

Requested by Senator BOQUIST

**PROPOSED AMENDMENTS TO
SENATE BILL 225**

1 In line 2 of the printed bill, after “260.037” insert “, 260.042, 260.118,
2 260.215 and 260.232”.

3 After line 15, insert:

4 **“SECTION 2.** ORS 260.042 is amended to read:

5 “260.042. (1) The treasurer of a political committee shall file a statement
6 of organization with the filing officer. The statement shall include:

7 “(a) The name, address and nature of the committee. The address shall
8 be the address of a residence, office, headquarters or similar location where
9 the political committee or a responsible officer of the political committee
10 may be conveniently located.

11 “(b) The name, address and occupation of the committee director or di-
12 rectors.

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

14 “(d) The name and address of any other political committee of which two
15 or more committee directors are also directors of the committee filing the
16 statement.

17 “(e) The name, office sought, and party affiliation of each candidate whom
18 the committee is supporting or specifically opposing or intends to support
19 or specifically oppose, when known, or, if the committee is supporting or
20 specifically opposing all the candidates of a given party, the name of that
21 party.

1 “(f) A designation of any measure that the committee is opposing or sup-
2 porting, or intends to support or oppose.

3 “(g) The name of the financial institution in which the campaign account
4 required under ORS 260.054 is established, the name of the account, the name
5 of the account holder and the names of all individuals who have signature
6 authority for the account. The Secretary of State may not disclose infor-
7 mation received by the secretary under this paragraph except as necessary
8 for purposes of enforcing the provisions of ORS chapters 246 to 260.

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

10 “(2) A treasurer may designate an individual to receive any notice pro-
11 vided by a filing officer under ORS chapters 246 to 260. The treasurer shall
12 include the name and address of the individual in a statement of organization
13 filed under this section. A filing officer who provides any notice under ORS
14 chapters 246 to 260 to the treasurer of the political committee shall also
15 provide the notice to the individual designated by the treasurer under this
16 subsection.

17 “**(3) A treasurer may designate an elector of this state to be liable**
18 **for any civil penalty imposed under ORS 260.232. The treasurer shall**
19 **include the name and address of any elector designated under this**
20 **subsection in a statement of organization filed under this section.**

21 “[3] (4) The statement of organization shall be filed not later than the
22 date specified in ORS 260.035.

23 “[4] (5) Any change in information submitted in a statement of organ-
24 ization under subsection (1) of this section shall be indicated in an amended
25 statement of organization filed not later than the 10th day after the change
26 in information.

27 “[5] (6) This section does not apply to a political committee that is a
28 principal campaign committee or to a political committee exclusively sup-
29 porting or opposing one or more candidates for federal or political party of-
30 fice.

1 **“SECTION 3.** ORS 260.118 is amended to read:

2 “260.118. (1) The chief petitioners of an initiative, referendum or recall
3 petition shall appoint a treasurer. The treasurer shall be an elector of this
4 state. Contributions shall be received and expenditures made by or through
5 the treasurer.

6 “(2) The treasurer shall file a statement of organization of a petition
7 committee with the appropriate filing officer. The treasurer shall file the
8 statement not later than the third business day after a chief petitioner or the
9 treasurer receives a contribution or makes an expenditure relating to the
10 initiative, referendum or recall petition. The statement shall include:

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

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

14 “(c) A designation of the initiative, referendum or recall petition. The
15 designation of the recall petition shall include the name of the officer whose
16 recall is demanded.

17 “(d) The name of the financial institution in which the petition account
18 required under ORS 260.054 is established, the name of the account, the name
19 of the account holder and the names of all individuals who have signature
20 authority for the account. The Secretary of State may not disclose infor-
21 mation received by the secretary under this paragraph except as necessary
22 for purposes of enforcing the provisions of ORS chapters 246 to 260.

23 **“(3) A treasurer may designate an elector of this state to be liable
24 for any civil penalty imposed under ORS 260.232. The treasurer shall
25 include the name and address of any elector designated under this
26 subsection in a statement of organization filed under this section.**

27 “[(3)] (4) If there is a change in the information submitted in a statement
28 of organization under subsection (2) of this section, the treasurer shall file
29 an amended statement of organization not later than the 10th day after the
30 change in information.

1 “~~[(4)]~~ **(5)** The treasurer of an initiative, referendum or recall petition
2 committee shall use the electronic filing system adopted under ORS 260.057
3 to file with the Secretary of State statements of contributions received and
4 expenditures made by the petition committee, as described in ORS 260.083.

5 “~~[(5)]~~ **(6)** The treasurer of an initiative petition committee shall file a
6 statement described in subsection ~~[(4)]~~ **(5)** of this section not later than seven
7 calendar days after a contribution is received or an expenditure is made.
8 This subsection applies to contributions received and expenditures made:

9 “(a) During the period beginning on the 42nd calendar day before the date
10 that is four months before a general election and ending on the date that is
11 four months before a general election; and

12 “(b) During the period beginning on the 42nd calendar day before the date
13 of any primary election and ending on the date of the primary election and
14 the period beginning on the 42nd calendar day before the date of any general
15 election and ending on the date of the general election.

16 “~~[(6)]~~ **(7)** The treasurer of a referendum petition committee or a recall
17 petition committee shall file a statement described in subsection ~~[(4)]~~ **(5)** of
18 this section not later than seven calendar days after a contribution is re-
19 ceived or an expenditure is made. This subsection applies:

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

24 “(b) For a recall petition committee, to contributions received and ex-
25 penditures made during the period beginning on the day after the date on
26 which the statement of contributions received and expenditures made that
27 is required under ORS 249.865 is filed and ending on the deadline for sub-
28 mitting signatures for verification.

29 “~~[(7)]~~ **(8)** Except as provided in subsection ~~[(8)]~~ **(9)** of this section, during
30 a period not described in subsection ~~[(5) or (6)]~~ **(6) or (7)** of this section, a

1 treasurer of an initiative, referendum or recall petition committee shall file
2 a statement described in subsection [(4)] (5) of this section not later than 30
3 calendar days after a contribution is received or an expenditure is made.

4 “[8] (9) If a treasurer of an initiative petition committee receives a
5 contribution or makes an expenditure prior to the 42nd calendar day before
6 the date that is four months before a general election, or the 42nd day before
7 the date of the primary election or general election, and the treasurer has
8 not filed a statement of the contribution or expenditure under subsection
9 [(4)] (5) of this section by the 43rd calendar day before the date that is four
10 months before a general election, or the 43rd day before the date of the pri-
11 mary election or general election, the treasurer shall file a statement de-
12 scribed in subsection [(4)] (5) of this section not later than the 35th calendar
13 day before the date that is four months before a general election, or the 35th
14 day before the date of the primary election or general election.

15 “[9] (10) For an initiative petition committee, the accounting period for
16 the first statement filed under this section begins on the date the treasurer
17 is appointed under subsection (1) of this section.

18 “[10] (11) Each statement required under this section shall be signed and
19 certified as true by the treasurer. Signatures shall be supplied in the manner
20 specified by the secretary by rule.

21 “[11] (12) Subsections [(4) to (10)] (5) to (11) of this section do not apply
22 to petition committees that file certificates under ORS 260.112.

23 “[12] (13) As used in this section, ‘contribution’ and ‘expenditure’ in-
24 clude a contribution or expenditure to or on behalf of an initiative, referen-
25 dum or recall petition.

26 **“SECTION 4.** ORS 260.232 is amended to read:

27 “260.232. (1) The Secretary of State may impose a civil penalty as provided
28 in this section, in addition to any other penalty that may be imposed, for:

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

1 “(b) Failure to include in a statement filed under ORS 260.044, 260.057,
2 260.076, 260.078, 260.083, 260.112 or 260.118 the information required under
3 ORS 260.044, 260.057, 260.076, 260.083 or 260.118.

4 “(2)(a) If a person required to file has not filed a statement or certificate
5 complying with applicable provisions of ORS 260.044, 260.057, 260.076, 260.078,
6 260.083, 260.085, 260.112 or 260.118 within the time specified in ORS 260.044,
7 260.057, 260.076, 260.078 or 260.118, the Secretary of State by first class mail
8 shall notify the person **or elector designated under ORS 260.042 or 260.118**
9 that a penalty may be imposed and that the person has 20 days from the
10 service date on the notice to request a hearing before the Secretary of State.

11 “(b) If the person required to file is a candidate or the principal campaign
12 committee of a candidate, the Secretary of State shall send the notice de-
13 scribed in paragraph (a) of this subsection by first class mail to the candi-
14 date. The notice shall be used for purposes of determining the deadline for
15 requesting a hearing under subsection (3) of this section.

16 “(3) A hearing on whether to impose a civil penalty and to consider cir-
17 cumstances in mitigation shall be held by the Secretary of State:

18 “(a) Upon request of the person against whom the penalty may be as-
19 sessed, if the request is made not later than the 20th day after the person
20 received the notice sent under subsection (2) of this section;

21 “(b) Upon request of the filing officer with whom a statement or certifi-
22 cate was required to be filed but was not filed; or

23 “(c) Upon the Secretary of State’s own motion.

24 “(4) A hearing under subsection (3) of this section shall be held not later
25 than 45 days after the deadline for the person against whom the penalty may
26 be assessed to request a hearing. However, if requested by the person
27 against whom the penalty may be assessed, a hearing under subsection (3)
28 of this section shall be held not later than 60 days after the deadline for the
29 person against whom the penalty may be assessed to request a hearing.

30 “(5) The Secretary of State shall issue an order not later than 90 days

1 after a hearing or after the deadline for requesting a hearing if no hearing
2 is held.

3 “(6) The person against whom a penalty may be assessed need not appear
4 in person at a hearing held under this section, but instead may submit
5 written testimony and other evidence, subject to the penalty for false
6 swearing, to the Secretary of State for entry in the hearing record. The tes-
7 timony and other evidence must be received by the secretary not later than
8 three business days before the day of the hearing and may be submitted
9 electronically.

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

12 “(a) For failure to file a statement or certificate required to be filed under
13 ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118, 10 percent
14 of the total amount of the contribution or expenditure required to be in-
15 cluded in the statement or certificate; or

16 “(b) For each failure to include in a statement filed under ORS 260.044,
17 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118 the information required
18 under ORS 260.044, 260.057, 260.076, 260.083 or 260.118, 10 percent of the total
19 amount of the contribution or expenditure required to be included in the
20 statement.

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

24 “(9) Except as otherwise provided by this section, civil penalties under
25 this section shall be imposed as provided in ORS 183.745.

26 **“SECTION 5.** ORS 260.215 is amended to read:

27 “260.215. (1) For statements filed during each calendar year, each filing
28 officer shall examine each statement filed with the filing officer under ORS
29 260.044, 260.057, 260.083, 260.112 or 260.118 [(4)] (5) to determine whether the
30 statement is sufficient. The filing officer shall examine statements under this

1 section not later than 90 days after the end of each calendar quarter for
2 statements filed during the previous calendar quarter.

3 “(2) The filing officer may require any person to answer in writing and
4 upon oath or affirmation before a judge, justice of the peace, county clerk
5 or notary public any question within the knowledge of that person concern-
6 ing the source of any contribution. The filing officer shall advise the person
7 of the penalty for failure to answer.”.

8 In line 16, delete “2” and insert “6” and delete “by section 1” and insert
9 “, 260.042, 260.118, 260.215 and 260.232 by sections 1 to 5”.

10 In line 18, delete “3” and insert “7”.

11
