

**Enrolled**  
**House Bill 2167**

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Secretary of State Bill Bradbury)

CHAPTER .....

AN ACT

Relating to elections; creating new provisions; amending ORS 8.620, 44.510, 180.030, 204.005, 204.010, 236.325, 246.012, 246.185, 246.310, 246.550, 246.560, 246.910, 249.037, 249.048, 249.068, 249.076, 249.720, 249.722, 249.735, 249.740, 249.865, 250.041, 250.045, 250.065, 250.067, 250.165, 250.168, 250.175, 250.270, 250.275, 251.255, 254.005, 254.135, 254.470, 254.482, 254.485, 254.515, 254.545, 254.546, 255.140, 255.145, 258.211, 260.005, 260.007, 260.039, 260.042, 260.044, 260.045, 260.058, 260.063, 260.068, 260.073, 260.076, 260.078, 260.083, 260.085, 260.102, 260.112, 260.118, 260.205, 260.232, 260.255, 260.402, 260.715, 260.735, 260.993 and 260.995; and repealing ORS 249.015, 260.174, 260.605, 260.615, 260.625, 260.655 and 260.718.

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

**SECTION 1.** ORS 260.005, as amended by section 9, chapter 542, Oregon Laws 2003, is amended to read:

260.005. As used in this chapter:

(1)(a) "Candidate" means:

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

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

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

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

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

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

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

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

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

(B) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforceable, to make a contribution.

(b) Regarding a contribution made for compensation or consideration of less than equivalent value, only the excess value of it shall be considered a contribution.

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

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

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

(7) "Filing officer" means:

(a) The Secretary of State, regarding a candidate for any state office or any office to be voted for in the state at large or in a congressional district or regarding a measure to be voted on in the state at large.

(b) The county clerk, regarding a candidate for any county office or any district or precinct office within the county, or regarding a measure to be voted for in one county or in a district situated wholly within one county.

(c) The chief city elections officer, regarding a candidate for any city office, or a measure to be voted for in a city only.

(d) The county clerk of the county in which the office of the chief administrative officer or administrative board is located regarding a candidate for office for any district or regarding a measure to be voted on in a district, when the district is situated in more than one county.

(e) In the case of an irrigation district formed under ORS chapter 545:

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

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

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

[8] "*Independent expenditure*" means an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate that is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate. As used in this subsection:]

**(8) "Independent expenditure" means an expenditure by a person for a communication in support of or in opposition to a clearly identified candidate or measure that is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any political committee or agent of a political committee supporting or opposing a measure. For purposes of this subsection:**

**(a) A communication is "in support of or in opposition to" a candidate or measure if:**

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

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

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

[(a)] (b) "Agent" means any person who has:

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

(B) Been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities the person may authorize expenditures.

[(b)] (c) "Clearly identified" means, **with respect to candidates:**

(A) The name of the candidate involved appears;

(B) A photograph or drawing of the candidate appears; or

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

(d) **"Clearly identified" means, with respect to measures:**

(A) **The ballot number of the measure appears;**

(B) **A description of the measure's subject or effect appears; or**

(C) **The identity of the measure is apparent by unambiguous reference.**

[(c)] *"Expressly advocating" means any communication containing a message advocating election or defeat, including but not limited to the name of the candidate, or expressions such as "vote for," "elect," "support," "cast your ballot for," "vote against," "defeat" or "reject."*

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

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

(i) Based on information about the [*candidate's*] plans, projects or needs **of the candidate or political committee supporting or opposing a measure and** provided to the expending person by the candidate or by the candidate's agent, **or by any political committee or agent of a political committee supporting or opposing a measure**, with a view toward having an expenditure made; or

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

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

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

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

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

(12) "Measure" includes any of the following submitted to the people for their approval or rejection at an election:

- (a) A proposed law.
- (b) An Act or part of an Act of the Legislative Assembly.
- (c) A revision of or amendment to the Oregon Constitution.
- (d) Local, special or municipal legislation.
- (e) A proposition or question.

(13) "Occupation" means the nature of an individual's principal business or, if the individual is employed by another person, the nature of the individual's principal business or the business name and address of the employer.

(14) "Person" means an individual, corporation, limited liability company, labor organization, association, firm, partnership, joint stock company, club, organization or other combination of individuals having collective capacity.

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

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

(B) Made an expenditure for the purpose of supporting or opposing a candidate, measure or political party.

(b) For purposes of paragraph (a)(B) of this subsection, an expenditure does not include:

(A) A contribution to a candidate or political committee that is required to report the contribution on a statement filed under ORS 260.058, 260.063, 260.068, 260.073, 260.076 or 260.102 or section 6, chapter 542, Oregon Laws 2003, or a certificate filed under ORS 260.112; or

(B) An independent expenditure for which a statement is required to be filed by a person under ORS 260.044 (1).

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

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

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

(19) "Slate mailer" means a mass mailing that supports or opposes a total of three or more candidates or measures.

(20)(a) "Slate mailer organization" means, except as provided in paragraph (b) of this subsection, any person who directly or indirectly:

(A) Is involved in the production of one or more slate mailers and exercises control over the selection of the candidates and measures to be supported or opposed in the slate mailers; and

(B) Receives or is promised payment for producing one or more slate mailers or for endorsing or opposing, or refraining from endorsing or opposing, a candidate or measure in one or more slate mailers.

(b) Notwithstanding paragraph (a) of this subsection, "slate mailer organization" does not include:

(A) A political committee organized by a political party; or

(B) A political committee organized by the caucus of either the Senate or the House of Representatives of the Legislative Assembly.

(21) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, state Senator, state Representative, judge or district attorney.

**SECTION 2.** ORS 260.007 is amended to read:

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

(1) Any written news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other regularly published publication, unless a political committee owns the facility;

(2) An individual's use of the individual's own personal residence, including a community room associated with the individual's residence, to conduct a reception for a candidate or political committee, and the individual's cost of invitations, food and beverages provided at the reception;

(3) A vendor's sale of food and beverages for use in a candidate's or political committee's campaign at a charge less than the normal comparable charge, if the charge is at least equal to the cost of the food or beverages to the vendor;

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

(5) Any loan of money made by a financial institution as defined in ORS 706.008, other than any overdraft made with respect to a checking or savings account, if the loan bears the usual and customary interest rate for the category of loan involved, is made on a basis that assures repayment, is evidenced by a written instrument and is subject to a due date or amortization schedule. However, each indorser or guarantor of the loan shall be considered to have contributed that portion of the total amount of the loan for which that person agreed to be liable in a written agreement, except if the indorser or guarantor is the candidate's spouse;

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

(7) Any communication a membership organization or corporation makes to its members, shareholders or employees if the membership organization or corporation is not organized primarily for the purpose of influencing an election [*to office*];

(8) The payment of compensation for legal and accounting services rendered to a candidate or political committee if the person paying for the services is the regular employer of the individual rendering the services and the services are solely for the purpose of insuring compliance with the provisions of this chapter; and

(9) The payment by a state or local committee of a political party of the costs of preparation, display or mailing or other distribution incurred by the committee with respect to a printed slate card or sample ballot, or other printed listing, of three or more candidates for any public office for which an election is held in this state. This subsection does not apply to costs incurred by the committee with respect to a display of any such listing made on broadcasting stations or in newspapers, magazines or similar types of general public political advertising.

**SECTION 3.** ORS 260.039 is amended to read:

260.039. (1) Except as provided in ORS 260.043, a candidate who serves as the candidate's own treasurer, or the treasurer of the principal campaign committee, shall file a statement of organization with the appropriate filing officer. The statement shall include:

(a) The name, address, occupation, office sought and party affiliation of the candidate. The address shall be the address of a residence, office, headquarters or similar location where the candidate may be conveniently located[. *However, a different address may be used if the candidate first files with the filing officer the candidate's residence address and the address proposed to be used*]; **and**

[(b) *A statement of how the candidate or principal campaign committee intends to solicit funds; and*]

[(c) **(b)** In the case of a principal campaign committee:

(A) The name and address of the committee. The address shall be the address of a residence, office, headquarters or similar location where the political committee or a responsible officer of the political committee may be conveniently located. [*However, a different address may be used if the officer first files with the filing officer the officer's residence address and the address proposed to be used.*]

(B) The name, address and occupation of the committee director or directors, if any.

(C) The name and address of the committee treasurer.

(D) The name and address of any other political committee of which two or more committee directors are also directors of the committee filing the statement.

*[(E) A statement of whether the committee presently intends to remain in existence for more than one year.]*

(2) Except as provided in ORS 260.043, a candidate who serves as the candidate's own treasurer shall file the statement of organization not later than the third business day after the candidate first receives a contribution or makes an expenditure. The treasurer of a principal campaign committee shall file the statement of organization not later than the date specified in ORS 260.035.

(3) Any change in information submitted in a statement of organization under subsection (1) of this section shall be indicated in an amended statement of organization filed not later than the 10th day after the change in information.

(4) Except as provided in ORS 260.043, a candidate who serves as the candidate's own treasurer or the treasurer of the principal campaign committee of the candidate shall file a statement of organization under this section not later than the deadline for the candidate to file a nominating petition or declaration of candidacy under ORS 249.037 or a certificate of nomination under ORS 249.722.

(5) Except as provided in ORS 260.043, a candidate for state office who serves as the candidate's own treasurer or the treasurer of the principal campaign committee of a candidate for state office shall file a new or amended statement of organization not later than the date that the candidate files a nominating petition, declaration of candidacy or certificate of nomination.

**SECTION 4. Section 5 of this 2005 Act is added to and made a part of ORS 260.035 to 260.156.**

**SECTION 5. (1) A filing officer, in accordance with rules adopted by the Secretary of State, may discontinue the statement of organization of a candidate, principal campaign committee or political committee if the candidate, principal campaign committee or political committee has not filed a statement of contributions received or expenditures made under this chapter.**

**(2) The Secretary of State shall adopt rules prescribing conditions and procedures under which a filing officer may discontinue a statement of organization under this section.**

**(3) If a filing officer discontinues a statement of organization under this section, the filing officer shall provide written notice to the candidate, principal campaign committee or political committee that the statement has been discontinued.**

**SECTION 6.** ORS 260.042 is amended to read:

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

(a) The name, address and nature of the committee. The address shall be the address of a residence, office, headquarters or similar location where the political committee or a responsible officer of the political committee may be conveniently located. *[However, a different address may be used if the officer first files with the filing officer the officer's residence address and the address proposed to be used.]*

(b) The name, address and occupation of the committee director or directors.

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

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

*[(e) A statement of whether the committee presently intends to remain in existence for more than one year.]*

*[(f)] (e)* The name, office sought, and party affiliation of each candidate whom the committee is supporting or specifically opposing or intends to support or specifically oppose, when known, or, if the committee is supporting or specifically opposing all the candidates of a given party, the name of that party.

*[(g)] (f)* A designation of any measure which the committee is opposing or supporting, or intends to support or oppose.

*[(h) A statement of how the committee intends to solicit funds.]*

(2) The statement of organization shall be filed not later than the date specified in ORS 260.035.

(3) Any change in information submitted in a statement of organization under subsection (1) of this section shall be indicated in an amended statement of organization filed not later than the 10th day after the change in information.

(4) This section does not apply to a political committee that is a principal campaign committee or to a political committee exclusively supporting or opposing one or more candidates for federal or political party office.

**SECTION 7.** ORS 260.044, as amended by section 10, chapter 542, Oregon Laws 2003, is amended to read:

260.044. (1) A person shall file a statement of **independent** expenditures [*made*] if the person makes **independent** expenditures in a total amount of more than \$50 [*in support of or in opposition to a candidate, a measure or a political committee*].

(2) A statement [*filed under*] **described in** subsection (1) of this section shall be filed for the reporting period described in ORS 260.063 or 260.073 during which the total amount of **independent** expenditures exceeds \$50. The accounting period for the statement required by subsection (1) of this section begins on the date that an **independent** expenditure is made. The statement shall specify the candidate[,] **or** measure [*or political committee*] supported or opposed by the **independent** expenditure. The Secretary of State by rule shall prescribe the form of the [*statements*] **statement**. If a statement is filed for the reporting period for the supplement to the second preelection statement, a second statement for the same **independent** expenditure does not need to be filed in the post-election reporting period.

(3) Notwithstanding ORS 260.005 (15), a person who solicits and receives a contribution or contributions [*shall be*] **is** a political committee and shall file a statement of organization under ORS 260.042 and the statements required by ORS 260.063, 260.073 or 260.076. The statements filed under this subsection shall be filed for the reporting period described in ORS 260.063, 260.073 or 260.076 during which any contribution was received. The accounting period for the statement required by this subsection begins on the date that a contribution is received.

(4) For purposes of this section:

(a) An **independent** expenditure does not include a contribution to a candidate or political committee that is required to report the contribution on a statement filed under ORS 260.058, 260.063, 260.068, 260.073, 260.076 or 260.102 or section 6, chapter 542, Oregon Laws 2003, or a certificate filed under ORS 260.112;

(b) An **independent** expenditure does not include a contribution to a candidate who is not required to file a statement of organization under ORS 260.043; and

(c) A person is not a political committee under subsection (3) of this section if all contributions received by the person are:

(A) Designated to [*a*] **an identified** candidate or political committee;

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

(C) Required to be reported as contributions by a candidate or political committee on a statement filed under ORS 260.058, 260.063, 260.068, 260.073, 260.076 or 260.102 or section 6, chapter 542, Oregon Laws 2003, or a certificate filed under ORS 260.112.

(5) A person [*shall be*] **is** a principal campaign committee if the person, in preparing to become a candidate in the general election, receives [*a contribution, receives a loan, whether repaid or not, or makes an expenditure in a total amount*] **an aggregate amount of contributions, or makes an aggregate amount of expenditures**, of more than \$2,000 before the date of the primary election. A person described in this subsection shall file the statements required by ORS 260.058 as if the person were a candidate in the primary election. This subsection does not apply to a candidate in the primary or nominating election.

**SECTION 8.** ORS 260.045, as amended by section 11, chapter 542, Oregon Laws 2003, is amended to read:

260.045. (1) If a candidate or treasurer receives a contribution of more than \$50 from a political committee not in this state, the candidate or treasurer shall file the following if required under subsection (2) of this section:

(a) A written statement of the name, occupation and address of each person, or the name, address and primary nature of each political committee, who contributed more than \$50 of the contribution. The statement shall be certified as true by an officer of the contributing political committee. As used in this paragraph, "address" includes street number and name, rural route number or post-office box, and city and state; or

(b) An affidavit that to the best of the candidate's or treasurer's knowledge and belief the contributing political committee will not make contributions to candidates and treasurers in this state that exceed two-thirds, in total amount, of all contributions made by it in this state and elsewhere during the period described in ORS 260.058 (1), 260.063 (1), 260.068 (1) or 260.073 (1) or section 6 (1), chapter 542, Oregon Laws 2003, or the period described in ORS 260.118 (4) or [(9)] (8) for which the statement is filed. The affidavit shall be filed at the same time the statement is filed regarding the contribution.

(2) The statement or affidavit described in subsection (1) of this section shall be filed if:

(a) Requested by the Secretary of State; or

(b) The Secretary of State receives a request for the filing from any person made not later than six months after the deadline for filing a statement under ORS 260.058 (1), 260.063 (1), 260.068 (1), 260.073 (1) or 260.118 (4) or [(9)] (8) or section 6 (1), chapter 542, Oregon Laws 2003, if a candidate or treasurer files a statement reporting a contribution received from a political committee not in this state.

(3) If requested under subsection (2) of this section, the statement or affidavit described in subsection (1) of this section shall be filed not later than 10 business days after a candidate or treasurer receives a request from the Secretary of State.

**SECTION 9.** ORS 260.058 is amended to read:

260.058. (1) Except as otherwise provided in ORS 260.112 and subsection (3) of this section, each candidate seeking nomination or election at the primary election or at any election other than the general election, or a candidate's principal campaign committee at the primary election or at any election other than the general election, shall file the following with the filing officer:

(a) A first preelection statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 46th day and not later than the 36th day before the date of the election. The accounting period for the statement required by this paragraph begins on the date that the name of a treasurer is certified to the filing officer under ORS 260.035 or 260.037 unless a candidate or a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election showing an unexpended balance of contributions or an expenditure deficit. If such a post-election or supplemental statement is filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for the previous election. If a candidate or a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election showing no balance or no deficit, the accounting period begins on the day that the candidate or the candidate's principal campaign committee next receives a contribution or makes an expenditure. If the statement for a previous election shows an unexpended balance of contributions or an expenditure deficit, the beginning balance on the statement required by this paragraph shall be the amount of the unexpended balance of contributions or expenditure deficit. The accounting period for the statement required by this paragraph ends on the 47th day before the date of the election.

(b) A second preelection statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 15th day and not later than the 12th day before the date of the election. The accounting period for this statement begins on the 46th day before the date of the election and ends on the 16th day before the date of the election.



(c) Supplements to the second preelection statement showing contributions received and expenditures made as described in this paragraph by or on behalf of the candidate or the candidate's principal campaign committee. A supplement shall be filed if, during [a period described in this paragraph] **the period beginning on the 15th day before the date of the election and ending on the fifth day before the date of the election**, the aggregate amount of contributions, including loans, whether repaid or not, received from a single political committee or other person exceeds \$500, or the aggregate amount of expenditures made by or on behalf of the candidate or the candidate's principal campaign committee to a single payee exceeds \$1,000. A first supplement shall be filed not later than the eighth day before the date of the election for the accounting period beginning on the 15th day before the date of the election and ending on the ninth day before the date of the election. A second supplement shall be filed not later than the fourth day before the date of the election for the accounting period beginning on the eighth day before the date of the election and ending on the fifth day before the date of the election. The supplements shall be filed on forms prescribed by the Secretary of State by rule. A candidate or treasurer of the candidate's principal campaign committee who filed a certificate under ORS 260.112 shall file supplements under this paragraph if the aggregate amount of contributions received or expenditures made exceeds \$2,000 because of contributions received or expenditures made during [a] **the period described in this paragraph**.

(d) A post-election statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 21st day and not later than the 30th day after the date of the election. The accounting period for the statement required by this paragraph begins on the 15th day before the date of the election and ends on the 20th day after the date of the election.

(2) A candidate or a candidate's principal campaign committee shall file a supplemental statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, if the post-election statement required by subsection (1)(d) of this section shows an unexpended balance of contributions or an expenditure deficit. A supplemental statement shall be filed annually not later than September 10, until a statement is filed containing no balance or no deficit. The accounting period for the statement required by this subsection begins on the day following the last day of the accounting period for the previous statement filed and ends on September 1.

(3) A candidate for federal office shall file statements required by the federal election laws in lieu of the statements required by ORS 260.035 to 260.156. [The statements required by federal election laws shall be filed in the office of the Secretary of State on or before the federal filing dates.] At any time the Secretary of State by rule may make a determination that the standards and requirements of the federal election laws relating to candidates for federal office are not substantially similar to those contained in ORS 260.035 to 260.156. If the Secretary of State makes this determination, candidates for federal office are subject to the requirements of ORS 260.035 to 260.156.

(4) Each statement and [the] **any** supplement required by this section shall be signed and certified as true by the candidate or treasurer required to file [it] **them**.

**SECTION 10.** ORS 260.068 is amended to read:

260.068. (1) Except as otherwise provided in ORS 260.112 and subsection (4) of this section, each candidate seeking election at the general election or a candidate's principal campaign committee at the general election shall file the following with each appropriate filing officer:

(a) A first preelection statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 46th day and not later than the 36th day before the date of the election. For a candidate nominated at the primary election or for that candidate's principal campaign committee, the accounting period for the statement required by this paragraph begins on the 21st day after the primary election. For a candidate not nominated at the primary election or for that candidate's principal campaign committee, the accounting period for the statement required by this paragraph begins on the date that the name of a treasurer is certified to the filing officer under ORS 260.035 or 260.037 unless a candidate or

a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures showing an unexpended balance of contributions or an expenditure deficit for a previous election other than the preceding primary election. If such a post-election or supplemental statement is filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for that previous election. If a candidate or a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election other than the preceding primary election showing no balance or no deficit, the accounting period begins on the day that the candidate or the candidate's principal campaign committee next receives a contribution or makes an expenditure. If the statement for a previous election shows an unexpended balance of contributions or an expenditure deficit, the beginning balance on the statement required by this paragraph shall be the amount of the unexpended balance of contributions or expenditure deficit. The accounting period for the statement required by this paragraph ends on the 47th day before the date of the election.

(b) A second preelection statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 15th day and not later than the 12th day before the date of the election. The accounting period for the statement required by this paragraph begins on the 46th day before the date of the election and ends on the 16th day before the date of the election.

(c) Supplements to the second preelection statement showing contributions received and expenditures made as described in this paragraph by or on behalf of the candidate or the candidate's principal campaign committee. A supplement shall be filed if, during [*a period described in this paragraph*] **the period beginning on the 15th day before the date of the election and ending on the fifth day before the date of the election**, the aggregate amount of contributions, including loans, whether repaid or not, received from a single political committee or other person exceeds \$500, or the aggregate amount of expenditures made by or on behalf of the candidate or the candidate's principal campaign committee to a single payee exceeds \$1,000. A first supplement shall be filed not later than the eighth day before the date of the election for the accounting period beginning on the 15th day before the date of the election and ending on the ninth day before the date of the election. A second supplement shall be filed not later than the fourth day before the date of the election for the accounting period beginning on the eighth day before the date of the election and ending on the fifth day before the date of the election. The supplements shall be filed on forms prescribed by the Secretary of State by rule. A candidate or treasurer of the candidate's principal campaign committee who filed a certificate under ORS 260.112 shall file supplements under this paragraph if the aggregate amount of contributions received or expenditures made exceeds \$2,000 because of contributions received or expenditures made during [*a*] **the period described in this paragraph**.

(d) A post-election statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 21st day and not later than the 30th day after the date of the election. The accounting period for the statement required by this paragraph begins on the 15th day before the date of the election and ends on the 20th day after the date of the election.

(2)(a) A candidate **at the general election** for the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, state Senator or state Representative, or a candidate's principal campaign committee shall file a supplement to the post-election statement of contributions received [*and expenditures made*] by or on behalf of the candidate or the candidate's principal campaign committee not sooner than the first business day in January **next following the general election** and not later than the Friday before the second Monday in January **next following the general election**. The supplement shall be filed if the aggregate contributions received from any political committee or other person exceed \$500 during the period beginning after the 20th day after the date of the **general** election and ending on December 31 and shall disclose only those contributions received from any political committee or other person that exceed an aggregate of \$500 during the period beginning after the 20th day after the date of

the **general** election and ending on December 31. The supplement shall be written but may be transmitted to the filing officer by any means available. A candidate described in this [subsection] **paragraph** or the treasurer of the candidate's principal campaign committee who filed a certificate under ORS 260.112 shall file a supplement under this [subsection if the aggregate contributions exceed \$2,000 because of contributions received after the 20th day following the election and prior to January 1 of the following year] **paragraph if the aggregate contributions received from any political committee or other person exceed \$500 after the period for which the certificate was filed and prior to January 1 of the year following the general election.**

(b) A person holding the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries or state Senator, or the person's principal campaign committee, shall file a statement of contributions received by or on behalf of the person or the person's principal campaign committee not sooner than the first business day in January following the first general election held during the person's term of office and not later than the Friday before the second Monday in January following the first general election held during the person's term of office. The statement shall be filed if the aggregate contributions received from any political committee or other person exceed \$500 during the period beginning on the day following the last day of the accounting period for the previous statement filed and ending on December 31 following the first general election held during the person's term of office. The statement shall disclose only those contributions received from any political committee or other person that exceed an aggregate of \$500 during the period beginning on the day following the last day of the accounting period for the previous statement filed and ending on December 31 following the first general election held during the person's term of office. The statement shall be written but may be transmitted to the filing officer by any means available. A person holding an office described in this paragraph or the treasurer of a principal campaign committee who filed a certificate under ORS 260.112 shall file a statement under this paragraph if the aggregate contributions received from any political committee or other person exceed \$500 after the period for which the certificate was filed and prior to January 1 of the year following the first general election to be held during the person's term of office.

(3) A candidate or a candidate's principal campaign committee shall file a supplemental statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, if the post-election statement required by subsection (1)(d) of this section shows an unexpended balance of contributions or an expenditure deficit. A supplemental statement shall be filed annually not later than September 10, until a statement containing no balance or no deficit is filed. The accounting period for the statement required by this subsection begins on the day following the last day of the accounting period for the previous statement filed and ends on September 1.

(4) A candidate for federal office shall file statements required by the federal election laws in lieu of the statements required by ORS 260.035 to 260.156. [*The statements required by federal election laws shall be filed in the office of the Secretary of State on or before the federal filing dates.*] At any time the Secretary of State by rule may make a determination that the standards and requirements of the federal election laws relating to candidates for federal office are not substantially similar to those contained in ORS 260.035 to 260.156. If the Secretary of State makes this determination, candidates for federal office are subject to the requirements of ORS 260.035 to 260.156.

(5) Each statement and [the] **any** supplement required by this section shall be signed and certified as true by the candidate or treasurer required to file [it] **them.**

**SECTION 11.** ORS 260.073 is amended to read:

260.073. (1) Except as otherwise provided in ORS 260.112, each political committee, other than a candidate's principal campaign committee, supporting or opposing one or more candidates or measures at the general election shall file the following with each appropriate filing officer:

(a) A first preelection statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 46th day and not later than the 36th day before

the date of the election. For a political committee that supported or opposed one or more candidates or measures at the primary election, the accounting period for the statement required by this paragraph begins on the 21st day after the primary election. Otherwise, the accounting period for the statement begins on the date that the name of a treasurer is certified to the filing officer under ORS 260.035 unless a political committee has filed a post-election or supplemental statement of contributions and expenditures showing an unexpended balance of contributions or an expenditure deficit for a previous election. If such a post-election or supplemental statement is filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for the previous election. If a political committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election showing no balance or no deficit, the accounting period begins on the day that political committee next receives a contribution or makes an expenditure. If the statement for a previous election shows an unexpended balance of contributions or an expenditure deficit, the beginning balance on the statement required by this paragraph shall be the amount of the unexpended balance of contributions or expenditure deficit. The accounting period for the statement required by this paragraph ends on the 47th day before the date of the election.

(b) A second preelection statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 15th day and not later than the 12th day before the date of the election. The accounting period for the statement required by this paragraph begins on the 46th day before the date of the election and ends on the 16th day before the date of the election.

(c) Supplements to the second preelection statement showing contributions received and expenditures made as described in this paragraph by or on behalf of the political committee. A supplement shall be filed if, during [*a period described in this paragraph*] **the period beginning on the 15th day before the date of the election and ending on the fifth day before the date of the election**, the aggregate amount of contributions, including loans, whether repaid or not, received from a single political committee or other person exceeds \$500, or the aggregate amount of expenditures made by or on behalf of the political committee to a single payee exceeds \$1,000. A first supplement shall be filed not later than the eighth day before the date of the election for the accounting period beginning on the 15th day before the date of the election and ending on the ninth day before the date of the election. A second supplement shall be filed not later than the fourth day before the date of the election for the accounting period beginning on the eighth day before the date of the election and ending on the fifth day before the date of the election. The supplements shall be filed on forms prescribed by the Secretary of State by rule. A treasurer of a political committee who filed a certificate under ORS 260.112 shall file supplements under this paragraph if the aggregate amount of contributions received or expenditures made exceeds \$2,000 because of contributions received or expenditures made during [*a*] **the period** described in this paragraph.

(d) A post-election statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 21st day and not later than the 30th day after the date of the election. The accounting period for a statement required by this paragraph begins on the 15th day before the date of the election and ends on the 20th day after the date of the election.

(2) A political committee affiliated with a political party, a caucus of either house of the Legislative Assembly, a legislative official or a statewide official as defined in ORS 244.020, the Governor, Governor-elect or candidate for Governor shall file a supplement to the post-election statement of contributions received [*and expenditures made*] by or on behalf of the political committee not sooner than the first business day in January **next following the general election** and not later than the Friday before the second Monday in January **next following the general election**. The supplement shall be filed if the aggregate contributions received from any political committee or other person exceed \$500 during the period beginning after the 20th day after the date of the **general** election and ending on December 31 and shall disclose only those contributions received from any political committee or other person that exceed an aggregate of \$500 during the period beginning after the 20th day after the date of the **general** election and ending on December 31. The

supplement shall be written but may be transmitted to the filing officer by any means available. A treasurer of a political committee described in this subsection who filed a certificate under ORS 260.112 shall file a supplement under this subsection if the aggregate contributions [*exceed \$2,000 because of contributions received after the 20th day following the election and prior to January 1 of the following year*] **received from any political committee or other person exceed \$500 after the period for which the certificate was filed and prior to January 1 of the year following the general election.**

(3) A political committee shall file a supplemental statement of contributions received and expenditures made by or on behalf of the political committee, if the post-election statement required by subsection (1)(d) of this section shows an unexpended balance of contributions or an expenditure deficit. A supplemental statement shall be filed annually not later than September 10, until a statement is filed containing no balance or no deficit. The accounting period for a statement required under this subsection begins on the day following the last day of the accounting period for the previous statement filed and ends on September 1.

(4) A political committee shall prepare one original copy of each statement required by subsection (1) of this section and file a duplicate copy of the statement with the filing officer of each candidate or measure supported or opposed by the political committee. The statement and each duplicate copy shall be signed and certified as true by the treasurer required to file it.

(5) A political committee shall file the supplemental statement described in subsection (3) of this section with the filing officer with whom the political committee's statement of organization is filed and need not file any supplemental statement with any other filing officer. The supplemental statement shall be signed and certified as true by the treasurer required to file it.

**SECTION 12.** ORS 260.078, as amended by section 13, chapter 542, Oregon Laws 2003, is amended to read:

260.078. If a [*report*] **statement** filed by a candidate, a candidate's principal campaign committee or a political committee under ORS 260.058 (1)(a), 260.063 (1)(a), 260.068 (1)(a) or 260.073 (1)(a) or section 6 (1)(a), chapter 542, Oregon Laws 2003, shows [*any assets*] **an unexpended balance of contributions** not previously reported on hand at the beginning of the first reporting period, the [*report*] **statement** shall list all contributions **and expenditures** giving rise to the [*assets*] **unexpended balance of contributions** in accordance with ORS 260.083.

**SECTION 13.** ORS 260.083, as amended by section 14, chapter 542, Oregon Laws 2003, is amended to read:

260.083. (1) A statement filed under ORS 260.058, 260.063, 260.068, 260.073, 260.076 or 260.118 or section 6, chapter 542, Oregon Laws 2003, shall list:

(a) Under contributions, all contributions received. Except as provided in ORS 260.085, the statement shall list the name, occupation and address of each person, and the name and address of each political committee, that contributed an aggregate amount of more than \$50 on behalf of a candidate or to a political committee and the total amount contributed by that person or political committee. The statement may list as a single item the total amount of other contributions, but shall specify how those contributions were obtained.

(b) Under expenditures, all expenditures made, showing the name of the payee and the amount and purpose of each.

(c) Separately, all contributions made by the candidate or political committee.

(d) All loans, whether repaid or not, made to the candidate or political committee. The statement shall list the name and address of each person shown as a cosigner or guarantor on a loan and the amount of the obligation undertaken by each cosigner or guarantor. The statement also shall list the name of the lender holding the loan.

(2) If an expenditure in an amount exceeding \$50 is a prepayment or a deposit made in consideration for any services, supplies, equipment or other thing of value to be performed or furnished at a future date, that portion of the deposit that has been expended during the reporting period shall be listed as an expenditure and the unexpended portion of the deposit shall be listed as an account receivable.

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

(4) If a candidate, political committee or chief petitioner under ORS 260.118 makes an expenditure that must be reported as an in-kind contribution and an expenditure as provided in subsection (3) of this section, the candidate or political committee making the original expenditure shall, in any statement filed under ORS 260.058, 260.063, 260.068, 260.073 or 260.118 or section 6, chapter 542, Oregon Laws 2003, identify the expenditure as an in-kind contribution and identify the candidate or political committee for whose benefit the expenditure was made.

(5) Except as provided in subsection (8) of this section, expenditures made by an agent of a candidate or political committee on behalf of the candidate or committee shall be reported in the same manner as if the expenditures had been made by the candidate or political committee.

(6) If a political committee makes an expenditure that qualifies as an independent expenditure under ORS 260.005 (8), the listing of the expenditure under this section shall identify *[the candidate or]* **any** candidates *[who]* **or measures that** are the subject of the independent expenditure and state whether the independent expenditure was used to advocate the election, **passage** or defeat of the *[candidate or]* candidates **or measures**.

(7) If a candidate, political committee, chief petitioner under ORS 260.118 or an agent of a candidate, political committee or chief petitioner makes an expenditure for the purpose of paying any person money or other valuable consideration for obtaining signatures on an initiative, referendum or recall petition, the statement described in this section shall list the total amount paid by the candidate, political committee, chief petitioner or agent for the purpose of obtaining signatures. The statement is not required to list the name or address of any person as payee or the amount paid to any person.

(8)(a) A vendor who enters into a contract with a candidate or political committee to prepare or produce brochures, mailings, polls, other opinion research or television, radio or newspaper advertising, or to provide mail handling and postage, is not considered an agent of the candidate or political committee for purposes of subsection (5) of this section. The Secretary of State by rule may designate other specific products or services that would qualify a vendor for an exemption from reporting under this subsection.

(b) Nothing in this section *[shall require]* **requires** a vendor described in this subsection to disclose the vendor's internal or subcontracting costs for providing the specific product or service under paragraph (a) of this subsection.

(9) As used in this section, "address" *[shall have]* **has** the meaning given that term in rules adopted by the Secretary of State.

**SECTION 14.** ORS 260.085, as amended by section 15, chapter 542, Oregon Laws 2003, is amended to read:

260.085. (1) An account required by ORS 260.055 and a statement required by ORS 260.083 to list the occupation of a contributor shall list the occupation of the contributor in the account and on the first statement filed under ORS 260.058, 260.063, 260.068, 260.073 or 260.076 or section 6, chapter 542, Oregon Laws 2003, after the contribution is received if the occupation is known to the candidate or political committee filing the statement.

(2) If an account required by ORS 260.055 or a statement required by ORS 260.083 to list the occupation of a contributor does not list the occupation of the contributor as required by ORS 260.055 or on the first statement filed under ORS 260.058, 260.063, 260.068, 260.073 or 260.076 or section 6, chapter 542, Oregon Laws 2003, after the contribution is received, the candidate or political committee shall file with the account and the filing officer documentation of a written request to the contributor to furnish the contributor's occupation.

(3) If a candidate or political committee receives a contribution that does not identify the occupation of the contributor, the candidate or political committee shall make a written request to the contributor to furnish the occupation of the contributor within seven days after receiving the contribution.

(4) Documentation of a written request under subsection (3) of this section shall be filed with the account and the first statement under ORS 260.058, 260.063, 260.068, 260.073 or 260.076 or section 6, chapter 542, Oregon Laws 2003, that is filed at least seven days after the contribution is received.

(5) If a candidate or political committee receives information identifying the occupation of a contributor after making a written request under subsection (3) of this section, the candidate or political committee shall include the contributor's occupation in the account kept under ORS 260.055 [and the next statement filed under ORS 260.058, 260.063, 260.068, 260.073 or 260.076 or section 6, chapter 542, Oregon Laws 2003].

(6) The filing officer shall be in compliance with law by accepting the information described in this section.

**SECTION 15.** ORS 260.112 is amended to read:

260.112. (1) A candidate, other than a candidate for federal office, or a treasurer of a political committee who expects neither the aggregate contributions to be received nor the aggregate expenditures to be made by or on behalf of the candidate or political committee to exceed \$2,000 in total amount during the total period described in ORS 260.058 (1), 260.063 (1), 260.068 (1) or 260.073 (1) shall file a certificate to that effect. The candidate or treasurer shall make the certificate according to the best of the knowledge or belief of the candidate or treasurer. The certificate shall be filed:

(a) By a candidate, not sooner than the date on which the candidate files a declaration of candidacy or nominating petition, accepts a nomination or is nominated to fill a vacancy in a nomination or in a partisan elective office, and not later than the [29th] **36th** day before the date of the election.

(b) By a treasurer of a political committee, not sooner than the date that the political committee files a statement of organization under ORS 260.042, and not later than the [29th] **36th** day before the date of the election.

(2) A candidate or political committee under this section must keep contribution and expenditure records during the applicable total period described in ORS 260.058, 260.063, 260.068 or 260.073.

(3) If at any time following the filing of a certificate under subsection (1) of this section and during the total period described in ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1) either the aggregate contributions or aggregate expenditures exceed \$2,000, the candidate, other than a candidate for federal office, or treasurer shall file a contribution and expenditure statement when a statement for the [reporting] **accounting** period in which the contributions or expenditures exceeded \$2,000 is filed. The [filed] statement shall reflect all contributions received and expenditures made by or on behalf of the candidate or political committee to that date, beginning with the start of the first [reporting] **accounting** period in ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1).

**SECTION 16.** ORS 260.118 is amended to read:

260.118. (1) As provided in subsection (2) of this section, the chief petitioners of a statewide initiative or referendum petition or any recall petition shall:

(a) Appoint a treasurer and certify the name and address of the treasurer to the filing officer. The treasurer shall be an elector of this state. Contributions shall be received and expenditures made by or through the treasurer.

(b) File a statement of organization with the appropriate filing officer. The statement shall include:

(A) The name and address of the chief petitioners.

(B) The name and address of the treasurer appointed under paragraph (a) of this subsection.

(C) A designation of the statewide initiative or referendum petition or the recall petition. The designation of the recall petition shall include the name of the officer whose recall is demanded.

[D) A statement of how the petitioners intend to solicit funds.]

(2) The chief petitioners shall certify the name of the treasurer and file the statement of organization not later than the third business day after the chief petitioners receive a contribution

or make an expenditure relating to the statewide initiative or referendum petition [or any recall petition].

(3) Any change in the information submitted in a statement of organization under subsection (1) of this section shall be indicated in an amended certification or an amended statement of organization filed not later than the 10th day after the change in information.

[4] For each statewide initiative petition, not sooner than the 15th day before the date of the primary election and not later than the 12th day before the date of the primary election, the treasurer appointed under subsection (1) of this section shall file with the Secretary of State a statement described in subsection (8) of this section. The accounting period for the statement begins on the date that the name of the treasurer is certified to the Secretary of State under subsection (1) of this section or on the day following the last day of the accounting period for the previous statement filed and ends on the 16th day before the date of the primary election. The statement required under this subsection shall be filed whether or not the petition was completed or filed or was withdrawn under ORS 250.029.]

[5] (4) [In addition to the statement required under subsection (4) of this section,] For each statewide initiative petition, the treasurer appointed under subsection (1) of this section shall file with the Secretary of State a statement described in subsection [(8)] (7) of this section for each period described in this subsection. A statement shall be filed under this subsection beginning with the period during which the aggregate amount of contributions received or expenditures made exceeds \$2,000. The following statements shall be filed:

(a) A statement of contributions received and expenditures made filed not later than September 10 of an odd-numbered year. The accounting period for the statement required under this paragraph begins on the date the treasurer is appointed under subsection (1) of this section and ends on September 1.

(b) A statement of contributions received and expenditures made filed not later than February 6 of an even-numbered year. The accounting period for the statement required under this paragraph begins on the date the treasurer is appointed under subsection (1) of this section or on the day following the last day of the accounting period for the previous statement filed and ends on January 28.

**(c) A statement of contributions received and expenditures made filed not later than the 12th day before the date of the primary election. The accounting period for the statement required under this paragraph begins on the date the treasurer is appointed under subsection (1) of this section or on the day following the last day of the accounting period for the previous statement filed and ends on the 16th day before the date of the primary election.**

[6] (5) Not later than the 15th day after the last day for filing a statewide initiative or referendum petition or any recall petition with the filing officer for verification of signatures, the treasurer appointed under subsection (1) of this section shall file with the filing officer a statement described in subsection [(8)] (7) of this section. The statement required under this subsection shall be filed whether or not the petition was completed or filed or was withdrawn under ORS 250.029.

[7] (6) Not later than the 15th day after the date an initiative or referendum petition that is not statewide is filed with the filing officer for verification of signatures, the chief petitioners of the initiative or referendum petition shall file with the filing officer a statement described in subsection [(8)] (7) of this section.

[8] (7) The statement referred to in subsections (4) to [(7)] (6) of this section shall include the following information:

(a) The name and address of the chief petitioner.

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

(c) A statement conforming to ORS 260.083 of contributions received and expenditures made.

[(9)(a)] (8)(a) For a statewide initiative petition, the accounting period for the statement required by subsection [(6)] (5) of this section begins on the 15th day before the date of the primary election and ends on the deadline for submitting signatures for verification.



(b) For a statewide referendum petition, the accounting period for the statement required by subsection [(6)] (5) of this section begins on the date that the name of the treasurer is certified to the filing officer under this section. The accounting period ends on the deadline for submitting signatures for verification.

(c) For a recall petition, the accounting period for the statement required by subsection [(6)] (5) of this section begins on the day after the date on which the statement of contributions received and expenditures made required under ORS 249.865 is filed. The accounting period ends on the deadline for submitting signatures for verification.

(d) For an initiative or referendum petition that is not statewide, the accounting period for the statement required by subsection [(7)] (6) of this section begins on the date the prospective petition is filed and ends on the date that signatures are submitted for verification.

[(10)(a)] (9)(a) If a statement filed under subsection [(6)] (5) of this section for a statewide initiative or referendum petition or any recall petition that did not qualify for the ballot shows an unexpended balance of contributions or an expenditure deficit, and the chief petitioner's committee does not intend to support or oppose a measure that is on the subsequent general election ballot, a supplemental statement shall be filed annually not later than September 10.

(b) If a statement filed under this section for a statewide initiative or referendum petition or any recall petition that did not qualify for the ballot shows an unexpended balance of contributions or an expenditure deficit, and the chief petitioner's committee intends to support or oppose a measure that is on the subsequent general election ballot, that committee shall not file a supplemental statement in that year, but shall file the statements required under ORS 260.073. Supplemental statements shall be filed annually for each following year not later than September 10.

(c) The accounting period for the statement required by this subsection begins on the day following the last day of the accounting period for the previous statement filed and ends on September 1.

**(10) Each statement required under subsections (4) to (6) of this section shall be signed and certified as true by the chief petitioner or treasurer required to file it.**

(11) As used in this section, "contribution" and "expenditure" include a contribution or expenditure to or on behalf of an initiative, referendum or recall petition.

**SECTION 17.** ORS 260.232, as amended by section 19, chapter 542, Oregon Laws 2003, is amended to read:

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

(a) Failure to file a statement or certificate required to be filed under ORS 260.044 (1), 260.058, 260.063, 260.068, 260.073, 260.076, **260.078**, 260.083, 260.102, 260.112 or 260.118 or section 6, chapter 542, Oregon Laws 2003.

(b) Failure to include in a statement filed under ORS 260.058, 260.063, 260.068, 260.073, 260.076, **260.078**, 260.083, 260.102, 260.112 or 260.118 or section 6, chapter 542, Oregon Laws 2003, the information required under ORS 260.076, 260.083, 260.102 or 260.118 or section 6, chapter 542, Oregon Laws 2003.

[(c) *Violation of ORS 260.174.*]

(2) If a person required to file has not filed a statement or certificate complying with applicable provisions of ORS 260.044 (1), 260.058, 260.063, 260.068, 260.073, 260.076, 260.078, 260.083, 260.085, 260.102, 260.112 or 260.118 or section 6, chapter 542, Oregon Laws 2003, within the time specified in ORS 260.058, 260.063, 260.068, 260.073, 260.076, 260.078 or 260.118 or section 6, chapter 542, Oregon Laws 2003, the Secretary of State by certified mail shall notify the person that a penalty may be imposed and that the person has 20 days to request a hearing before the Secretary of State. If the person required to file is a candidate or the principal campaign committee of a candidate, the Secretary of State shall send the notice described in this subsection by certified mail to the individual who is the candidate and by first class mail to the candidate's treasurer or the treasurer of the candidate's principal campaign committee. The notice sent by certified mail to the individual who is a candidate shall be used for purposes of determining the deadline for requesting a hearing

under subsection (3) of this section. The Secretary of State is not required to send two notices if the candidate serves as the treasurer of the candidate's principal campaign committee.

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

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

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

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

(4) A hearing under subsection (3) of this section shall be held not later than 30 days after the deadline for the person against whom the penalty may be assessed to request a hearing. However, if requested by the person against whom the penalty may be assessed, a hearing under subsection (3) of this section shall be held not later than 45 days after the deadline for the person against whom the penalty may be assessed to request a hearing.

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

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

(7) A civil penalty imposed under this section *[shall be not]* **may not be** more than:

(a) \$10,000 for failure to file a statement or certificate required to be filed under ORS 260.044 (1), 260.058, 260.063, 260.068, 260.073, 260.076, **260.078**, 260.083, 260.102, 260.112 or 260.118 or section 6, chapter 542, Oregon Laws 2003; **or**

(b) \$10,000 for each failure to include in a statement filed under ORS 260.058, 260.063, 260.068, 260.073, 260.076, **260.078**, 260.083, 260.102, 260.112 or 260.118 or section 6, chapter 542, Oregon Laws 2003, the information required under ORS 260.076, 260.083, 260.102 or 260.118 or section 6, chapter 542, Oregon Laws 2003; *or*

*[(c) \$1,000 for each violation of ORS 260.174].*

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

(9) Except as otherwise provided by this section, civil penalties under this section shall be imposed as provided in ORS 183.090.

**SECTION 18.** ORS 260.255, as amended by section 21, chapter 542, Oregon Laws 2003, is amended to read:

260.255. (1) A filing officer shall preserve each statement filed with the officer under ORS 260.058, 260.063, 260.068, 260.073, 260.076, 260.083, 260.102, 260.112 or 260.118 or section 6, chapter 542, Oregon Laws 2003, or an accurate copy of it, for at least six years after the date of the election to which the statement refers.

(2) The Secretary of State shall prepare for each election a summary of the statements filed with the secretary under ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1) and shall make the summary available to the public. The county clerk *[shall]* **may** prepare such a summary regarding candidates for county offices and county measures. The Secretary of State by rule may require a filing officer to prepare such a summary regarding other offices or measures.

(3) The summary reports prepared under this section shall include a list of all expenditures that total \$100 or more to any one person and a list of all contributions of more than \$50.

**SECTION 19.** ORS 260.402 is amended to read:

260.402. *[No person shall make a contribution to any other person, relating to a nomination or election of any candidate or the support or opposition to any measure, in any name other than that of the person who in truth provides the contribution. No person shall knowingly receive the contribution or enter or cause it to be entered in accounts or records in another name than that of the person by*

whom it was actually provided. However, if the contribution is received from the treasurer of any political committee, it shall be sufficient to enter it as received from the treasurer.]

**(1) A person may not make a contribution in any name other than that of the person who in truth provides the contribution to:**

**(a) Any other person, relating to a nomination or election of any candidate or the support of or opposition to any measure;**

**(b) Any political committee; or**

**(c) A chief petitioner or treasurer required to file a statement under ORS 260.118.**

**(2) Except as provided in subsection (3) of this section, a person, political committee or chief petitioner may not knowingly receive a contribution prohibited under subsection (1) of this section or enter or cause the contribution to be entered in accounts or records in another name than that of the person by whom it was actually provided.**

**(3) If a person receives a contribution from a political committee, the person may enter the contribution into accounts or records as received from the political committee.**

**SECTION 20.** ORS 260.735 is amended to read:

260.735. (1) A slate mailer organization shall file a statement of organization with the [Secretary of State] **filing officer of each candidate and measure that appears in a slate mailer produced by the slate mailer organization.** The statement [shall] **must** list the name and address of the organization and of the principal officers of the organization.

(2) The statement of organization shall be filed not later than 10 days after the slate mailer organization receives or is promised payment for producing one or more slate mailers.

(3) Any change in information submitted in a statement of organization [provided in subsection (1) of] **under** this section shall be indicated in an amended statement of organization filed not later than the 10th day after the change in information.

**SECTION 21.** ORS 260.063 is amended to read:

260.063. (1) Except as otherwise provided in ORS 260.112, each political committee, other than a candidate's principal campaign committee, supporting or opposing one or more candidates or measures at the primary election or any election other than the general election shall file the following with each appropriate filing officer:

(a) A first preelection statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 46th day and not later than the 36th day before the date of the election. The accounting period for the statement required by this paragraph begins on the date that the name of a treasurer is certified to the filing officer under ORS 260.035 unless a political committee has filed a post-election or supplemental statement of contributions and expenditures showing an unexpended balance of contributions or an expenditure deficit for a previous election. If such a post-election or supplemental statement is filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for the previous election. If a political committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election showing no balance or no deficit, the accounting period begins on the day that the political committee next receives a contribution or makes an expenditure. If the statement for a previous election shows an unexpended balance of contributions or an expenditure deficit, the beginning balance on the statement required by this paragraph shall be the amount of the unexpended balance of contributions or expenditure deficit. The accounting period for the statement required by this paragraph ends on the 47th day before the date of the election.

(b) A second preelection statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 15th day and not later than the 12th day before the date of the election. The accounting period for the statement required by this paragraph begins on the 46th day before the date of the election and ends on the 16th day before the date of the election.

(c) Supplements to the second preelection statement showing contributions received and expenditures made as described in this paragraph by or on behalf of the political committee. A supplement shall be filed if, during [a period described in this paragraph] **the period beginning on the**

**15th day before the date of the election and ending on the fifth day before the date of the election**, the aggregate amount of contributions, including loans, whether repaid or not, received from a single political committee or other person exceeds \$500, or the aggregate amount of expenditures made by or on behalf of the political committee to a single payee exceeds \$1,000. A first supplement shall be filed not later than the eighth day before the date of the election for the accounting period beginning on the 15th day before the date of the election and ending on the ninth day before the date of the election. A second supplement shall be filed not later than the fourth day before the date of the election for the accounting period beginning on the eighth day before the date of the election and ending on the fifth day before the date of the election. The supplements shall be filed on forms prescribed by the Secretary of State by rule. A treasurer of a political committee who filed a certificate under ORS 260.112 shall file supplements under this paragraph if the aggregate amount of contributions received or expenditures made exceeds \$2,000 because of contributions received or expenditures made during [a] **the** period described in this paragraph.

(d) A post-election statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 21st day and not later than the 30th day after the date of the election. The accounting period for the statement required by this paragraph begins on the 15th day before the date of the election and ends on the 20th day after the date of the election.

(2) A political committee shall file a supplemental statement of contributions received and expenditures made by or on behalf of the political committee, if the post-election statement required by subsection (1)(d) of this section shows an unexpended balance of contributions or an expenditure deficit. A supplemental statement shall be filed annually not later than September 10, until a statement is filed containing no balance or no deficit. The accounting period for the statement required by this subsection begins on the day following the last day of the accounting period for the previous statement filed and ends on September 1.

(3) A political committee shall prepare one original copy of each statement required by subsection (1) of this section and file a duplicate copy of the statement with the filing officer of each candidate or measure supported or opposed by the political committee. The statement and each duplicate copy shall be signed and certified as true by the treasurer required to file it.

(4) A political committee shall file the supplemental statement described in subsection (2) of this section with the filing officer with whom the political committee's statement of organization is filed and need not file any supplemental statement with any other filing officer. The supplemental statement shall be signed and certified as true by the treasurer required to file it.

**SECTION 22.** ORS 249.865 is amended to read:

249.865. (1) Pursuant to section 18, Article II of the Oregon Constitution, an elector of the electoral district from which the public officer is elected may file a petition demanding the recall of the public officer. Before the petition is circulated for signatures, the chief petitioner of the petition shall file with the officer authorized to order the recall election:

(a) A copy of the prospective petition signed by the chief petitioner;

*[(b) A statement of organization conforming to ORS 260.042 of the political committee the chief petitioner represents, if any; and]*

**(b) A statement of organization described in ORS 260.118; and**

(c) A statement conforming to ORS 260.083 of contributions received and expenditures made by or on behalf of the chief petitioner and political committee the chief petitioner represents, if any, to the date of filing the prospective petition.

(2) The chief petitioner shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the recall petition. After the prospective petition is filed, the chief petitioner shall notify the filing officer not later than the 10th day after the chief petitioner first has knowledge or should have had knowledge that:

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

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

(3) Each sheet of the recall petition [*shall*] **must** contain:

(a) The words "Petition for recall of," (name and title of officer) and the date of the filing under subsection (1) of this section; and

(b) The name and address of the treasurer [*of the political committee the chief petitioner represents, or if there is not a political committee, the name and address of the chief petitioner*] **listed on the statement of organization filed under subsection (1) of this section.**

(4) Not more than 20 signatures on each sheet of the recall petition shall be counted. The circulator shall certify on each signature sheet that the individuals signed the sheet in the presence of the circulator and that the circulator believes each individual is an elector.

(5) Any intentional or willful violation of subsection (1) or (2) of this section by a chief petitioner of the recall petition or by the treasurer [*of the political committee the chief petitioner represents, if any, shall invalidate*] **listed on the statement of organization filed under subsection (1) of this section invalidates** the prospective petition before it is circulated for signatures.

**SECTION 23.** ORS 260.076 is amended to read:

260.076. (1) A legislative official, statewide official or candidate therefor, or the official's or candidate's principal campaign committee, shall file statements showing contributions received by or on behalf of the official, candidate or committee during the period beginning January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending upon adjournment of the regular biennial session of the Legislative Assembly, or during any special session of the Legislative Assembly.

(2) The Governor, Governor-elect or a candidate for Governor, or the principal campaign committee of the Governor, Governor-elect or candidate, shall file statements showing contributions received by or on behalf of the Governor, Governor-elect, candidate or committee during the period beginning January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending 30 business days following adjournment of the regular biennial session of the Legislative Assembly, or during any special session of the Legislative Assembly.

(3) A person or political committee affiliated with a political party, caucus of either house of the Legislative Assembly, legislative official, statewide official or the Governor, Governor-elect or candidate for Governor shall file statements showing contributions received by the person or committee on behalf of a legislative official, statewide official or candidate therefor, during the period beginning January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending upon adjournment of the regular biennial session of the Legislative Assembly, or during any special session of the Legislative Assembly.

(4) A person or political committee affiliated with a political party, caucus of either house of the Legislative Assembly, legislative official, statewide official or the Governor, Governor-elect or candidate for Governor shall file statements showing contributions received by the person or committee on behalf of the Governor, Governor-elect or candidate for Governor, during the period beginning January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending 30 business days following adjournment of the regular biennial session of the Legislative Assembly, or during any special session of the Legislative Assembly.

(5) A statement described in subsections (1) to (4) of this section shall be filed **with the Secretary of State** not later than two business days after the date a contribution is received. A statement shall be filed on a form prescribed by the Secretary of State.

(6) If a statement has been filed under subsections (1) to (4) of this section, the next statement filed by the Governor, Governor-elect, official, candidate, principal campaign committee or other political committee under ORS 260.058, 260.063, 260.068 or 260.073 shall include the contributions reported in statements filed under this section.

(7) This section applies notwithstanding the filing of a certificate under ORS 260.112.

(8) As used in this section:

(a) "Legislative official" means any member or member-elect of the Legislative Assembly.

(b) "Statewide official" means the Secretary of State or Secretary of State-elect, State Treasurer or State Treasurer-elect, Superintendent of Public Instruction or Superintendent-elect of Public Instruction, Attorney General or Attorney General-elect and the Commissioner of the Bureau of Labor and Industries or the Commissioner-elect of the Bureau of Labor and Industries.

**SECTION 24.** ORS 260.102 is amended to read:

260.102. A person who receives or expends money or any other thing of value, after the date of an election, for the purpose of reducing an expenditure deficit shown by a statement of contributions and expenditures filed by a candidate or treasurer, and who is not the candidate or treasurer and does not receive or expend the money or other thing of value through the candidate or treasurer, shall file with the filing officer a statement showing the source of all money or other things of value so received or expended. The statement shall list the name, occupation and address of each person, or the name, address and primary nature of each political committee, who contributed an aggregate amount of more than \$100 on behalf of a candidate for statewide office or regarding a [statewide] **state** measure, or more than \$50 on behalf of a candidate for other than statewide office or regarding a measure other than a [statewide] **state** measure. The statement may list as a single item the total amount of other contributions, but shall specify how those contributions were obtained. The statement shall be signed and certified as true by the person required to file it or by the person's authorized representative. As used in this section, "address" includes street number and name, rural route number or post-office box, and city and state.

**SECTION 25.** ORS 260.205, as amended by section 16, chapter 542, Oregon Laws 2003, is amended to read:

260.205. (1) Except as provided in this subsection, a filing officer shall inspect each statement filed under ORS 260.058, 260.063, 260.068, 260.073, 260.083, 260.102, 260.112 or 260.118 or section 6, chapter 542, Oregon Laws 2003, not later than the 10th business day after the filing deadline or the 10th business day after the statement is filed, whichever is later. The statement required under ORS 260.068 (1)(d) and 260.073 (1)(d) shall be inspected not later than the 30th business day after the filing deadline or the 30th business day after the statement is filed, whichever is later. This subsection does not apply to statements required under ORS 260.058 (1)(c) [and (2)], 260.063 (1)(c) [and (2)], 260.068 (1)(c) and [(3)] **(2)** and 260.073 (1)(c) and [(3)] **(2)**.

(2) A filing officer immediately shall notify a person required to file a statement with the filing officer under ORS 260.058, 260.063, 260.068, 260.073, 260.083, 260.102, 260.112 or 260.118 or section 6, chapter 542, Oregon Laws 2003, if:

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

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

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

**SECTION 26.** ORS 246.910 is amended to read:

246.910. (1) A person adversely affected by any act or failure to act by the Secretary of State, a county clerk, a city elections officer or any other county, city or district official under any election law, or by any order, rule, directive or instruction made by the Secretary of State, a county clerk, a city elections officer or any other county, city or district official under any election law, may appeal therefrom to the circuit court for the county in which the act or failure to act occurred or in which the order, rule, directive or instruction was made.

**(2) An appeal described in subsection (1) of this section of an order of the Secretary of State approving or disapproving a state initiative petition for circulation for the purpose of obtaining signatures of electors must be filed within 60 days following the date the order is served.**

[2] (3) Any party to the appeal proceedings in the circuit court under subsection (1) of this section may appeal from the decision of the circuit court to the Court of Appeals.

[3] (4) The circuit courts and Court of Appeals, in their discretion, may give *[such]* precedence on their dockets to appeals under this section as the circumstances may require.

[4] (5) The remedy provided in this section is cumulative and does not exclude any other remedy against any act or failure to act by the Secretary of State, a county clerk, a city elections officer or any other county, city or district official under any election law or against any order, rule, directive or instruction made by the Secretary of State, a county clerk, a city elections officer or any other county, city or district official under any election law.

**SECTION 27.** ORS 8.620 is amended to read:

8.620. A person elected to the office of district attorney must, before entering upon *[such]* the office, qualify by filing with the Secretary of State the certificate of election of the person, *[with an oath of office indorsed thereon, and subscribed by the person, to the effect that the person will support the Constitution of the United States and of this state, and faithfully and honestly perform the duties of the office]*.

**SECTION 28.** ORS 180.030 is amended to read:

180.030. Before entering upon the duties of office the Attorney General shall qualify by filing with the Secretary of State the certificate of election or of appointment, *[with the oath of office of the Attorney General indorsed thereon]*.

**SECTION 29.** ORS 204.005 is amended to read:

204.005. *[There]* **The following county officers** shall be elected at the **primary election or** general election, **as provided in ORS 249.088** *[by the electors of each county, the following county officers]*:

- (1) A sheriff.
- (2) A county clerk.
- (3) A county assessor.
- (4) A county treasurer.
- (5) A county surveyor.
- (6) A county commissioner to succeed any commissioner whose term of office expires the following January; *and*].

(7) In any county where there is a vacancy from any cause in the office of county commissioner, *[there shall be elected]* an additional commissioner to fill the vacancy.

**SECTION 30.** ORS 236.325 is amended to read:

236.325. Notwithstanding any other provision of law:

(1) The holder of a public office may resign the office effective at a future date that is prior to the expiration of the term of the office.

(2) Any person who receives a certificate of election as a holder of a public office, even though the person may not have entered upon the execution of its duties or taken the requisite oath of office, may resign the office effective at a future date that is:

- (a) Prior to the beginning of the term of the office; or
- (b) After the beginning of the term of the office.

(3) Except where an election is required by law, if the holder of a public office or a person who receives a certificate of election as a holder of a public office resigns the office effective at a future date, the appointing authority required by law to fill a vacancy in the public office may begin the process to fill the vacancy and may select a successor prior to the effective date of any resignation under this section.

(4) The appointing authority may appoint a successor to fill a vacancy in the public office at any time after the effective date of a resignation described in this section. This subsection does not apply where a person who receives a certificate of election as a holder of a public office resigns prior to the beginning of the term of office and an incumbent still holds the public office.

(5) A resignation is binding unless withdrawn in writing by the end of the third business day after the resignation is made.

(6) Where the effective date of a resignation is [*less than*] 21 **or more** calendar days before the deadline for filing a nominating petition, declaration of candidacy or certificate of nomination necessary to fill the office at the general election next following the effective date of the resignation, and the deadline for withdrawing the resignation has passed, the filing officer for the office shall accept filings of nominating petitions, declarations of candidacy and certificates of nomination and the vacancy shall be filled at the general election next following the effective date of the vacancy.

(7) This section does not apply to the office of Governor.

**NOTE:** Section 31 was deleted by amendment. Subsequent sections were not renumbered.

**SECTION 32.** ORS 249.037 is amended to read:

249.037. (1) A nominating petition or declaration of candidacy shall be filed not sooner than the [*415th*] **250th** day and not later than the 70th day before the date of the primary election.

(2) Notwithstanding subsection (1) of this section, a declaration of candidacy for the office of precinct committeeperson [*shall*] **may** not be filed before February 1 immediately preceding the primary election.

**SECTION 33.** ORS 249.722 is amended to read:

249.722. (1) Except as provided in subsection (3) of this section, a certificate of nomination of a candidate for public office shall be filed not sooner than the [*415th*] **15th day after the date of the primary election** and not later than the 70th day before the date of the general election.

(2) A certificate of nomination of a candidate for:

(a) State office, United States Senator or Representative in Congress shall be filed with the Secretary of State.

(b) County office shall be filed with the county clerk.

(c) City office shall be filed with the chief city elections officer.

(3) For a special election, including an election to fill a vacancy that occurs after the 70th day before the general election, the Secretary of State by rule may adopt a schedule specifying the period within which a certificate of nomination must be filed. If the Secretary of State does not adopt a rule under this subsection, a certificate of nomination must be filed before the 61st day preceding the election.

**SECTION 34.** ORS 249.068 is amended to read:

249.068. (1) Except as otherwise provided for a candidate for nonpartisan office in ORS 249.072:

(a) A nominating petition for an office to be voted for in the state at large or for a candidate for Representative in Congress shall contain signatures of members of the same major political party as the candidate. Except as provided in this subsection, there shall be at least 1,000 signatures or the number of signatures at least equal to two percent of the vote cast in the state or congressional district, as the case may be, for the candidates of that major political party for presidential electors at the last presidential election, whichever is less;

(b) For an election next following any change in the boundaries of a congressional district, there shall be at least 1,000 signatures or the number of signatures at least equal to two percent of the average number of votes cast in all congressional districts in this state, as the case may be, for the candidates of that major political party for presidential electors at the last presidential election, whichever is less;

(c) In the case of a candidate nominated by a major political party that did not nominate presidential electors at the last presidential election, there shall be at least 1,000 signatures; and

(d) If the office is one to be voted for in the state at large, the signatures shall include those of electors registered in at least five percent of the precincts in each of at least seven counties. If the office is one to be voted for in a congressional district the signatures shall include those of electors registered in at least five percent of the precincts in each of at least one-fourth of the counties in the congressional district.

(2) Except as otherwise provided in this section or for a candidate for nonpartisan office in ORS 249.072:

(a) A nominating petition for an office not provided for in subsection (1) of this section shall contain the signatures of electors who are members of the same major political party as the candi-



date. There shall be at least 500 signatures or the number of signatures at least equal to two percent of the vote in the electoral district for the candidates of that major political party for presidential electors at the last presidential election, whichever is less;

(b) In the case of a major political party candidates for the office of state Senator or state Representative, for an election next following any change in the boundaries of the districts of state Senators or state Representatives under section 6, Article IV of the Oregon Constitution, there shall be at least 500 signatures or the number of signatures at least equal to two percent of the average number of votes cast in all state senatorial or state representative districts in this state, as the case may be, for the candidates of that major political party for presidential electors at the last presidential election, whichever is less;

(c) In the case of a candidate nominated by a major political party that did not nominate presidential electors at the last presidential election, there shall be at least [1,000] **500** signatures;

(d) If the office under this subsection is to be voted for in more than one county, the signatures shall include those of electors registered in at least six percent of the precincts in the electoral district that are located in each of two or more of the counties, or portions of the counties, within which the electoral district is located. If six percent of the precincts of the electoral district in one of the counties or portion thereof does not constitute a whole precinct, the nominating petition shall contain signatures from at least one precinct in that county; and

(e) If the office is to be voted for in only one county or in a city, the signatures shall include those of electors registered in at least 10 percent of the precincts in the electoral district.

**SECTION 35.** ORS 249.720 is amended to read:

249.720. (1) A certificate of nomination shall [state] **contain:**

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

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

(c) The office, and department or position number if any, for which the candidate is nominated.

(d) The name of the minor political party, if any, [which] **that** nominated the candidate.

(e) If the candidate is nominated for a partisan office by an assembly of electors or individual electors, the word [*independent*] "**nonaffiliated**" and a statement that the candidate has not been a member of a major or minor political party during at least 180 days before the deadline for filing the certificate of nomination.

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

(g) **The signature of the candidate.**

(h) **A statement of the candidate's occupation, educational and occupational background and prior governmental experience.**

(2) For certificates of nomination of candidates for electors of President and Vice President of the United States, the names of the candidates for President and Vice President the candidates represent may be added to the name of the minor political party or the word [*independent,*] "**nonaffiliated,**" as the case may be. The names of all the candidates of a minor political party, or [*independent*] **nonaffiliated** candidates, for electors of President and Vice President may be upon the same certificate of nomination.

(3) A certificate of nomination made by an assembly of electors shall be signed by the presiding officer and secretary of the nominating convention of the assembly. A certificate of nomination made by a minor political party shall be signed by an officer of the party. An affidavit shall be made on the certificate by the presiding officer and secretary of the nominating convention of the assembly or by the officer of the minor political party and signed and acknowledged by them before a notary public. The affidavit shall be that the statements in the certificate of nomination and related documents are true. With respect to an assembly of electors, the affidavit shall state that the assembly satisfied the requirements of ORS 249.735.

**SECTION 36.** ORS 250.045 is amended to read:

250.045. (1) Before circulating a petition to initiate or refer a state measure under section 1, Article IV, Oregon Constitution, the petitioner shall file with the Secretary of State a prospective

petition. The prospective petition for a state measure to be initiated shall contain a statement of sponsorship signed by at least 25 electors. The statement of sponsorship shall be attached to a full and correct copy of the measure to be initiated. The signatures in the statement of sponsorship must be accompanied by a certificate of the county clerk of each county in which the electors who signed the statement reside, stating the number of signatures believed to be genuine. The Secretary of State shall date and time stamp the prospective petition and specify the form on which the petition shall be printed for circulation. The secretary shall approve or disapprove the form of any petition signature sheet within five business days after the signature sheet is submitted for review by the secretary. The secretary shall retain the prospective petition.

(2) The chief petitioner may amend the proposed initiated measure filed with the Secretary of State without filing another prospective petition, if:

(a) The Attorney General certifies to the Secretary of State that the proposed amendment will not substantially change the substance of the measure; and

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

(3) The cover of an initiative or referendum petition shall designate the name and residence address of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition. The instructions shall be adopted by the Secretary of State by rule. The cover of a referendum petition shall contain the [title] **final measure summary** described in ORS 250.065 (1). If a petition seeking a different ballot title is not filed with the Supreme Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative petition shall contain the ballot title described in ORS 250.067 (2). However, if the Supreme Court has reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the court.

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

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

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

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

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

(A) Contain only the signatures of electors of one county; and

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

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

(6) The reverse side of the cover of an initiative or referendum petition shall be used for obtaining signatures on an initiative or referendum petition.

(7) Not more than 20 signatures on the signature sheet of the initiative or referendum petition shall be counted. The circulator shall certify on each signature sheet of the initiative or referendum petition that the individuals signed the sheet in the presence of the circulator and that the circulator believes each individual is an elector.

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

**SECTION 37.** ORS 250.065 is amended to read:

250.065. (1) When a prospective petition for a state measure to be referred is filed with the Secretary of State, the secretary shall authorize the circulation of the petition using the final measure summary of the **latest version of the printed, engrossed** measure in lieu of the ballot title. After the referendum petition has been filed containing the required number of verified signatures, the Secretary of State immediately shall send two copies of the prospective petition to the Attorney General.

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

(3) Not later than the fifth business day after receiving the copies of the prospective petition for a state measure to be initiated, the Attorney General shall provide a draft ballot title for the state measure to be initiated and return one copy of the prospective petition and the ballot title to the Secretary of State.

(4) Not later than the 10th business day after receiving the copies of the prospective petition for a state measure to be referred, the Attorney General shall provide a draft ballot title for the state measure to be referred and return one copy of the prospective petition and the draft ballot title to the Secretary of State.

**SECTION 38.** ORS 250.067 is amended to read:

250.067. (1) The Secretary of State, upon receiving a draft ballot title from the Attorney General under ORS 250.065 or 250.075, shall provide reasonable statewide notice of having received the draft ballot title and of the public's right to submit written comments as provided in this section. Written comments concerning a draft ballot title shall be submitted to the Secretary of State not later than the 10th business day after the Secretary of State receives the draft title from the Attorney General. On the next business day after the deadline for submitting comments to the Secretary of State, the secretary shall send a copy of all written comments to the Attorney General. The secretary shall maintain a record of written comments received.

(2) The Attorney General shall consider any written comments submitted under subsection (1) of this section and shall certify to the Secretary of State either the draft ballot title or a revised ballot title not later than the 10th business day after receiving the comments from the Secretary of State. If no written comments are submitted to the Secretary of State, the Attorney General shall certify the draft ballot title not later than the [15th] **20th** business day after the Secretary of State receives the draft title from the Attorney General. The Secretary of State shall furnish the chief petitioner with a copy of the ballot title.

(3) Unless the Supreme Court certifies a different ballot title, the ballot title provided by the Attorney General under subsection (2) of this section shall be the title printed in the voters' pamphlet and on the ballot.

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

(5) The Secretary of State by rule shall specify the means for providing reasonable statewide notice for submitting comments on a draft ballot title.

**SECTION 39.** ORS 250.165 is amended to read:

250.165. (1) Before circulating a petition to initiate or refer a county measure, the petitioner shall file with the county clerk a prospective petition. The county clerk immediately shall date and time stamp the prospective petition, and specify the form on which the petition shall be printed for circulation. The clerk shall retain the prospective petition.

(2) The cover of an initiative or referendum petition shall designate the name and residence address of not more than three persons as chief petitioners and shall contain instructions for persons obtaining signatures of electors on the petition. The instructions shall be adopted by the Secretary of State by rule. The cover of a referendum petition shall contain the title described in ORS 250.175 (1). If the circuit court has not reviewed the ballot title under ORS 250.195, the cover of an initiative petition shall contain the ballot title described in ORS 250.175 (3). If the circuit court has

reviewed the ballot title, the cover of the initiative petition shall contain the title certified by the court.

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

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

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

(4)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot title. Each sheet of signatures on a referendum petition shall contain the number of the ordinance or resolution to be referred, if any, and the date it was adopted by the county governing body.

(b) Each sheet of signatures on an initiative or referendum petition shall, if one or more persons will be paid for obtaining signatures of electors on the petition, contain a notice stating: "Some Circulators For This Petition Are Being Paid."

(5) The reverse side of the cover of an initiative or referendum petition shall be used for obtaining signatures on an initiative or referendum petition.

(6) Not more than 20 signatures on the signature sheet of the initiative or referendum petition shall be counted. The circulator shall certify on each signature sheet that the individuals signed the sheet in the presence of the circulator and that the circulator believes each individual is an elector registered in the county.

(7) If the gathering of signatures exceeds the period of one year from the time the petition is approved for circulation, any of the chief petitioners, on or before *[the]* **each** anniversary of approval of the petition for circulation[:]

*[(a) Shall file annually], shall file* with the county clerk[,] a statement that the initiative petition is still active[:; and]

*[(b) May submit to the county clerk for verification any signatures gathered on the petition in the preceding year].*

(8) Not later than 30 days before the date that the chief petitioners must file a statement *[and submit signatures]* under subsection (7) of this section, the county clerk shall notify the chief petitioners in writing of the requirements of subsection (7) of this section. The notice shall be sent by certified mail, return receipt requested.

(9) A county clerk *[shall]* **may** not accept for filing any petition which has not met the provisions of subsection (7) of this section.

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

**SECTION 40.** ORS 250.168 is amended to read:

250.168. (1) Not later than the fifth business day after receiving a prospective petition for an initiative measure, the county clerk shall determine in writing whether the initiative measure meets the requirements of section 1 (2)(d), Article IV, **and section 10, Article VI** of the Oregon Constitution.

(2) If the county clerk determines that the initiative measure meets the requirements of section 1 (2)(d), Article IV, **and section 10, Article VI** of the Oregon Constitution, the clerk shall proceed as required in ORS 250.175. The clerk shall include in the publication required under ORS 250.175 (5) a statement that the initiative measure has been determined to meet the requirements of section 1 (2)(d), Article IV, **and section 10, Article VI** of the Oregon Constitution.

(3) If the county clerk determines that the initiative measure does not meet the requirements of section 1 (2)(d), Article IV, **and section 10, Article VI** of the Oregon Constitution, the clerk shall

immediately notify the petitioner, in writing by certified mail, return receipt requested, of the determination.

(4) Any elector dissatisfied with a determination of the county clerk under subsection (1) of this section may petition the circuit court of the judicial district in which the county is located seeking to overturn the determination of the clerk. If the elector is dissatisfied with a determination that the initiative measure meets the requirements of section 1 (2)(d), Article IV, **and section 10, Article VI** of the Oregon Constitution, the petition must be filed not later than the seventh business day after the ballot title is filed with the clerk. If the elector is dissatisfied with a determination that the initiative measure does not meet the requirements of section 1 (2)(d), Article IV, **and section 10, Article VI** of the Oregon Constitution, the petition must be filed not later than the seventh business day after the written determination is made by the clerk.

(5) The review by the circuit court shall be the first and final review, and shall be conducted expeditiously to [*insure*] **ensure** the orderly and timely circulation of the petition.

**SECTION 41.** ORS 250.175 is amended to read:

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

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

(3) Not later than the fifth business day after receiving the copies of the prospective petition, and notwithstanding ORS 203.145 (3), the district attorney shall prepare a ballot title for the county measure to be initiated or referred and return one copy of the prospective petition and the ballot title to the county clerk. Unless the circuit court certifies a different title, this ballot title shall be the title printed on the ballot.

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

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

**SECTION 42.** ORS 250.270 is amended to read:

250.270. (1) Not later than the fifth business day after receiving a prospective petition for an initiative measure, the city elections officer shall determine in writing whether the initiative measure meets the requirements of section 1 (2)(d) **and (5)**, Article IV of the Oregon Constitution.

(2) If the city elections officer determines that the initiative measure meets the requirements of section 1 (2)(d) **and (5)**, Article IV of the Oregon Constitution, the city elections officer shall proceed as required in ORS 250.275. The city elections officer shall include in the publication required under ORS 250.275 (5) a statement that the initiative measure has been determined to meet the requirements of section 1 (2)(d) **and (5)**, Article IV of the Oregon Constitution.

(3) If the city elections officer determines that the initiative measure does not meet the requirements of section 1 (2)(d) **and (5)**, Article IV of the Oregon Constitution, the city elections officer shall immediately notify the petitioner, in writing by certified mail, return receipt requested, of the determination.

(4) Any elector dissatisfied with a determination of the city elections officer under subsection (1) of this section may petition the circuit court of the judicial district in which the city is located seeking to overturn the determination of the city elections officer. If the elector is dissatisfied with a determination that the initiative measure meets the requirements of section 1 (2)(d) **and (5)**, Article IV of the Oregon Constitution, the petition must be filed not later than the seventh business

day after the ballot title is filed with the city elections officer. If the elector is dissatisfied with a determination that the initiative measure does not meet the requirements of section 1 (2)(d) **and (5)**, Article IV of the Oregon Constitution, the petition must be filed not later than the seventh business day after the written determination is made by the city elections officer.

(5) The review by the circuit court shall be the first and final review, and shall be conducted expeditiously to [*insure*] **ensure** the orderly and timely circulation of the petition.

**SECTION 43.** ORS 250.275 is amended to read:

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

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

(3) Not later than the fifth business day after receiving the copies of the prospective petition, the city attorney shall provide a ballot title for the city measure to be initiated or referred and return one copy of the prospective petition and the ballot title to the city elections officer. Unless the circuit court certifies a different title, this ballot title shall be the title printed on the ballot.

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

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

**SECTION 44.** ORS 255.140 is amended to read:

255.140. (1) Not later than the fifth business day after receiving a prospective petition for an initiative measure, the elections officer shall determine in writing whether the initiative measure meets the requirements of section 1 (2)(d) **and (5)**, Article IV of the Oregon Constitution.

(2) If the elections officer determines that the initiative measure meets the requirements of section 1 (2)(d) **and (5)**, Article IV of the Oregon Constitution, the elections officer shall proceed as required in ORS 255.145. The elections officer shall include in the publication required under ORS 255.145 (5) a statement that the initiative measure has been determined to meet the requirements of section 1 (2)(d) **and (5)**, Article IV of the Oregon Constitution.

(3) If the elections officer determines that the initiative measure does not meet the requirements of section 1 (2)(d) **and (5)**, Article IV of the Oregon Constitution, the elections officer shall immediately notify the petitioner, in writing by certified mail, return receipt requested, of the determination.

(4) Any elector dissatisfied with a determination of the elections officer under subsection (1) of this section may petition the circuit court of the judicial district in which the administrative office of the district is located seeking to overturn the determination of the elections officer. If the elector is dissatisfied with a determination that the initiative measure meets the requirements of section 1 (2)(d) **and (5)**, Article IV of the Oregon Constitution, the petition must be filed not later than the seventh business day after the ballot title is filed with the elections officer. If the elector is dissatisfied with a determination that the initiative measure does not meet the requirements of section 1 (2)(d) **and (5)**, Article IV of the Oregon Constitution, the petition must be filed not later than the seventh business day after the written determination is made by the elections officer.

(5) The review by the circuit court shall be the first and final review, and shall be conducted expeditiously to [*insure*] **ensure** the orderly and timely circulation of the petition.

**SECTION 45.** ORS 255.145 is amended to read:

255.145. (1) When a prospective petition for a district measure to be referred is filed with the elections officer, the officer shall authorize the circulation of the petition containing the title of the measure as enacted by the district elections authority or, if there is no title, the title supplied by the petitioner filing the prospective petition. The elections officer immediately shall send two copies of the prospective petition to the district attorney of the county in which the administrative office of the district is located.

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

(3) Not later than the fifth business day after receiving the copies of the prospective petition, the district attorney shall provide a ballot title for the district measure to be initiated or referred and return one copy of the prospective petition and the ballot title to the elections officer. Unless the circuit court certifies a different title, this ballot title shall be the title printed on the ballot.

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

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

**SECTION 46.** ORS 254.135 is amended to read:

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

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

(b) The date of the election.

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

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

(2) If the election is conducted at polling places as provided in this chapter, any ballot to be issued at a polling place shall also state the number or name of the precinct for which it is intended.

(3) The names of candidates for President and Vice President of the United States shall be printed in groups together, under their political party designations. The names of the electors *[shall]* **may** not be printed on the general election ballot. A vote for the candidates for President and Vice President shall be a vote for the group of presidential electors supporting those candidates and selected as provided by law. The general election ballot shall state that electors of President and Vice President are being elected and that a vote for the candidates for President and Vice President shall be a vote for the electors supporting those candidates.

(4)(a) The name of each candidate nominated shall be printed upon the ballot or ballot label in but one place, without regard to how many times the candidate may have been nominated. The name of a political party shall be added opposite the name of a candidate for other than nonpartisan office according to the following rules:

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

(B) For a candidate not affiliated with a political party who is nominated by more than one minor political party, the name of the minor political party selected by the candidate shall be added opposite the name of the candidate;

(C) For a candidate who is a member of a political party who is nominated by a political party of which the candidate is not a member, the name of the political party that nominated the candidate shall be added opposite the name of the candidate;

(D) For a candidate who is a member of a political party who is nominated by more than one political party of which the candidate is not a member, the name of the political party selected by the candidate shall be added opposite the name of the candidate; and

(E) For a candidate who is nominated by a political party of which the candidate is a member, the name of the political party of which the candidate is a member shall be added opposite the name of the candidate.

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

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

**(d) The word “nonaffiliated” shall follow the name of each candidate who is not affiliated with a political party and who is nominated by an assembly of electors or individual electors.**

*[(d)]* (e) If two or more candidates for the same office have the same or similar surnames, the location of their places of residence shall be printed opposite their names to distinguish one from another.

**SECTION 47.** ORS 254.470 is amended to read:

254.470. (1) An election by mail shall be conducted as provided in this section. The Secretary of State may adopt rules governing the procedures for conducting an election by mail.

(2) The Secretary of State by rule shall establish requirements and criteria for the designation of places of deposit for the ballots cast in the election. The rules shall also specify the dates and times the places of deposit must be open and the security requirements for the places of deposit. At a minimum, the places designated under this section shall be open on the date of the election for a period of eight or more hours, but must be open until at least 8 p.m. At each place of deposit designated under this section, the county clerk shall prominently display a sign stating that the location is an official ballot drop site.

(3)(a) Except as provided in paragraphs (b), (c) and (d) of this subsection, the county clerk shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope not sooner than the 18th day before the date of an election conducted by mail and not later than the 14th day before the date of the election, to each active elector of the electoral district as of the 21st day before the date of the election.

(b) Notwithstanding paragraph (a) of this subsection, if the county clerk determines that an active elector of the electoral district as of the 21st day before the date of the election does not receive daily mail service from the United States Postal Service, the county clerk shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope to the elector not sooner than the 20th day before the date of an election conducted by mail and not later than the 18th day before the date of the election.

(c) Notwithstanding paragraph (a) of this subsection, the Secretary of State by rule shall specify the date on which all ballots shall be mailed for any state election conducted by mail under ORS 254.465 (2).

(d) Notwithstanding paragraph (a) of this subsection, in the case of ballots to be mailed to addresses outside this state to electors who are not long-term absent electors, the county clerk may mail the ballots not sooner than the 29th day before the date of the election.

(4) For an election held on the date of a primary election:

(a) The county clerk shall mail the official ballot of a major political party to each elector who is registered as being affiliated with the major political party as of the 21st day before the date of the election.

(b) **The county clerk shall mail** *[An elector not affiliated with any political party shall be mailed]* the **official** ballot of a major political party **to an elector not affiliated with any political party** *[in whose primary election the elector wishes to vote]* if the elector has applied for the ballot



as provided in this subsection and that party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

(c) An elector not affiliated with any political party who wishes to vote in the primary election of a major political party shall apply to the county clerk in writing. **The application shall indicate which major political party ballot the elector wishes to receive.** Except for electors described in subsection (5) of this section, and subject to ORS 247.203, the application must be received by the county clerk not later than 5 p.m. of the 21st day before the date of the election.

(d) If the primary election ballot includes city, county or nonpartisan offices or measures, an elector not eligible to vote for party candidates shall be mailed a ballot limited to those offices and measures for which the elector is eligible to vote.

(5) For each elector who updates a voter registration after the deadline in ORS 247.025, the county clerk shall make the official ballot, the return identification envelope and the secrecy envelope available either by mail or at the county clerk's office or at another place designated by the county clerk. An elector to whom this subsection applies must request a ballot from the county clerk.

(6) The ballot or ballot label shall contain the following warning:

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Any person who, by use of force or other means, unduly influences an elector to vote in any particular manner or to refrain from voting[,] is subject[, *upon conviction, to imprisonment or*] to a fine[, *or both*].

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(7) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign the return identification envelope supplied with the ballot and comply with the instructions provided with the ballot. The elector may return the marked ballot to the county clerk by United States mail or by depositing the ballot at the office of the county clerk, at any place of deposit designated by the county clerk or at any location described in ORS 254.472 or 254.474. The ballot must be returned in the return identification envelope. If the elector returns the ballot by mail, the elector must provide the postage. A ballot must be received at the office of the county clerk, the designated place of deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the period determined under subsection (2) of this section on the date of the election.

(8) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the elector. Replacement ballots shall be issued and processed as described in this section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided under this subsection. Notwithstanding any deadline for mailing ballots in subsection (3) or (4) of this section, a replacement ballot may be mailed, made available in the office of the county clerk or made available at one central location in the electoral district in which the election is conducted. The county clerk shall designate the central location. A replacement ballot need not be mailed after the fifth day before the date of the election.

(9) A ballot shall be counted only if:

- (a) It is returned in the return identification envelope;
- (b) The envelope is signed by the elector to whom the ballot is issued; and
- (c) The signature is verified as provided in subsection (10) of this section.

(10) The county clerk shall verify the signature of each elector on the return identification envelope with the signature on the elector's registration card, according to the procedure provided by rules adopted by the Secretary of State. If the county clerk determines that an elector to whom a replacement ballot has been issued has voted more than once, the county clerk shall count only one ballot cast by that elector.

(11) At 8 p.m. on election day, electors who are at the county clerk's office, a site designated under subsection (2) of this section or any location described in ORS 254.472 or 254.474 and who

are in line waiting to vote or deposit a voted ballot shall be considered to have begun the act of voting.

**SECTION 48.** ORS 254.545 is amended to read:

254.545. The county clerk:

(1) As soon as possible after any election, shall prepare abstracts of votes. The abstract for election of Governor shall be on a sheet separate from the abstracts for other offices and measures.

(2) On completion of the abstracts, shall record a complete summary of votes cast in the county for each office, candidate for office and measure. The county clerk shall sign and certify this record. *[After the primary election, the county clerk, for each office for which the clerk is filing officer, shall enter in a register of nominations the name and, if applicable, major political party of each candidate nominated, the office for which the candidate is nominated, and the date of entry.]*

(3) Not later than the 20th day after the election, shall deliver a copy of the abstracts for other than county offices to the appropriate elections officials. The abstract for election of Governor shall be delivered separately to the Secretary of State as provided in section 4, Article V, Oregon Constitution.

(4) Not later than the 30th day after the election, shall proclaim which county measure is paramount, if two or more approved county measures contain conflicting provisions.

(5) Shall prepare and deliver a certificate of nomination or election to each candidate having the most votes for nomination for or election to county or precinct offices.

(6) Shall prepare, and file with the county governing body, a certificate stating the compensation to which the board clerks are entitled. The county governing body shall order the compensation paid by county funds.

**SECTION 49.** ORS 254.546 is amended to read:

254.546. (1) In the case of a recall election held on a date other than the date of the primary election or general election, the county clerk shall prepare an abstract of the votes and deliver it to the *[appropriate officials]* **elections official authorized to order the recall election** not later than the 20th day after the election.

(2) **Except as provided in subsection (3) of this section**, for purposes of section 18, Article II, Oregon Constitution, the result of the recall election referred to in subsection (1) of this section shall be considered officially declared on the date the abstract of the votes is delivered.

**(3) If the elections official authorized to order the recall election is the Secretary of State, the Secretary of State shall officially declare the result of the election not later than the 30th day after the election.**

**SECTION 50.** ORS 44.510 is amended to read:

44.510. As used in ORS 44.510 to 44.540, unless the context requires otherwise:

(1) "Information" has its ordinary meaning and includes, but is not limited to, any written, oral, pictorial or electronically recorded news or other data.

(2) "Medium of communication" has its ordinary meaning and includes, but is not limited to, any newspaper, magazine or other periodical, book, pamphlet, news service, wire service, news or feature syndicate, broadcast station or network, or cable television system. Any information which is a portion of a governmental utterance made by an official or employee of government within the scope of the official's or employee's governmental function, or any political publication subject to ORS 260.532 *[and 260.605]*, is not included within the meaning of "medium of communication."

(3) "Processing" has its ordinary meaning and includes, but is not limited to, the compiling, storing and editing of information.

(4) "Published information" means any information disseminated to the public.

(5) "Unpublished information" means any information not disseminated to the public, whether or not related information has been disseminated. "Unpublished information" includes, but is not limited to, all notes, outtakes, photographs, tapes or other data of whatever sort not themselves disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated.

**SECTION 51.** ORS 260.993 is amended to read:

260.993. (1) The penalty for violation of ORS 260.532 is limited to that provided in ORS 260.532 (6) and (8).

(2) Violation of ORS 247.125, 247.171 (5), 247.420 (2), 253.710, 260.402, 260.555, 260.558, 260.575, [260.615,] 260.645[,] **or** 260.665 (2) or (3) involving any action described in ORS 260.665 (2)(d) to (f)[,] **or** 260.715 [or 260.718] is a Class C felony.

(3) Violation of ORS 260.695 (4) is a Class A misdemeanor.

(4) Violation of ORS 247.171 (6) is a Class C misdemeanor.

**SECTION 52.** ORS 260.995 is amended to read:

260.995. (1) Except as provided in subsection (2) of this section, following an investigation under ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to exceed \$250 for each violation of any provision of Oregon Revised Statutes relating to the conduct of any election, any rule adopted by the Secretary of State under ORS chapters 246 to 260 or any other matter preliminary to or relating to an election, for which no penalty is otherwise provided.

(2) The Secretary of State or the Attorney General may impose a civil penalty not to exceed \$1,000 for each violation of ORS 251.049 (3) or 251.405 (3).

(3) Except as otherwise provided by this section, civil penalties under this section shall be imposed as provided in ORS 183.745. In addition to the requirements of ORS 183.745, the notice shall include:

(a) A statement of the authority and jurisdiction under which the hearing is to be held; and

(b) If the person is an agency, corporation or an unincorporated association, a statement that such person must be represented by an attorney licensed in Oregon, unless the person is a political committee which may be represented by any officer identified in the most recent statement of organization filed with the filing officer.

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

(a) Upon request of the person against whom the penalty may be assessed, if the request is made not later than the 20th day after the date the person received notice sent under subsection (3) of this section; or

(b) Upon the Secretary of State's or Attorney General's own motion.

(5) The person against whom a penalty may be assessed need not appear in person at a hearing held under this section, but instead may submit written testimony and other evidence, sworn to before a notary public, to the Secretary of State or Attorney General for entry in the hearing record. Such documents must be received by the Secretary of State or Attorney General not later than three business days before the day of the hearing.

(6) All hearings under this section shall be held not later than 30 days after the deadline for the person against whom the penalty may be assessed to request a hearing. However, if requested by the person against whom the penalty may be assessed, a hearing under subsection (4) of this section shall be held not later than 45 days after the deadline for the person against whom the penalty may be assessed to request a hearing.

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

(8) [*Except as provided in this subsection,*] All penalties recovered under this section shall be paid into the State Treasury and credited to the General Fund. [*A penalty that is recovered from a person who violated ORS 260.432 (1) or from a public employee who violated ORS 260.432 (2) shall be remitted as follows:*]

*[(a) If the public employee involved is an employee of the state or any of its agencies or institutions, the penalty shall be paid into the State Treasury and credited to the General Fund.]*

*[(b) If the public employee involved is an employee of a city, county or other political subdivision, the penalty shall be paid to the city, county or other political subdivision.]*

**SECTION 53.** ORS 246.310 is amended to read:

246.310. (1) Not later than the 30th day before the primary election:

(a) The county clerk shall appoint persons to serve on election boards. There shall be at least one election board for each polling place. *[If the poll book of a precinct is divided into two or more separate parts as provided in ORS 254.226, the county clerk may appoint an election board for each separate part.]*

(b) The county clerk may appoint more than one election board for any precinct in which 100 or more ballots were cast at the last general election or in which there are more than 200 electors.

(2) The election board shall consist of a day board to issue ballots and may include a counting board to count ballots. A day board shall consist of three or more clerks. A counting board shall consist of four or more clerks. No election board clerk shall serve on the day board and the counting board at the same time. The county clerk shall designate one clerk of each day board and one clerk of each counting board as chairperson.

(3) The county clerk shall appoint the election board clerks for a term of two years. The county clerk may withdraw the appointment of a clerk at any time. Clerks may be reappointed for more than one term.

(4) Except as provided in this subsection, an election board clerk shall be an elector of the county, shall be able to read, write and speak English and *[shall]* **may** not serve at a polling place in an electoral district in which the election board clerk is a candidate for any office, except precinct committeeperson, to be voted on in that election. The clerks of a day board or a counting board *[shall]* **may** not all be members of the same political party. The Secretary of State shall adopt by rule standards under which county clerks may employ persons to serve as election board clerks who are not electors of the county but who are residents of the county and who are at least 16 years of age. A person who is the spouse, child, son or daughter-in-law, parent, mother or father-in-law, sibling, brother or sister-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of a candidate on the ballot at an election *[shall]* **may** not serve as election board clerk at a polling place where the candidate may be voted on, unless the candidate is a candidate for precinct committeeperson and is the only such relative who is a candidate on the ballot in the same election. The county clerk shall appoint board clerks who have the necessary capacity and ability to carry out their functions with sufficient skill and dispatch.

(5) In the event of a vacancy in the office of board clerk, the county clerk shall appoint a qualified person to fill the vacancy.

**SECTION 54.** ORS 250.041 is amended to read:

250.041. ORS 250.005 to *[250.037]* **250.038** apply to the exercise of initiative or referendum powers:

(1) Regarding a county measure, regardless of anything to the contrary in the county charter or ordinance.

(2) Regarding a city measure, regardless of anything to the contrary in the city charter or ordinance.

**SECTION 55.** ORS 251.255 is amended to read:

251.255. (1) Not later than the 70th day before a general election or the 68th day before a special election held on the date of any primary election at which a *[statewide]* **state** measure is to be voted upon, any person may file with the Secretary of State a printed or typewritten argument supporting or opposing the measure.

(2) A person filing an argument under this section shall pay a fee of \$500 to the Secretary of State when the argument is filed or may submit a petition in a form prescribed by the Secretary of State containing the signatures of 1,000 electors eligible to vote on the measure. Each person signing the petition shall subscribe to a statement that the person has read and agrees with the argument. The signatures on each petition shall be certified by the county clerk in the manner provided in ORS 249.008. The petition shall be filed with the Secretary of State.

(3) The Secretary of State by rule shall establish the size and length of arguments permitted under ORS 251.245 and this section. The size and length of an argument *[shall]* **may** not exceed 30 square inches or 325 words. The size and length limitations shall be the same for arguments submitted under ORS 251.245 or this section.

**SECTION 56.** ORS 254.482 is amended to read:

254.482. [(1) *This section applies only to elections conducted by mail.*]

[(2)] After the date that ballots are mailed as provided in ORS 254.470, the county clerk, if requested, shall permit authorized persons to be at the office of the county clerk to watch the receiving and counting of votes. The authorization shall be in writing, shall be signed by an officer or its county affiliate of a political party, a candidate or the county clerk and shall be filed with the county clerk. The county clerk shall permit only so many persons as watchers under this [subsection] **section** as will not interfere with an orderly procedure at the office of the county clerk.

**SECTION 57.** ORS 254.515 is amended to read:

254.515. Ballots marked “Presidential only” [or “*federal offices only*” shall] **may** be counted only for the offices [or *measures that*] **for which** the elector is entitled to vote. Votes on the ballot for other offices [or *measures shall*] **may** not be counted.

**SECTION 58.** ORS 260.715 is amended to read:

260.715. (1) [No] **A** person [shall] **may not** knowingly make a false statement, oath or affidavit [where] **when** a statement, oath or affidavit is required under the election laws.

(2) [No] **A** person [shall] **may not** request a ballot in a name other than the person’s own name.

(3) [No] **A** person [shall] **may not** vote or attempt to vote more than once at any election held on the same date.

(4) [No] **A** person, except an elections official in performance of duties, [shall] **may not** willfully alter or destroy a ballot cast at an election or the returns of an election.

(5) [No] **A** person [shall] **may not** willfully place a fraudulent ballot among the genuine ballots.

(6) [No] **A** person [shall] **may not** falsely write anything purporting to be written by an election board member on the ballot or ballot stub.

(7) [No] **A** person [shall] **may not** commit theft of a ballot or tally or return sheet, or willfully hinder or delay the delivery of the tally or return sheet to the county clerk, or fraudulently break open a sealed tally or return sheet of the election.

(8) [No] **A** person [shall] **may not** manufacture or knowingly use a fraudulent ballot return identification envelope or secrecy envelope **or sell, offer to sell, purchase or offer to purchase, for money or other valuable consideration, any official ballot, replacement ballot, ballot return identification envelope or secrecy envelope.** As used in this subsection, “ballot return identification envelope” and “secrecy envelope” mean those envelopes used to return ballots to the county clerk by absent electors or in elections conducted by mail.

[(9) *No person shall sell, offer to sell, purchase or offer to purchase, for money or other valuable consideration, any absentee ballot or any ballot mailed to an elector in an election conducted by mail.*]

**SECTION 59.** ORS 204.010 is amended to read:

204.010. (1) Except as provided in subsection (2) of this section, the term of office of each officer mentioned in ORS 204.005 is four years.

(2) When two or more county commissioners are elected for one county at a general election and one of them is elected to fill a vacancy, as provided in ORS 204.005 [(6)] **(7)**, one of them shall hold office for two years and the others four years.

**SECTION 60.** ORS 249.735 is amended to read:

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

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

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

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

(2) An assembly of electors [shall] **may** nominate candidates at a nominating convention. The convention shall be held in one day and last not longer than 12 hours. The signature, printed name and residence **or** mailing address of each member of the assembly shall be recorded at the convention and entered of record in the minutes by the secretary of the assembly. Not less than the mini-

mum number of electors required to constitute an assembly of electors [*shall*] **must** have recorded their signatures in the minutes of the assembly and must be present when the assembly nominates a candidate. The candidate receiving the highest number of votes of the assembly for the office shall be the nominee of the assembly.

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

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

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

(6) The presiding officer of an assembly of electors shall deliver the signatures of assembly members entered in the minutes to the appropriate county clerks of the counties in which the assembly members live. The signatures shall be certified by the appropriate county clerk under ORS 249.008. A copy of the minutes, certified by the secretary of the assembly, and the certificate of the county clerk shall be filed with the filing officer with the certificate of nomination.

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

**SECTION 61.** ORS 249.740 is amended to read:

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

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

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

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

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

(4) The circulator shall certify on each signature sheet that the individuals signed the sheet in the presence of the circulator and that the circulator believes each individual is an elector registered in the electoral district.

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

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

**SECTION 62.** ORS 249.048 is amended to read:

249.048. [No] **A** candidate for nomination of a major political party to a public office who fails to receive the nomination [*shall be entitled to*] **may not** be the candidate of any other political party or [*to become an independent*] **a nonaffiliated** candidate for the same office at the succeeding general election. The filing officer [*shall*] **may not** certify the name of [*such a*] **the** candidate.

**SECTION 63.** ORS 249.076 is amended to read:

249.076. (1) [No] **A** person who is not a member of the same major political party as the candidate for nomination by the major political party **may not** sign the nominating petition of the candidate. [*However,*]

(2) Any elector may sign:

(a) A nominating petition or certificate of nomination of any candidate for nonpartisan office [*or independent candidate*];

(b) **A nominating petition or certificate of nomination of any nonaffiliated candidate;** and

(c) Nominating petitions or certificates of nomination for more than one candidate for the same office.

**SECTION 64.** ORS 246.012 is amended to read:

246.012. As used in this chapter:

(1) “Ballot” means any material on which votes may be cast for candidates or measures.

(2) “County clerk” means the county clerk or the county official in charge of elections.

(3) “County governing body” means the county court sitting for the transaction of county business or the board of county commissioners.

(4) “Election” means any election held within this state.

(5) “Elector” means an individual qualified to vote under section 2, Article II, Oregon Constitution.

(6) “Governing body” means the governing body of any subdivision of the state.

(7) “Local elections official” means any person who is:

(a) An official of any election precinct or special district or public corporation organized for public purposes; and

(b) Authorized or required by law to perform functions in connection with elections held in the election precinct or special district or public corporation organized for public purposes.

(8) “Measure” includes any of the following submitted to the people for their approval or rejection at an election:

(a) A proposed law.

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

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

(d) Local, special or municipal legislation.

(e) A proposition or question.

(9) “Precinct” means any election precinct.

[(10) “Voting machine” means:]

[(a) Any device which will record every vote cast on candidates and measures and which will either internally or externally total all votes cast on that device.]

[(b) Any device into which a ballot may be inserted and which is so designed and constructed that the vote for any candidate or measure may be indicated by punching or marking the ballot.]

[(11)] (10) “Vote tally system” means one or more pieces of equipment necessary to examine and tally automatically the marked [*or punched*] ballots.

(11) **“Voting machine” means any device that will record every vote cast on candidates and measures and that will either internally or externally total all votes cast on that device.**

**SECTION 65.** ORS 246.550 is amended to read:

246.550. (1) The Secretary of State shall publicly examine all makes of voting machines or vote tally systems submitted to the secretary and determine whether the machines or systems comply with the requirements of ORS 246.560, and can safely be used by electors.

(2) Any person owning or interested in a voting machine or vote tally system may submit it to the secretary [of State] for examination. For the purpose of assistance in examining the machine or system the secretary [of State] may employ not more than three individuals who are expert in one or more of the fields of data processing, mechanical engineering and public administration. The compensation of these assistants shall be paid by the person submitting the machine or system.

(3) Not later than the 30th day after completing the examination [and approval of any], **the secretary shall approve or reject the voting machine or vote tally system. If the secretary [of State] approves the machine or system, the secretary shall make a report on the machine or system, together with a written or printed description, drawings and photographs clearly identifying the machine or system and its operation. [The Secretary of State] Upon request, the secretary shall send a copy of the report to any governing body within the state.**

(4) Any voting machine or vote tally system [that receives the approval of] **approved by** the secretary [of State] may be used for conducting elections. [Any] **A machine or system [that does not receive such approval shall] rejected by the secretary may** not be used at any election. [After a machine or system has been approved by the Secretary of State, any change in the machine or system that does not impair its accuracy, efficiency or capacity shall not render necessary a reexamination or reapproval of the machine or system] **If a machine or system is changed after the machine or system has been approved by the secretary, the secretary is not required to reexamine or reapprove the machine or system if the secretary determines that the change does not impair the accuracy, efficiency or capacity of the machine or system.**

(5) **If, after consulting with county clerks, the secretary determines that a voting machine or vote tally system approved by the secretary does not comply with the requirements of ORS 246.560, the secretary may revoke the approval. If the secretary revokes approval, the machine or system may not be used in any election.**

**SECTION 66.** ORS 246.560 is amended to read:

246.560. (1) [No] **A voting machine [shall] may not** be approved by the Secretary of State unless [it] **the voting machine** is constructed so that it:

- (a) Secures to the elector secrecy of voting.
- (b) Provides facilities for voting for the candidates of as many political parties or organizations as may make nominations and for or against as many measures as may be submitted.
- (c) Permits the elector to vote for any person and as many persons for an office and upon any measure for which the elector has the right to vote.
- (d) Permits the elector, except at a primary election, to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties.
- (e) Correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure.
- (f) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting machine or vote tally system except for President and Vice President and electors for those offices.
- (g) Provides that straight party pointers shall be disconnected from all candidate pointers.
- (h) **Contains a device that will duplicate the votes cast by each elector onto a paper record copy.**
- (i) **Contains a device that will allow each elector to view the elector's paper record copy while preventing the elector from directly handling the paper record copy.**

(2) A vote tally system shall be:

- (a) Capable of correctly counting votes on ballots on which the proper number of votes have been marked [or punched] for any office or measure that has been voted.
- (b) Capable of ignoring the votes marked [or punched] for any office or measure [where] **if** more than the allowable number of votes have been marked [or punched], but shall correctly count the properly voted portions of the ballot.



(c) Capable of accumulating a count of the specific number of ballots tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each measure of the ballots tallied for a precinct.

(d) Capable of tallying votes from ballots of different political parties, from the same precinct, in a primary election.

(e) Capable of accommodating the procedure established under ORS 254.155.

(f) Capable of automatically producing precinct totals in either printed, marked, or punched form, or combinations thereof.

**SECTION 67.** ORS 254.005 is amended to read:

254.005. As used in this chapter:

(1) "Ballot" means any material on which votes may be cast for candidates or measures. In the case of a recall election, "ballot" includes material posted in a voting compartment or delivered to an elector by mail.

(2) "Ballot label" means the material containing the names of candidates or the measures to be voted on.

(3) "Chief elections officer" means the:

(a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the state at large or in a congressional district, or a measure to be voted on in the state at large.

(b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a county only.

(c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be voted on in a city only.

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

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

(6) "Major political party" means a political party that has qualified as a major political party under ORS 248.006.

(7) "Measure" includes any of the following submitted to the people for their approval or rejection at an election:

(a) A proposed law.

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

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

(d) Local, special or municipal legislation.

(e) A proposition or question.

(8) "Minor political party" means a political party that has qualified as a minor political party under ORS 248.008.

(9) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court, Superintendent of Public Instruction, Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer, county judge who exercises judicial functions, sheriff, district attorney or any office designated nonpartisan by a home rule charter.

(10) "Prospective petition" means the information, except signatures and other identification of petition signers, required to be contained in a completed petition.

(11) "Regular district election" means the election held each year for the purpose of electing members of a district board as defined in ORS 255.005 (2).

[(12) "Voting machine" means:]

[*(a) Any device which will record every vote cast on candidates and measures and which will either internally or externally total all votes cast on that device.*]

[*(b) Any device into which a ballot may be inserted and which is so designed and constructed that the vote for any candidate or measure may be indicated by punching or marking the ballot.*]

[(13)] (12) "Vote tally system" means one or more pieces of equipment necessary to examine and tally automatically the marked [or *punched*] ballots.

(13) "**Voting machine**" means any device that will record every vote cast on candidates and measures and that will either internally or externally total all votes cast on that device.

**SECTION 68.** ORS 254.485 is amended to read:

254.485. (1) Ballots may be tallied by a vote tally system or by a counting board. A counting board may tally ballots at the precinct or in the office of the county clerk. In any event, the ballots shall be tallied and returned by precinct.

(2) If a vote tally system is used, the county clerk shall repeat the public certification test described under ORS 254.235 (1). The test shall be conducted on the date of the election and prior to beginning the tally of ballots. The test may be observed by persons described in ORS 254.235 (2). The county clerk shall certify the results of the test.

(3) If a vote tally system is used or if a counting board has been appointed, the tally of ballots may begin before the polls close.

(4) If ballots are tallied by a counting board, after the tally has begun it shall continue until completed. A counting board shall tally without adjournment and in the presence of the clerks and persons authorized to attend. However, the board may be relieved by another board if the tally is not completed after 12 hours.

(5) A counting board shall audibly announce the tally as it proceeds. The board shall use only pen and ink to tally.

(6) **For ballots cast using a voting machine, the county clerk shall:**

(a) **Enter the ballots cast using the machine into the vote tally system; and**

(b) **In the event of a recount, provide the paper record copy recorded by the machine to the counting board.**

[(6)] (7) [No person] **A person** other than the county clerk, a member of a counting board or any other elections official designated by the county clerk may **not** tally ballots under this chapter.

**SECTION 69.** ORS 258.211 is amended to read:

258.211. (1) The ballot boxes containing the ballots to be recounted shall be opened by the official directed to make the recount only in the presence of the counting board and the persons referred to in this section.

(2) The counting board shall conduct the recount by hand and, if requested, permit:

(a) In the instance of a nomination or office, an affected candidate or an elector authorized in writing by an affected candidate, and an elector authorized in writing by each major or minor political party to be present to watch the recount.

(b) In the instance of a measure, one elector advocating and one elector opposing the measure to be present to watch the recount.

(3) **For ballots cast using a voting machine:**

(a) **The county clerk shall deposit the paper record copy recorded by the machine into the ballot box; and**

(b) **The paper record copies are the ballots to be recounted under this section.**

**SECTION 70.** ORS 246.185 is amended to read:

246.185. (1) The Elections Fund is established separate and distinct from the General Fund of the State Treasury. **Moneys in the Elections Fund may be invested as provided in ORS 293.701 to 293.820.** Interest earned by the Elections Fund **and the earnings of any investments** shall be credited to the fund.

(2) The Elections Fund consists of:

(a) Amounts appropriated or otherwise made available by the Legislative Assembly or this state for carrying out the activities for which payments are made to this state under the federal Help America Vote Act of 2002 (P.L. 107-252);

(b) Payments made to this state under the federal Help America Vote Act of 2002 (P.L. 107-252);

(c) Other amounts as may be appropriated by law; and

(d) Interest earned on deposits in the fund.

(3) Moneys deposited to the credit of the Elections Fund are continuously appropriated to the Secretary of State for the purpose of paying the expenses of carrying out the activities for which payments are made to this state under the federal Help America Vote Act of 2002 (P.L. 107-252).

**SECTION 71.** ORS 255.140 is added to and made a part of ORS 255.135 to 255.205.

**SECTION 72.** ORS 260.076 and 260.159 are added to and made a part of ORS 260.035 to 260.156.

**SECTION 73.** ORS 249.015, 260.174, 260.605, 260.615, 260.625, 260.655 and 260.718 are repealed.

**SECTION 74.** (1) The amendments to ORS 260.005, 260.007, 260.044, 260.058, 260.063, 260.068, 260.073, 260.078, 260.112 and 260.118 by sections 1, 2, 7, 9 to 12, 15, 16 and 21 of this 2005 Act apply to contributions received and expenditures made prior to, on or after the effective date of this 2005 Act and required to be reported on statements filed on or after the effective date of this 2005 Act.

(2) Section 5 of this 2005 Act and the amendments to ORS 260.039 and 260.042 by sections 3 and 6 of this 2005 Act apply to statements of organization filed prior to, on or after the effective date of this 2005 Act.

(3) The amendments to ORS 260.255 by section 18 of this 2005 Act apply to summaries prepared for elections held on or after the effective date of this 2005 Act.

(4) The amendments to ORS 260.083, 260.205 and 260.232 by sections 13, 17 and 25 of this 2005 Act apply to statements filed on or after the effective date of this 2005 Act.

(5) The amendments to ORS 260.085 by section 14 of this 2005 Act apply to contributions received on or after the effective date of this 2005 Act and to statements of contributions received and expenditures made that are filed on or after the effective date of this 2005 Act.

(6) The amendments to ORS 260.402 by section 19 of this 2005 Act apply to contributions made or received on or after the effective date of this 2005 Act.

(7) The amendments to ORS 260.735 by section 20 of this 2005 Act apply to slate mailers produced on or after the effective date of this 2005 Act.

(8) The amendments to ORS 249.865 by section 22 of this 2005 Act apply to recall petitions filed on or after the effective date of this 2005 Act.

(9) The amendments to ORS 246.910 by section 26 of this 2005 Act apply to appeals of orders of the Secretary of State that are served on or after the effective date of this 2005 Act.

(10) The amendments to ORS 249.037 and 249.722 by sections 32 and 33 of this 2005 Act do not affect any nominating petition, declaration of candidacy or certificate of nomination filed prior to the effective date of this 2005 Act.

(11) The amendments to ORS 249.068 by section 34 of this 2005 Act apply to nominating petitions filed on or after the effective date of this 2005 Act.

(12) The amendments to ORS 249.720 by section 35 of this 2005 Act apply to certificates of nomination filed on or after the effective date of this 2005 Act.

(13) The amendments to ORS 250.045 and 250.065 by sections 36 and 37 of this 2005 Act apply to referendum petitions for which a prospective petition is filed on or after the effective date of this 2005 Act.

(14) The amendments to ORS 250.067 by section 38 of this 2005 Act apply to draft ballot titles received by the Secretary of State from the Attorney General on or after the effective date of this 2005 Act.

(15) The amendments to ORS 250.165 by section 39 of this 2005 Act apply to initiative petitions approved for circulation prior to, on or after the effective date of this 2005 Act.

(16) The amendments to ORS 260.995 by section 52 of this 2005 Act apply to civil penalties imposed on or after the effective date of this 2005 Act.

(17) The repeal of ORS 249.015, 260.174, 260.605, 260.615, 260.625, 260.655 and 260.718 by section 73 of this 2005 Act, the amendments to ORS 260.993 by section 51 of this 2005 Act and the amendments to ORS 260.715 by section 58 of this 2005 Act do not:

(a) Apply to an action commenced prior to the effective date of this 2005 Act; or  
(b) Relieve a person of any obligation with respect to a fine, civil penalty or other liability, duty or obligation accruing under ORS 249.015, 260.174, 260.605, 260.615, 260.625, 260.655 or 260.718.

(18) The amendments to ORS 246.012, 246.550, 246.560, 254.005, 254.485 and 258.211 by sections 64 to 69 of this 2005 Act apply to voting machines and vote tally systems approved prior to, on or after the effective date of this 2005 Act.

(19) The amendments to ORS 246.185 by section 70 of this 2005 Act apply to moneys deposited in the Elections Fund prior to, on or after the effective date of this 2005 Act.

Passed by House May 13, 2005

Received by Governor:

Repassed by House August 4, 2005

.....M.,....., 2005

Approved:

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Chief Clerk of House

.....M.,....., 2005

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Speaker of House

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Governor

Passed by Senate July 1, 2005

Filed in Office of Secretary of State:

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President of Senate

.....M.,....., 2005

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Secretary of State