

Requested by Representative RAYFIELD

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4085**

1 On page 1 of the printed bill, line 2, after the second semicolon delete the  
2 rest of the line and line 3 and insert “and amending ORS 260.044, 260.055,  
3 260.200, 260.218, 260.232 and 260.345.”.

4 In line 7, delete “\$50” and insert “\$250”.

5 In line 8, restore the bracketed material.

6 In line 9, delete “five” and delete “\$50” and insert “\$250”.

7 In line 15, delete “five” and insert “seven”.

8 On page 2, line 2, restore “seven” and delete “five”.

9 On page 3, line 15, delete the boldfaced material.

10 In line 16, restore the bracketed material.

11 In line 17, delete “10” and insert “40”.

12 In line 19, delete the boldfaced material.

13 In line 20, restore the bracketed material.

14 In line 21, restore the bracketed material and delete “10” and insert  
15 “40”.

16 In line 27, after the semicolon insert “or”.

17 In line 30, delete “; or” and insert a period.

18 Delete lines 31 and 32.

19 Delete lines 37 through 45.

20 On page 4, delete lines 1 through 8 and insert:

21 **“SECTION 3. ORS 260.055 is amended to read:**

1 “260.055. (1) Each candidate, other than a candidate for political party  
2 office, the treasurer of each political committee and the treasurer of each  
3 petition committee shall keep detailed accounts. The accounts shall be cur-  
4 rent as of not later than the seventh calendar day after the date of receiving  
5 a contribution or making an expenditure with respect to all contributions  
6 received and all expenditures made by or on behalf of the candidate or  
7 committee that are required to be reported under ORS **260.044**, 260.057,  
8 260.076 or 260.078. Subject to ORS 260.085, the accounts shall list all infor-  
9 mation required to be reported under ORS 260.083.

10 “(2) Accounts kept by a candidate or the treasurer of a political commit-  
11 tee may be inspected under reasonable circumstances at any time before the  
12 election to which the accounts refer or during the period specified for re-  
13 tention of the accounts under subsection (3) of this section by any opposing  
14 candidate or the treasurer of any political committee for the same electoral  
15 contest. The right of inspection may be enforced by writ of mandamus issued  
16 by any court of competent jurisdiction. The treasurers of political commit-  
17 tees supporting a candidate may be joined with the candidate as defendants  
18 in a mandamus proceeding.

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

22 **“SECTION 4. Sections 5, 6 and 7 of this 2016 Act are added to and  
23 made a part of ORS chapter 260.**

24 **“SECTION 5. (1) Unless otherwise required under ORS 260.055, each  
25 person that makes independent expenditures in a total amount of  
26 more than \$250 in a calendar year shall keep detailed accounts. The  
27 accounts shall be current as of not later than the seventh calendar day  
28 after the date of making an independent expenditure that is required  
29 to be reported under ORS 260.044. The accounts shall list all informa-  
30 tion required to be reported under ORS 260.083.**

1       “(2) Accounts kept by a person that makes independent expendi-  
2       tures shall be preserved by the person for at least two years after the  
3       date an independent expenditure is made.

4       “(3) In addition to the requirements of ORS 260.215, the Secretary  
5       of State shall review statements of independent expenditures filed un-  
6       der ORS 260.044 or 260.057. For each review, the secretary shall require  
7       the person making the independent expenditure to provide documen-  
8       tation of not more than 10 transactions. The requirement to provide  
9       documentation may be enforced by writ of mandamus issued by any  
10      court of competent jurisdiction.

11      “(4) The secretary shall review statements of independent expendi-  
12      tures as provided under subsection (3) of this section four times per  
13      calendar year.

14      “(5) The secretary by rule shall:

15      “(a) Designate a method by which statements of independent ex-  
16      penditures shall be selected at random for review under subsection (3)  
17      of this section.

18      “(b) Designate the period of time within which a person must pro-  
19      vide documentation if required to do so under subsection (3) of this  
20      section. The secretary may impose a civil penalty under ORS 260.995  
21      on a person who fails to timely provide the documentation required  
22      under subsection (3) of this section.

23      “(c) Enhance the electronic filing system adopted under ORS 260.057  
24      to provide additional transparency for filed statements of independent  
25      expenditures.

26      “SECTION 6. (1) In addition to the requirements of ORS 260.055 and  
27      260.215 and section 5 of this 2016 Act, the Secretary of State shall ex-  
28      amine the accounts of political committees selected at random as  
29      provided in subsection (4) of this section. For each examination, the  
30      secretary shall require that the political committee provide access to

1 all committee bank accounts and other documentation the secretary  
2 determines is necessary to successfully conduct the examination. The  
3 requirement to provide access to committee bank accounts and other  
4 documentation may be enforced by writ of mandamus issued by any  
5 court of competent jurisdiction.

6 “(2)(a) Each examination conducted by the secretary under this  
7 section shall determine whether, during the three months immediately  
8 preceding the examination, the political committee accurately and  
9 timely complied with all filing requirements set forth in this chapter.

10 “(b) If an examination indicates discrepancies between the filings  
11 made by the political committee and the filing requirements set forth  
12 in this chapter, the secretary may extend the scope of the examination  
13 to determine whether, during the two years immediately preceding the  
14 examination, the political committee accurately and timely complied  
15 with all filing requirements set forth in this chapter.

16 “(3) Committee bank account records and other documentation  
17 provided by a political committee to the secretary under this section  
18 shall be used only for purposes of the examination and may not be  
19 disclosed as a public record under ORS 192.410 to 192.505.

20 “(4) The secretary shall conduct examinations of political commit-  
21 tees under subsection (1) of this section four times per calendar year.

22 “(5) The secretary by rule shall:

23 “(a) Designate a method by which political committees shall be se-  
24 lected at random for examination under subsection (1) of this section.

25 “(b) Designate the period of time within which a political committee  
26 must provide access to committee bank accounts and other documen-  
27 tation if required to do so under subsection (1) of this section. The  
28 secretary may impose a civil penalty under ORS 260.995 on a person  
29 who fails to timely provide the access to committee bank accounts and  
30 other documentation required under subsection (1) of this section.

1       **“SECTION 7. (1) When conducting an investigation under ORS**  
2 **260.345 of a written complaint alleging that a violation of election law**  
3 **or rule adopted by the Secretary of State under ORS chapters 246 to**  
4 **260 has occurred, the secretary or the Attorney General may, upon**  
5 **reasonable suspicion that a violation has occurred and in addition to**  
6 **any other action permitted by law, examine the accounts of the per-**  
7 **son, political committee or petition committee alleged to have com-**  
8 **mitted the violation.**

9       **“(2) When investigating the accounts of a person, political com-**  
10 **mittee or petition committee under this section, the secretary or At-**  
11 **torney General may require that the person, political committee or**  
12 **petition committee provide access to bank accounts and other doc-**  
13 **umentation the secretary or Attorney General determines is necessary**  
14 **to successfully conduct the investigation. The requirement to provide**  
15 **access to bank accounts and other documentation may be enforced by**  
16 **writ of mandamus issued by any court of competent jurisdiction.**

17       **“(3) Bank accounts and other documentation provided by a person,**  
18 **political committee or petition committee to the secretary or Attorney**  
19 **General under this section shall be used only for purposes of the in-**  
20 **vestigation and may not be disclosed as a public record under ORS**  
21 **192.410 to 192.505.**

22       **“(4) The secretary by rule shall designate the period of time within**  
23 **which a person, political committee or petition committee must pro-**  
24 **vide access to bank accounts and other documentation if required to**  
25 **do so under subsection (1) of this section. The secretary or Attorney**  
26 **General may impose a civil penalty under ORS 260.995 on a person who**  
27 **fails to timely provide the access to committee bank accounts and**  
28 **other requested documentation required under subsection (1) of this**  
29 **section.**

30       **“SECTION 8. ORS 260.200 is amended to read:**

1 “260.200. The Secretary of State by rule shall:

2 “(1) Prescribe a uniform system for accounts required by ORS 260.055 **or**  
3 **section 5 of this 2016 Act.**

4 “(2) Prescribe forms for statements and other information required under  
5 this chapter to be filed with filing officers, and furnish those forms to per-  
6 sons required to file those statements and other information.

7 “(3) Prescribe materials, including financial institution account state-  
8 ments and copies of checks, that a candidate, political committee or petition  
9 committee must retain or provide to the secretary for purposes of adminis-  
10 tering or enforcing the provisions of this chapter. The secretary shall pre-  
11 scribe personal or confidential information that is not required to be  
12 disclosed under this subsection.

13 **“SECTION 9.** ORS 260.218 is amended to read:

14 “260.218. (1) The Secretary of State, **or Attorney General acting under**  
15 **ORS 260.345,** may issue subpoenas to compel the production of records,  
16 documents, books, papers, memoranda or other information necessary to de-  
17 termine compliance with the provisions of this chapter.

18 “(2) If a person fails to comply with any subpoena issued under subsection  
19 (1) of this section, a judge of the circuit court of any county, on application  
20 of the Secretary of State **or Attorney General** shall compel obedience by  
21 proceedings for contempt as in the case of disobedience of the requirements  
22 of a subpoena issued from the circuit court.

23 **“SECTION 10.** ORS 260.345 is amended to read:

24 “260.345. (1) Any elector may file with any filing officer a written com-  
25 plaint alleging that a violation of an election law or rule adopted by the  
26 Secretary of State under ORS chapters 246 to 260 has occurred and stating  
27 the reason for believing that the violation occurred and any evidence relat-  
28 ing to it. A complaint and any evidence relating to it may be filed electron-  
29 ically. A complaint alleging a violation involving the Secretary of State, a  
30 candidate for the office of Secretary of State, or any political committee or

1 person supporting the Secretary of State or a candidate for the office of  
2 Secretary of State may be filed with the Attorney General. The Secretary of  
3 State or Attorney General shall not accept an anonymous complaint.

4 “(2) The Secretary of State by rule shall prescribe the procedure for pro-  
5 cessing a complaint filed with any person other than the Secretary of State.  
6 If the complaint concerns the Secretary of State, any candidate for the office  
7 of the Secretary of State, or any political committee or person supporting the  
8 candidacy of the Secretary of State or of another person for the office of  
9 Secretary of State, the complaint and any additional information relating to  
10 the complaint shall be sent to the Attorney General.

11 “(3) Upon receipt of a complaint under subsection (1) or (2) of this section  
12 the Secretary of State or Attorney General immediately shall examine the  
13 complaint to determine whether a violation of an election law or rule has  
14 occurred and shall make any investigation the Secretary of State or Attorney  
15 General considers necessary, **including but not limited to conducting an**  
16 **examination of the accounts of a person, political committee or peti-**  
17 **tion committee in the manner set forth in section 7 of this 2016 Act.**  
18 Except as provided in this subsection, within 48 hours of receiving a com-  
19 plaint under subsection (1) or (2) of this section, the Secretary of State or  
20 Attorney General shall notify the person who is the subject of the complaint  
21 that a complaint has been received. If the Secretary of State or Attorney  
22 General receives a complaint or complaints involving 25 or more individuals,  
23 political committees or petition committees in any 24-hour period, the Sec-  
24 retary of State or Attorney General need not notify the persons who are the  
25 subjects of those complaints within 48 hours of receiving the complaints but  
26 shall notify those persons not later than 10 business days after receiving the  
27 complaint or complaints.

28 “(4) If the Secretary of State believes after an investigation under sub-  
29 section (3) of this section that a violation of an election law or rule has  
30 occurred, the secretary:

1       “(a) In the case of a violation that is subject to a penalty under ORS  
2 260.993, immediately shall report the findings to the Attorney General and  
3 request prosecution. If the violation involves the Attorney General, a candi-  
4 date for that office or a political committee or person supporting or opposing  
5 the Attorney General or a candidate for that office, the Secretary of State  
6 shall appoint another prosecutor for that purpose; or

7       “(b) In the case of a violation not subject to a penalty under ORS 260.993,  
8 may impose a civil penalty under ORS 260.995.

9       “(5) Upon receipt of a complaint or report under subsection (1), (2) or (4)  
10 of this section involving an alleged violation subject to a penalty under ORS  
11 260.993, the Attorney General or other prosecutor immediately shall examine  
12 the complaint or report to determine whether a violation of an election law  
13 has occurred. If the Attorney General or prosecutor determines that a vio-  
14 lation has occurred, the Attorney General or prosecutor immediately shall  
15 begin prosecution in the name of the state. The Attorney General or other  
16 prosecutor shall have the same powers in any county of this state as the  
17 district attorney for the county.

18       “(6) Upon receipt of a complaint under subsection (1) or (2) of this section  
19 involving an alleged violation of an election law or rule not subject to a  
20 penalty under ORS 260.993, the Attorney General shall examine the com-  
21 plaint to determine whether a violation of an election law or rule has oc-  
22 curred and shall make any investigation the Attorney General considers  
23 necessary, **including but not limited to conducting an examination of**  
24 **the accounts of a person, political committee or petition committee in**  
25 **the manner set forth in section 7 of this 2016 Act.** If the Attorney Gen-  
26 eral believes after an investigation that a violation of an election law or rule  
27 has occurred, the Attorney General may impose a civil penalty under ORS  
28 260.995.

29       “(7) In the case of an alleged violation subject to a civil penalty under  
30 ORS 260.995, a complaint shall be filed by an elector under this section no



1 later than 90 days following the election at which a violation of an election  
2 law or rule is alleged to have occurred, or 90 days following the date the  
3 violation of an election law or rule is alleged to have occurred, whichever  
4 is later.

5 “(8) A filing officer having reason to believe that a violation of an  
6 election law or rule has occurred shall proceed promptly as though the offi-  
7 cer had received a complaint. Except as provided in ORS 260.234, a filing  
8 officer shall proceed under this subsection no later than two years following  
9 the election at which a violation of an election law or rule is alleged to have  
10 occurred, or two years following the date the violation of an election law  
11 or rule is alleged to have occurred, whichever is later. If a filing officer has  
12 not proceeded within two years because of fraud, deceit, misleading repre-  
13 sentation or the filing officer could not have reasonably discovered the al-  
14 leged violation, the filing officer shall proceed no later than five years  
15 following the election at which a violation of an election law or rule is al-  
16 leged to have occurred, or five years following the date the violation of an  
17 election law or rule is alleged to have occurred, whichever is later.

18 **“SECTION 11. In addition to and not in lieu of any other appropri-**  
19 **ation, there is appropriated to the Secretary of State, for the biennium**  
20 **beginning July 1, 2015, out of the General Fund, the amount of \$\_\_\_\_\_**  
21 **for the purposes of preparing to implement the provisions of sections**  
22 **5 to 7 of this 2016 Act and the amendments to ORS 260.044, 260.055,**  
23 **260.200, 260.218, 260.232 and 260.345 by sections 1 to 3 and 8 to 10 of this**  
24 **2016 Act.**

25 **“SECTION 12. (1) Sections 5 to 7 of this 2016 Act and the amend-**  
26 **ments to ORS 260.044, 260.055, 260.200, 260.218, 260.232 and 260.345 by**  
27 **sections 1 to 3 and 8 to 10 of this 2016 Act become operative on January**  
28 **1, 2018.**

29 **“(2) Sections 5 to 7 of this 2016 Act and the amendments to ORS**  
30 **260.044, 260.055, 260.200, 260.218, 260.232 and 260.345 by sections 1 to 3 and**

1 8 to 10 of this 2016 Act apply to any independent expenditures made  
2 or campaign finance statements filed on or after the operative date  
3 specified in subsection (1) of this section.

4 “(3) The Secretary of State and the Attorney General may take any  
5 action before the operative date specified in subsection (1) of this sec-  
6 tion that is necessary to enable the Secretary of State and the Attor-  
7 ney General to exercise, on and after the operative date specified in  
8 subsection (1) of this section, all of the duties, functions and powers  
9 conferred on the Secretary of State and the Attorney General by  
10 sections 5 to 7 of this 2016 Act and the amendments to ORS 260.044,  
11 260.055, 260.200, 260.218, 260.232 and 260.345 by sections 1 to 3 and 8 to  
12 10 of this 2016 Act.”

13

---