city attorney determines that a ballot title certified under this subsection contains a
27 clerical error, the city attorney may correct the error and certify to the city elections officer a
28 corrected ballot title not later than the 10th business day after the date the ballot title was certified.

29 (c) A copy of the ballot title shall be furnished to the chief petitioner.

30 (4) Unless the circuit court certifies a different ballot title, the latest ballot title certified by the
31 city attorney under subsection (3) of this section is the title to be printed on the ballot.

32 (5)(a) The city elections officer, upon receiving a ballot title for a city measure to be referred
33 or initiated from the city attorney or city governing body, shall publish in the next available edition
34 of a newspaper of general distribution in the city a notice of receipt of the ballot title including
35 notice that an elector may file a petition for review of the ballot title not later than the date re-
36 ferred to in ORS 250.296.

37 (b) In addition to publishing a notice as described in paragraph (a) of this subsection, the city
38 elections officer may publish a notice on the city's website for a minimum of seven days.

39 (6) As used in this section, "clerical error" means a typographical, arithmetical or grammatical
40 error or omission that is evident from the text of the certified ballot title or by comparison of the
41 text of the ballot title with a written explanation that was provided by the city attorney and issued
42 concurrently with the certified ballot title.

43 **SECTION 21.** ORS 250.285 is amended to read:

44 250.285. (1) When the city governing body refers a measure to the people, a ballot title for the
45 measure may be prepared by the body. The ballot title shall be filed with the city elections officer.

1 (2) If the title is not prepared under subsection (1) of this section, when the measure is filed
2 with the city elections officer, the officer shall send *[two copies]* **one copy** to the city attorney. Not
3 later than the fifth business day after receiving the *[copies]* **copy**, the city attorney shall provide a
4 ballot title for the measure[,] and send a copy of it to the city governing body and the city elections
5 officer.

6 **SECTION 22.** ORS 255.145 is amended to read:

7 255.145. (1) When a prospective petition for a district measure to be referred is filed with the
8 elections officer, the officer shall authorize the circulation of the petition containing the title of the
9 measure as enacted by the district elections authority or, if there is no title, the title supplied by
10 the petitioner filing the prospective petition. The elections officer immediately shall send *[two*
11 *copies]* **one copy** of the prospective petition to the district attorney of the county in which the ad-
12 ministrative office of the district is located.

13 (2) Not later than the sixth business day after a prospective petition for a district measure to
14 be initiated is filed with the elections officer, the officer shall send *[two copies]* **one copy** of it to
15 the district attorney of the county in which the administrative office of the district is located if the
16 measure to be initiated has been determined to be in compliance with section 1 (2)(d) and (5), Article
17 IV of the Oregon Constitution, as provided in ORS 255.140.

18 (3)(a) Not later than the fifth business day after receiving the *[copies]* **copy** of the prospective
19 petition, the district attorney shall provide a ballot title for the district measure to be initiated or
20 referred and *[return]* **send** one copy of the *[prospective petition and the]* ballot title to the elections
21 officer. Unless the circuit court certifies a different title, **or the district attorney determines that**
22 **a clerical correction is necessary**, this ballot title shall be the title printed on the ballot.

23 **(b) As used in this subsection, “clerical correction” means a typographical, arithmetical**
24 **or grammatical correction that is evident from the text of the draft or certified ballot title.**

25 (4) A copy of the ballot title shall be furnished to the chief petitioner.

26 (5)(a) The elections officer, upon receiving a ballot title for a district measure to be referred or
27 initiated from the district attorney, shall publish in the next available edition of a newspaper of
28 general circulation in the district a notice of receipt of the ballot title including notice that an
29 elector may file a petition for review of the ballot title not later than the date referred to in ORS
30 255.155.

31 (b) In addition to publishing a notice as described in paragraph (a) of this subsection, the
32 elections officer may publish a notice on the county’s website for a minimum of seven days.

33 **SECTION 23.** ORS 250.141 is amended to read:

34 250.141. (1) Not later than the date set by the Secretary of State by rule, each citizen panel shall
35 prepare and file with the secretary any of the following statements of not more than 250 words each:

36 (a) A statement in favor of the measure.

37 (b) A statement opposed to the measure.

38 (c) A statement that “No panelist took this position.” if a panel is unanimous in either sup-
39 porting or opposing a measure.

40 (d) A statement of key findings that summarizes the citizen panel’s findings in an impartial
41 manner and may include a tally of how many panelists agreed with the key findings.

42 (e) A statement of additional policy considerations that describes the subject matter of or any
43 fiscal considerations related to the measure. A statement submitted under this paragraph must be
44 supported by at least three-quarters of the panelists.

45 (2)(a) Before a statement is filed with the Secretary of State under subsection (1) of this section:

1 (A) A person designated under ORS 250.139 (6)(c) shall be allowed to review the statement in
2 favor of the measure by the citizen panel and provide feedback to the panel regarding the statement.

3 (B) A person designated under ORS 250.139 (6)(d) shall be allowed to review the statement op-
4 posed to the measure by the citizen panel and provide feedback to the panel regarding the state-
5 ment.

6 (C) A person designated under ORS 250.139 (6)(c) or (d) shall be allowed to review the statement
7 of key findings by the citizen panel and provide feedback to the panel regarding the statement.

8 (b) A citizen panel may adjust any statement after receiving feedback as described in this sub-
9 section.

10 (3) The secretary shall prescribe the size and manner of placement of the statements submitted
11 by a citizen panel to be printed in the voters' pamphlet, except that the statements shall be clearly
12 differentiated from other arguments or statements in the voters' pamphlet and may include, but are
13 not limited to, the use of unique formatting and informative symbols.

14 (4) The secretary shall provide with any citizen panel statement a description of not more than
15 150 words of the citizen panel process described in ORS 250.137 to 250.149 and the following expla-
16 nation:

17 _____

18
19 The opinions expressed in this statement are those of the members of a citizen panel and were
20 developed through the citizen review process. They are NOT official opinions or positions endorsed
21 by the State of Oregon or any government agency. A citizen panel is not a judge of the
22 constitutionality or legality of any ballot measure, and any statements about such matters are not
23 binding on a court of law.

24 _____

25
26 **(5) A statement described in subsection (1) of this section must be filed using the elec-**
27 **tronic filing system adopted by the Secretary of State under ORS 251.014.**

28 [(5)] (6) The secretary, by rule, shall set a date by which statements must be filed under this
29 section. The date may not be sooner than the 70th day before the date of the election.

30 **SECTION 24.** ORS 251.115 is amended to read:

31 251.115. (1) **Not sooner than the 120th day and** not later than the 70th day before the general
32 election, the party officers as designated in the organizational documents of any statewide political
33 party or assembly of electors having nominated candidates may file with the Secretary of State a
34 statement of arguments for the success of its principles and election of its candidates on a statewide
35 basis and opposing the principles and candidates of other political parties or organizations on a
36 statewide basis.

37 (2) **Not sooner than the 120th day and** not later than the 70th day before the general election,
38 the party officers as designated in the organizational documents of any less than statewide political
39 party or assembly of electors having nominated candidates may file with the Secretary of State a
40 statement of arguments for the success of its principles and election of its candidates on a county
41 basis and opposing the principles and candidates of other political parties or organizations on a
42 county basis.

43 (3)(a) Any statewide political party or assembly of electors having nominated candidates shall
44 pay a fee of \$1,200 to the Secretary of State when the statement is filed or may submit a petition
45 in a form prescribed by the secretary containing the signatures of 500 active electors.

1 (b) Any less than statewide political party or assembly of electors having nominated candidates
2 shall pay a fee of \$600 to the Secretary of State when the statement is filed or may submit a petition
3 in a form prescribed by the secretary containing the signatures of 300 active electors.

4 (c) The signatures on a petition submitted under this subsection shall be verified by the county
5 clerk or the Secretary of State.

6 (d) The Secretary of State by rule shall establish procedures for verifying whether a petition
7 submitted under this subsection contains the required number of signatures of active electors.

8 (4) A statement of arguments filed under this section must be filed using [an] **the** electronic
9 filing system [designated] **adopted** by the Secretary of State under ORS 251.014.

10 (5) The Secretary of State by rule shall prescribe the size of the statements permitted under this
11 section, except that any statewide political party or assembly of electors having nominated candi-
12 dates shall be allotted more space than any less than statewide political party or assembly of elec-
13 tors having nominated candidates.

14 (6) For purposes of this section, an “active elector” is a person whose registration is considered
15 active as described in ORS 247.013.

16 **SECTION 25.** ORS 251.065 is amended to read:

17 251.065. (1)(a) Except as provided in paragraph (b) of this subsection, not sooner than the 120th
18 day and not later than the 68th day before the primary election, a candidate or agent on behalf of
19 the candidate for nomination or election at the primary election to the office of President or Vice
20 President of the United States, United States Senator, Representative in Congress or a state office
21 as defined in ORS 249.002 may file with the Secretary of State a portrait of the candidate and a
22 statement of the reasons the candidate should be nominated or elected. A candidate or agent on
23 behalf of the candidate for nomination or election to a county or city office, or to an elected office
24 of a metropolitan service district organized under ORS chapter 268, may file a portrait and state-
25 ment under this subsection if permitted under ORS 251.067.

26 (b) A portrait and statement may be filed not later than the 63rd day before the primary election
27 in the event of a vacancy described in ORS 249.037 (2).

28 (2) Not sooner than the 120th day and not later than the 70th day before the general election,
29 a candidate or agent on behalf of the candidate for election at the general election to the office of
30 President or Vice President of the United States, United States Senator, Representative in Congress
31 or a state office as defined in ORS 249.002 may file with the Secretary of State a portrait of the
32 candidate and a statement of the reasons the candidate should be elected. A candidate or agent on
33 behalf of the candidate for election to a county or city office, or to an elected office of a metropol-
34 itan service district organized under ORS chapter 268, may file a portrait and statement under this
35 subsection if permitted under ORS 251.067.

36 (3) In the case of a special election to fill a vacancy as described in ORS 251.022, the Secretary
37 of State by rule shall set the deadline for filing with the secretary a portrait of the candidate and
38 a statement of the reasons the candidate should be nominated or elected.

39 (4) All portraits and statements described in this section must be filed using [an] **the** electronic
40 filing system [designated] **adopted** by the Secretary of State under ORS 251.014.

41 (5) Subject to the requirements of this section, the Secretary of State by rule shall establish the
42 format of the statements permitted under this section.

43 (6) A portrait or statement filed under this section must be accompanied by a telephone or
44 electronic facsimile transmission machine number where the candidate may be contacted for pur-
45 poses of ORS 251.087.

1 **SECTION 26.** ORS 251.255 is amended to read:

2 251.255. (1) Not **sooner than the 120th day and not** later than the 70th day before a general
3 election or the 68th day before a special election held on the date of any primary election at which
4 a state measure is to be voted upon, any person may file with the Secretary of State an argument
5 supporting or opposing the measure.

6 (2)(a) A person filing an argument under this section shall pay a fee of \$1,200 to the Secretary
7 of State when the argument is filed or may submit a petition in a form prescribed by the Secretary
8 of State containing the signatures of 500 active electors. Each person signing the petition shall
9 subscribe to a statement that the person has read and agrees with the argument.

10 (b) The signatures on each petition shall be verified by the county clerk or the Secretary of
11 State.

12 (c) The Secretary of State by rule shall establish procedures for verifying whether a petition
13 submitted under this subsection contains the required number of signatures of active electors.

14 (3) An argument filed under this section must be filed using [*an*] **the** electronic filing system
15 [*designated*] **adopted** by the Secretary of State under ORS 251.014.

16 (4) The Secretary of State by rule shall establish the size and length of arguments permitted
17 under ORS 251.245 and this section, except that the length of an argument may not exceed 325
18 words. The size and length limitations shall be the same for arguments submitted under ORS 251.245
19 or this section.

20 **SECTION 27.** ORS 251.085 is amended to read:

21 251.085. (1) The candidate's statement shall begin with a summary of the following: occupation,
22 **current employer**, educational and occupational background, and prior governmental experience.

23 **(2) Knowingly providing false information within the portion of the candidate's statement**
24 **required under subsection (1) of this subsection is a violation of ORS 260.715 (1).**

25 **SECTION 28.** ORS 254.115 is amended to read:

26 254.115. (1) The official primary election ballot shall be styled "Official Primary Nominating
27 Ballot for the _____ Party." and shall state:

28 (a) The name of the county for which it is intended.

29 (b) The date of the primary election.

30 (c) The names of all candidates for nomination at the primary election whose nominating pe-
31 titions or declarations of candidacy have been made and filed, and who have not died, withdrawn
32 or become disqualified.

33 (d) The names of candidates for election as precinct committeeperson.

34 (e) The names of candidates for the party nomination for President of the United States who
35 qualified for the ballot under ORS 249.078.

36 (2) The primary election ballot may include any city, county or nonpartisan office or the number,
37 ballot title and financial estimates under ORS 250.125 of any measure.

38 (3)(a) The ballot may not contain the name of any person other than those referred to in sub-
39 sections (1) and (2) of this section.

40 (b) The name of each candidate for whom a nominating petition or declaration of candidacy has
41 been filed shall be printed on the ballot in but one place, **except in circumstances where a can-**
42 **didate may successfully hold more than one office or nomination without violating ORS**
43 **249.013.**

44 (c) In the event that two or more candidates for the same nomination or office have the same
45 or similar surnames, the location of their places of residence shall be printed with their names to

1 distinguish one from another.

2 **SECTION 29.** ORS 254.135, as amended by section 2, chapter 67, Oregon Laws 2014, and section
3 2, chapter 112, Oregon Laws 2014, is amended to read:

4 254.135. (1) The official general or special election ballot shall be styled "Official Ballot" and
5 shall state:

6 (a) The name of the county for which it is intended.

7 (b) The date of the election.

8 (c) The names of all candidates for offices to be filled at the election whose nominations have
9 been made and accepted and who have not died, withdrawn or become disqualified. The ballot may
10 not contain the name of any other person.

11 (d) The number, ballot title and financial estimates under ORS 250.125 of any measure to be
12 voted on at the election.

13 (2) The names of candidates for President and Vice President of the United States shall be
14 printed in groups together, under their political party designations. The names of the electors may
15 not be printed on the general election ballot. A vote for the candidates for President and Vice
16 President is a vote for the group of presidential electors supporting those candidates and selected
17 as provided by law. The general election ballot shall state that electors of President and Vice
18 President are being elected and that a vote for the candidates for President and Vice President shall
19 be a vote for the electors supporting those candidates.

20 (3)(a) The name of each candidate nominated shall be printed on the ballot in but one place,
21 without regard to how many times the candidate may have been nominated, **except in circum-**
22 **stances where a candidate may successfully hold more than one office or nomination without**
23 **violating ORS 249.013.** The name of a political party, or names of political parties, shall be printed
24 with the name of a candidate for other than nonpartisan office according to the following rules:

25 (A) For a candidate not affiliated with a political party who is nominated by a minor political
26 party, the name of the minor political party shall be printed with the name of the candidate;

27 (B) For a candidate not affiliated with a political party who is nominated by more than one
28 minor political party, the names of not more than three minor political parties selected by the candi-
29 date shall be printed with the name of the candidate;

30 (C) For a candidate who is a member of a political party who is nominated by a political party
31 of which the candidate is not a member, the name of the political party that nominated the candi-
32 date shall be printed with the name of the candidate;

33 (D) For a candidate who is a member of a political party who is nominated by more than one
34 political party of which the candidate is not a member, the names of not more than three political
35 parties selected by the candidate shall be printed with the name of the candidate;

36 (E) For a candidate who is nominated only by a political party of which the candidate is a
37 member, the name of the political party of which the candidate is a member shall be printed with
38 the name of the candidate; and

39 (F) For a candidate who is nominated by a political party of which the candidate is a member
40 and by any political party or parties of which the candidate is not a member, the name of the poli-
41 tical party of which the candidate is a member and the names of not more than two other political
42 parties selected by the candidate shall be printed with the name of the candidate.

43 (b) If a candidate is required to select the name of a political party to be printed on the ballot
44 under paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection
45 not later than the 61st day before the day of the election.

1 (c) The word “incumbent” shall be printed with the name of each candidate for the Supreme
2 Court, Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the
3 Secretary of State under ORS 254.085.

4 (d) The word “nonaffiliated” shall be printed with the name of each candidate who is not affil-
5 iated with a political party and who is nominated by an assembly of electors or individual electors.

6 (e) If two or more candidates for the same office have the same or similar surnames, the location
7 of their places of residence shall be printed with their names to distinguish one from another.

8 (4) Notwithstanding subsection (3)(a) of this section, the name of a candidate nominated for more
9 than one district office that is to be filled at the same election shall be separately printed upon the
10 ballot for each district office for which the candidate is nominated.

11 **SECTION 30.** ORS 255.085 is amended to read:

12 255.085. (1) Not later than the 61st day before a district election on a measure, the district
13 elections authority shall deliver to the elections officer a notice stating the date of the election and
14 a ballot title. The district elections authority shall prepare the ballot title for a measure referred
15 by the authority with the assistance of the district attorney for the county of the elections officer
16 or an attorney employed by the district elections authority. **The district elections authority shall**
17 **include the ballot title for the measure at the time the measure is submitted to the elections**
18 **officer.**

19 (2) If a district submits a measure to the electors of the district at an election held on the first
20 Tuesday after the first Monday in November and the district submitted a measure on the election
21 date in ORS 255.345 (1) immediately preceding the date of an election held on the first Tuesday after
22 the first Monday in November, the district elections authority shall file the measure for the election
23 held on the first Tuesday after the first Monday in November with the elections officer not later
24 than the 47th day before an election held on the first Tuesday after the first Monday in November.

25 (3) A notice of election called to approve the issuance of bonds shall include:

26 (a) The purpose for which the bonds are to be used;

27 (b) The amount and the term of the bonds;

28 (c) The kind of bonds proposed to be issued; and

29 (d) If the bond election is authorized by ORS 450.900, the additional notice requirements in ORS
30 450.905.

31 (4)(a) In the case of a measure submitted by initiative or referendum petition, the elections of-
32 ficer shall publish the notice in the next available edition of a newspaper of general circulation in
33 the district after the deadline for filing the notice.

34 (b) In the case of a measure referred by the district elections authority, the elections officer
35 shall publish the notice of election in the next available edition of a newspaper of general circu-
36 lation in the district after the notice of election is filed. The notice shall also state that an elector
37 may file a petition for review of the ballot title not later than the date referred to in ORS 255.155.
38 If the circuit court certifies a different ballot title, the elections officer shall publish an amended
39 notice of election in the next available edition of the newspaper referred to in this subsection after
40 the new title is certified to the elections officer.

41 (c) In addition to publishing the notice as described in paragraphs (a) and (b) of this subsection,
42 the elections officer may publish the notice on the county’s website for a minimum of seven days.

43 **SECTION 31.** ORS 255.295, as amended by section 5, chapter 67, Oregon Laws 2014, and section
44 5, chapter 112, Oregon Laws 2014, is amended to read:

45 255.295. (1) Not later than the 20th day after the date of an election, the [county clerk] **elections**

1 **officer** shall prepare an abstract of the votes and deliver it to the district elections authority. Not
2 later than the 40th day after *[receiving the abstract]* **the date of an election**, the district elections
3 authority shall determine from it the result of the election.

4 (2) Subject to ORS 254.548, the *[county clerk]* **elections officer** may issue a certificate of election
5 only after the district elections authority has notified the *[county clerk]* **elections officer** in writing
6 of the result of the election. The notification to the *[county clerk]* **elections officer** shall contain a
7 statement indicating whether any candidate elected to district office is qualified to hold the office.

8 **SECTION 32.** ORS 254.565 is amended to read:

9 254.565. Subject to ORS 254.548, the chief city elections officer:

10 (1) After the primary election, shall enter in a register of nominations:

11 (a) The name of each candidate for city office nominated at the primary election.

12 (b) The office for which the candidate is nominated.

13 (c) If applicable, the name of the major political party nominating the candidate.

14 (d) The date of the entry.

15 (2) After the general election, shall prepare and deliver a certificate of election to each qualified
16 candidate having the most votes for election to a city office.

17 (3) Not later than the *[30th]* **40th** day after any election, shall canvass the vote on each city
18 measure, and if two or more of the approved measures contain conflicting provisions, proclaim which
19 is paramount.

20 **SECTION 33.** ORS 260.037 is amended to read:

21 260.037. (1) The candidate is personally responsible for the performance of the duties referred
22 to in ORS 260.035 (2). Any default or violation by the treasurer shall be conclusively considered a
23 default or violation by the candidate. Any default or violation by the individual designated by the
24 candidate or treasurer under ORS 260.039~~], 260.042 or 260.057~~ is conclusively considered a default
25 or violation by the candidate.

26 (2)(a) **Except as provided in paragraph (b) of this subsection, the treasurer of a political**
27 **committee or the treasurer of a petition committee is personally responsible for the per-**
28 **formance of the duties referred to in ORS 260.035 (3) or 260.118. Any default or violation by**
29 **the individual designated by the treasurer under ORS 260.042 or 260.118 is conclusively con-**
30 **sidered a default or violation by the treasurer.**

31 (b) **If the treasurer of a political committee or the treasurer of a petition committee is**
32 **directed by the candidate, committee director or chief petitioner to perform a duty referred**
33 **to in ORS 260.035 (3) or 260.118 that results in a default or violation, the default or violation**
34 **by the treasurer of a political committee or the treasurer of a petition committee is consid-**
35 **ered a default or violation by the candidate, committee director or chief petitioner who is-**
36 **sued the directive.**

37 (3)(a) **Except as provided in paragraph (b) of this subsection, the individual designated**
38 **by the candidate, treasurer of a political committee or treasurer of a petition committee**
39 **under ORS 260.057 is personally responsible for any statement signed and certified as true**
40 **by the designated individual.**

41 (b) **If an individual designated by the candidate, treasurer of a political committee or**
42 **treasurer of a petition committee under 260.057 is directed by the candidate, treasurer of a**
43 **political committee, treasurer of a petition committee, committee director or chief petitioner**
44 **to sign a statement that results in a default or violation, the default or violation by the in-**
45 **dividual designated by the candidate, treasurer of a political committee or treasurer of a**

1 **petition committee is conclusively considered a default or violation by the candidate, treas-**
2 **urer of a political committee, treasurer of a petition committee, committee director or chief**
3 **petitioner who issued the directive.**

4 **SECTION 34.** ORS 260.043 is amended to read:

5 260.043. (1) A candidate who serves as the candidate's own treasurer and who expects neither
6 the aggregate contributions to be received nor the aggregate expenditures to be made by or on be-
7 half of the candidate to exceed \$750 in total amount during a calendar year is not required to:

- 8 (a) File a statement of organization under ORS 260.039;
9 (b) Establish a single exclusive campaign account under ORS 260.054; or
10 (c) File statements under ORS 260.057.

11 (2) A candidate described in subsection (1) of this section must keep contribution and expendi-
12 ture records for the previous 24 months.

13 *[(3) If at any time following the filing of a nominating petition, declaration of candidacy or certifi-*
14 *cate of nomination and during the calendar year either the aggregate contributions or aggregate*
15 *expenditures exceed \$750, the candidate shall do all of the following:]*

16 *[(a) File a statement of organization under ORS 260.039.]*

17 *[(b) Establish a single exclusive campaign account as required under ORS 260.054.]*

18 *[(c) File a statement under ORS 260.057 showing all contributions received and expenditures made.*
19 *The statement shall be filed not later than seven calendar days after aggregate contributions or ag-*
20 *gregate expenditures exceed \$750 during a calendar year.]*

21 *[(d) If necessary, file additional statements under ORS 260.057.]*

22 **(3)(a) If at any time during the calendar year either the aggregate contributions or ag-**
23 **gregate expenditures exceed \$750, the candidate must file a statement of organization under**
24 **ORS 260.039, establish a single exclusive campaign account as required under ORS 260.054 and**
25 **file statements as required in paragraph (b) of this subsection.**

26 **(b)(A) Except as provided in subparagraph (B) of this paragraph, if at any time during**
27 **the calendar year either the aggregate contributions or aggregate expenditures exceed \$750,**
28 **the candidate must file a statement under ORS 260.057 showing all contributions received and**
29 **expenditures made. After aggregate contributions or aggregate expenditures exceed \$750**
30 **during a calendar year, the statement shall be filed under the time frames established in ORS**
31 **260.057 (3).**

32 **(B) If the candidate expects neither the aggregate contributions to be received nor the**
33 **aggregate expenditures to be made by or on behalf of the candidate to exceed \$3,500 during**
34 **the calendar year, the candidate may file a statement to that effect under ORS 260.112,**
35 **rather than file statements under ORS 260.057. Notwithstanding ORS 260.112 (2), the state-**
36 **ment shall be filed not later than seven calendar days after aggregate contributions or ag-**
37 **gregate expenditures exceed \$750 during a calendar year.**

38 (4) This section does not apply to candidates for federal office.

39 **SECTION 35.** ORS 260.054 is amended to read:

40 260.054. (1) Each political committee shall establish a single exclusive campaign account and
41 each petition committee organized under ORS 260.118 shall establish a single exclusive petition ac-
42 count in a financial institution, as defined in ORS 706.008. The financial institution must be located
43 in this state and must ordinarily conduct business with the general public in this state.

44 (2) A political committee shall maintain the campaign account in the name of the political
45 committee. A petition committee shall maintain the petition account in the name of the petition

1 committee.

2 (3) Except as provided in subsection (4) of this section:

3 (a) All expenditures made by the political committee shall be drawn from the campaign account
4 and:

5 (A) Issued on a check signed by the candidate on whose behalf the account is established, by
6 the treasurer of the political committee or by an individual designated by the candidate or treasurer;
7 or

8 (B) Paid using a debit card or other form of electronic transaction.

9 (b) All expenditures made by the petition committee shall be drawn from the petition account
10 and:

11 (A) Issued on a check signed by the chief petitioner or treasurer of the petition committee or
12 by an individual designated by the chief petitioner or treasurer; or

13 (B) Paid using a debit card or other form of electronic transaction.

14 (4) Subsection (3) of this section does not prohibit a person from making a cash or other ex-
15 penditure on behalf of the political committee or petition committee and receiving reimbursement
16 from the campaign or petition account.

17 (5)(a) Not later than seven [*calendar*] **business** days after the date the contribution is received:

18 (A) A contribution received by a candidate or the treasurer of a political committee, directly
19 or indirectly, shall be deposited into the campaign account.

20 (B) A contribution received by a chief petitioner or treasurer of a petition committee, directly
21 or indirectly, shall be deposited into the petition account.

22 (b) This subsection does not apply to in-kind contributions received by a candidate, political
23 committee or petition committee.

24 (6) This section does not prohibit the transfer of any amount deposited in a campaign or petition
25 account into a certificate of deposit, stock fund or other investment instrument.

26 (7) A campaign or petition account may not include any private moneys, other than contribu-
27 tions received by the political committee or petition committee.

28 (8) A political committee or petition committee shall retain a copy of each financial institution
29 account statement from the campaign or petition account described in this section for not less than
30 two years after the date the statement is issued by the financial institution.

31 (9) This section does not apply to candidates described in ORS 260.043.

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

34 **SECTION 36.** ORS 260.055 is amended to read:

35 260.055. (1) Each candidate, other than a candidate for political party office, the treasurer of
36 each political committee and the treasurer of each petition committee shall keep detailed accounts.
37 The accounts shall be current as of not later than the seventh [*calendar*] **business** day after the date
38 of receiving a contribution or making an expenditure with respect to all contributions received and
39 all expenditures made by or on behalf of the candidate or committee that are required to be reported
40 under ORS 260.057, 260.076 or 260.078. Subject to ORS 260.085, the accounts shall list all information
41 required to be reported under ORS 260.083.

42 (2) Accounts kept by a candidate or the treasurer of a political committee may be inspected
43 under reasonable circumstances at any time before the election to which the accounts refer or
44 during the period specified for retention of the accounts under subsection (3) of this section by any
45 opposing candidate or the treasurer of any political committee for the same electoral contest. The

1 right of inspection may be enforced by writ of mandamus issued by any court of competent juris-
2 diction. The treasurers of political committees supporting a candidate may be joined with the candi-
3 date as defendants in a mandamus proceeding.

4 (3) Accounts kept by a candidate or treasurer shall be preserved by the candidate or treasurer
5 for at least two years after the date the statement of the contribution or expenditure is filed under
6 ORS 260.057.

7 **SECTION 37.** ORS 260.057 is amended to read:

8 260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used by:

9 (a) All candidates and political committees to file with the secretary statements of contributions
10 received and expenditures made by the candidates and political committees, as described in ORS
11 260.083.

12 (b) Treasurers of petition committees organized under ORS 260.118 to file with the secretary
13 statements of contributions received and expenditures made by the treasurers or chief petitioners
14 as described in ORS 260.083.

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

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

20 (3)(a) A candidate for nomination or election at any primary or general election or a political
21 committee supporting or opposing a candidate or measure at any primary or general election shall
22 file a statement described in subsection (1)(a) of this section not later than seven calendar days after
23 a contribution is received or an expenditure is made. This paragraph applies to contributions re-
24 ceived and expenditures made:

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

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

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

34 (c) If the candidate or political committee receives a contribution or makes an expenditure prior
35 to the 42nd calendar day before the date of the primary or general election and the candidate or
36 political committee has not filed a statement of the contribution or expenditure under subsection (2)
37 of this section by the 43rd calendar day before the date of the primary or general election, the
38 candidate or political committee shall file a statement described in subsection (1)(a) of this section
39 not later than the 35th calendar day before the date of the primary or general election.

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

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

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

44 (5)(a) Except as provided in paragraph (b) of this subsection, the secretary shall make all data
45 filed electronically under subsection (1)(a) of this section and all information filed with the secretary

1 under ORS 260.049 or 260.085 available on the Internet to the public free of charge according to a
2 schedule adopted by the secretary by rule. The secretary shall make the data available in a
3 searchable database that is easily accessible by the public. When the secretary makes data or in-
4 formation available on the Internet under this subsection, the secretary shall display any contribu-
5 tion received from a person or political committee with an out-of-state address in a different colored
6 font than a contribution received from a person or political committee with an in-state address.

7 (b) The secretary may not make data that are filed electronically under subsection (1)(a) of this
8 section available to the public under this section, unless the data are required to be listed under
9 ORS 260.083. The secretary may not disclose under ORS 192.410 to 192.505 any data that are filed
10 electronically under subsection (1)(a) of this section, unless the data are required to be listed under
11 ORS 260.083.

12 (6)[(a)] *[Except as provided in paragraph (b) of this subsection,]* Each statement required by this
13 section shall be signed and certified as true by the candidate *[or treasurer required to file it],*
14 **treasurer, designee of the candidate or treasurer or person who files a statement of inde-**
15 **pendent expenditures under ORS 260.044, as appropriate.** Signatures shall be supplied in the
16 manner specified by the secretary by rule.

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

20 (7) This section does not apply to:

21 (a) Candidates for federal office;

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

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

25 **SECTION 38.** ORS 260.078 is amended to read:

26 260.078. If the first statement filed by a candidate, a candidate's principal campaign committee,
27 **a petition committee** or a political committee under ORS 260.057 shows an unexpended balance
28 of contributions not previously reported on hand, the statement shall list all contributions and
29 expenditures giving rise to the unexpended balance of contributions in accordance with ORS 260.083.

30 **SECTION 39.** ORS 260.232 is amended to read:

31 260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in
32 addition to any other penalty that may be imposed, for:

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

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

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

43 (b) If the person required to file is a candidate or the principal campaign committee of a can-
44 didate, the Secretary of State shall send the notice described in paragraph (a) of this subsection by
45 first class mail **or electronically** to the candidate. The notice shall be used for purposes of deter-

1 mining the deadline for requesting a hearing under subsection (3) of this section.

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

4 (a) Upon request of the person against whom the penalty may be assessed, if the request is made
5 not later than the 20th day [*after the person received*] **from the service date** on the notice sent
6 under subsection (2) of this section;

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

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

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

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

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

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

23 (a) For failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,
24 260.076, 260.078, 260.083, 260.112 or 260.118, 10 percent of the total amount of the contribution or
25 expenditure required to be included in the statement or certificate; or

26 (b) For each failure to include in a statement filed under ORS 260.044, 260.057, 260.076, 260.078,
27 260.083, 260.112 or 260.118 the information required under ORS 260.044, 260.057, 260.076, 260.083 or
28 260.118, 10 percent of the total amount of the contribution or expenditure required to be included
29 in the statement.

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

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

34 **SECTION 40.** ORS 260.241 is amended to read:

35 260.241. (1) Despite delay in the filing of statements relating to a candidate's nomination re-
36 quired to be filed under ORS 260.057, or in the filing of a certificate described in ORS 260.112 in lieu
37 of a statement required under ORS 260.057, prior to the nominating election, the candidate's name
38 shall appear on the general election ballot if those statements or the certificate is filed before the
39 61st day before the general election.

40 (2) A candidate's name may not be placed on the general election ballot if the statements or
41 certificate referred to in subsection (1) of this section is not filed before the 61st day before the
42 general election.

43 (3) If the statements or certificate referred to in subsection (1) of this section is not filed by the
44 68th day before the general election, the filing officer by mail **or electronically** shall notify the
45 candidate that the candidate's name may not be placed on the general election ballot. The filing

1 officer shall send the notice described in this subsection by first class mail **or electronically** to the
2 candidate and the candidate's treasurer or the treasurer of the candidate's principal campaign
3 committee. The filing officer is not required to send two notices if the candidate serves as the
4 treasurer of the candidate's principal campaign committee.

5 **SECTION 41.** ORS 249.005 is amended to read:

6 249.005. (1) Notwithstanding ORS 249.008 and 249.875, a petition or minutes for which original
7 signatures are otherwise required may be accepted by the county clerk **or Secretary of State** for
8 signature verification, or by another filing officer in the case of a recall petition, with photographic
9 copies of one or more signature sheets if:

10 (a) The signature sheets containing the original signatures were stolen or destroyed by fire, a
11 natural disaster or other act of God; and

12 (b) The photographic copy of each original signature sheet contains the number of the original
13 signature sheet prescribed by the Secretary of State under ORS 249.009.

14 (2) As used in this section, "act of God" means an unanticipated grave natural disaster or other
15 natural phenomenon of an exceptional, inevitable and irresistible character, the effects of which
16 could not have been prevented or avoided by the exercise of due care or foresight.

17 **SECTION 42.** ORS 249.008 is amended to read:

18 249.008. (1) Except as provided in subsection (2) of this section, before a nominating petition,
19 minutes of an assembly of electors[,] or petition by individual electors is offered for filing, the county
20 clerk of each county in which the signatures were secured **or the Secretary of State** shall compare
21 the signatures of electors on the petition or minutes with the signatures of the electors on the
22 elector registration cards. Any petition or minutes submitted for verification under this section shall
23 contain only original signatures. The county clerk **or the secretary** shall attach to the petition or
24 minutes a certificate stating the number of signatures believed to be genuine. The certificate is
25 prima facie evidence of the facts stated in it. A signature not included in the number certified to
26 be genuine shall not be counted by the officer with whom the petition is filed. No signature in vio-
27 lation of the provisions of this chapter shall be counted.

28 (2) If the total number of signatures presented to a county clerk **or the Secretary of State** for
29 verification is 15,000 or more, the county clerk **or secretary** may use a statistical sampling tech-
30 nique authorized by the secretary [*of State*] to verify the signatures. The sample shall be drawn from
31 at least 100 percent of the number of signatures required for nomination.

32 (3) After signatures of electors on a nominating petition, minutes of an assembly of electors or
33 petition by individual electors are submitted for verification, no elector who signed the petition or
34 minutes may remove the signature of the elector from the petition or minutes.

35 **(4) The Secretary of State by rule shall establish procedures for verifying whether a pe-**
36 **tion submitted under this section contains the required number of signatures of active**
37 **electors.**

38 **SECTION 43.** ORS 249.064 is amended to read:

39 249.064. (1) A nominating petition of a candidate seeking the nomination of a major political
40 party shall contain a statement that each elector whose signature appears on the petition is a
41 member of the same major political party as is the candidate.

42 (2) A nominating petition of any candidate shall contain the number of signatures of electors
43 required by ORS 249.068 or 249.072 and the residence or mailing address and name or number of the
44 precinct, if known, of each elector whose signature appears.

45 (3) Pursuant to ORS 249.008, the county clerks **or the Secretary of State** shall certify the

1 signatures contained in the nominating petition for genuineness.

2 **SECTION 44.** ORS 249.078 is amended to read:

3 249.078. (1) The name of a candidate for a major political party nomination for President of the
4 United States shall be printed on the ballot only:

5 (a) By direction of the Secretary of State who in the secretary's sole discretion has determined
6 that the candidate's candidacy is generally advocated or is recognized in national news media; or

7 (b) By nominating petition described in this section and filed with the Secretary of State.

8 (2) A petition nominating a candidate under this section shall contain from each congressional
9 district the signatures of at least 1,000 electors who are registered in the district and who are
10 members of the major political party of the candidate. The electors in each congressional district
11 shall include electors registered in at least five percent of the precincts in each of at least one-
12 fourth of the counties in the congressional district. The petition shall contain the printed name,
13 residence or mailing address and name or number of the precinct, if known, of each elector whose
14 signature appears on the petition. The signatures shall be certified for genuineness by the county
15 clerks **or the Secretary of State** under ORS 249.008.

16 (3) Before circulating the nominating petition, the chief sponsor shall file with the Secretary of
17 State a signed copy of the prospective petition. The chief sponsor shall include with the prospective
18 petition a statement declaring whether one or more persons will be paid money or other valuable
19 consideration for obtaining signatures of electors on the petition. After the prospective petition is
20 filed, the chief sponsor shall notify the Secretary of State not later than the 10th day after the chief
21 sponsor first has knowledge or should have had knowledge that:

22 (a) Any person is being paid for obtaining signatures, when the statement included with the
23 prospective petition declared that no such person would be paid.

24 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
25 spective petition declared that one or more such persons would be paid.

26 **SECTION 45.** ORS 249.735 is amended to read:

27 249.735. (1) An assembly of electors is an organized body:

28 (a) Of not fewer than 1,000 electors of the state for a statewide nomination.

29 (b) Of not fewer than 500 electors of the congressional district for which the nomination for
30 Representative in Congress is made.

31 (c) Of not fewer than 250 electors of the county or any other district for which the nomination
32 is made.

33 (2) An assembly of electors may nominate candidates at a nominating convention. The conven-
34 tion shall be held in one day and last not longer than 12 hours. The signature, printed name and
35 residence or mailing address of each member of the assembly shall be recorded at the convention
36 and entered of record in the minutes by the secretary of the assembly. Not less than the minimum
37 number of electors required to constitute an assembly of electors must have recorded their signa-
38 tures in the minutes of the assembly and must be present when the assembly nominates a candidate.
39 The candidate receiving the highest number of votes of the assembly for the office shall be the
40 nominee of the assembly.

41 (3) Not later than the 10th day before the meeting of an assembly of electors, notice shall be
42 published at least once in not less than three newspapers of general circulation within the electoral
43 district for which the nomination will be made. The notice shall contain the time and place the as-
44 ssembly will meet, the office or offices for which nominations will be made, and the names and ad-
45 dresses of not fewer than 25 electors qualified to vote in the assembly who desire that it be held.

1 (4) Proof of publication of notice in subsection (3) of this section shall be made by affidavit of
2 the owner, editor, publisher, manager, advertising manager, principal clerk of any of them, or the
3 printer or printer's foreman of the newspaper in which the notice is published. The affidavit shall
4 show publication and shall be filed with the filing officer with the certificate of nomination.

5 (5) Not later than the 10th day before the meeting of an assembly of electors, a copy of the
6 notice under subsection (3) of this section shall be delivered to the filing officer who will supervise
7 the conduct of the nominating convention.

8 (6) The presiding officer of an assembly of electors shall deliver the signatures of assembly
9 members entered in the minutes to the appropriate county clerks of the counties in which the as-
10 sembly members live **or to the Secretary of State if the secretary is the designated filing offi-
11 cer under ORS 249.035**. The signatures shall be certified by the appropriate county clerk **or by the
12 Secretary of State** under ORS 249.008. A copy of the minutes, certified by the secretary of the as-
13 sembly, and the certificate of the county clerk **or the Secretary of State** shall be filed [*with the
14 filing officer*] with the certificate of nomination.

15 (7) If the assembly of electors designates a committee to whom the assembly delegated the au-
16 thority to fill vacancies as provided in ORS 249.842, a notice containing the names of the members
17 of the committee shall be delivered to the filing officer with the certificate of nomination.

18 **SECTION 46.** ORS 249.740 is amended to read:

19 249.740. (1) A certificate of nomination made by individual electors shall contain a number of
20 signatures of electors in the electoral district equal to not less than one percent of the total votes
21 cast in the electoral district for which the nomination is intended to be made, for all candidates for
22 presidential electors at the last general election.

23 (2) Each elector signing a certificate of nomination made by individual electors shall include the
24 residence or mailing address of the elector. Except for a certificate of nomination of candidates for
25 electors of President and Vice President of the United States, a certificate of nomination made by
26 individual electors shall contain the name of only one candidate.

27 (3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certif-
28 icate shall file a signed copy of the prospective certificate with the filing officer referred to in ORS
29 249.722. The chief sponsor of the certificate shall include with the prospective certificate a state-
30 ment declaring whether one or more persons will be paid money or other valuable consideration for
31 obtaining signatures of electors on the certificate. After the prospective certificate is filed, the chief
32 sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has
33 knowledge or should have had knowledge that:

34 (a) Any person is being paid for obtaining signatures, when the statement included with the
35 prospective certificate declared that no such person would be paid.

36 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
37 spective certificate declared that one or more such persons would be paid.

38 (4) The circulator shall certify on each signature sheet that the circulator:

39 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
40 the signature sheet; and

41 (b) Believes each individual is an elector registered in the electoral district.

42 (5) The signatures contained in each certificate of nomination made by individual electors shall
43 be certified for genuineness by the county clerk **or the Secretary of State** under ORS 249.008.

44 (6) As used in this section, "prospective certificate" means the information, except signatures
45 and other identification of certificate signers, required to be contained in a completed certificate

1 of nomination.

2 **SECTION 47.** ORS 251.087 is amended to read:

3 251.087. (1) If a candidate files a portrait and statement under ORS 251.065 for inclusion in the
4 voters' pamphlet, the Secretary of State shall review the portrait and statement to ensure that the
5 portrait complies with the requirements of ORS 251.075, *[and]* that the **portion of the statement**
6 **required under ORS 251.085 is factually accurate and that the statement** complies with the
7 requirements of ORS 251.049 and 251.085.

8 (2) **As part of the** review by the Secretary of State under this section, **the secretary** shall:

9 (a) *[be limited to determining]* **Determine** whether the portrait and statement comply with the
10 requirements of ORS 251.049, 251.075 and 251.085; and *[shall not include any determination relating*
11 *to the accuracy or truthfulness of materials filed.]*

12 (b) **Verify the accuracy of the portion of the candidate's statement required under ORS**
13 **251.085.**

14 (3)(a) The Secretary of State shall review each portrait and statement not later than three
15 business days following the deadline for filing a portrait and statement under ORS 251.065.

16 (b) If the Secretary of State determines that the portrait or statement of a candidate must be
17 revised in order to comply with the requirements of ORS 251.049, 251.075 or 251.085, the Secretary
18 of State shall attempt to contact the candidate not later than the fifth business day following the
19 deadline for filing a portrait and statement under ORS 251.065. A candidate contacted by the Sec-
20 retary of State under this section may file a revised portrait or statement not later than the seventh
21 business day following the deadline for filing a portrait and statement under ORS 251.065.

22 (c) **If the Secretary of State determines that there is reasonable cause to believe that the**
23 **portion of the candidate's statement required under ORS 251.085 contains objectively false**
24 **statements of fact, the secretary shall report the initial findings to the Attorney General.**
25 **The Attorney General immediately shall examine the candidate's statement and determine**
26 **whether prosecution is warranted.**

27 (4) If the Secretary of State is required to attempt to contact a candidate under subsection (3)
28 of this section, the Secretary of State shall attempt to contact the candidate by telephone or by
29 using an electronic transmission facsimile machine.

30 (5) If the Secretary of State is unable to contact a candidate or if the candidate does not file a
31 revised portrait or statement, the following rules apply:

32 (a) If a portrait does not comply with ORS 251.075, the Secretary of State may modify the por-
33 trait. The candidate shall pay the expense of any modification prior to publication of the portrait
34 in the voters' pamphlet. If the portrait cannot be modified to comply with ORS 251.075, the portrait
35 shall not be printed in the voters' pamphlet.

36 (b) If a statement does not comply with ORS 251.085 the statement shall not be printed in the
37 voters' pamphlet.

38 (c) If a statement does not comply with ORS 251.049, the Secretary of State shall edit the
39 statement to remove language that does not comply with ORS 251.049.

40 (6) If the portrait or statement of a candidate filed under ORS 251.065 does not comply with a
41 requirement of ORS 251.049, 251.075 or 251.085 and the Secretary of State does not attempt to con-
42 tact the candidate by the deadline specified in subsection (3) of this section, for purposes of ORS
43 251.049, 251.075 and 251.085 only, the portrait or statement shall be printed as filed.

44 (7) A candidate revising a portrait or statement under this section shall make only those re-
45 visions necessary to comply with ORS 251.049, 251.075 and 251.085.

1 (8) The Secretary of State by rule may define the term “contact” as used in this section.

2 **SECTION 48.** ORS 260.005 is amended to read:

3 260.005. As used in this chapter:

4 (1)(a) “Candidate” means:

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

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

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

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

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

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

25 [(a)] (A) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent
26 compensation or consideration, of money, **professional** services [*other than personal services*] for
27 which no compensation is asked or given, supplies, equipment or any other thing of value:

28 [(A)] (i) For the purpose of influencing an election for public office or an election on a measure,
29 or of reducing the debt of a candidate for nomination or election to public office or the debt of a
30 political committee; or

31 [(B)] (ii) To or on behalf of a candidate, political committee or measure; and

32 [(b)] (B) The excess value of a contribution made for compensation or consideration of less than
33 equivalent value.

34 (b) **As used in this subsection:**

35 (A) **“Professional services” means services arising out of or related to the specialized**
36 **knowledge or skills of a practicing attorney, accountant or business professional.**

37 (B) **“Professional services” does not include services by speakers, writers or publishers.**

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

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

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

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

43 (a) The candidate, the candidate’s agent, a member of the candidate’s immediate family, **an**
44 **employee of the candidate** or any other political committee that the candidate controls has a sig-
45 nificant influence on the actions or decisions of the political committee; or

1 (b) The candidate's principal campaign committee and the political committee both have the
2 candidate or a member of the candidate's immediate family as a treasurer, [or] a director, **an indi-**
3 **vidual described in ORS 260.037 (3)(a) or a correspondence recipient.**

4 (6) "County clerk" means the county clerk or the county official in charge of elections.

5 (7) "Elector" means an individual qualified to vote under Article II, section 2, of the Oregon
6 Constitution.

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

14 (9) "Filing officer" means:

15 (a) The Secretary of State:

16 (A) Regarding a candidate for public office;

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

18 (C) Regarding any measure; or

19 (D) Regarding any political committee.

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

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

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

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

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

33 (a) "Agent" means any person who has:

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

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

40 (b)(A) "Clearly identified" means, with respect to candidates:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (a) A proposed law.

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

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

41 (d) Local, special or municipal legislation.

42 (e) A proposition or question.

43 (15) "Occupation" means:

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

45 (b) If the individual is employed by another person, the business name and address, by city and

1 state, of the employer.

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

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

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

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

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

13 (A) A contribution to a candidate or political committee that is required to report the contri-
14 bution on a statement filed under ORS 260.057 or 260.076 or a certificate filed under ORS 260.112;
15 or

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

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

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

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

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

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

28 **SECTION 49.** ORS 260.007 is amended to read:

29 260.007. As used in this chapter, "contribute," "contribution," "expend" or "expenditure" does
30 not include:

31 (1) Any written news story, commentary or editorial distributed through the facilities of any
32 broadcasting station, newspaper, magazine or other regularly published publication, unless a poli-
33 tical committee owns the facility.

34 (2) An individual's use of the individual's own personal residence, including a community room
35 associated with the individual's residence, to conduct a reception for a candidate or political com-
36 mittee and the individual's cost of invitations, food and beverages provided at the reception.

37 (3) A vendor's sale of food and beverages for use in a candidate's or political committee's cam-
38 paign at a charge less than the normal comparable charge, if the charge is at least equal to the cost
39 of the food or beverages to the vendor.

40 (4) Any unreimbursed payment for travel expenses an individual, including a candidate, makes
41 on behalf of a candidate or political committee.

42 (5) Any loan of money made by a financial institution as defined in ORS 706.008, other than any
43 overdraft made with respect to a checking or savings account, if the loan bears the usual and cus-
44 tomary interest rate for the category of loan involved, is made on a basis that ensures repayment,
45 is evidenced by a written instrument and is subject to a due date or amortization schedule. How-

1 ever, each indorser or guarantor of the loan shall be considered to have contributed that portion
2 of the total amount of the loan for which that person agreed to be liable in a written agreement,
3 except if the indorser or guarantor is the candidate's spouse.

4 (6) Nonpartisan activity designed to encourage individuals to vote or to register to vote.

5 (7) Any communication a membership organization or corporation makes to its members, share-
6 holders or employees if the membership organization or corporation is not organized primarily for
7 the purpose of influencing an election.

8 *[(8) The payment of compensation for legal and accounting services rendered to a candidate or*
9 *political committee if the person paying for the services is the regular employer of the individual ren-*
10 *dering the services and the services are solely for the purpose of ensuring compliance with the pro-*
11 *visions of this chapter.]*

12 *[(9)]* (8) The payment by a state or local committee of a political party of the costs of prepara-
13 tion, display or mailing or other distribution incurred by the committee with respect to a printed
14 slate card or sample ballot, or other printed listing, of three or more candidates for any public office
15 for which an election is held in this state. This subsection does not apply to costs incurred by the
16 committee with respect to a display of any such listing made on broadcasting stations or in news-
17 papers, magazines or similar types of general public political advertising.

18 **SECTION 50.** ORS 260.035 is amended to read:

19 260.035. (1) Not later than the third business day after a political committee first receives a
20 contribution or makes an expenditure, the political committee shall:

- 21 (a) Appoint a treasurer who shall be an elector of this state;
22 (b) Certify the name and address of the treasurer to the filing officer; and
23 (c) File a statement of organization under ORS 260.039 or 260.042.

24 (2) A candidate may serve as the candidate's own treasurer or may appoint and certify to the
25 filing officer the name and address of a treasurer. A candidate's treasurer shall perform all the du-
26 ties prescribed for the candidate under ORS 260.035 to 260.156.

27 (3) Contributions shall be received and expenditures made by or through the treasurer of the
28 political committee or the candidate or the treasurer of a principal campaign committee.

29 (4)(a) Any change in information required under this section shall be indicated in an amended
30 certification filed not later than the 10th day after the change in information.

31 **(b) Except as provided in paragraph (c) of this subsection, the individual serving as**
32 **treasurer on the date an amended certification is required to be filed under this subsection**
33 **is the individual responsible for ensuring that the amended certification is timely filed.**

34 **(c) If an amended certification is required under this subsection because of the appoint-**
35 **ment of a new treasurer and the committee director or committee directors did not timely**
36 **inform the new treasurer of the requirement to file an amended certification under this**
37 **subsection, the committee director or committee directors are responsible for ensuring that**
38 **the amended certification is timely filed.**

39 **SECTION 51.** ORS 260.083 is amended to read:

40 260.083. (1)(a) For a contribution, except as provided in ORS 260.085, a statement filed under
41 ORS 260.044, 260.057, 260.076, 260.078 or 260.118 shall list:

42 (A) The name, occupation and address of each person, and the name and address of each poli-
43 tical committee or petition committee, that *[contributed an aggregate amount of more than \$100 in a*
44 *calendar year]* **made a contribution of any amount** on behalf of a candidate or to a political
45 committee or petition committee and the total amount contributed by that person or committee; and

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

3 (b) For an expenditure, including an independent expenditure, a statement filed under ORS
4 260.044, 260.057, 260.076, 260.078 or 260.118 shall list:

5 (A) The amount and purpose of each expenditure made in an aggregate amount of more than
6 \$100 to a payee, the name or, if applicable, the business name of the payee of the expenditure, and
7 the city, or county if the payee is not located in a city, and state in which the payee is located; and

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

9 (c) For each loan, whether repaid or not, made by or to a candidate, political committee or pe-
10 tition committee, a statement filed under ORS 260.044, 260.057, 260.076, 260.078 or 260.118 shall list:

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

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

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

15 **(2)(a) The Secretary of State by rule shall prescribe a method for regularly auditing**
16 **statements filed for contributions of \$100 or less.**

17 **(b) After conducting the audits required under paragraph (a) of this subsection, the**
18 **Secretary of State shall ensure that, if a person, political committee or petition committee:**

19 **(A) Has contributed an aggregate amount of more than \$100 in the calendar year on be-**
20 **half of a candidate or to a political committee or a petition committee, the name, occupation**
21 **and address of each person, and the name and address of each political committee or petition**
22 **committee, and the total amount contributed by that person or committee is made available**
23 **to the public on the electronic filing system adopted under ORS 260.057; and**

24 **(B) Has not contributed an aggregate amount of more than \$100 in the calendar year on**
25 **behalf of a candidate or to a political committee or a petition committee, the identifying in-**
26 **formation listed in subparagraph (A) of this paragraph is not made available to the public**
27 **on the electronic filing system adopted under ORS 260.057. If this subparagraph applies, the**
28 **Secretary of State may not disclose the identifying information listed in subparagraph (A)**
29 **of this paragraph under ORS 192.410 to 192.505.**

30 [(2)] (3) An expenditure shall be reported as an account payable only if the expenditure is not
31 paid within the time specified in ORS 260.057, 260.076 or 260.118.

32 [(3)] (4) Anything of value paid for or contributed by any person shall be listed as both an in-
33 kind contribution and an expenditure by the candidate or committee for whose benefit the payment
34 or contribution was made.

35 [(4)] (5) If a candidate, political committee or petition committee under ORS 260.057 or 260.118
36 makes an expenditure that must be reported as an in-kind contribution and an expenditure as pro-
37 vided in subsection (3) of this section, the candidate, political committee or petition committee
38 making the original expenditure shall, in any statement filed under ORS 260.057, 260.078 or 260.118,
39 identify the expenditure as an in-kind contribution and identify the candidate, political committee
40 or petition committee for whose benefit the expenditure was made.

41 [(5)] (6) If a political committee makes an expenditure that qualifies as an independent expend-
42 iture under ORS 260.005 (10), the listing of the expenditure under this section shall identify any
43 candidates or measures that are the subject of the independent expenditure and state whether the
44 independent expenditure was used to advocate the election, passage or defeat of the candidates or
45 measures.

1 [(6)] (7) As used in this section:

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

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

5 **SECTION 52.** ORS 260.095 is amended to read:

6 260.095. (1) If a candidate, political committee or petition committee under ORS 260.057 or
7 260.118 makes an expenditure that must be reported as both an in-kind contribution and an ex-
8 penditure by the candidate, political committee or petition committee for whose benefit the expend-
9 iture was made as provided in ORS 260.083 [(3)] (4), the candidate, political committee or petition
10 committee making the original expenditure shall:

11 (a) Notify the candidate or committee for whose benefit the expenditure was made in writing
12 that the expenditure was made; and

13 (b) Deliver the notice not later than 48 hours after the time that the candidate, political com-
14 mittee or petition committee making the original expenditure includes the expenditure in a state-
15 ment under ORS 260.057.

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

20 **SECTION 53.** ORS 260.205 is amended to read:

21 260.205. (1)(a) **Except as provided in paragraph (b) of this subsection,** a filing officer shall
22 inspect each statement filed under ORS 260.057, 260.083, 260.112 or 260.118 not later than the 10th
23 business day after the filing deadline or the 10th business day after the statement is filed, whichever
24 is later.

25 **(b) This subsection does not require a filing officer to inspect statements of contributions**
26 **filed under ORS 260.057, 260.083 or 260.118 if the contributions:**

27 **(A) Are from a single person, political committee or petition committee;**

28 **(B) Are on behalf of a single candidate or to a single political committee or petition**
29 **committee; and**

30 **(C) Have an aggregate total of \$100 or less for the calendar year.**

31 (2) A filing officer immediately shall notify a person required to file a statement with the filing
32 officer under ORS 260.057, 260.083, 260.112 or 260.118 if:

33 (a) Upon examination of relevant materials, it appears to the filing officer that the person has
34 failed to file a required statement or that a statement filed with the filing officer by the person is
35 insufficient; or

36 (b) A complaint is filed with the filing officer under subsection (3) of this section.

37 (3) An elector may file with a filing officer a complaint that a statement filed with the filing
38 officer is insufficient or that a person has failed to file a required statement. The complaint shall
39 be in writing, shall state in detail the reasons for complaint and shall be filed with the filing officer
40 not later than the 90th day after the date the statement of which it complains is filed or should have
41 been filed.

42 (4) If upon receiving notification under subsection (2) of this section a person responds by filing
43 a statement or submitting information to correct an insufficient statement, the filing officer shall
44 confirm whether the person's response is sufficient not later than 90 days after receiving the re-
45 sponse. If, within 90 days, the filing officer does not confirm whether a response is sufficient under

1 this subsection, the person is not subject to civil penalty under ORS 260.232 for failure to file or
2 failure to include the required information in the statement.

3 **SECTION 54.** ORS 260.407 is amended to read:

4 260.407. (1)(a) Except as provided in paragraph (b) of this subsection, amounts received as con-
5 tributions by a candidate, [*or*] the principal campaign committee of a candidate **or the principal**
6 **campaign committee of a holder of public office** [*for public office that are in excess of any amount*
7 *necessary to defray expenditures and any other funds donated to a holder of public office*] may be:

8 (A) Used to defray any expenses incurred in connection with the recipient's duties as a holder
9 of public office;

10 (B) Transferred to any national, state or local political committee of any political party;

11 (C) Contributed to any organization described in section 170(c) of the Internal Revenue Code
12 or to any charitable corporation as defined in ORS 128.620; or

13 (D) Used for any other lawful purpose.

14 (b) Amounts received as contributions by a candidate, [*or*] the principal campaign committee of
15 a candidate for public office **or the principal campaign committee of a holder of public office**
16 [*that are in excess of any amount necessary to defray expenditures and other funds donated to a holder*
17 *of public office*] may not be:

18 (A) Converted by any person to any personal use other than to defray any expenses incurred in
19 connection with the person's duties as a holder of public office or to repay to a candidate any loan
20 the proceeds of which were used in connection with the candidate's campaign;

21 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS
22 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by
23 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-
24 butions described in this paragraph may be used to pay a civil penalty imposed under this chapter,
25 other than a civil penalty imposed for a violation of this section or ORS 260.409; or

26 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by the
27 candidate or public official in any civil, criminal or other legal proceeding or investigation that re-
28 lates to or arises from the course and scope of the duties of the person as a candidate or public
29 official. Contributions described in this paragraph may be used to pay legal expenses incurred by
30 the candidate or public official in connection with a legal proceeding brought under this chapter,
31 other than a proceeding brought under this section or ORS 260.409.

32 (2)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions
33 by a political committee that is not a principal campaign committee [*that are in excess of any amount*
34 *necessary to defray expenditures*] may be:

35 (A) Used to repay to the political committee any loan the proceeds of which were used in con-
36 nection with the campaign;

37 (B) Transferred to any national, state or local political committee of any political party;

38 (C) Contributed to any organization described in section 170(c) of the Internal Revenue Code
39 or to any charitable corporation as defined in ORS 128.620; or

40 (D) Used for any other lawful purpose.

41 (b) Amounts received as contributions by the political committee may not be:

42 (A) Converted by any person to any personal use;

43 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS
44 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by
45 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-

1 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,
2 other than a civil penalty imposed for a violation of this section or ORS 260.409; or

3 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a
4 treasurer or director of a political committee in any civil, criminal or other legal proceeding or in-
5 vestigation that relates to or arises from the course and scope of the duties of the person as a
6 treasurer or director. Contributions described in this subsection may be used to pay legal expenses
7 incurred by a treasurer or director in connection with a legal proceeding brought under this chap-
8 ter, other than a proceeding brought under this section or ORS 260.409.

9 (3)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions
10 by a chief petitioner or treasurer of a petition committee [*that are in excess of any amount necessary*
11 *to defray expenditures*] may be:

12 (A) Used to repay to the chief petitioner any loan the proceeds of which were used in con-
13 nection with the initiative, referendum or recall petition;

14 (B) Transferred to any national, state or local political committee of any political party;

15 (C) Contributed to any organization described in section 170(c) of the Internal Revenue Code
16 or to any charitable corporation as defined in ORS 128.620; or

17 (D) Used for any other lawful purpose.

18 (b) Amounts received as contributions by a chief petitioner or treasurer of a petition committee
19 may not be:

20 (A) Converted by any person to any personal use;

21 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS
22 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by
23 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-
24 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,
25 other than a civil penalty imposed for a violation of this section or ORS 260.409; or

26 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a chief
27 petitioner or the treasurer of a petition committee in any civil, criminal or other legal proceeding
28 or investigation that relates to or arises from the course and scope of the duties of the person as
29 a chief petitioner or treasurer. Contributions described in this subsection may be used to pay legal
30 expenses incurred by a chief petitioner or treasurer in connection with a legal proceeding brought
31 under this chapter, other than a proceeding brought under this section or ORS 260.409.

32 (4) As used in this section:

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

35 (b) "Funds donated" means all funds, including but not limited to gifts, loans, advances, credits
36 or deposits of money that are donated for the purpose of supporting the activities of a holder of
37 public office. "Funds donated" does not mean funds appropriated by the Legislative Assembly or
38 another similar public appropriating body or personal funds of the office holder donated to an ac-
39 count containing only those personal funds.

40 (c) "Public office" does not include national or political party office.

41 **SECTION 55.** Section 9, chapter 8, Oregon Laws 2015 (Enrolled House Bill 2177), is amended
42 to read:

43 **Sec. 9.** For the purpose of maintaining status as a minor political party under ORS 248.008
44 [(4)(b)] (4)(a) for the general election to be held on November 8, 2016, the total number of registered
45 electors in this state is deemed to be the total number of registered electors identified in the elector

1 registration records of the Secretary of State on July 1, 2015.

2 **SECTION 56.** Sections 57 and 58 of this 2015 Act are added to and made a part of ORS
3 chapter 260.

4 **SECTION 57.** (1) Any representation regarding an individual's occupation, current em-
5 ployer, educational and occupational background or prior governmental experience that is
6 made as part of a report filed under ORS 260.049, an account required by ORS 260.054 or
7 260.055, a statement of organization filed pursuant to ORS 260.035, 260.039, 260.042, 260.046
8 or 260.118, or a statement or certificate required to be filed under ORS 260.044, 260.057,
9 260.064, 260.076, 260.078, 260.083, 260.112 or 260.118, must be factually accurate.

10 (2) Knowingly providing false information as part of the representation described under
11 subsection (1) of this subsection is a violation of ORS 260.715 (1).

12 (3) If the Secretary of State determines that there is reasonable cause to believe that an
13 individual has knowingly provided false information as part of the representation described
14 in subsection (1) of this section, the secretary shall report the matter to the Attorney Gen-
15 eral. The Attorney General immediately shall examine the relevant filing or filings and de-
16 termine whether prosecution is warranted.

17 **SECTION 58.** (1) A person who receives notice from the Secretary of State of a potential
18 violation of this chapter regarding a report filed under ORS 260.049, an account required by
19 ORS 260.054 or 260.055, a statement of organization filed pursuant to ORS 260.035, 260.039,
20 260.042, 260.046 or 260.118, or a statement or certificate required to be filed under ORS
21 260.044, 260.057, 260.064, 260.076, 260.078, 260.083, 260.112 or 260.118, must, in addition to com-
22 plying with any other applicable provision of law, take action to amend the filing and comply
23 with the law within 180 calendar days of receiving the notice.

24 (2) Failure to take action to amend the filing and comply with the law within 180 calendar
25 days of receiving notice under subsection (1) of this section is a Class C felony.

26 **SECTION 59.** ORS 247.435 is repealed.

27 **SECTION 60.** Sections 57 and 58 of this 2015 Act and the amendments to statutes and
28 session laws by sections 1 to 55 of this 2015 Act and the repeal of ORS 247.435 by section 59
29 of this 2015 Act become operative on January 1, 2016.

30 **SECTION 61.** This 2015 Act being necessary for the immediate preservation of the public
31 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
32 on its passage.

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