

# House Bill 3547

Sponsored by Representatives GILLIAM, BARKER, CLEM

## 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 member of Legislative Assembly to file statement of paid political activity with Secretary of State if member, or immediate family member of member, serves as paid candidate campaign consultant. Defines paid candidate campaign consultant.

Requires member to file supplemental statement every seven days for period of time individual qualifies as paid candidate campaign consultant.

Imposes fine of \$50 per day, up to \$5,000, for each day a required statement is either filed late or filed with incomplete information.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to political consulting by people affiliated with the Legislative Assembly; creating new  
3 provisions; amending ORS 260.057 and 260.232; and declaring an emergency.

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

5 **SECTION 1. Sections 2 and 3 of this 2015 Act are added to and made a part of ORS**  
6 **chapter 260.**

7 **SECTION 2. (1) As used in this section:**

8 (a) **"Election campaign strategy" means any advice or assistance given to a candidate,**  
9 **or a candidate's campaign, with respect to a candidate's nomination or election to public**  
10 **office. This includes, but is not limited to, advice or assistance to the candidate or the**  
11 **candidate's campaign about campaign communications or advertisements made in print, over**  
12 **the Internet or on social media.**

13 (b) **"Immediate family member" means spouse, parent, stepparent, child, stepchild, sib-**  
14 **ling, son-in-law or daughter-in-law.**

15 (c) **"Paid candidate campaign consultant" means an individual who receives compensation**  
16 **of \$5 or more per month in exchange for advising or assisting a candidate in this state, or**  
17 **a candidate's campaign in this state, with election campaign strategy.**

18 (2) **If a current member of the Legislative Assembly, or an immediate family member of**  
19 **the member, is a paid candidate campaign consultant, the member of the Legislative As-**  
20 **sembly shall use the electronic filing system adopted under ORS 260.057 to file with the**  
21 **Secretary of State a statement of paid political activity.**

22 (3) **Statements of paid political activity filed under this section must provide the following**  
23 **information regarding an individual's work as a paid candidate campaign consultant:**

24 (a) **The professional title used;**

25 (b) **The specific work activities engaged in;**

26 (c) **The candidate or candidates advised;**

27 (d) **The public office sought by the candidate or candidates;**

28 (e) **The amount of money paid to the individual for serving as a paid candidate campaign**

**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 **consultant;**

2 (f) **Any other political committees, consulting firms or similar entities associated with**  
 3 **the candidate or candidates with which the individual engages; and**

4 (g) **All public issues mentioned in the political campaign in which the individual serves**  
 5 **as a paid candidate campaign consultant.**

6 (4) **A member of the Legislative Assembly required to file a statement of paid political**  
 7 **activity shall file:**

8 (a) **The initial statement within seven days after the individual's starting to work as a**  
 9 **paid candidate campaign consultant; and**

10 (b) **Supplemental statements every seven days after the first statement is filed until the**  
 11 **individual no longer qualifies as a paid candidate campaign consultant.**

12 **SECTION 3. (1) Each statement of paid political activity required to be filed under section**  
 13 **2 of this 2015 Act shall be signed and certified as true by the member of the Legislative As-**  
 14 **sembly required to file the statement and shall contain a written declaration that the state-**  
 15 **ment is made under the penalties of false swearing.**

16 (2) **A member of the Legislative Assembly may not sign and certify a statement under**  
 17 **subsection (1) of this section if the member knows that the statement contains information**  
 18 **that is false.**

19 **SECTION 4.** ORS 260.057 is amended to read:

20 260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used by:

21 (a) All candidates and political committees to file with the secretary statements of contributions  
 22 received and expenditures made by the candidates and political committees, as described in ORS  
 23 260.083.

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

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

29 **(d) Members of the Legislative Assembly required to file statements of paid political ac-**  
 30 **tivity under section 2 of this 2015 Act.**

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

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

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

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

43 (b) For any special election, the secretary by rule may establish a period during which a can-  
 44 didate for nomination or election at the special election or a political committee supporting or op-  
 45 posing a candidate or measure at the special election must file a statement described in subsection

1 (1) of this section not later than seven calendar days after a contribution is received or an expend-  
 2 iture is made.

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

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

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

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

13 (5)(a) Except as provided in paragraph (b) of this subsection, the secretary shall make all data  
 14 filed electronically under subsection (1)(a) of this section and all information filed with the secretary  
 15 under ORS 260.049 or 260.085 available on the Internet to the public free of charge according to a  
 16 schedule adopted by the secretary by rule. The secretary shall make the data available in a  
 17 searchable database that is easily accessible by the public. When the secretary makes data or in-  
 18 formation available on the Internet under this subsection, the secretary shall display any contribu-  
 19 tion received from a person or political committee with an out-of-state address in a different colored  
 20 font than a contribution received from a person or political committee with an in-state address.

21 (b) The secretary may not make data that are filed electronically under subsection (1)(a) of this  
 22 section available to the public under this section, unless the data are required to be listed under  
 23 ORS 260.083. The secretary may not disclose under ORS 192.410 to 192.505 any data that are filed  
 24 electronically under subsection (1)(a) of this section, unless the data are required to be listed under  
 25 ORS 260.083.

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

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

32 (7) This section does not apply to:

33 (a) Candidates for federal office;

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

35 (c) Candidates, political committees or petition committees that file certificates under ORS  
 36 260.112.

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

38 260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in  
 39 addition to any other penalty that may be imposed, for:

40 (a) Failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,  
 41 260.076, 260.078, 260.083, 260.112 or 260.118 **or section 2 of this 2015 Act.**

42 (b) Failure to include in a statement filed under ORS 260.044, 260.057, 260.076, 260.078, 260.083,  
 43 260.112 or 260.118 **or section 2 of this 2015 Act** the information required under ORS 260.044,  
 44 260.057, 260.076, 260.083 or 260.118 **or section 2 of this 2015 Act.**

45 (2)(a) If a person required to file has not filed a statement or certificate complying with appli-

1 cable provisions of ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.085, 260.112 or 260.118 **or**  
 2 **section 2 of this 2015 Act** within the time specified in ORS 260.044, 260.057, 260.076, 260.078 or  
 3 260.118 **or section 2 of this 2015 Act**, the Secretary of State by first class mail shall notify the  
 4 person that a penalty may be imposed and that the person has 20 days from the service date on the  
 5 notice to request a hearing before the Secretary of State.

6 (b) If the person required to file is a candidate or the principal campaign committee of a candi-  
 7 dicate, the Secretary of State shall send the notice described in paragraph (a) of this subsection by  
 8 first class mail to the candidate. The notice shall be used for purposes of determining the deadline  
 9 for requesting a hearing under subsection (3) of this section.

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

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

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

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

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

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

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

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

31 (a) For failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,  
 32 260.076, 260.078, 260.083, 260.112 or 260.118, 10 percent of the total amount of the contribution or  
 33 expenditure required to be included in the statement or certificate[; or].

34 **(b) For failure to file a statement required to be filed under section 2 of this 2015 Act,**  
 35 **\$50 for each day the statement is late beyond the date set by section 2 of this 2015 Act. The**  
 36 **maximum penalty that may be imposed under this paragraph is \$5,000.**

37 [(b)] (c) For each failure to include in a statement filed under ORS 260.044, 260.057, 260.076,  
 38 260.078, 260.083, 260.112 or 260.118 the information required under ORS 260.044, 260.057, 260.076,  
 39 260.083 or 260.118, 10 percent of the total amount of the contribution or expenditure required to be  
 40 included in the statement.

41 **(d) For each failure to include in a statement filed under section 2 of this 2015 Act the**  
 42 **information required under section 2 of this 2015 Act, \$50 for each day that the statement**  
 43 **remains incomplete after being filed. The maximum penalty that may be imposed under this**  
 44 **paragraph is \$5,000.**

45 (8) The Secretary of State, upon a showing of mitigating circumstances, may reduce the amount

1 of the penalty described in subsection (7) of this section.

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

4 **SECTION 6. Sections 2 and 3 of this 2015 Act and the amendments to ORS 260.057 and**  
5 **260.232 by sections 4 and 5 of this 2015 Act apply to individuals working as paid candidate**  
6 **campaign consultants on or after the effective date of this 2015 Act.**

7 **SECTION 7. This 2015 Act being necessary for the immediate preservation of the public**  
8 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
9 **on its passage.**

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