

# House Bill 2178

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Secretary of State Kate Brown)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires campaign finance statement to be filed within two business days if aggregate amount of contributions equaling or exceeding \$2,500 from single donor is received during 14-day period immediately preceding election. Adjusts other filing deadlines for campaign finance statement.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to campaign finance; amending ORS 260.044, 260.057 and 260.118; and declaring an emer-  
3 gency.

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

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

6 260.044. (1) If a person makes independent expenditures in a total amount of more than \$750 in  
7 a calendar year, the person shall use the electronic filing system adopted under ORS 260.057 to file  
8 with the Secretary of State a statement of independent expenditures not later than seven calendar  
9 days after the total amount of independent expenditures exceeds \$750 in a calendar year.

10 (2) A person who files a statement of independent expenditures under subsection (1) of this  
11 section shall use the electronic filing system adopted under ORS 260.057 to file with the secretary  
12 additional statements of independent expenditures made by the person, as described in ORS 260.083.

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

16 (4)(a) A person shall file a statement described in subsection (2) of this section not later than  
17 *[seven]* **14** calendar days after an independent expenditure is made. This paragraph applies to inde-  
18 pendent expenditures made:

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

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

23 (b) If the person makes an independent expenditure prior to the 42nd calendar day before the  
24 date of the primary or general election and the person has not filed a statement under subsection  
25 (3) of this section by the 43rd calendar day before the date of the primary or general election, the  
26 person shall file a statement described in subsection (2) of this section not later than the *[35th]* **28th**  
27 calendar day before the date of the primary or general election.

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

**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 (6) Notwithstanding ORS 260.005 (18), a person who solicits and receives a contribution or con-  
 2 tributions is a political committee and shall file a statement of organization under ORS 260.042 and  
 3 the statements required by ORS 260.057, 260.076 or 260.078.

4 (7) For purposes of this section:

5 (a) An independent expenditure does not include a contribution to a candidate or political  
 6 committee that is required to report the contribution on a statement filed under ORS 260.057,  
 7 260.076 or 260.078 or a certificate filed under ORS 260.112;

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

10 (c) A person is not a political committee under subsection (6) of this section if all contributions  
 11 received by the person are:

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

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

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

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

18 260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used by:

19 (a) All candidates and political committees to file with the secretary statements of contributions  
 20 received and expenditures made by the candidates and political committees, as described in ORS  
 21 260.083.

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

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

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

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

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

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

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

43 *[(c)]* (b) If the candidate or political committee receives a contribution or makes an expenditure  
 44 prior to the 42nd calendar day before the date of the primary or general election and the candidate  
 45 or political committee has not filed a statement of the contribution or expenditure under subsection

1 (2) of this section by the 43rd calendar day before the date of the primary or general election, the  
 2 candidate or political committee shall file a statement described in subsection (1)(a) of this section  
 3 not later than the [35th] 28th calendar day before the date of the primary or general election.

4 **(4)(a) A candidate for nomination or election at any primary or general election or a**  
 5 **political committee supporting or opposing a candidate or measure at any primary or general**  
 6 **election shall file a statement of contributions received not later than two business days af-**  
 7 **ter a contribution is received that brings the aggregate amount of contributions received**  
 8 **from a single donor during the period to \$2,500 or more, and for each subsequent contribu-**  
 9 **tion received from the donor thereafter. This paragraph applies to contributions received:**

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

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

14 **(b) If the candidate or political committee receives an aggregate amount of contributions**  
 15 **from a single donor that totals \$2,500 or more prior to the 14th calendar day before the date**  
 16 **of the primary or general election and the candidate or political committee has not filed a**  
 17 **statement of the contributions under subsection (3) of this section by the 15th calendar day**  
 18 **before the date of the primary or general election, the candidate or political committee shall**  
 19 **file a statement of contributions received not later than the 12th calendar day before the**  
 20 **date of the primary or general election.**

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

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

27 **(b) Two business days after a contribution is received, if the aggregate amount of con-**  
 28 **tributions received from a single donor during the special election period equals or exceeds**  
 29 **\$2,500.**

30 [(4)] **(6) The electronic filing system shall be provided free of charge by the secretary and shall:**

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

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

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

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

1 ORS 260.083.

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

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

8 [(7)] (9) This section does not apply to:

9 (a) Candidates for federal office;

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

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

13 **SECTION 3.** ORS 260.118 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 **SECTION 4. This 2015 Act being necessary for the immediate preservation of the public**  
 32 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
 33 **on its passage.**