

PUBLIC HEARING

HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT AND URBAN AFFAIRS COMMITTEE

SUBCOMMITTEE ON CAMPAIGN SPENDING

March 19, 1973

HB 2242 and 3077

8:30 am

MEMBERS PRESENT: Representatives Lindquist, Martin, Kafoury, Morris,
Ragsdale, and Rieke

WITNESSES: 000 - 823 Clay Myers, Secretary of State
828 - 1098 Richard Kennedy, State Treasurer's office
1102 - 1396 Pat Randall, AFL-CIO

Clay Myers asked, in view of the number of bills relating to campaign limitations, that they all be put together in one work session so they can be consolidated into a really comprehensive piece of legislation.

HB 2242

Mr. Myers commented on the lack of definition of "contribution" which does not provide for "in kind" contributions. Consequently, in a large district in Eastern Oregon, it is conceivable that the entire \$48,000 limit could be used just for transportation. There is a similar problem with opening headquarters in each of the major cities in a district like Jack Summer's. He pointed out that the bill addresses itself to expenditure but does not impose limitations on the contributions. Consequently, one individual could still contribute the entire amount of the limitation and since one of the main problems is the purchase of an election by a special interest, the bill doesn't really solve the major problem involved.

HB 3077

This bill addresses itself to some of the same general purposes. Mr. Meyers feels that it becomes an incumbent's bill and, in fact, that any bill becomes an incumbent's bill when it doesn't permit the candidate to send at least two first class letters to each registered elector in his district, and in addition permits a few pennies for telephones and for radio, TV and/or newspaper advertising. If a limit of 5¢ is applied in a race in which neither candidate is known it can be done, but in a race in which one candidate is well-known, the other candidate will be unable to overcome it.

Mr. Myers testified in favor of the wording in line 16-18 of page 2, broadening the definition of "immediate family" for the 25% limit. He also felt that lines 15-19 on page 3, about having a single treasurer, is not as important as the absolute limitations on contributions. However, he does support that kind of a concept. He expressed concern with lines 25-30 being deleted, thus gutting the public's right to know and the

unrealistically low limit on lines 21-25 on page 2 as the bill's greatest negatives. He felt that the re-instatement of the district attorney on pages 6 and 7 is a negative factor as there has been demonstrated a lack of uniformity in applying campaign laws when it is left up to 36 different D.A.'s

Neither of the bills address themselves to:

1. Limitations on the attempt by out-of-state interests to purchase elections.
2. "In kind" contributions.
3. No change in broadening the number of days during which a treasurer has to finish a report (which caused problems in 1972).

Representative Morris expressed the opinion that the important problem in campaign law, is not how much is spent but where that money comes from. He asked the Secretary of State if there was any way to publish the source of money in a form with wider distribution than is done under the present law.

Secretary of State Myers stated that this had been the purpose of pre-election reporting. However, the schedule had been too tight for really good general distribution and the filing date should probably be moved up. The problem involved is that the further up you move the filing date, the more money can be spent after the report is in. He suggested a pre-election estimate of what is expected to be spent in the last week or so of the election.

Representative Morris then asked about the possibility of showing on reports if money comes from a single group but is contributed by several different people.

Representative Martin expressed the opinion that perhaps these bills address themselves to problems that, while they may be national problems, don't really exist in Oregon. In response, Secretary of State Myers stated that the bills had been especially taylored for Oregon and then gave some examples of Oregon races in which there had been definite misuse of funds.

Representative Lindquist expressed concern about the money spent in the last several days of the election and this is not reported in the pre-election report. In response, Secretary of State Myers made a pitch for a pre-election estimate about monies that will be spent in the last weeks before the election.

Representative Ragsdale asked about the possibility of having two expenditure limitations, one for the challenger and one for the incumbent

with the limitation for the incumbant being lower than that for the challenger. Secretary of State Myers agreed that this is a good idea, though there is a problem in determining what the value of an office is.

Richard Kennedy testified that the Treasurer's office is in the process of preparing amendments. The major difference is the degree of limitation on expenditure. The Treasurer's office feels that on statewide offices 5¢ is too low and 25¢ too high. There should be some place in between for a good limit.

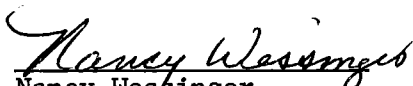
About the criticism on pre-election reporting, he felt that if the bill sticks to a 5¢ limit, reporting is fairly unimportant. However, as the limit increases, reporting becomes more important.

HB 3077

Mr. Randall expressed strong reservation. He feels SB 541 is a better bill from his point of view; the only major difference being the limit. He feels that HB 3077 is definitely an incumbant's bill. They would like to see a limit around 25¢.

Chairman Lindquist adjourned the meeting.

Respectfully submitted,


Nancy Wessinger
Committee Clerk

PUBLIC HEARING

HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT AND URBAN AFFAIRS COMMITTEE

SUBCOMMITTEE ON CAMPAIGN SPENDING

April 2, 1973

HB 3077

8:30 am
Room 411A

MEMBERS PRESENT: Representatives Martin, Morris, Ragsdale, Lindquist,
Kafoury, and Rieke

WITNESSES: 1414 - end of Side 1
Jim Redden, Oregon State Treasurer
Side 2-
0 - 260 John Nielson, Oregon Environmental
Council

Chairman Lindquist called the meeting to order.

HB 3077

Jim Redden explained the bill. He started by explaining the need for a single treasurer. Then he commented on the part relating to campaign spending limitations.

He felt that the limitation should be the same for both primary and general elections with 15¢ on legislative races and 10¢ on statewide races and which would apply merely to media. However, he would broaden the definition of media to include everything but staff and travel.

Representative Morris expressed the opinion that expenditure limitation is not the problem but exposure of contributors is more important.

Mr. Redden said that requiring only one treasurer is related to this problem and that also there is a House Bill that requires a contributor to list his occupation as well as name and amount.

In response to a question from Representative Lindquist he said that the travel exemption is necessary for people with large districts in Eastern Oregon.

He said that he, personally, feels that on page 3, line 25-30 about pre-recording should be left in. He also feels that page 2 line 16 which broadens the definition of "direct family" has strong support. He questions "fellow employee" or "union" (which was suggested earlier).

HB 3077

John Nielson, Oregon Environmental Council, raised a question as to how the League of Environmental Voters will be affected by this bill. Is money from outside sources, i.e. of non-partisan groups, such as an environmental group, which endorses candidates; a part of the candidate

limitations? The problem exists with any campaign expenditure law. How does a candidate prevent someone from spending as much as they wish? Or, on the other side, what if a group starts out to destroy a candidate, spending as much money as it wishes; how does he answer their charges when his expenditures are limited?

The suggestion was made that a limitation should be put on what an individual can give, rather than what a candidate can spend.

Representatives Ragsdale and Martin both felt that the "evil" the bill is supposed to cure (that of buying an election) does not exist in Oregon, that it is a national problem. Also, before the cure can be prescribed that problem has to be defined.

The Committee seemed to feel that the whole problem of campaign spending limitations needs more work as there are real problems in making a fool-proof bill.

Chairman Lindquist adjourned the meeting.

Respectfully submitted,

Nancy Wessinger
Nancy Wessinger
Committee Clerk

JOINT MEETING

Senate Committee on Elections
House Committee on Local Government and Urban Affairs

January 17, 1973

1:30 p.m.

319 State Capitol

Members Present: Senator Keith Burbidge, Chairman
Senator Vern Cook, Vice Chairman
Senator Keith Burns
Senator Wallace Carson
Senator Edward Fadeley
Senator Anthony Meeker
Representative Albert Densmore, Chairman
Representative Glenn Otto, Vice Chairman
Representative Earl Blumenauer
Representative Mary Burrows
Representative Stephen Kafoury
Representative Ed Lindquist
Representative Roger Martin
Representative Brad Morris
Representative Mary Rieke
Representative Pat Whiting

Excused: Senator Robert Smith
Representative Michael Ragsdale

Staff: Bill Vandever
Dave Dockham

Witnesses: Secretary of State Clay Myers

The meeting was called to order by Senator Burbidge.

Representative Densmore announced the appointment of two special committees; one on Voter Registration, Representative Blumenauer, chairman, and the other on Campaign Spending, Representative Lindquist, chairman. The chairmen will appoint members to their respective committees.

Secretary of State Clay Myers presented a number of proposals for changes in the election law. The proposals and discussion follows:

1. Open polls at 7:00 a.m. on election day, instead of the present 8:00 a.m. Retain 8:00 p.m. closure.

The Secretary pointed out this proposal is designed to relieve some crowding of the polls between 7 and 8 p.m. Opening at 7 in the morning would give an opportunity to vote before going to work.

Representative Kafoury discussed the suggestion of having the polls open for 24 hours. Mr. Myers indicated there are problems, such as the need for 2400 people to staff the precincts, serious ramifications for county clerks to change from 13-hour to 24-hour polls, ballot security, security of persons out at 3 in the morning, a minimum of 2 or 3 fulltime workers for staffing, as well as the difficulties with the paper ballots counted by hand.

Representative Kafoury also asked about the eastern polls closing before ours and the Secretary pointed out that Oregon is in the middle, the east closing three hours earlier and Hawaii closing three hours later. No indication of a detrimental affect on Oregon. Representative Kafoury felt if a person lost by 50 votes, it wouldn't take many people voting in a presidential election to change the outcome of state elections.

2. Require persons who contribute \$25 or more to a candidate, or in connection with a ballot measure, to list their occupation, for inclusion in the treasurer's contribution and expenditure report.
3. Require campaign treasurers to estimate amount of contributions and expenditures between filing of pre-election report and date of election. Provide misdemeanor penalty for treasurers whose estimate is exceeded by 15 percent or \$1,000, whichever is greater.

Senator Keith Burns asked why there was no penalty for underestimating the costs of the campaign. He would advise the treasurers to list an estimate of \$1 million. Secretary Myers pointed out that if there is an absolute limit of 25 cents per registered voter on an expenditure statement, you can't submit a statement for \$1 million. There are approximately 20,000 people in each house district and 25 cents per voter is \$5,000. The Secretary of State is also recommending moving the 7 and 10 day filing back and adopting federal date of 15 days before the election and permit candidates for Congress and the United States Senate to submit the federal form if it meets the Oregon requirement and then submit a supplemental form. If you go to the third week in October and have spent \$3,000, you only have \$2,000 left to spend. If you make an estimate that you will raise another \$1,500, you can be off 15 percent or \$225.00, or \$1,000, whichever is greater and \$1,000 would put you over the \$5,000 limit, so that is the most you can estimate. The Secretary did not see any reason to penalize a person that is unable to raise the money. It is the man who says, "I spent very little," and intends to sandbag the electorate and spend all his money within the last two weeks who would be in this proposal.

4. Provide for automatic recount, at public expense, in any election where the margin is one-fifth of one percent or less, or within 25 votes.

The Secretary pointed out that Washington and California currently have automatic recounts. Washington has 1/2 of 1 percent, but with the 1/5 of 1 percent as proposed, there would still not be an election overturned on an automatic basis. A defeated candidate would still be allowed to ask for a recount, at their own expense, regardless of the margin.

5. Establish six specific dates for special service district elections during the year, and limit such elections to those dates.

Representative Blumenauer asked if the changes in school district voting would reduce the number of uniform dates down to two per year. Mr. Myers replied that this applied only to special district elections which now can be held any day of the week, month or year. Don Penfold, Lane County Clerk, said that county had reduced the number from 50 or 60 elections per year to 8 or 9 this year. The Secretary said he was hoping two of the six days would be general and primary election days and, if the property tax relief and school support proposals pass, he would hope school districts would have to conform to the same standard dates.

Representative Rieke asked if the problems of the County Clerk were the major barrier to moving closer to uniform election dates. Secretary Myers felt the major problem is that special service districts are not interested in having large voter turnouts. Don Penfold indicated the biggest problem in Lane County is the multiplicity of boundaries.

6. Require county elections officials to appoint at least one registrar in each precinct. Required number of registrars to be one per 1,000 eligible voters, or major fraction thereof, in each precinct.

The secretary indicated there would be an exclusion to this requirement if there are only 25 registered voters in a district. Oregon has a higher percentage of registered voters and participation in elections than the national average. Representative Burrows wondered about not having any registration of voters, if this would abolish the absentee ballot. The Secretary of State commented that if you had no registration, you would have the problem of making sure a person doesn't vote twice. In Oregon, you can get absentee ballots on election night. In presidential elections, a person may move in the day before the election and vote for the president with a special certificate.

7. Appropriate \$60,000 to permit the Secretary of State to investigate and prosecute election law violations.

In response to Senator Fadeley's question, the Secretary advised that there were no real problems with the Attorney General's office, except there were too many people involved. The Secretary of State's office has the authority to investigate but not the finances. Senator Fadeley asked if there were any instances where the Attorney General or a District Attorney has declined to prosecute when it was recommended. Mr. Myers answered that this had happened in years past and was the reason the Legislature decided to centralize the investigations in one location. However, it is not intended to move into the field of the right of the District Attorney to prosecute a violation of the law. If any citizen files a complaint with his office, it is sent to the Attorney General's office for investigation and they in turn recommend with regard to pursuing prosecution.

8. Appropriate \$10,000 in travel funds to permit the Elections Division staff to work more closely with county elections officials, thereby insuring more uniform application of elections laws and rules.

9. Limit the Voters' Pamphlet to the present state and county candidates, and to candidates for mayor and city council in cities of 50,000 or more population. Candidates for special service district offices would be excluded.

Secretary Myers stated that an amendment a few years ago allowed persons, running for election across county lines, to apply for space in the Voters' Pamphlet. This has increased the size of the Voters' Pamphlet and his office would like to specify those who are permitted to have space and those who are to be excluded.

Senator Keith Burns questioned the restriction of information in the Voters' Pamphlet because of the cost. It is his feeling that information should be expanded rather than restricted. The Secretary agreed, but felt the information that goes to the voters should be accurate. The Voters' Pamphlet has not achieved the purpose of giving voters the most accurate information about candidates and measures. A group who had reviewed the Voters' Pamphlet made only one mention of cost and that was relating to delegates to national conventions, party offices, not public offices.

The Secretary of State appointed a special committee last January, after the cigarette tax election, consisting of two Democrats, two Republicans and the chairman, a lady from the League of Women Voters. This group recommended the proposals in 10 through 13.

10. Provide for appointment of 5-member committee for each ballot measure to write explanatory and pro and con statements in Voters' Pamphlet, and to exclude any other pro or con statement.

Representative Martin asked if this provision would eliminate the explanations written by legislators on measures referred to the people. Secretary Myers indicated the areas to be eliminated would be: the three member committees, one pro and one con, who write an explanatory page; the free page, pro and con, given to the first individual that walks in the door and asks for it; and the paid page. The five-member committee would draft pro and con statements, very objective. They would hold public hearings before their statement goes into the Voters' Pamphlet and a voter can challenge it. The committee would include two persons from both the pro and con sides and the person who initiated the referendum. The legislators would still prepare their explanations for the Voters' Pamphlet on matters referred to the people.

11. Standardize candidate pictures at 2x3 inches in the Voters' Pamphlet, and prohibit use of picture more than 3 years old.

Secretary Myers stated that there is an Attorney General's statement that present law is advisory and not mandatory as it relates to the latter requirement. His office would like this to be mandatory. Jean McCarthy, Chairman of the League of Women Voters Committee, answered that it was mainly to standardize. Also, they have many complaints about the use of a large picture and little information. Secretary Myers added that some voters are very unhappy when their candidate's picture is smaller than the opponent's.

Another recommendation to come from the Secretary of State's office is the proposal advanced by the League of Women Voters and the AFL-CIO two years ago, which would change the wording from "prior governmental experience" to "prior qualifying experience relating to this position." Also, that a candidate list his occupation for the past five years.

12. Limit length of copy for candidates to national party conventions so that four such statements could be placed on one page in the Voters' Pamphlet.

The Secretary of State pointed out that all candidates for delegate to both national conventions in Miami could have been sent for the amount it cost to put them in the Voters' Pamphlet.

13. Permit selective mailing of Voters' Pamphlets on the basis of name, party and residence address.

Secretary Myers estimated that as many as 8 Voters' Pamphlets are going to the same voter household and many cases of 4 or 5. The savings from this proposal could range from 27 to 35 percent in cost of distribution of Voters' Pamphlets if just one could be delivered to a household.

14. If selective mailing adopted, authorize new purge system based on Post Office computers.

We would obtain cards from the people on a delivery man's list, they would be computed, checked against the Voters' Pamphlet and then run the people that failed to vote against those cards and have a new purge system that would not eliminate the permanent voter registration system from Oregon.

15. Limit campaign expenditures to 25 cents per registered voter. Set \$1,000 as limit for contribution to candidate or to a district or local measure, or \$2,000 to a state-wide measure from any person, group or organization. Limit

out-of-state contributions to 10 percent of total expenditures limitation in state or local campaigns and a 25 percent limit in congressional races.

Mr. Myers said the 25 cents applies to any state, local or district election. Representative Densmore asked about the out-of-state contribution limits. The Secretary replied that he believes there is a serious constitutional question. Attorneys from both political parties have raised the question of whether you can limit to one dollar, which the state has tried to do, and whether or not state law can limit any federal office. This state cannot regulate federal offices and the moral persuasion of the candidate and his interest has not yet been challenged. Most people would like to prohibit all out-of-state money, but there is no reason that a brother or sister or fraternity brother from another state should not be able to make a contribution, but it should be very moderate. The Secretary of State expressed the belief that Oregonians don't want their Senate and Congressional seats being put up for national bids with 80 and 90 percent of the contributions coming in from out-of-state.

Secretary of State Myers further stated that the \$5,000 limit on expenditures in a campaign would apply to the primary and to the general elections, separately. Representative Morris observed that if an individual were to raise \$10,000 in the primary election and is successful, he has his \$5,000 for the general; it is only the expenditure that is limited. Mr. Myers further pointed out that the amount for Senator would double to about \$10,000; Portland City Council or Mayor \$50,000, Eugene \$10,000; state-wide race for Senator or Governor, nearly \$300,000 and for Congress approximately \$75,000.

Representative Rieke wondered if a candidate might run his own voter registration program to raise the contribution level. Secretary Myers indicated that would be reasonably accurate, except they try to keep registration separate from partisan activities.

Representative Meeker asked about introducing a bill to create a Fair Campaign Practices Commission. After receiving information from other states, the Secretary of State is of the opinion that a more effective way to control this would be with a voluntary citizens group appointed by the Governor or legislative leaders.

The Secretary of State asked for the introduction of the bills, whether or not they will later be tabled, passed or modified, at the request of the Secretary of State and the Oregon AFL-CIO. On the last request, No. 15, Common Cause has also asked to be a sponsor.

Mr. Myers told the committees that some of the county clerks will be opposing various proposals, like opening the polls earlier and more registrars. Representative Densmore expressed concern for the financial plight of the county clerk's offices around the state and wondered if thought had been given to in-

cluding some monetary incentives for registration or extra dollars that the state could appropriate to finance some of these things. The Secretary of State's office has given this some thought, especially in the area of the Voters' Pamphlet purge, as the new system is gone through, and feels the state should give serious consideration to the county's reimbursement for additional cost.

Representative Morris asked if thought had been given to changing the primary to September. Secretary Myers indicated that consideration was given to a late August or September primary, and the County Clerks could handle two elections that close together, but it would mean eliminating the Voters' Pamphlet for the primary, eliminating the possibility of the candidate refreshing himself between primary and general, and it would not achieve the purpose of trying to reduce campaign time.

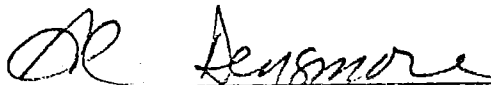
Senator Carson asked if there was any provision for formalizing the Secretary of State's interpretation of the rules. Mr. Myers stated that many of the regulations they use are formalized. His office will be asking for a housekeeping bill to eliminate wording in chapter 253.090 regarding absentee posting to substitute therefore an administrative rule from the Secretary of State directing the county clerks and other elections officials how to do it, but this will not be done until after consultation with the county clerks. There will be a certain amount of housekeeping bills, hopefully not of a substantive nature.

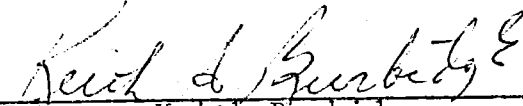
Senator Burbidge asked for a motion to take those bills from the Secretary of State's office, as they come in, with the sponsorship recognition the Secretary of State has suggested, as Committee bills. The motion was made by Senator Fadeley and there being no objection, the Chairman ruled the motion adopted.

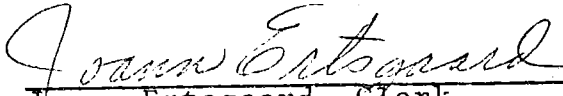
Representative Densmore asked for a motion from the House Committee to introduce those bills designated by the Secretary of State's office to come in on the House side. Representative Rieke moved the adoption of proposal. There being no objection, the Chairman ruled the motion approved.

There being no further business, the meeting adjourned at 2:45 p.m.

Respectfully submitted,


Representative Albert Densmore,
Chairman, House Committee on
Local Government and Urban
Affairs


Senator Keith Burbidge,
Chairman, Senate Committee on
Elections.


Joann Ertsgaard, Clerk

PUBLIC HEARING

HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT AND URBAN AFFAIRS COMMITTEE

April 3, 1973

HB 3077 and 2242

7:30 p.m.
Multnomah County
Courthouse

MEMBERS PRESENT: Representatives Blumenauer, Kafoury, Martin, Morris, Ragsdale, Rieke, Whiting, Otto, and Densmore

EXCUSED: Representatives Burrows and Lindquist

Tape 18, Side 1 - 969 through Side 2 - 0 - 1203

WITNESSES: 1400 - Side 2, 685 Mr. Bill Sharp, OSPIRG and Consumer Research
686 - 1196 Ms. Nancy Stevens, Common Cause

Chairman Densmore called the meeting to order.

Representative Kafoury gave the subcommittee report. He explained some of the problems in developing legislation to solve the problems of campaign spending. He suggested that rather than a limitation on total expenditure, there should be a limit on contributions.

Representative Morris expressed his position that the problem is not total expenditure but the source of contributions.

HB 2242

Representative Blumenauer explained his bill. He cited the City Club report as supporting his position that there is no meaningful way to control contributions and that the only method is limiting expenditures.

HB 3069

Chairman Densmore noted that the Committee had received a memo from the State Treasurer's office with a recommended amendment of changing 10 cents to 5 cents per voter as the expenditure limit.

Bill Sharp, working under the auspicious of OSPIRG and Consumer Research Center, has written an extensive report on campaign expenditures based on the 1972 elections in Lane County. He handed out copies of his research. He, himself, has a bill in which he ties limitations to the Consumer Index.

Representative Martin suggested that to limit expenditures will put the minority candidate at a disadvantage.

Nancy Stevens gave the Common Cause report. She handed out written testimony. She explained that Common Cause basically supports SB 541. She indicated that the two major points of concern were:


1. "In kind" contributions should be included in the total aggregate amount.

2. She testified against deleting pre-election reporting and in favor of a pre-election estimate.
3. She also testified that there is no effective means of controlling contributions.
4. She suggested a re-adjustment for non-salaried positions.
5. She testified in favor of a single treasurer.

She also testified that the experience of other states which already have a campaign spending limitations law is that enforcement is extremely difficult especially when the limitation is very tight.

Chairman Densmore adjourned the meeting.

Respectfully submitted,


Nancy Wessinger
Committee Clerk

PUBLIC HEARING

HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT AND URBAN AFFAIRS COMMITTEE

May 11, 1973

HB 2460 and 3077

1:30 pm
Room 321

MEMBERS PRESENT: Representatives Kafoury, Morris, Ragsdale,
Rieke, Whiting, and Densmore

EXCUSED: Representative Martin

DELAYED: Representatives Blumenauer, Burrows, Lindquist,
and Otto

Tape 36, Side 1 000 - 1546

WITNESSES: 46 - 517 Representative S. Johnson
Jane Gearhart
524 - 1528 John Bell
Jack Thompson

Chairman Densmore call the meeting to order.

HB 2460

Representative Johnson explained the bill's origin and then Jane Gearhart went through the bill, piece by piece. The Committee had some questions and so action on the bill was deferred.

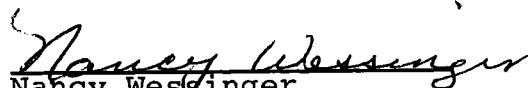
HB 3077

John Bell made some opening comments on the testimony.

Jack Thompson then went through the bill and suggested amendments. (He handed out printed copies of his amendments) He had some definite criticism of the amendments. He felt that most of the amendments were primarily dealing with style, language and basically insubstantial. There are some substantial problems, however, he feels with the amendments. He presented these objections.

Chairman Densmore adjourned the meeting.

Respectfully submitted,


Nancy Wessinger
Committee Clerk

Representative Akeson spoke in favor of landlord-tenant legislation in general but did not speak to any bill specifically.

Mr. Whitaker and Mr. Foster testified that they felt that the bills, especially SB 159, are too vague and lack definition of terms. They went through SB 159 section by section and presented their objections.

Mr. Clark testified in favor of SB 159 and handed out copies of his testimony. He gave some history of the problem involved and agreed with Senator Burns that if the legislation is to be of value, SB 159 cannot be weakened any further. He spoke specifically to Section 20.

Ms. Gary spoke to HB 2524 in relation to SB 159. She feels that from a tenant viewpoint that HB 2524 is a better bill. She stressed that she felt a "repair and deduct" clause is very important to any tenant-landlord legislation.

Dan Wolfe testified in favor of SB 159 but he feels that he would be unable to support the bill if it should be weakened further. He feels that it doesn't adequately protect the tenant. He handed out copies of his testimony.

Ms. Merrill testified in favor of SB 159. She left a list of complaints their division has received since January. She stated that under present law, such complaints are very hard to deal with.

Mr. Wang testified particularly to HB 2542 as the stronger tenant-oriented bill. He also spoke to keeping a "repair and deduct" clause.

Charlie Williamson handed out material and testified in favor of SB 159. He went through the bill pointing out areas of importance.

Mr. Abel gave some testimony on the problems of being a landlord. He does not feel that the legislation presently before the Committee will solve any problems.

Mrs. Schue testified in favor of SB 159.

HB 3077

Representative Ragsdale presented the subcommittee report and the amendments that had been worked out between the Attorney General's office and the Secretary of State's office.

Representative Ragsdale moved that the amendments dated May 14th be adopted.

So ordered by unanimous consent.

The question was raised as to who (the Secretary of State or the Attorney General) should make the final decision on prosecution of election violations. Lee Johnson and John Bell presented their conflicting views.

Representative Blumenauer moved that HB 3077 with the corrected amendments be sent to the Floor with a "do pass" recommendation.

AYES: Blumenauer, Burrows, Kafoury, Martin, Ragsdale, Rieke, Otto, Densmore.

NAYES: Lindquist, Morris, Whiting

The motion carried.

Representative Densmore will carry the bill to the Floor.

HJR 35 and HB 2624

Representative Kafoury moved that HJR 35 and HB 2624 be taken off the table.

AYES: Blumenauer, Kafoury, Lindquist, Morris, Whiting, Otto, Densmore

NAYES: Burrows, Martin, Ragsdale, Rieke

The motion passed.

Representative Kafoury moved that HJR 35 be sent to the Floor with a "do pass" recommendation.

AYES: Kafoury, Lindquist, Morris, Rieke, Whiting, Otto, Densmore

NAYES: Burrows, Martin, Ragsdale

The motion passed.

Representative Kafoury moved that HB 2624 be sent to the Floor with a "do pass" recommendation.

JOINT MEETING
HOUSE COMMITTEE ON
LOCAL GOVERNMENT AND URBAN AFFAIRS
and
SENATE ELECTIONS

June 22, 1973

HB 3077 SB 541

Room 319
8:00 am

MEMBERS PRESENT: Representatives Burrows, Blumenauer, Kafoury, Martin, Morris, Ragsdale, Rieke, Whiting, Vice-Chairman Otto, and Chairman Densmore

EXCUSED: Representative Lindquist

SENATE MEMBERS: Senators Hallock, Carson, Jernstedt, and Burbidge
Tape 45, Side 2 to end of tape to Tape 46

| | | |
|-----------------|--------|------------------------------------------------|
| WITNESSES: | 1685 - | |
| Tape 46, Side 2 | | 924 Attorney General Lee Johnson |
| Tape 46, Side 1 | 589 - | 610 Nancy Stevens, Common Cause |
| | 654 - | 665 Jim Redden, State Treasurer |
| | 1613 - | |
| Side 2 | | 924 Jim Redden |
| | 1613 - | |
| Side 2 | | 924 Jack Thompson, Secretary of State's Office |

Chairman Burbidge called the meeting to order.

HB 3077 2242 SB 541

Lee Johnson testified that he prefers the approach in SB 541. The real problem seemed to be in-kind contributions. He suggested that the Secretary of State set some arbitrary values for in-kind contributions.

Representative Blumenauer explained that in HB 2242 he had included items only with strictly defined values due to the impossibility of evaluating some services.

Lee Johnson suggested that people not spend the full limit.

Senator Hallock explained that he felt that an in-kind contribution thing must be dealt with as the "new politics" depends heavily on in-kind contributions.

The question boiled down to whether to deal with in-kind contributions on a specific basis or under general terms. Defining specific items to be covered (as in HB 2242) leaves the bill open. Defining them generally brings up the problem of evaluating objects.

The Committee agreed to use SB 541 as the vehicle.

Representative Blumenauer moved that SB 541 be used as the vehicle on campaign spending limitations.

The motion passed unanimously.

SB 541 has to be made to concur with HB 3077.

Representative Densmore suggested that the substantive differences should be defined:

- 1) amount of limitation
- 2) political treasurer

Other areas were suggested. Representative Ragsdale suggested leaving Sections 2, 3, & 4.

Senator Carson suggested that the House might consider deleting the Preamble.

Representative Blumenauer moved to delete all of the bill but Section 2, 3, 4, and 10 and gut the rest of the bill in favor of HB 3077.

Senator Hallock suggested that the minority report had put a lid on contributions and that the Committee should consider that possibility.

Lee Johnson explained that he thought the reporting was the important part of election reform as lids are ineffective.

There was some question as to the necessity of Section 10 as that section must be made to conform with HB 3077.

The motion passed unanimously.

Senator Carson pointed out that in the minority report Section 3(b) allows a local area to opt out. He feels that they should make it read "or lesser."

Nancy Stevens stated that Common Cause was concerned because as the bill stands, city-wide officials in Portland are allowed huge expenditures. They feel that there is a large loophole here.

Jim Redden felt that the local option provided more problems than they solved.

Representative Blumenauer moved on page 3 to delete after the comma line 13, 14, and 15.

AYES: Representative Blumenauer, Burrows, Kafoury, Morris,
Ragsdale, Rieke, Whiting, Otto, and Densmore

NAYES: Representative Martin

The motion carried.

Representative Kafoury suggested .15 for both Legislative
and State-wide issues.

Representative Kafoury moved on page 3, line 16 to delete ".25"
to and insert ".15".

Representative Ragsdale moved to amend Representative Kafoury's
amendment to delete on line 11 "15" and insert ".25" and change
back to "25" on line 16.

Representative Ragsdale amended his motion to delete lines 16-18
and to delete on line 11 "except legislative offices".

The purpose is to have only two categories, "state-wide" and
"all other offices."

AYES: Representative Burrows, Kafoury, Martin, Ragsdale, Rieke,
Otto, and Densmore

NAYES: Representatives Blumenauer and Morris

The motion passed.

Representative Densmore moved that the amount be ".20".

Representative Blumenauer spoke against the motion as he feels
that this would make the bill an incumbant's bill.

The vote was taken on Representative Densmore's motion to place
the limit at ".20".

AYES: Representatives Kafoury and Densmore

NAYES: Representatives Blumenauer, Burrows, Martin, Morris,
Ragsdale, Rieke, and Otto

The vote was then taken on Representative Kafoury's motion to
place the limit at ".15".

AYES: Representative Kafoury and Densmore

NAYES: Representatives Blumenauer, Burrows, Martin, Morris,
Ragsdale, Rieke, and Otto

The motion failed.

Chairman Densmore served notice on a possible minority report.

Representative Martin moved to restore the language in Section 3(2) to make the limits to the largest districts.

Senator Carson explained that he felt this language is important as it will act as an equalizer and inflationary adjustment.

The vote was taken on Representative Martin's motion.

AYES: Representatives Burrows, Martin, Morris, Ragsdale,
Rieke, and Otto

NAYES: Representatives Blumenauer, Kafoury, and Densmore

The motion carried.

Representative Ragsdale moved to strike "in-kind" in lines 4 and 5 and delete Section 4.

Representative Blumenauer moved that amended SB 541 be sent to the Floor with a "do pass" recommendation.

Representative Rieke moved to replace "largest" in line 18 to "smallest."

Senator Jernstedt asked about "closest to average."

Representative Rieke withdrew her motion and moved that language be drafted to speak to the average-size district as the basis for computing a State Legislative lid.

AYES: Representatives Blumenauer, Kafoury, Lindquist, Martin,
Morris, Ragsdale, Rieke, Whiting, and Densmore

NAYES: Representative Burrows

The Committee voted on "do pass":

AYES: Representatives Blumenauer, Burrows, Kafoury, Lindquist,
Martin, Morris, Ragsdale, Rieke, and Whiting

NAYES: Representative Densmore

The motion carried.

Representative Blumenauer will carry the bill to the Floor.

HB 3077

The Senate Committee began to work on HB 3077 and some of the Committee stayed to see what amendments would be made by the Senate Elections Committee.

Lee Johnson and Jack Thompson testified together, answering questions by the Committee.

Several changes had been made in a previous meeting:

- 1) The estimate was taken out of the bill.
- 2) The place of residence as an official campaign address was amended.
- 3) The lawn-sign disclaimer which had been exempted in the original bill was amended.

There was a long discussion on in-kind contribution. Filing fees and travel for candidate and spouse were excluded from the limitations.

The Committee decided that broad language should be drafted giving guidelines and giving the Secretary of State regulatory powers.

Chairman Burbidge adjourned the meeting.

Respectfully submitted,


Nancy Wessinger
Nancy Wessinger
Committee Clerk



State of Oregon

RICHARD L. KENNEDY
Chief Deputy

Treasury Department
Salem 97310

JAMES A. REDDEN
State Treasurer

Statement to the House Committee on Local Government and Urban Affairs
April 3, 1973

Re: HB 3077

I am sorry that I cannot be at the Committee meeting in Portland tonight.

I requested that this Committee introduce HB 3077 in order to attempt to put some reasonable limitations on spiralling campaign expenditures and the obligation to heavy contributors that may well result.

As introduced, this bill calls for an expenditure limitation of five cents per registered voter statewide and ten cents per registered voter for offices that are not voted on statewide.

I think that this approach is correct as a way of limiting spending, but that the amounts set forth in HB 3077 are unrealistic. I think the Committee should limit statewide candidates to ten cents per registered voter and non-statewide candidates to fifteen cents per registered voter.

James A. Redden

A.G.'s Housekeeping Amendments

HB3077
5/5/93

2

OREGON STATE ARCHIVES
DocKha
H. LOC. GOVT. & UR. AFF. COM.
OREGON STATE ARCHIVES

HOUSE BILL 3077

PROPOSED AMENDMENTS

On page 2 of the printed bill, line 2, after the semi-colon, delete the rest of the line and insert "creating new provisions; amending ORS 260.005, 260.035, 260.045, 260.055, 260.062, 260.072, 260.082, 260.102, 260.112, 260.122, 260.162, 260.215, 260.225, 260.235, 260.245, 260.255, 260.345, 260.402, 260.412, 260.422, 260.432, 260.442, 260.452, 260.462, 260.472, 260.482, 260.492, 260.512, 260.522, 260.532, 260.542, 260.552, 260.610, 260.630, 260.640, 260.650, 260.660, 260.670, and 260.710, and section 3 of Engrossed House Bill 2242; repealing ORS 260.142, 260.152, 260.305, 260.502 and 260.990; providing penalties; and prescribing an effective date."

On page 2, delete line 3.

On page 2, delete lines 5 through 34, and all of pages 3 through 7 and insert:

"Section 1. ORS 260.005 is amended to read:

"260.005. As used in ORS 260.005 to [260.255 and subsection (1) of ORS 260.990] 260.710 and section 49 of this Act, unless the context requires otherwise:

"(1) 'Candidate' means an individual seeking nomination or election to public office whose name is printed on an official ballot for public office or whose name is expected to be or has been presented, with his consent, for nomination or election to public office.

"(2) ['Contribute,' 'contribution,' 'expend' and 'expenditure' means any advance, conveyance, deposit, distri-

bution, gift, loan, payment, pledge or subscription of money or any other thing of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a contribution or expenditure, in support of or in opposition to any candidate, political committee or measure; but not to include:]

"[(a) Services by speakers, writers, publishers or others, for which no compensation is asked or given.]

"[(b) Travel expenses incurred by a candidate.]

"[(c) Fees paid by a candidate for space in the voters' pamphlet for his material or the material of his political party contained therein.] 'Contribute' or 'contribution' includes the payment, unrepaid 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, to or on behalf of a candidate or political committee in support of or opposition to a candidate, political committee or measure; and any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforceable, to make a contribution. In case of any contribution made for compensation or consideration of less than equivalent value, measured if possible by fair market value, only the excess value thereof shall be deemed a contribution.

"(3) 'Expend' or 'expenditure' includes the payment or furnishing of money or any thing 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, supplied, equipment or other thing of value performed or furnished in support of or opposition to a candidate, political committee or measure, but does not include travel expenses or filing fees or fees for space in the voter's pamphlet incurred and paid by a candidate, and does not include contributions.

"[(3)] (4) 'Filing officer' means the:

"(a) Secretary of State, in the case of a candidate for any state office or any office to be voted for in the state at large, in a congressional district or in a district, port or municipal corporation other than a city, consisting of [more than one county or situated in] two or more entire counties or two or more entire counties and portions of one or more additional counties; and in the case of a measure to be voted for in the state at large or in a district, port or municipal corporation, other than a city, consisting of [more than one county or situated in] two or more entire counties or two or more entire counties and portions of one or more additional counties.

"(b) County clerk, in the case of a candidate for any county office or any district, port, municipal corporation other than a city, or precinct office within the county, and in the case of a measure to be voted for in one county or in a district, port or municipal corporation, other than a city, situated wholly within one county.

"(c) City clerk, auditor or recorder, in the case of a candidate for any city or ward office, and in the case of a measure to be voted for in a city only.

"(d) County clerk of the county in which the greatest part of the population of the district, port or municipal corporation resides, in the case of a candidate for any district, port, or municipal corporation, other than a city, office, and in the case of a measure to be voted for in such district, port or municipal corporation, other than a city, when such district, port or municipal corporation, other than a city, is situated in more than one county, but does not include more than one complete county.

"[(4)] (5) 'Measure' means any proposed law, Act or part of an Act of the Legislative Assembly, revision of or amendment to the Oregon Constitution, local, special or municipal legislation or proposition or ballot question submitted to the people for their approval or rejection at an election.

"[(5)] (6) 'Person' means an individual or a corporation, association, firm, partnership, joint stock company, club, organization or other combination of individuals having collective capacity.

"[(6)] (7) 'Political committee' means a combination of two or more individuals, or a person other than an individual, the primary or incidental purpose of which is to support or oppose any [candidate,] measure or political party or principle, or to raise money for and contribute it to any candidate.

"[(7)] (8) 'Political treasurer' means an individual

appointed by a candidate or political committee as provided in ORS 260.035 or, if a [candidate or] political committee fails to comply with ORS 260.035, the [candidate or] chairman of the political committee.

"[(8)] (9) 'Public office' means any national, state, county, school or other district, precinct, city, ward or political party office or position that is filled by the voters.

"Section 2. ORS 260.035 is amended to read:

"260.035. (1) Each [candidate and] political committee shall appoint a political treasurer and certify the name and address of the political treasurer to the filing officer. A political treasurer so appointed shall be a registered elector of this state. An individual may be appointed and serve as political treasurer of a candidate and a political committee or two or more candidates and political committees. [A candidate may appoint himself his own political treasurer.]

"(2) A candidate or political committee may remove his or its political treasurer. In case of the death, resignation or removal of his or its political treasurer before compliance with all obligations of a political treasurer under ORS 260.005 to 260.255 and subsection (1) of ORS 260.990, a candidate may or political committee shall appoint a successor and certify the name and address of the successor in the manner provided in the case of an original appointment.

"(3) No contribution shall be received or expenditure made by or on behalf of a [candidate or] political committee:

"(a) Until the [candidate or] political committee appoints a political treasurer and certifies the name and address of the political treasurer to the filing officer.

"(b) Unless the contribution is received or expenditure made by or through the political treasurer of the [candidate or] political committee.

"[(4) Violation by any person of subsection (3) of this section is a misdemeanor.]

"Section 3. Section 4 of this Act is added to and made a part of ORS 260.025 to 260.162.

"Section 4. A candidate may serve as his own political treasurer, or may appoint and certify the name and address of a political treasurer to the filing officer. If a candidate appoints a political treasurer, his political treasurer shall perform all the duties prescribed for the candidate under ORS 260.025 to 260.152, but the candidate shall also be personally responsible for the performance of such duties and any default or violation by the political treasurer shall also conclusively be deemed to be a default or violation by the candidate.

"Section 5. ORS 260.045 is amended to read:

"260.045. [(1)] A candidate or political treasurer shall not accept a contribution of more than \$50 from a political committee not in this state unless:

"[(a)] (1) The contribution is accompanied by a written statement setting forth the name and address of each person who contributed more than \$25 of the contribution and certified

as true and correct by an officer of the contributing political committee; or

"[(b)] (2) The candidate or political treasurer files with the filing officer, at the same time he files a statement setting forth the contribution, [an affidavit to the effect that the contributing political committee made contributions to political treasurers in this state in a total amount of not more than two-thirds of the sum of all contributions made by it in this state and not in this state] his affidavit that to the best of his knowledge and belief the contributing political committee will make no contributions to candidates and political treasurers in this state exceeding two-thirds, in total amount, of all contributions made by it in this state and elsewhere during the period described in ORS 260.072 for which the statement is filed.

"[(2) Violation by a political treasurer of subsection (1) of this section is a misdemeanor.]

"Section 6. ORS 260.055 is amended to read:

"260.055. (1) [The] Each candidate and the political treasurer of each [candidate and] political committee shall keep detailed accounts, current within not more than seven days after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be set forth in a statement filed under ORS 260.072, 260.092 or 260.132.

"(2) Accounts kept by a candidate or the political trea-

→ surer of a [candidate or] political committee may be inspected, before the election to which the accounts refer and under reasonable circumstances, by [the political treasurer of] any opposing candidate or the political treasurer of any political committee for the same electoral [district] contest. The right of inspection may be enforced by writ of mandamus issued by any court of competent jurisdiction. The political treasurers of political committees supporting a candidate may be joined with the [political treasurer of the] candidate as defendants in a mandamus proceeding.

"(3) Accounts kept by a candidate or political treasurer shall be preserved [by the political treasurer] for at least six months after the date of the election to which the accounts refer or at least six months after the date the last supplemental statement is filed under ORS 260.092, whichever is later.

"[(4) Violation of subsection (1) or (3) of this section is a misdemeanor.]

"Section 7. ORS 260.062 is amended to read:

"260.062. [(1)] A person required to file a statement under ORS 260.072 to [260.152] 260.162 shall file a statement that substantially conforms to law and to the truth.

"[(2) Violation of subsection (1) of this section is a misdemeanor.]

"Section 8. ORS 260.072 is amended to read:

"260.072. (1) Except as otherwise provided in ORS 260.112 and 260.132, [the political treasurer of] each candi-

date and the political treasurer of each political committee shall file with the filing officer:

"(a) Not more than 10 days and not less than seven days before the date of an election, a statement of all contributions received and all expenditures made by or on behalf of the candidate or political committee during the period beginning as provided in subsection (2) of this section and ending on the 10th day before the date of the election, and a statement of estimated expenditures which will be made during the succeeding period ending on the day of the election. No expenditures shall be made during that period which exceed the amount of the estimate by more than ~~15~~²⁵ percent, *on which exceed the amount of the estimate on political committee*

"(b) Not more than 30 days after the date of an election, a statement of all contributions received and all expenditures made by or on behalf of the candidate or political committee during the period beginning as provided in subsection (2) of this section and ending on the date of the election.

"(2) The period referred to in subsection (1) of this section begins:

"(a) For a regular biennial general election, on the [15th] day after the date of the preceding primary election.

"(b) For any other election, on the 250th day before the date of the election.

"(3) Each statement required by this section shall be signed and certified as true and correct by the candidate or political treasurer required to file it.

"Section 9. Sections 10 and 11 of this Act are added to

and made a part of ORS 260.072 to 260.162.

"Section 10. (1) Notwithstanding section 3 of Engrossed House Bill 2242, a person or political committee may make expenditures in support of a candidate, if the consent of the candidate is previously obtained, or in opposition to a candidate, if the consent of one or more other candidates for the same office is previously obtained. Such expenditures shall be deemed to be and shall be reported as contributions to and expenditures by the candidate who has consented to them.

"(2) Expenses incurred by a political committee on behalf of more than one candidate at the same time shall be prorated between such candidates on a reasonable basis.

"(3) Expenses incurred by a state or county political central committee, not attributable to any particular candidate or candidates, including expenses incurred in solicitation of funds intended to be contributed to candidates to be designated later, shall not be deemed expenditures in support of a candidate for purposes of section 3 of Engrossed House Bill 2242.

"Section 11. Any individual who during a period described in subsection (2) of ORS 260.072 makes expenditures in a total amount of more than \$25 in support of or in opposition to any measure shall for purposes of ORS 260.072 be deemed to be a political committee, and shall as his own political treasurer file the statements required by ORS 260.072.

"Section 12. Section 3 of Engrossed House Bill 2242 is amended to read:

"Sec. 3 [(1)] No person shall make expenditures in support of or in opposition to a candidate except the [political treasurer of ~~the~~] candidate, or an opposing candidate.

"[(2) Violation of subsection (1) of this section is a misdemeanor.]

"Section 13. ORS 260.082 is amended to read:

"260.082. When [the political treasurer of] a candidate for any state office not to be voted for in the state at large files a statement required by paragraph (a) of subsection (1) of ORS 260.072 with the Secretary of State, the Secretary of State immediately shall send a copy of the statement to the county clerk of the county in which the candidate resides. The county clerk shall preserve the copy of the statement for at least 60 days after the date of the election to which the statement refers, and thereafter may destroy the copy.

"Section 14. 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 political treasurer, and who is not the candidate or political treasurer and does not receive or expend the money or other thing of value through the candidate or political 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 and address of each individual who contributed an aggregate amount of more than [\$5] \$25.

The statement may list as a single item the total amount of contributions in amounts of [\$5] \$25 or less each, but shall specify in that case how those contributions were obtained. The statement shall be signed and certified as true and correct by the person required to file it or by his authorized representative.

"Section 15. ORS 260.112 is amended to read:

"260.112. (1) If the public office to which a candidate seeks nomination or election is one for which there is no salary or compensation and if all expenditures made by [or on behalf of] the candidate during a period described in ORS 260.072 are in a total amount of not more than \$250, no statement of contributions received and expenditures made by [or on behalf of] the candidate during that period is required.

"(2) In any other case in which all expenditures made and expenses incurred by the candidate during a period described in ORS 260.072, are in a total amount of not more than \$1,000, no statement of contributions received and expenditures made by or on behalf of the candidate during that period is required to be made except as provided in subsections (3) or (4) of this section. An exemption under this subsection shall apply separately to a primary election and to a succeeding general election.

"(3) If, after the last day for filing of candidacies and no later than 17 days before the election, a candidate notifies the filing officer that he will require the filing of statements under ORS 260.072 to 260.162 by each candidate for the

particular office, the filing officer shall forthwith notify each such candidate and notwithstanding subsection (2) of this section all such candidates shall thereupon file the statements required by ORS 260.072 to 260.162, unless exempt under subsection (1) of this section. It shall be the duty of each candidate and political treasurer to determine for himself whether or not he is exempt under subsection (2) of this section from filing a statement, or required under this subsection to file a statement.

"Section 16. ORS 260.122 is amended to read:

"260.122. Except as otherwise provided in ORS 260.112, if no contribution is received or expenditure made by or on behalf of a candidate or political committee during a period described in ORS 260.072, the candidate or political treasurer of the [candidate or] political committee shall file with the filing officer, at the time required by ORS 260.072 for the period, a statement to the effect. Each statement shall be signed and certified as true and correct by the [political treasurer] person required to file it.

"Section 17. ORS 260.162, as amended by Engrossed House Bill 2242, is amended to read:

"260.162. (1) A statement filed under ORS 260.072, 260.092 [,] or 260.132 [, 260.142 or 260.152] shall set forth:

"(a) Under contributions, a list of all contributions received. The statement shall list the name and address of each person who contributed an aggregate amount of more than \$25, and the amount contributed by that person. The statement

may list as a single item the total amount of contributions in amounts of \$25 or less each, but shall specify in that case how those contributions were obtained.

"(b) Under expenditures, a list of all expenditures made, showing the amount and purpose thereof. Each expenditure in an amount of more than \$25 shall be vouched for by a receipt or canceled check or an accurate copy thereof. A statement filed under paragraph (a) of subsection (1) of ORS 260.072 may list as a single item the total amount of expenditures without showing the amount and purpose of or vouching for each expenditure. Any thing of value paid for or contributed by any person shall be listed both as an expenditure and a contribution.

"(c) The statement shall also separately list all contributions made by the candidate or political committee to any other candidate or political committee.

"(2) If the political treasurer of a candidate or a political committee or its political treasurer employes or uses the services of an agent to make expenditures on his or its behalf, a statement filed by the political treasurer shall include a list of all expenditures made by the agent. ¶

"(3) Any statement required to be filed under ORS 260.072, 260.092 or 260.132 shall be deemed to be filed only when it is received in the office of the filing officer, and to be in default unless received no later than the day due, or if the day due falls on a Saturday, Sunday or holiday, on the next succeeding business day.

"Section 18. Section 19 is added to and made a part of ORS 260.200 to 260.255.

"Section 19. (1) Notwithstanding any other penalty which may be imposed by law for failure to file a statement required to be filed under ORS 260.072 to 260.162, the Secretary of State may on his own motion in case of a statement required to be filed with him, or on the request of any other filing officer with whom a statement is required to be filed but was not filed, impose a civil penalty as provided in subsections (2) and (3) of this section for failure to file a statement which complies with applicable provisions of ORS 260.062 to 260.162. *delete underlining*

"(2) A civil penalty may be imposed under this section against a candidate, political treasurer or other person required to file a statement who has not filed such statement complying with applicable provisions of ORS 260.062 to 260.162 *delete underlining* within the time required.

"(3) The penalty imposed shall be five percent of the total contributions or total expenses and expenditures, whichever is greater, required to be reported in the statement, but not less than \$10, for each day (Sundays and holidays included) commencing on the day the penalty is imposed until the day a statement conforming to the law and the truth is filed. The Secretary of State may upon a showing of extenuating circumstances remit a portion of the penalty.

"(4) The order imposing the penalty shall be served upon the person against whom it is imposed by certified mail, return

receipt requested, and shall be accompanied by notice stating that upon request received in the Secretary of State's office within thirty days thereafter the Secretary of State or his designee will schedule a hearing on whether the penalty should have been imposed and to consider any circumstances in mitigation. The hearing shall be held, and the Secretary of State's order may be appealed, in accordance with the procedure specified for contested cases in ORS chapter 183, but the order shall be reversed or modified only if the court finds that the Secretary of State lacked authority to impose the penalty, or that the amount of the penalty imposed was unconscionable in the circumstances.

"(5) The Secretary of State may file the original order assessing the penalty and a subsequent order determining the exact amount due, or certified copies thereof, with the clerk of any circuit court in the state, at any time after expiration of the time in which a hearing may be requested, or if a hearing is requested and held after expiration of the time in which an appeal may be taken, or after final determination of the matter on appeal, whereupon such orders shall be docketed in the judgment docket and may be enforced in the same manner as a judgment.

"Section 20. ORS 260.215 is amended to read:

"260.215. [(1)] Within three months after the date of each primary and each general election [the Secretary of State] each filing officer shall examine each statement filed with him under ORS 260.072 to [260.152] 260.162, and referring to the

election, to determine whether the statement conforms to [law and to the truth]. ^{applicable statutes} The [Secretary of State] filing officer may require any person to answer in writing and upon oath or affirmation any question within the knowledge of that person concerning the source of any contribution. The inquiry shall advise the person concerned of the penalty for failure to answer.

"[(2) Failure to answer a question' under oath or affirmation as required under subsection (1) of this section is a misdemeanor.]

"Section 21. ORS 260.225 is amended to read:

"260.225. Upon the petition of the Secretary of State, Attorney General or any registered elector, or of any other filing officer with whom a report is required to be filed, the circuit court for the county in which a filing officer has his office may compel any candidate, political treasurer or person who fails to file any statement required to be filed with the filing officer under ORS 260.072 to [260.152] 260.162, or who files with the filing officer a statement that does not [conform to law or to the truth] comply with applicable statutes, to file with the filing officer a proper statement [that conforms to the law and to the truth]. The petition shall be filed with the circuit court within 60 days after the date the statement is filed or should have been filed as required by law.

"Section 22. ORS 260.235 is amended to read:

"260.235. (1) The name of a candidate nominated at a primary election or otherwise shall not be printed on the

official ballot for the succeeding election if:

"(a) The [political treasurer of the] candidate fails to file any statement referring to the nomination he is required to file under ORS 260.072, 260.092[,] or 260.122 [260.152]; or

"(b) A statement referring to the nomination filed by the [political treasurer of the] candidate discloses the existence of a political committee [supporting] contributing to the nomination of the candidate, or the filing officer has knowledge of such political committee, and the political treasurer of the political committee fails to file any statement referring to the nomination he is required to file under ORS 260.072 260.092[,] or 260.122 [or 260.152].

"(2) Delay in the filing of a statement referred to in subsection (1) of this section beyond the time required by law does not prevent the acceptance of the statement or prevent the insertion of the name of the candidate on the official ballot if there [is reasonable time therefor] are at least 21 days remaining before the election after the filing of the statement.

"(3) A vacancy on an official ballot under this section may be filled in the manner provided by law, but not by the name of the candidate.

"Section 23. ORS 260.245 is amended to read:

"260.245. No certificate of election shall be granted to any candidate until [his] he and the political treasurer [has] of any political committee which contributed to his election

have filed the statements referring to the election [he is] they are required to file under ORS 260.072, 260.092[,] and 260.122 [and 260.152].

"Section 24. ORS 260.255 is amended to read:

"260.255. (1) Except as provided in ORS 260.082, a filing officer shall preserve each statement filed with him under ORS 260.072 to [260.152] 260.162, or an accurate copy thereof, for at least six years after the date of the election to which the statement refers. [A statement is a public record and shall be available for public inspection, under reasonable circumstances, in the office of the filing officer. A filing officer shall give certified copies of a statement in the same manner as of other public records.]

"(2) A filing officer shall publish a summary of the statements filed with him under paragraph (b) of subsection (1) of ORS 260.072 and ORS 260.092 to [260.152] 260.162 for each election and shall make the summary available to the general public.

"Section 25. ORS 260.345. (1) Any registered elector may file with the Secretary of State, or any [county clerk or any city clerk, auditor or recorder] filing officer a written complaint alleging that a violation of any provision of the election laws has occurred and setting forth his reasons for believing that such violation has occurred and any evidence pertaining thereto that he may have. A complaint alleging a violation involving the Secretary of State [or], a candidate for the office of Secretary of State, or any political com-

mittee or person supporting the Secretary of State or a candidate for the office of Secretary of State may be filed with the Attorney General.

"(2) [If a complaint is filed with him under subsection (1) of this section, a county clerk or city clerk, auditor or recorder immediately shall send such complaint to the Secretary of State or, where the violation involves the Secretary of State or a candidate for the office of Secretary of State, to the Attorney General, together with any other information he may have pertaining to the complaint. If, by reason of information available to him other than a complaint filed with him under subsection (1) of this section, a county clerk or city clerk, auditor or recorder believes that a violation of any provision of the election laws has occurred, he immediately shall send to the Secretary of State or, where the violation involves the Secretary of State or a candidate for the office of Secretary of state, to the Attorney General a notice setting forth his reasons for believing that such violation has occurred and any evidence, or copies thereof, pertaining thereto that he may have.] If the complaint is filed with any person other than the Secretary of State, he shall immediately send such complaint to the Secretary of State, together with any other information he may have pertaining to the complaint. In any case in which the complaint concerns the Secretary of State, any candidate for the office of the Secretary of State, or any political committee or person supporting the candidacy of the Secretary of State or of another person for the office of

Secretary of State, the complaint and additional information shall instead be sent to the Attorney General.

"(3) Upon receipt of a complaint [or notice] under subsection (1) or (2) of this section [, or upon information otherwise available to him,] the Secretary of State or Attorney General immediately shall cause such complaint [, notice or other information] to be examined for the purpose of determining whether a violation of any provision of the election laws has occurred, and shall make any investigation of the facts which he deems necessary. [The Secretary of State may request the assistance of the Attorney General, in making such examination and determination, or, where the violation involves the Attorney General or a candidate for the office of Attorney General, may employ such other legal counsel as he may consider necessary for such purpose.]

"(4) If the Secretary of State [determines] believes after an investigation under subsection (3) of this section that a violation of any provision of the election laws has occurred, he immediately shall [cause such violation to be prosecuted in the name of the state. The Secretary of State shall request the Attorney General to conduct the prosecution, or, where the violation involves the Attorney General or a candidate for the office of Attorney General, he may employ other legal counsel for such purpose. If so requested, the Attorney General immediately shall] report his findings to the Attorney General and request him to take such steps as are necessary and available to prosecute such violation in the name of the state.

If the violation involves the Attorney General, a candidate for that office or a political committee or person supporting or opposing the Attorney General or a candidate for that office, the Secretary of State shall appoint another prosecutor for that purpose.

"(5) Upon receipt of a complaint or [notice] report under subsection (1) [or], (2) or (4) of this section, the Attorney General or other prosecutor immediately shall cause such complaint or [notice] report to be examined for the purpose of determining whether a violation of any provision of the election laws has occurred. If [the Attorney General] he determines that a violation has occurred, he immediately shall take such steps as are necessary and available to prosecute such violation in the name of the state, and for that purpose shall have all the powers and prerogatives in any county of this state as two district attorney

"(6) Any filing officer having reason to believe that any violation of the election laws has occurred, even if no complaint has been filed with or received by him, shall forthwith proceed in the same manner as though he had received a complaint. for such county.

"Section 26. ORS 260.402 is amended to read:

"260.402. [(1)] No person shall make a payment of his own money or of another person's money to any other person, in connection with a nomination or election, in any name other than that of the person who in truth provides such money. No person shall knowingly receive such payment or enter or cause it to be entered in his accounts or records in another name than that of the person by whom it was actually provided.

However, if the money is received from the treasurer of any

political committee, it shall be sufficient to enter it as received from such treasurer.

"[(2) Violation of this section is a misdemeanor.]

"Section 27. ORS 260.412 is amended to read:

"260.412. (1) No person, acting either alone or with or through any other person, shall directly or indirectly subject any person to undue influence with the intent to induce any person to:

"(a) Register or vote;

"(b) Refrain from registering or voting;

"(c) Register or vote in any particular manner;

"(d) Be or refrain from or cease being a candidate;

"(e) Contribute or refrain from contributing to any candidate, political party or political committee;

"(f) Render or refrain from rendering services to any candidate, political party or political committee; or

"(g) Challenge or refrain from challenging a voter.

"(2) As used in subsection (1) of this section, 'undue influence' means force, violence, restraint or the threat thereof, inflicting injury, damage, harm, loss or the threat thereof, fraud or giving or promising to give money, benefits or other thing of value.

"(3) No person shall solicit money, benefits or other thing of value, or the promise thereof, as an inducement prohibited by subsection (1) of this section.

"(4) This section shall not be construed to prohibit:

"(a) The bona fide employment of persons to render

services to candidates, political parties or political committees, if the compensation for such services performed during a period described in subsection (2) of ORS 260.072 is reported as an expense on the statements required to be filed under ORS 260.072 to 260.162.

"(b) The public distribution by candidates, political parties or political committees of sample ballots or other items readily available to the public without charge, even though the distributor incurs costs in the distribution;

"(c) Public or nonpromissory statements by or on behalf of a candidate of his intentions or purposes if elected;

"(d) A promise by a candidate to employ any person as his administrative assistant, secretary or other direct personal aide;

"(e) Free custody and care of minor children of persons during the time those persons are absent from those children for voting purposes; or

"(f) Free transportation to and from the polls for persons voting, but no means of advertising, solicitation or inducement for the purpose of influencing the vote of persons transported shall be employed in connection with that transportation.

"[(5) Violation of this section is a misdemeanor.]

"Section 28. ORS 260.422 is amended to read:

"260.422. [(1)] No person shall accept employment with the understanding or agreement, express or implied, that he will contribute all or any part of the compensation to be received by him by reason of the employment to or on behalf of a candidate or

political committee in support of the nomination or election of the candidate or in support of or in opposition to a measure.

"[(2) Violation of this section is a misdemeanor.]

"Section 29. ORS 260.432, as amended by HB 2223 (Oregon Laws 1973, Ch. , §), is amended to read:

"260.432. (1) No person shall attempt to coerce, command or require a public employe to influence or give money, service or other thing of value to aid or promote any political committee or to aid or promote the nomination or election of any person to public office.

"(2) No public employe shall solicit any money, influence, service or other thing of value or otherwise aid or promote any political committee or the nomination or election of any person to public office [while on the job] during working hours. However, nothing in this section is intended to restrict the right of a public employe to express his personal political views at any time, or to voluntarily engage in political activities after working hours.

delete underlining
"(3) Each public employer shall have posted in a conspicuous place likely to be seen by its employes the following notice in printed or typewritten form:

ATTENTION ALL PUBLIC EMPLOYES:

delete underlining
"The restrictions imposed by the law of the State of Oregon on your political activities are that 'No public employe shall solicit any money, influence, service or other thing of

value or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job [during working hours]. However, nothing in this section is intended to restrict the right of a public employe to express his personal political views at any time, or to voluntarily engage in political activities after working hours.

delete underlining

delete underlining

"It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job [during working hours]."

Delete underlining

"(4) For purposes of subsection (3) of this section 'public employer' means the state and any of its agencies and institutions, and cludes a city, county or other political subdivision.

Be the underlining

"[(5) Violation of subsection (1) or (2) of this section is a Class C. misdemeanor.]"

"Section 30. ORS 260.442 is amended to read:

"260.442. [(1)] No person shall invite, offer or effect the transfer of any convention credential in return for payment of money or other thing of value.

"[(2) Violation of this section is a misdemeanor.]"

"Section 31. ORS 260.452 is amended to read:

"260.452. [(1)] No person shall receive or pay money or other thing of value for becoming or refraining from becoming a candidate for nomination or election to public office, or

by himself or in combination with any other person become a candidate for the purpose of defeating the nomination or election of any other person and not with a bona fide intent to obtain the office.

"[(2) Violation of this section is a misdemeanor.]

"Section 32. ORS 260.462 is amended to read:

"260.462. [(1)] No payment or contribution for any purpose shall be made a condition precedent to the putting of a name on any caucus or convention ballot, nomination paper or petition, or to the performance of any duty imposed by law on a political committee.

"[(2) Violation of this section is a misdemeanor.]

"Section 33. ORS 260.472 is amended to read:

"260.472. (1) As used in this section, 'corporation or company' means:

"(a) Any corporation carrying on the business of a bank, savings bank, cooperative bank, trust, trustee, surety, indemnity, safe deposit, insurance, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, water, cemetery or crematory company.

"(b) Any company engaged in business as a common carrier of freight or passengers by railroad, motor truck, motor bus, airplane or watercraft.

"(c) Any company having the right to take or condemn land or to exercise franchises in public ways granted by the state or any county or city.

"(2) No corporation or company shall pay or contribute in

order to aid, promote or prevent the nomination or election of any person, or in order to aid or promote the interests, success or defeat of any political party or political committee supporting or opposing any person as a candidate. No person shall solicit or receive such payment or contribution from such corporation or company.

"(3) This section does not prohibit any voluntary activity for or against any candidate undertaken by an officer or employe of a corporation or company on his own behalf that it:

"(a) Casual and occasional and occurs during business hours; or

"(b) More than casual and occasional but occurs on the officer's or employe's own time.

"[(4) Violation of this section is a misdemeanor.]

"Section 34. ORS 260.482 is amended to read:

"260.482. (1) No candidate shall, before or during any election campaign, make any bet or wager of anything of pecuniary value, or in any manner become a party to any such bet or wager, on the result of the election in his electoral district or any part thereof, or on any event or contingency relating to any pending election. No candidate shall provide money or other thing of value to be used by any person in betting or wagering upon the results of any pending election.

"(2) No person shall, for the purpose of influencing the result of any election, make any bet or wager of anything of pecuniary value on the result of such election in his electoral district or any part thereof, or of any pending election, or on

any event or contingency relating thereto.

"(3) Violation of subsection (2) of this section shall be a ground of challenge against the violator's right to vote, in addition to any other remedy, civil or criminal, provided by law.

"[(4) Violation of this section is a misdemeanor.]

"Section 35. ORS 260.492 is amended to read:

"260.492. [(1)] No person shall apply for a ballot, at any election, in the name of some other person, whether it be that of a person living, dead or a fictitious person, nor, having voted once, apply at the same election for a ballot in his own name.

"[(2) Violation of this section is a felony.]

"Section 36. ORS 260.512 is amended to read:

"260.512. [(1) No publisher of a newspaper or other periodical shall insert, either in its advertising or reading columns, any paid matter that is designed or tends to aid, injure or defeat any candidate, political party or political committee or any measure submitted to the people, unless it is stated therein that it is a paid advertisement. There shall also appear, in the nature of a signature to the advertisement, the name of the person inserting it, with his residence address.] No person shall pay the owner, editor, manager, publisher or agent of any newspaper or other periodical or of any radio or television station, or purchase or arrange for the purchase of any advertising, to induce him to editorially advocate or oppose any candidate for nomination or election or any measure

submitted to the people. No such owner, editor, manager, publisher or agent shall solicit or receive such payment or purchase of advertising.

"[(2) Violation of this section is a misdemeanor.]

"Section 37. ORS 260.522 is amended to read:

"260.522. (1) [No] Except as otherwise provided in subsection (3) of this section, no person shall print, publish, post, communicate or circulate or cause to be printed, published, posted, communicated or circulated through the mails or otherwise any letter, circular, bill, placard, poster, advertisement or other publication or communication relating to any election or to any candidate or measure at any election, unless it [bears on its face] prominently includes the name and address of the publisher thereof. If the publisher is a political committee, the material shall also prominently include the name of an individual who is chairman or political treasurer of the committee and the address shall be his address. 'Address' for purposes of this subsection means a residence or business address, other than a post office box, where the publisher or named individual may be readily located.

"(2) [Violation of this section is a misdemeanor.]

The publisher or individual chairman or political treasurer of the publisher whose name is included in the published material shall be presumed to have consented to the use of his name shall be conclusively presumed to have knowledge of the contents of the material, printed, published, posted, communicated or circulated and to have directed its preparation and publication.

"(3) No compliance with subsection (1) of this section is required in the case of a placard, poster or sign, affixed or posted in a specific location, and containing no legend other than the name of a candidate, political party, office sought, and the words 'elect,' 'reelect,' 'keep,' 'return' or 'incumbent' or any of them, and no other words, or in the case of a measure identification of the measure by number only and the words 'vote yes' or 'vote no' and no other words.

"Section 38. ORS 260.532 is amended to read:

"260.532. (1) No person shall write, print, publish, post, communicate or circulate, or cause to be written, printed, published, posted, communicated or circulated, any letter, circular, bill, placard, poster or other publication or communication, or cause any advertisement to be placed in a newspaper or any other publication, or singly or with others pay for any such advertisement, knowing such letter, circular, bill, placard, poster, communication, publication or advertisement to contain any false statement of material fact relating to any candidate or political committee, or if he is candidate, to himself, or any false statement of material fact relating to any measure.

"(2) [Violation of this section is a misdemeanor.] A candidate for public office who knows of and consents to a publication or communication prohibited by subsection (1) of this section concerning himself or concerning any other candidate for the same office, knowing that it contains a false statement of material fact, is guilty of a violation of subsection (1) of this section, whether or not he has participated in the publication or commu-

nication.

"(3) It is conclusively presumed that a candidate for public office knows of and has authorized any publication or communication prohibited by subsection (1) of this section, by a political committee which supports the candidacy of the candidate and through which any contributions by or to the candidate are made, or over which the candidate exercise any direction and control. It is rebuttably presumed that a candidate for public office knows of and has authorized any publication or communication prohibited by subsection (1) of this section, by any other person or political committee, concerning the candidate or any other candidate for the same office.

"(4) Any candidate or political committee aggrieved by a violation of subsection (1) of this section may file a civil action against the person or persons alleged to have committed the violation, in the circuit court for any county in this state in which a defendant resides or may be found, or if the defendant is a nonresident of this state in the circuit court for any county in which the publication occurred.

"(5) Subject to subsection (6) of this section, a plaintiff who prevails in such an action shall recover punitive damages and attorney fees, and may also recover general damages if any have been suffered, but proof of general damages is not required for recovery of punitive damages and attorney fees.

"(6) A political committee has standing to file and pursue such an action as plaintiff in its own name, if its purpose as evidenced by its preelection activities, solicitations and pub-

lications has been injured by the violation, and if it has fully complied with all provisions of ORS chapter 260, but does not have standing to be sued as defendant in such an action. If a plaintiff political committee prevails in such an action its recovery of punitive damages shall not exceed the amount of contributions received by it during the period beginning 250 days before (but not earlier than the day of any preceding primary election) and ending on the day of the election relating to which the violation occurred, to the extent those contributions can be identified as having been received for the purpose injured. Such recovery shall be distributed pro rata among the persons making such contributions.

"(7) If a judgment is rendered in an action under this section against a defendant who has been nominated or elected to public office, such defendant shall be deprived of the nomination or election, and the nomination or office shall be declared vacant.

"(8) An action under this section must be filed no later than 60 days after the election relating to which a publication in violation of subsection (1) of this section was made.

"Section 39. ORS 260.542 is amended to read:

"260.542. [(1) The officer with whom is filed any statement of a candidate for use as the candidate's statement on a ballot or in a voters' pamphlet shall reject any statement offered by a candidate for that use if the statement contains words which might tend to mislead any voter into believing that the candidate had previously held a public office unless the candidate

in fact did hold that office.]

"[(2)] No candidate shall use[,] the term 'reelect' in a statement offered for use as his statement on a ballot or in a voters' pamphlet, [words which might tend to cause any voter to believe that the candidate had previously held a public office unless he in fact did hold that office] and no candidate, political committee or other persons shall use the term 'reelect' in any material, statement or publication supporting the election of a candidate for office, unless the candidate was elected to the identical office, with the same position number, if any, in the most recent election to fill that office, from the same district from which he is seeking election or if district boundaries have been changed since the previous election if the majority of the population in the district from which he is seeking election was in the district from which he was previously elected, and unless he is serving and has served continuously in that office from the beginning of the term to which he was elected.

"[(3)] Violation of subsection (2) of this section is a misdemeanor.]

"Section 40. ORS 260.552 is amended to read:

"260.552. [(1)] No person shall knowingly make any false oath or affidavit where an oath or affidavit is required by any position of the election laws.

"[(2)] Violation of this section is a felony.]

"Section 41. ORS 260.610 is amended to read:

"260.610. [(1)] No person shall wilfully or fraudulently

register more than once without canceling his former registration, or register under any but his true name, or attempt to vote by impersonating another who is registered, contrary to any provision of the election laws, or wilfully register in any precinct where he is not a resident at the time of registering.

"[(2) Violation of this section is a felony.]

"Section 42. ORS 260.630 is amended to read:

"260.630. (1) No primary, general or special election officer of any precinct or district where double election boards have been appointed shall wilfully fail, neglect or refuse to prepare and return certificates of result of election in the manner provided by law within 12 hours after the completion of the count, tabulation and declaration of the result.

"(2) No election officer or any other person authorized by law to be present while votes are being counted, shall divulge the result of the count of the ballots at any time prior to the closing of the polls.

"[(3) Violation of this section is a misdemeanor.]

"Section 43. ORS 260.640 is amended to read:

"260.640. (1) No elector shall wilfully leave in the polling place anything other than the official ballot which will show how he has prepared the official ballot.

"(2) No elector shall, except as otherwise provided by law, allow his official ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, mutilate his ballot or place any distinguishing mark upon it whereby it may be identified.

"(3) No person shall make a false statement as to his inability to mark his ballot.

"(4) No person shall interfere, or attempt to interfere, with any voter when inside the polling place, or when marking his ballot.

"(5) No person shall endeavor to induce any voter to mark his ballot in a particular way, or before or after voting to show or explain how he marks or has marked his ballot.

"(6) Nothing contained in this section shall prohibit an elector from taking into the polling place or voting booth a marked sample ballot or other voting guide.

"[(7) Violation of this section is a misdemeanor.]

"Section 44. ORS 260.650 is amended to read:

"260.650. (1) No election officer shall disclose to any person the name of any candidate for whom any elector has voted or give any information by which it can be ascertained for whom any elector has voted.

"(2) No election board member or other officer about the polls shall do any electioneering on election day.

"(3) [No person shall, on election day within any polling place or within 50 feet of any polling place, wear any political badge, button or other insignia or do any electioneering, including but not limited to any electioneering by public address system located more than 50 feet from any polling place but capable of being heard and understood within 50 feet of the polling place by any person with normal hearing.] No person shall, on election day within any polling place, wear any political

badge, button or other insignia, or on election day within any polling place, within any building in which a polling place is located, or within 100 feet measured radially from any entrance to a building in which a polling place is located, do any electioneering, including but not limited to circulating cards or handbills of any kind, soliciting signatures to any kind of petition, electioneering by public address system located more than 100 feet from the entrance to any building in which a polling place is located but capable of being heard and understood within 100 feet of such building entrance by any person, whether or not such electioneering relates to the particular election being conducted, nor shall any person obstruct free ingress to or egress from any polling place or building in which a polling place is located.

"(4) No person shall remove any official ballot from any polling place before the closing of the polls.

"(5) No person shall knowingly apply for or receive any official ballot in any polling place other than that in which he is entitled to vote.

"(6) No person shall show his ballot, after it is marked, to any person in such a way as to reveal the contents thereof or the name of the candidates for whom or the measures for which he has marked his ballot.

"(7) No person, except an election board member, shall receive from any voter the ballot prepared for voting.

"(8) No person shall, contrary to law, ask another at a polling place for whom he intends to vote, or examine his ballot

or solicit the voter to show it.

"(9) No elector shall knowingly receive any official ballot from any other person than one of the election board members.

"(10) No person shall print or circulate or knowingly have in his possession any imitation of the official or sample ballots.

"(11) No person, other than an election board member, shall deliver any official ballot to an elector.

"(12) No elector shall deliver any ballot to an election board member to be voted except the one he received from an election board member.

"(13) No person shall, contrary to law, place any mark upon or do anything to his or any official ballot by which it may be afterwards identified as the one voted by any particular individual.

"[(14) Violation of any subsection of this section is a misdemeanor.]

"Section 45. ORS 260.660 is amended to read:

"260.660. (1) No person shall wilfully or fraudulently alter or destroy any official ballot cast at any election or any of the returns of any election or introduce among the genuine ballots a fraudulent ballot.

"(2) No person shall falsely write the initials of any election board member or any writing upon the ballot or ballot stub purporting to be written by any election board member.

"(3) No person shall steal any of the ballots or returns,

or wilfully or fraudulently hinder or delay the delivery of any of the election returns to the county clerk, or wilfully break open any of such sealed returns of any election.

"[(4) Violation of this section is a felony.]

Section 46. ORS 260.670 is amended to read:

"260.670. [(1)] No person shall, prior to or during an election, wilfully deface, tear down, remove or destroy any notice posted in accordance with any provision of the election laws or, during an election, wilfully deface, tear down, remove or destroy any official paper posted for the instruction of voters, or deface, tear down, remove, alter or destroy any certificate of the result of the election posted under any provision of the election laws, or, during an election, wilfully remove or destroy any of the official or sample ballots, supplies or conveniences furnished to enable a voter to prepare his ballot, or wilfully break the seals or open any of the sealed packages containing any of the supplies for the polling places contrary to any provision of the election laws.

"[(2) Violation of this section is a misdemeanor.]

"Section 47. ORS 260.710 is amended to read:

"260.710. [(1)] No person shall vote, or offer to vote, at any election in this state, knowing he is not entitled to vote thereat, nor vote, or offer to vote, at any polling place or in any precinct at any such election, knowing he is not entitled to vote at such polling place or in such precinct.

"[(2) Violation of this section is a misdemeanor.]

"Section 48. ORS 260.990 is repealed and section 49 of

this Act is enacted in lieu thereof.

"Section 49. (1) Except as provided in subsections (2) and (3) of this section, violation of any provision of ORS chapter 260 is a Class A misdemeanor.

"(2) Violation of ORS 260.492, 260.552, 260.610 or 260.660 is a Class C χ felony.

"(3) The penalty for violation of ORS 260.532 is limited to that provided for in subsections (5) and (7) of ORS 260.532.

"(4) Violation of any provision of law contained in the Oregon Revised Statutes relating to the conduct of any election or to nominations, petitions, filing or any other matter preliminary to or relating to an election, for which no penalty is otherwise provided by law, is a Class A χ misdemeanor.

"Section 50. ORS 260.142, 260.152, 260.305 and 260.502 are repealed.

"Section 51. This Act takes effect on January 1, 1974."

STATEMENT BYGEORGE H. BELL, ASSISTANT SECRETARY OF STATE

BEFORE THE HOUSE COMMITTEE ON LOCAL GOVERNMENT AND URBAN AFFAIRS

May 11, 1973

Mr. Chairman, members of the committee, the Secretary of State's office wants to express its appreciation for this opportunity to comment on HB 3077.

In candor, I must say we were somewhat startled to learn that this bill turned up on your committee agenda last Saturday morning. Our office had no prior knowledge that committee action was planned in this area of the election laws, though we have made every effort to work closely with your committee and provide whatever assistance we can.

Beyond that, we were concerned to read in the newspaper that Oregon's pre-election reporting law is a "joke," and that the entire chapter on campaign practices is "ambiguous, conflicting and has too many loopholes."

That made an interesting headline. But I ask you to compare the validity of those statements, which resulted in that headline, with the statements of the chief of the U.S. General Accounting Office, Gary Greenhalgh, who said in March of this year that "... Oregon has one of the best, if not the best election administration setups in the country."

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That statement came out of a massive study conducted by the U.S. General Accounting Office of some "difficulties" in federal elections last year. Many states, including California, Michigan and Ohio, were cited as needing extensive revisions or improvements in their election laws and administration. No recommendations of any kind were made for Oregon. Indeed, Oregon laws and administration were suggested by the report as a "model" for other states to use in making improvements. And that story elicited a more pleasing--and far more accurate--headline than the one that came out of some testimony this committee heard last Saturday morning.

Now, we are not here today to tell you that Oregon's election laws are perfect. But we are here to say that the Secretary of State's office has been doing its level best to correct whatever deficiencies may be in them.

For example, perhaps the most substantive amendment made to HB 3077 last Saturday morning has to do with an estimate, which may not be exceeded by more than 15 per cent, of how much money a candidate intends to spend in the last 10 days before an election.

We have argued for at least the last two legislative sessions that such an estimate requirement is vital, and we are pleased that your witness last Saturday now joins the Secretary of State's office in supporting our proposal.

We got such a requirement through the House in the 1971 session, but it was deleted at the 11th hour in the Senate Elections

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Committee. We have argued publicly for it many times in the past two years, and are working once more for its adoption. You will find the estimate provision contained in SB 571, which was introduced at the request of the Secretary of State and the Oregon AFL-CIO.

One final comment: by long-established Oregon law, and by tradition, the Secretary of State is Oregon's chief elections officer. And if there is any credibility in the U.S. General Accounting Office, with its national perspective, we haven't been doing all that bad a job.

It is gratifying, however, to find now that some other offices in state government have taken a sudden and unusual interest in election laws. I say "gratifying" because we can use all the help we can get in improving those laws and, secondly, because such an interest in an area of law outside of their normal duties and functions indicates that those offices are in such immaculate operating order, with respect to their own assigned duties and responsibilities, they are now free to dabble in other sections of the statutes. I'm sure such information makes us all feel happy and more secure.

PROPOSED AMENDMENTS TO HOUSE BILL 3077

On page 1, delete "260.502". *§ 5 prefers present address on judgments*

On page 4, (d) appears to be in conflict with HB-2180. One of the definitions should be used uniformly.

On page 4, "In-kind contribution" is partially described. The more detailed workable definition is in SB-541.

On page 4, (7) does not address itself to opposition to candidates and it should. *use the word "candidate"*

On page 4, (8) has very unclear language, needs clean-up to make sense.

On page 5, Section 2 (1) Why can't a candidate appoint himself as his own treasurer. True, this is suggested later on in the bill, but if you wish a simple law, why complicate it.

Subsection (2) Why is it permissive for a candidate to reappoint a treasurer while a committee must reappoint.

On page 6, Section 4. Here is an unreasonable presumption, and presents a situation contrary to present law.

On page 7, Section 6. Mere rewrite, no real or meaningful change.

On page 8, Section 8. Excellent addition. The reintroduction of the budget concept was in SB-20 in 1971, and also is in SB-571 introduced at the request of the Secretary of State this session. However, reporting duties for pre-election filings *(15-11)* should be the same as those required by the Federal Campaign Finance Act. This has been recommended by the Secretary of State in bill form.

On page 10, Section 10. Speaks to single "treasurer concept" yet does not really do so in this or other sections as claimed by the Attorney General.

Subsection (3) pulls the plug on any lid bill that might be passed.

On page 11, Section 13. ORS 260.082 should be repealed as unnecessary and unworkable.

On page 13, Section 17, Subsection (1) (a) should include profession, occupation as recommended by Secretary of State in SB-578.

On page 17, Section 21. Delete "Attorney General".

On page 19, Section 24. Restore deleted language in Subsection 1.

*Not nec.
as in other drafts*

On page 20. Delete "Attorney General" and restore deleted language.

On page 21, following Subsection (3), add a new subsection:

"The Secretary of State may employ legal counsel and other personnel to investigate complaints filed under subsection (3) of this Act. If the Secretary of State finds that a violation of any provision of the Election Laws has occurred, he shall immediately cause such violation to be prosecuted in the name of the state."

On page 29, Section 36. Restore deleted language. New language o.k., but what about FCC.

On page 30, Section 37, subsection (1) Restore old language, Delete new language.

Subsection (2) Unwarranted assumption.

Subsection (3) Delete this section.

On page 31, Section 38. All sections relate to FCC regulations and as such are faulty

On page 40, Section 50. Delete 260.520.

On page 40. Effective date is incorrect for 1974 as reporting period begins 250 days prior to the date of the primary election.

Prepared by
CLAY MYERS
Secretary of State
Elections Division
May 11, 1973

SUPPLEMENTAL PROPOSED AMENDMENTS TO HOUSE BILL 3077

On page 15, Section 19. This is all new language and in the main we agree with the Attorney General that the concept set forth is a good one, that is, a fine be levied for late filings or other minor infractions of the Election Laws. However, the Attorney General ignores the pre-election filing in his proposed amendments by lumping the penalty of failure to make this important filing under Section 19.

We would suggest that on page 40, Section 49, that failure to file the statement required in ORS 260.072 (1) (a) be a misdemeanor, otherwise we end up with a meaningless thing.

| <u>NAME AND OFFICE SOUGHT</u> | <u>REGISTERED VOTERS</u> | <u>TOTAL EXPENDITURES</u> | <u>EXPENDITURE PER VOTE</u> |
|-----------------------------------------------|------------------------------|-------------------------------|---------------------------------|
| McGovern, George; President. (D) | 1,197,676 | \$159,143.84 | 13.2¢ |
| Nixon, Richard M.; President. (R) | 1,197,676 | 159,962.84 | 13.3 |
| Schmitz, John; President. (I) | 1,197,676 | | |
| Hatfield, Mark O.; U. S. Senator. (R) | 1,197,676 | 216,558.39 | 18.7 |
| Morse, Wayne; U. S. Senator. (D) | 1,197,676 | 204,274.63 | 17.0 |
| Wyatt, Wendell; U. S. Cong., 1st Dist. (R) | 319,818 | 53,640.92 | 16.7 |
| Bunch, Ralph (D) | 319,818 | 5,919.76 | 1.9 |
| Ullman, Al; U. S. Cong., 2nd Dist. (D) | 285,204 | 4,436.94 | 1.5 |
| Walsh, Mike; U. S. Cong., 3rd Dist. (R) | 299,083 | 42,678.32 | 16.1 |
| Green, Edith; U. S. Cong., 3rd Dist. (D) | 299,083 | 40,596.75 | 13.6 |
| Dellenback, John; U. S. Cong., 4th Dist. (R) | 293,571 | 34,182.74 | 11.7 |
| Porter, Charles O; U. S. Cong., 4th Dist. (D) | 293,571 | 17,319.88 | 6.6 |
| Hand, Beulah; Sec. of State. (D) | 1,197,676 | 676.76 | no% |
| Myers, Clay; Sec. of State. (R) | 1,197,676 | 18,137.82 | 1.5 |
| Berkman, Craig; State Treasurer. (R) | 1,197,676 | 59,865.70 | 5.0 |
| Redden, James; State Treasurer. (D) | 1,197,676 | 45,048.84 | 3.7 |
| Johnson, Lee; Attorney General. (R) | 1,197,676 | 48,925.05 | 4.1 |
| Smith, R. P. (Joe) Attorney General. (D) | 1,197,676 | 21,907.13 | 2.3 |

STATE SENATE

| | | | |
|--------------------------------------|--------|-----------|------|
| Ouderkirk, Stan; Dist. 2 (R) | 40,434 | 7,818.99 | 19.3 |
| Schaefer, David; Dist. 2 (D) | 40,434 | 472.18 | .1 |
| Atiyeh, Victor; Dist. 4 (R) | 46,646 | 4,297.25 | 9.2 |
| Knapp, Delbert; Dist. 4 (D) | 46,646 | 1,115.38 | 2.4 |
| Burns, Keith; Dist. 6 (D) | 41,110 | 4,944.50 | 12.0 |
| Norville, Oliver; Dist. 6 (R) | 41,110 | 12,416.39 | 30.2 |
| Howard, Norman; Dist. 7 (D) | 41,184 | none | none |
| Remington, Grant K.; Dist. 7 (R) | 41,184 | 2,120.40 | 5.1 |
| Prentice, Leon; Dist. 8 (R) | 37,697 | 408.54 | 1.0 |
| Stevenson, Bill; Dist. 8 (D) | 37,697 | 2,497.20 | 6.6 |
| Luebbert, C. L.; Dist. 10 (R) | 44,176 | 6,073.74 | 13.7 |
| Roberts, Betty; Dist. 10 (D) | 44,176 | 8,723.63 | 19.7 |
| Cook, Vern; Dist. 12 (D) | 40,293 | 10,417.69 | 25.9 |
| Johnson, Bill; Dist. 12 (R) | 40,293 | 4,622.84 | 11.4 |
| Meeker, Anthony (Tony); Dist. 15 (R) | 39,280 | 5,748.79 | 14.6 |
| Newton, Adrian; Dist. 15 (D) | 39,280 | 9,205.82 | 23.4 |

LIMITATIONS PER ELECTION

| NAME AND OFFICE SOUGHT | REGISTERED VOTERS | TOTAL EXPENDITURES | EXPENDITURE PER VOTE | LIMITATIONS PER ELECTION | | |
|-----------------------------------------------|----------------------|-----------------------|-------------------------|--------------------------|------------------|---------------|
| | | | | TWENTY-FIVE CENTS | FIFTEEN CENTS | FIVE CENTS |
| McGovern, George; President. (D) | 1,197,676 | \$159,143.84 | 13.2¢ | 299,419.00 | 179,651.40 | 59,883.80 |
| Nixon, Richard M.; President. (R) | 1,197,676 | 159,962.84 | 13.3 | " | " | " |
| Schmitz, John; President. (I) | 1,197,676 | | | " | " | " |
| Hatfield, Mark O.; U. S. Senator. (R) | 1,197,676 | 216,558.39 | 18.7 | " | " | " |
| Morse, Wayne; U. S. Senator. (D) | 1,197,676 | 204,274.63 | 17.0 | " | " | " |
| Wyatt, Wendell; U. S. Cong., 1st Dist. (R) | 319,818 | 53,640.92 | 16.7 | 79,954.50 | 47,972.70 | 15,990.90 |
| Bunch, Ralph (D) | 319,818 | 5,919.76 | 1.9 | " | " | " |
| Ullman, Al; U. S. Cong., 2nd Dist. (D) | 285,204 | 4,436.94 | 1.5 | 71,301.00 | 42,780.60 | 14,260.20 |
| Walsh, Mike; U. S. Cong., 3rd Dist. (R) | 299,083 | 42,678.32 | 16.1 | 174,770.75 | 44,862.45 | 14,954.15 |
| Green, Edith; U. S. Cong., 3rd Dist. (D) | 299,083 | 40,596.75 | 13.6 | " | " | " |
| Dellenback, John; U. S. Cong., 4th Dist. (R) | 293,571 | 34,182.74 | 11.7 | 73,392.75 | 44,035.65 | 14,678.55 |
| Porter, Charles O; U. S. Cong., 4th Dist. (D) | 293,571 | 17,319.88 | 6.6 | " | " | " |
| Hand, Beulah; Sec. of State. (D) | 1,197,676 | 676.76 | no% | 299,419.00 | 179,651.40 | 59,883.80 |
| Myers, Clay; Sec. of State. (R) | 1,197,676 | 18,137.82 | 1.5 | " | " | " |
| Berkman, Craig; State Treasurer. (R) | 1,197,676 | 59,865.70 | 5.0 | " | " | " |
| Redden, James; State Treasurer. (D) | 1,197,676 | 45,048.84 | 3.7 | " | " | " |
| Johnson, Lee; Attorney General. (R) | 1,197,676 | 48,925.05 | 4.1 | " | " | " |
| Smith, R. P. (Joe) Attorney General. (D) | 1,197,676 | 21,907.13 | 2.3 | " | " | " |
| <u>STATE SENATE</u> | | | | | | |
| Ouderkirk, Stan; Dist. 2 (R) | 40,434 | 7,818.99 | 19.3 | 10,108.50 | 6,065.10 | 2,021.70 |
| Schaefer, David; Dist. 2 (D) | 40,434 | 472.18 | .1 | " | " | " |
| Atiyeh, Victor; Dist. 4 (R) | 46,646 | 4,297.25 | 9.2 | 11,661.50 | 6,996.90 | 2,332.30 |
| Knapp, Delbert; Dist. 4 (D) | 46,646 | 1,115.38 | 2.4 | " | " | " |
| Burns, Keith; Dist. 6 (D) | 41,110 | 4,944.50 | 12.0 | 10,277.50 | 6,166.50 | 2,055.50 |
| Norville, Oliver; Dist. 6 (R) | 41,110 | 12,416.39 | 30.2 | " | " | " |
| Howard, Norman; Dist. 7 (D) | 41,184 | none | none | 10,296.00 | 6,177.60 | 2,059.20 |
| Remington, Grant K.; Dist. 7 (R) | 41,184 | 2,120.40 | 5.1 | " | " | " |
| Prentice, Leon; Dist. 8 (R) | 37,697 | 408.54 | 1.0 | 9,424.25 | 5,654.55 | 1,884.85 |
| Stevenson, Bill; Dist. 8 (D) | 37,697 | 2,497.20 | 6.6 | " | " | " |
| Luebbert, C. L.; Dist. 10 (R) | 44,176 | 6,073.74 | 13.7 | 11,044.00 | 6,626.40 | 2,208.80 |
| Roberts, Betty; Dist. 10 (D) | 44,176 | 8,723.63 | 19.7 | " | " | " |
| Cook, Vern; Dist. 12 (D) | 40,293 | 10,417.69 | 25.9 | 10,073.25 | 6,043.95 | 2,014.65 |
| Johnson, Bill; Dist. 12 (R) | 40,293 | 4,622.84 | 11.4 | " | " | " |
| Meeker, Anthony (Tony); Dist. 15 (R) | 39,280 | 5,748.79 | 14.6 | 9,820.00 | 5,892.00 | 1,964.00 |
| Newton, Adrian; Dist. 15 (D) | 39,280 | 9,205.82 | 23.4 | " | " | " |

| <u>NAME AND OFFICE SOUGHT</u> | <u>REGISTERED VOTERS</u> | <u>TOTAL EXPENDITURES</u> | <u>EXPENDITURE PER VOTER</u> | <u>LIMITATIONS PER ELECTION</u> | | |
|---------------------------------------|------------------------------|-------------------------------|----------------------------------|---------------------------------|--------------------------|-----------------------|
| | | | | <u>TWENTY-FIVE CENTS</u> | <u>FIFTEEN CENTS</u> | <u>FIVE CENTS</u> |
| Boe, Jason; Dist. 23 (D) Unopposed | 35,292 | 195.00 | .6 | 8,823.00 | 5,293.80 | 1,764.60 |
| Dement, Sam; Dist. 24 (R) | 36,258 | 6,130.80 | 16.9 | 9,064.50 | 5,438.70 | 1,812.90 |
| Ripper, Jack; Dist. 24 (D) | 36,258 | 15,323.88 | 42.3 | " | " | " |
| Dusenberry, Douglas; Dist. 25 (I) | 40,326 | 254.03 | .6 | 10,081.50 | 6,048.90 | 2,016.30 |
| Potts, E. D. (Debbs); Dist. 25 (D) | 40,326 | 461.65 | 1.1 | " | " | " |
| Heard, Fred; Dist. 27 (D) | 38,964 | 12,941.19 | 33.2 | 9,741.00 | 5,844.60 | 1,948.20 |
| McKay, Gordon; Dist. 27 (R) | 38,964 | 13,363.76 | 34.3 | " | " | " |
| Coram, Dick; Dist. 28 (D) | 38,062 | 9,895.72 | 26.0 | 9,515.50 | 5,709.30 | 1,903.10 |
| Jernstedt, Kenneth H.; Dist. 28 (R) | 38,062 | 9,296.80 | 24.4 | " | " | " |
| Graham, C. Powell; Dist. 29 (R) | 38,303 | 4,969.98 | 12.9 | 9,575.75 | 5,745.45 | 1,915.15 |
| Thorne, Mike; Dist. 29 (D) | 38,303 | 5,205.34 | 13.6 | " | " | " |
| Davis, Pat; Dist. 30 (D) | 37,235 | 1,461.85 | 3.9 | 9,581.25 | 5,735.25 | 1,911.75 |
| Smith, Robert; Dist. 30 (R) | 37,235 | 4,773.18 | 12.8 | " | " | " |

| NAME AND DISTRICT SOUGHT | REGISTERED VOTERS | TOTAL EXPENDITURES | EXPENDITURE PER VOTER | LIMITATIONS PER ELECTION | | |
|------------------------------------------------------------------------------|-------------------|------------------------------|-----------------------|--------------------------|--------------------|------------------|
| | | | | TWENTY-FIVE CENTS | FIFTEEN CENTS | FIVE CENTS |
| Kinsey, Lloyd (R) #18 Springfield, William (D) #18 | 22,497 " | 7842.29 3726.47 | 34.7 16.7 | 5,624.25 " | 3,374.55 " | 1,124.85 " |
| McCallister, Robert (R) #19 Skelton, Keith D. (D) #19 | 21,679 " | 5576.79 3749.64 | 25.7 17.3 | 5,419.75 " | 3,251.85 " | 1,083.95 " |
| Quinby, Jack (R) #20 Roberts, Mary (D) #20 | 17,571 " | 60.00 1849.80 | .3 10.5 | 4,392.75 " | 2,635.65 " | 878.55 " |
| Holson, James P. (R) #21 Willits, Howard (D) #21 Walter, John (I) #21 | 17,615 " | 0.00 415.34 4.15 | 0 2.3 .0 | 4,403.75 " | 2,642.25 " | 880.75 " |
| Adkins, Bob (R) #22 Akeson, Harvey (D) #22 | 19,772 " | 880.00 3167.88 | 4.4 16.0 | 4,943.00 " | 2,965.80 " | 988.60 " |
| Lock, James W. (R) #23 Otto, Glenn E. (D) #23 | 20,521 " | 4742.50 5145.37 | 23.1 25.0 | 5,130.25 " | 3,078.15 " | 1,026.05 " |
| Martin, Roger (R) #24 Mendenhall, Charles W. (D) #24 | 22,589 " | 9194.72 1352.14 | 40.7 6.0 | 5,647.25 " | 3,388.35 " | 1,129.45 " |
| Van Bergen, George (R) #25 Whalloa, Glen (D) #25 | 20,832 " | 2990.60 2105.27 | 14.3 10.1 | 5,208.00 " | 3,124.80 " | 1,041.60 " |
| Linguist, Ed (D) #26 Thorton, Leo (R) #26 | 21,120 " | 4690.09 4430.93 | 22.2 20.9 | 5,280.00 " | 3,168.00 " | 1,056.00 " |
| Groener, Halph (D) #27 Pynn, Allen (R) #27 | 21,457 " | 4613.69 8730.18 | 21.5 40.7 | 5,364.25 " | 3,218.55 " | 1,072.85 " |
| Bolland, Marvin O. (R) #28 Wolfer, Curt (D) #28 | 20,618 " | 4033.93 6537.18 | 19.5 31.7 | 5,154.50 " | 3,092.70 " | 1,030.90 " |
| Bunn, Stan (R) #29 Lopuszynski, Ted (D) #29 | 18,662 " | 4098.80 2183.24 | 21.9 11.7 | 4,665.50 " | 2,799.30 " | 933.10 " |
| Collett, Walter (R) #30 Gilmour, Jeffery L. (D) #30 | 17,635 " | 4050.45 4017.68 | 22.9 22.7 | 4,408.75 " | 2,645.25 " | 881.75 " |
| Mead, James S. (D) #31 Paulus, Norma (R) #31 | 20,157 " | 158.24 862.71 | .8 4.2 | 5,039.25 " | 3,023.55 " | 1,007.85 " |
| Crothers, Morris K. (R) #32 Dereli, Margaret (Peg) (D) #32 | 18,720 " | 502.56 2538.42 | 2.7 13.5 | 4,680.00 " | 2,808.00 " | 936.00 " |
| Becker, Mike F. (I) #33 Mills, Meredith (R) #33 Wolfer, Martin (D) #33 | 19,213 " " | 479.50 7545.48 1440.00 | 2.5 39.3 7.5 | 4,803.25 " " | 2,881.95 " " | 960.65 " " |

HOUSE OF REPRESENTATIVES

LIMITATIONS PER ELECTION

| <u>NAME AND DISTRICT SOUGHT</u> | <u>REGISTERED VOTERS</u> | <u>TOTAL EXPENDITURES</u> | <u>EXPL. FUTURE PER VOTER</u> | <u>TWENTY-FIVE CENTS</u> | <u>FIFTEEN CENTS</u> | <u>FIVE CENTS</u> |
|---------------------------------|--------------------------|---------------------------|-------------------------------|--------------------------|----------------------|-------------------|
| Magruder, Dick; (D) #1 | 19,592 | \$.00 | .0¢ | 4,898.00 | 2,938.80 | 979.60 |
| Cole, George F. (D) #2 | 19,963 | 1,778.82 | 8.9 | 4,990.75 | 2,994.45 | 998.15 |
| Ireland, Glen P. (R) #2 | 19,963 | 641.95 | 3.2 | " | " | " |
| Hanneman, Paul (R) #3 | 18,027 | 2,429.00 | 13.5 | 4,506.75 | 2,704.05 | 901.35 |
| Merrill, Elizabeth (D) #3 | 18,027 | 2,065.92 | 11.4 | " | " | " |
| AuCoin, Les (D) #4 | 19,848 | 9,522.35 | 47.9 | 4,962.00 | 2,977.20 | 992.40 |
| McGilvra, Hugh (R) #4 | 19,848 | 9,261.00 | 26.5 | " | " | " |
| Stillwell, John L. (D) #5 | 21,900 | 555.72 | 3.3 | 5,475.00 | 3,285.00 | 1,095.00 |
| Hampton, Lewis B. (R) #5 | 21,900 | 1,321.06 | 6.0 | " | " | " |
| Lynch, Donald J. (D) #6 | 23,973 | 2,535.12 | 10.5 | 5,993.25 | 3,595.95 | 1,198.65 |
| Ragsdale, Michael (R) #6 | 23,973 | 3,751.25 | 15.6 | " | " | " |
| Nyberg, Clayton (R) #7 | 22,673 | 4,022.94 | 17.7 | 5,668.25 | 3,400.95 | 1,133.65 |
| Whiting, Pat (D) #7 | 22,673 | 6,024.74 | 26.5 | " | " | " |
| Chuinard, Fritzi (R) #8 | 22,190 | 2,860.00 | 12.9 | 5,547.50 | 3,328.50 | 1,109.50 |
| Katz, Vera (D) #8 | 22,190 | 6,827.72 | 31.1 | " | " | " |
| Murphy, Fransis (D) #9 | 23,836 | 146.34 | .6 | 5,959.00 | 3,575.40 | 1,191.80 |
| Rieke, Mary W. (R) #9 | 23,836 | 1,684.11 | 7.0 | " | " | " |
| Lang, Phillip D. (D) #10 | 22,239 | 4,755.51 | 21.4 | 5,559.75 | 3,335.85 | 1,111.95 |
| Loew, Ronald J. (R) #10 | 22,239 | 8,473.82 | 38.1 | " | " | " |
| Blumenauer, Earl F. (D) #11 | 18,871 | 3,973.06 | 21.0 | 4,717.75 | 2,830.65 | 943.55 |
| Clifton, Robert C. (R) #11 | 18,871 | 4,942.64 | 26.2 | " | " | " |
| Peck, Grace Oliver (D) #12 | 21,212 | 1,033.36 | 4.8 | 5,303.00 | 3,181.80 | 1,060.60 |
| Ramey, Matt (R) #12 | 21,212 | 302.53 | 1.4 | " | " | " |
| Birch, Byon Glade (R) #13 | 19,972 | 2,380.96 | 11.9 | 4,993.00 | 2,995.80 | 998.60 |
| Kafoury, Stephen (D) #13 | 19,972 | 1,275.41 | 6.4 | " | " | " |
| Blythe, Peter J. (R) #14 | 18,924 | 100.00 | .5 | 4,731.00 | 2,838.60 | 946.20 |
| Cherry, Howard L. (D) #14 | 18,924 | 311.80 | 1.6 | " | " | " |
| Fisher, John (R) #15 | 18,773 | 188.50 | 1.0 | 4,693.25 | 2,815.95 | 938.65 |
| McCoy, William (D) #15 | 18,773 | 2,811.77 | 14.97 | " | " | " |
| Hagemann, Paul (R) #16 | 19,416 | 6,551.09 | 33.7 | 4,854.00 | 2,912.40 | 970.80 |
| Priestley, Wally (D) #16 | 19,416 | 459.02 | 2.3 | " | " | " |
| Bradley, Bill (D) #17 | 20,007 | 3,774.24 | .8 | 5,001.75 | 3,001.05 | 1,000.35 |
| Elliott, Robert A. (R) #17 | 20,007 | 9,729.08 | 48.6 | " | " | " |

LIMITATIONS PER ELECTION

| <u>NAME AND DISTRICT SOUGHT</u> | <u>REGISTERED VOTERS</u> | <u>TOTAL EXPENDITURES</u> | <u>EXPENDITURE PER VOTER</u> | <u>TWENTY-FIVE CENTS</u> | <u>FIFTEEN CENTS</u> | <u>FIVE CENTS</u> |
|------------------------------------|--------------------------|---------------------------|------------------------------|--------------------------|----------------------|-------------------|
| Cadle, William (R) #34 | 18,496 | 4029.10 | 21.8 | 4,624.00 | 2,774.40 | 924.80 |
| Marx, Robert (Bob) #34 | " | 3747.59 | 20.2 | " | " | " |
| Hines, Rollin E. (D) #35 | 22,239 | 2559.97 | 11.5 | 5,559.75 | 3,335.85 | 1,111.95 |
| Ingalls, Robert C. (R) #35 | " | 1725.29 | 7.7 | " | " | " |
| Anderson, JoAnne (D) #36 | 19,018 | 1989.78 | 10.4 | 4,754.50 | 2,852.70 | 950.90 |
| Gwinn, William F. (R) #36 | " | 574.52 | 3.0 | " | " | " |
| Byers, Bernard (Bud) (D) #37 | 16,633 | 2449.74 | 14.7 | 4,158.25 | 2,494.95 | 831.65 |
| Stockton, Donald (R) #37 | " | 2142.45 | 12.9 | " | " | " |
| Macpherson, Gordon L. (R) #38 | 20,471 | 4423.50 | 21.6 | 5,117.75 | 3,070.65 | 1,023.55 |
| Rijken, Max (D) #38 | " | 1539.84 | 7.5 | " | " | " |
| Red Fox, David J. (D) #39 | 19,887 | 1566.22 | 7.9 | 4,971.75 | 2,983.05 | 994.35 |
| Whitehead, Wayne (R) #39 | " | 2743.56 | 13.8 | " | " | " |
| Patoine, Margret (R) #40 | 23,062 | 3099.78 | 13.4 | 5,765.50 | 3,459.30 | 1,153.10 |
| Perry, Larry (D) #40 | " | 2994.07 | 12.9 | " | " | " |
| Burrows, Mary (R) #41 | 23,087 | 4578.51 | 19.8 | 5,771.75 | 3,463.05 | 1,154.35 |
| King, Al (D) #41 | " | 4424.86 | 19.1 | " | " | " |
| Reed, Jim (write in #41 | " | 690.23 | 3.0 | " | " | " |
| Fadeley, Nancie (D) #42 | 19012 | 1500.80 | 7.9 | 4,753.00 | 2,851.80 | 950.60 |
| Rogers, B.J.(R) #42 | " | 2941.55 | 15.5 | " | " | " |
| Kennedy, Richard (D) #43 | 18,742 | 4793.22 | 25.5 | 4,685.50 | 2,811.30 | 937.10 |
| Stults, David (R) #43 | " | 2320.81 | 12.3 | " | " | " |
| Eymann, Richard (D) #44 | 18,330 | 1073.13 | 5.8 | 4,582.50 | 2,749.50 | 916.50 |
| Fegles, Bert (R) #44 | " | 1833.04 | 10.0 | " | " | " |
| Stults, Robert M. (R) #45 | 17,024 | 3355.17 | 18.7 | 4,256.00 | 2,553.60 | 851.20 |
| Wroble, Mary Lou (D) #45 | " | 1.00 | .0 | " | " | " |
| Markham, William E. (Bill) (R) #46 | 17,368 | 5683.47 | 32.7 | 4,342.00 | 2,605.20 | 868.40 |
| Meyer, John W. (D) #46 | " | 3307.89 | 19.0 | " | " | " |
| Amsbary, Charles (R) #47 | 19,080 | 2173.73 | 1.1 | 4,770.00 | 2,862.00 | 954.00 |
| Grannell, William N. (D) #47 | " | 2011.48 | 10.5 | " | " | " |
| McKenzie, Rod (R) #48 | 17,178 | 2710.00 | 15.8 | 4,294.50 | 2,576.70 | 858.90 |
| Stevenson, Ed "Doc" (D) #48 | " | 1723.00 | 10.0 | " | " | " |
| Bazett, Sidney (R) #49 | 21,672 | 3461.29 | 16.0 | 5,418.00 | 3,250.80 | 1,083.60 |
| Davidson, Bruce E. (I) #49 | " | 537.56 | 2.5 | " | " | " |

| NAME AND DISTRICT SOUGHT | REGISTERED VOTERS | TOTAL EXPENDITURES | EXPENDITURE PER VOTER | LIMITATIONS PER ELECTION | | |
|-----------------------------|----------------------|-----------------------|--------------------------|--------------------------|------------------|---------------|
| | | | | TWENTY-FIVE CENTS | FIFTEEN CENTS | FIVE CENTS |
| Densmore, Al (D) #50 | 18,654 | 4,191.97 | 22.5 | 4,663.50 | 2,798.10 | 932.70 |
| Doughty, Jack (R) #50 | 18,654 | 1,291.60 | 6.9 | " | " | " |
| Marier, Tom (D) #51 | 21,029 | 703.00 | 3.3 | 5,257.25 | 3,154.35 | 1,051.45 |
| Morris, Brad (R) #51 | 21,029 | 6,267.17 | 29.8 | " | " | " |
| Stathos, Don (I) #51 | 21,029 | 3,687.58 | 17.5 | " | " | " |
| Felter, Marvin (D) #52 | 21,166 | 3,438.60 | 16.4 | 5,291.50 | 3,174.90 | 1,058.30 |
| Johnson, Leigh (R) #52 | 21,166 | 4,050.98 | 19.3 | " | " | " |
| Steele, Quentin (D) #53 | 17,801 | 5,391.09 | 30.0 | 4,450.25 | 2,670.15 | 890.05 |
| Wilhelms, Gary L. (R) #53 | 17,801 | 5,718.25 | 32.0 | " | " | " |
| Dierdorff, David R. (D) #54 | 21,163 | 4,754.63 | 22.0 | 5,290.75 | 3,174.45 | 1,058.15 |
| Johnson, Sam (R) #54 | 21,163 | 7,501.40 | 35.0 | " | " | " |
| Green, David M. (R) #55 | 18,787 | 6,674.67 | 35.5 | 4,696.75 | 2,818.05 | 939.35 |
| Sumner, Jack (D) #55 | 18,787 | 4,056.21 | 21.5 | " | " | " |
| Walden, Paul (R) #56 | 19,275 | 1,673.65 | 8.6 | 4,818.75 | 2,891.25 | 963.75 |
| Wiley, Gib (D) #56 | 19,275 | 890.00 | 4.6 | " | " | " |
| Hansell, Stafford (R) #57 | 18,299 | 1,990.00 | 10.0 | 4,574.75 | 2,744.85 | 914.95 |
| Seibel, Albert (D) #57 | 18,299 | 864.55 | 4.7 | " | " | " |
| Galbreath, William (D) #58 | 20,004 | 3,629.88 | 18.1 | 5,001.00 | 3,000.60 | 1,000.20 |
| Patterson, Ed (R) #58 | 20,004 | 4,251.30 | 21.2 | " | " | " |
| Brown, Alvin (D) #59 | 19,468 | 855.67 | 4.4 | 4,867.00 | 2,920.20 | 973.40 |
| Oakes, Donald (R) #59 | 19,468 | 3,390.71 | 17.4 | " | " | " |
| Gallagher, Tim (D) #60 | 17,767 | 4,815.66 | 27.1 | 4,441.75 | 2,665.05 | 888.35 |
| Jones, Denny (R) #60 | 17,767 | 4,006.35 | 22.5 | " | " | " |
| <u>DISTRICT ATTORNEY</u> | | | | | | |
| <u>LANE COUNTY</u> | | | | | | |
| Horton, J. Pat | 125,158 | 15,971.13 | 12.8 | 6,257.90 | 3,754.74 | 1,251.58 |
| Naslund, Robert | 125,158 | 7,640.28 | 6.1 | " | " | " |
| <u>MULTNOMAH COUNTY</u> | | | | | | |
| Connall, Desmond D. | 325,095 | 29,534.60 | 9.1 | 16,254.75 | 9,752.85 | 3,250.95 |
| Haas, Harl H. | 325,095 | 35,445.37 | 10.9 | " | " | " |

HOUSE BILL 3077
Proposed Amendments

On page 1 of the amendments adopted on May 5 by the House Committee on Local Government and Urban Affairs, in the fourth line, delete "260.082,".

In the sixth line, delete "260.432,".

In the tenth line, after "ORS" insert "260.082,".

In the last line of the first paragraph, delete "pre-
scribing an effective date" and insert "declaring an emergency".

In the second line of the paragraph beginning "'260.005.'", delete "49" and insert "47".

On page 4, delete the first three lines of paragraph "(d)", and insert:

"(d) County clerk of the county in which the chief administrative officer or the administrative board maintains his or its office, in the case of a candidate for any dis-".

On page 9, in the next to last line, delete "for", and delete "it", and after the last "to" insert "support or oppose", so the line reads "or to raise money and contribute to support or oppose any candidate."

On page 11, delete all of Section 13.

On page 11, delete "Section 14" and insert "Section 13".

On page 12, delete "Section 15" and insert "Section 14".

On page 13, delete "Section 16" and insert "Section 15", and delete "Section 17" and insert "Section 16".

*on page 17 - make change - delete A.C.
Section 37 - confer with F.C.C.*

On page 15, in the first line, delete "Section 18" and insert "Section 17", and delete "19" and insert "18", and in the third line, delete "Section 19" and insert "Section 18".

On page 16, delete "Section 20" and insert "Section 19".

A insert
On page 17, 77
On page 17, delete "Section 21" and insert "Section 20".
~~and delete "Section 22" and insert "Section 21".~~

On page 18, delete "Section 23" and insert "Section 22".

On page 19, delete "Section 24" and insert "Section 23" and delete "Section 25" and insert "Section 24".

On page 22, delete "Section 26" and insert "Section 25".

On page 23, delete "Section 27" and insert "Section 26".

On page 24, delete "Section 28" and insert "Section 27".

On pages 25 and 26, delete all of Section 29.

On page 26, delete "Section 30" and insert "Section 28", and delete "Section 31" and insert "Section 29".

On page 27, delete "Section 32" and insert "Section 30", and delete "Section 33" and insert "Section 31".

On page 28, delete "Section 34" and insert "Section 32".

On page 29, delete "Section 35" and insert "Section 33", and delete "Section 36" and insert "Section 34".

On page 30, delete "Section 37" and insert "Section 35".

On page 30, in the third line of amended ORS 260.522(1), delete "communicate" and insert "broadcast".

In the fourth line, delete "communicated" and insert "broadcast".

In the sixth line, delete "or communication".

On page 31, delete "Section 38," and insert "Section 36".

On page 33, delete "Section 39" and insert "Section 37".

On page 34, delete "Section 40" and insert "Section 38",
and delete "Section 41" and insert "Section 39".

On page 35, delete "Section 42" and insert "Section 40",
and delete "Section 43" and insert "Section 41".

On page 36, delete "Section 44" and insert "Section 42".

On page 38, delete "Section 45" and insert "Section 43".

On page 39, delete "Section 46" and insert "Section 44",
delete "Section 47" and insert "Section 45", and delete
"Section 48" and insert "Section 46".

In the last line of page 39, delete "49" and insert "47".

On page 40, delete "Section 49" and insert "Section 47",
and delete "Section 50" and insert "Section 48".

On page 40, in the third line from the end, after "ORS"
insert "260.082".

On page 40, delete the last line and insert:

"Section 49. This Act being necessary for the immediate
preservation of the public peace, health and safety, an
emergency is declared to exist, and this Act takes effect
on July 1, 1973."

FROM: OFFICE OF THE ATTORNEY GENERAL
OREGON STATE ARCHIVES

Memo: HB 3077 Engrossed

INTRODUCTION

There has been a long-standing need for wholesale revision of the election code, particularly ORS Chapter 260 which regulates the conduct of candidates and persons engaged in campaigning. The present code is the result of legislative patchwork. Many of the sections in ORS Chapter 260 were part of the original initiative petition initiated by Mr. U'ren over a half century ago. As a consequence, the law is ambiguous, there are many conflicting provisions and there are some provisions that are simply unenforceable or unconstitutional. More important, there are a good many loopholes, particularly in the financial reporting law, which defeat the purpose of the law. Finally, because of the ambiguities and conflicting provisions, many candidates acting in good faith have been subjected to prosecution and embarrassment.

The purpose of HB 3077 is to tighten up the election code, particularly with respect to financial reporting, and put some real teeth in the law. Secondly, the purpose is to make the rules of conduct in elections clear so that candidates will know what those rules are and eliminate discretion in enforcement. Thirdly, HB 3077 will eliminate an undue amount of paperwork for candidates and administrative officials. It is anticipated that if this bill passes, candidates will have an easier time complying and there will be less prosecutions. During the last election

there were some 312 investigations and 33 prosecutions at a cost of some \$35,000 to the Oregon taxpayers. Most of these could have been avoided if HB 3077 was law.

SUBSTANTIVE PROVISIONS

The principle provisions of HB 3077 are:

A) HB 3077 incorporates the single treasurer concept embodied in HB 2242, but instead of placing the responsibility for the financial affairs of a campaign on a treasurer, the bill places the responsibility where it should be, on the candidate.

Section 3 provides that no person shall make any expenditure on behalf of a candidate except the candidate. Section 4 permits a candidate to appoint a treasurer, but it makes it clear that the treasurer is only an agent and the candidate remains personally responsible for the financial affairs of his campaign. Section 10 permits other persons and political committees to make expenditures on behalf of a candidate provided it is done with the candidate's consent and all such expenditures are reported by the candidate. Such committees are not required to make reports of expenditures, only the candidate must make a report. However, political committees which raise money and contribute directly to candidates will be required to file reports.

It should be noted that the single treasurer concept embodied in HB 2242 and the candidate responsibility sections of HB 3077 do raise a constitutional question because they constitute limitations on the right to exercise free speech. The same question

of course arises with respect to the spending limitation embodied in HB 2242. The Attorney General's office recognizes that some constitutional doubt exists as to the validity of these provisions, but it is the opinion of that office that the courts will uphold their constitutionality on the grounds that they are reasonable limitations upon free speech in order to protect the purity of the election process.

B) Section 8(1)(a) amends the pre-reporting law to require that pre-election financial reports must not only report contributions and expenditures to date, but also include an estimate of expenditures for the remainder of the campaign. In order to allow for some error and to avoid the problem of candidates being sand-bagged, the estimate can be exceeded by 15 percent or by the amount which the opposing candidate estimates to spend during the closing week of his campaign.

C) Sections 14 and 17 deal with expenditures and deficit reports and makes the methods of reporting uniform. It further provides that the statement must list the name of each individual who in aggregate contributes more than \$25 for the campaign. The purpose of this provision is to curtail the often encountered fund raising practice of selling multiple dinner tickets at \$25 apiece and not reporting the names of those individuals who bought more than one ticket.

D) Section 15 provides that if a candidate's expenditures are less than \$1,000, he is not required to file a financial report. He will, however, still be required to maintain books of account in accordance with ORS 260.055. Furthermore, if any candidate in a particular political race desires that his opponents file financial reports, he can file a notice with the Secretary of State who in turn notifies all the candidates including the petitioning candidate that the \$1,000 exemption does not apply and that they must file reports. The purpose of this section is to remove the administrative burden both to the candidate and to the Secretary of State's office in those political races where little money is being expended. The Attorney General's office had to investigate over 200 cases last year involving such campaigns. In most cases the individuals simply were not active enough candidates to be aware of the requirements. There is no reason why such reports should be filed. The financial reporting law is designed to require public disclosure from those candidates who receive substantial financial support in order to determine the source of that support.

E) Section 19 empowers the Secretary of State to impose civil penalties in lieu of criminal prosecution for minor violations of the election laws, particularly for those individuals who are late in reporting or fail to make a report. Criminal prosecution in

such cases is inappropriate, time consuming and costly. Furthermore, such prosecutions merely contribute to the overload of the courts. Under Section 19 the Secretary of State may impose a penalty which is equal to 5 percent of the total contributions or expenses, but not less than \$10 for each day the person is in violation. The Secretary of State may upon a showing of extenuating circumstances remit a portion of the penalty.

The procedure under the act is that the Secretary of State, upon ascertaining that a violation had occurred, would issue an order imposing the penalty and serve it upon the person by certified mail. The person would be entitled to a hearing and judicial review under the Administrative Procedures Act.

F) Section 37 is designed to clarify the law regarding disclaimers and to remove the necessity of filing statements with the Secretary of State's office when addresses are used which are other than a residence address. Presently, the law is confusing and burdensome for candidates and administrators.

The section provides that all campaign material must "prominently include" the name and address of the publisher. The address means a residence or business address "where the publisher or named individual may be readily located." The section expressly prohibits the use of a post office box address.

false, then under Subsection (2) he is guilty of a violation even though he did not actually participate in the publication. Secondly, if the material was published by a committee through which contributions by or to the candidate are made over which he has any direction or control, then it is conclusively presumed that the candidate authorized the publication. The purpose of this section again is to prohibit candidates from avoiding responsibility. It is rebuttably presumed that a candidate has authorized any other false publication. If in fact the candidate did not authorize the publication, he should have no difficulty in proving that fact.

The second objective of Section 38 is to provide an effective civil remedy for candidates who are aggrieved by misrepresentations of their opponents. It provides that a candidate can bring a civil action and recover not only his actual damages and attorney fees, but also penal damages. Furthermore, the court can deprive the defendant of his office.

The criminal sanctions under the misrepresentation statute are removed. Civil enforcement of this statute is a much sounder public policy. It is inappropriate for state government to interject itself through the criminal process into political debate, even where that debate involves misrepresentation.

H) Section 39 amends ORS 260.542 which purportedly prohibits the printing of misleading (as distinguished from false) statements concerning incumbency in the Voters' Pamphlet and makes it a crime

Subsection (2) provides that if a person's name appears as the publisher, it is rebuttably presumed that he consented to use of his name and if he did so consent, it is conclusively presumed that he has knowledge of the contents of the material. The purpose of this section is to prohibit candidates and others from publishing falsehoods and then contending as a defense that the material was prepared by someone else such as an advertising agency, etc.

Subsection (3) provides for an exemption to the disclaimer law for lawn signs and similar placards, posters or signs. If the sign contains no legend other than the name of the candidate, his political party, the office sought and the words "elect", "re-elect", "keep", "retain" or "incumbent" and no other words, then the sign does not have to have a disclaimer upon it. The practice in many campaigns has been that these signs are homemade by volunteers and consequently, often without the knowledge or consent of the candidate, volunteers forget to make the proper disclaimer. The disclaimer law is designed for the purpose of protecting against anonymous publications of a scurrilous nature. This exception for lawn signs does not do violence to that basic principle.

G) Section 38 amends ORS 260.532 dealing with political misrepresentation. First, it is designed to place the responsibility on the candidate for campaign material published to support his campaign. If a candidate consents to a publication and it is

to make such misleading statements. It is the opinion of the Attorney General's office that this statute is clearly unconstitutional. Any argumentative statement can be interpreted as misleading. Consequently this section if enforced would constitute an undue restraint upon free political debate.

The new section accomplishes the same objective, but avoids the constitutional problem by placing a limitation upon those persons who can use the term "re-elect." Under subsection (2) the only person who could use the term "re-elect" would be an individual who had been previously elected to the identical office from the same position number in the most recent election. He must be from the same district from which he is seeking election, but if the district boundaries have been changed since the previous election, he can use the term "re-elect" if the majority of the population in the new district were from his old district.

TIGHTENING PROVISIONS

A number of other provisions merely tighten up language in existing law and close loopholes. Section 1 redefines "contribution" and "expenditure." More encompassing language has been used. In particular, the new definitions will make it clear that transactions regarding repaid and unrepaid loans must be reported. In addition, the new language would treat filing fees the same as Voters' Pamphlet fees.

Section 8 subsection (2)(a) closes the 15 day loophole which exists after a primary election. Under present law a candidate

is not required to report any contribution or expenditure made during the 15 days following a primary. The amendment would require that he report all contributions and expenditures following the primary.

Section 17 (3) makes it clear that a financial report has to be received in the Secretary of State's office on the day it is due. The purpose of this section is to place the responsibility upon the candidate to file his statements within the given time and to remove any question as to when that time is.

Section 22 (2) provides a 21 day time limit for which a candidate can be in violation of the law and correct the violation without having his name removed from the ballot. Such candidate of course would still be subject to civil penalties or criminal prosecution.

Section 25 is designed to clarify the language regarding the responsibility of the Secretary of State and the Attorney General in prosecuting election law offenses. Once the Secretary of State forwards a complaint to the Attorney General, it is the latter's responsibility to prosecute the case. Both the Secretary of State's office and the Attorney General's office agree with the need for this change. The section further clarifies that the Attorney General in prosecuting election law offenses would have the same authority as a district attorney. In 1971 the legislature imposed the responsibility for prosecuting election law offenses in the Attorney General's office. This section merely clarifies that authority.

Section 29 clarifies the existing law regarding the status of public employees to make it clear that they can at any time express their personal political views and can voluntarily engage in political activities after working hours.

Section 36 amends the present law which prohibits bribing of newspaper editors. This is an old statute written before the days of radio and television. The purpose of the amendment is to apply the same prohibition to all forms of news media.

Section 44 is designed to clarify the language regarding campaigning near polling places on election days.

REMAINING PROVISIONS

The remaining sections of this voluminous bill are conforming amendments or are amendments to consolidate the criminal penalties into a single section, Section 49.

TESTIMONY ON SENATE BILL ~~541~~ 3077

From: Common Cause

Representative: Nancy Stevens
4334 S. W. Washouga
Portland, Ore. 97201

The need for controls on campaign spending and contributions to candidates has been recognized by Common Cause since its inception. During the 1960's campaign spending more than doubled, yet the percentage of the population that voted in elections actually declined slightly. In the Oregon 1963 election a candidate for the U. S. Senate spent over \$750,000 in the primary and general election campaigns. Last year one candidate for Mayor of Portland spent more than \$134,000 in the primary election. In 1970, the total expenditure by candidates for City Commissioner in Portland exceeded more than \$386,000. Costs like these raise immediate questions with the electorate. What does it cost to win an election in Oregon these days? Who can afford to run? How and where does the candidate raise the money? And, perhaps most important and cynical of questions, to whom does the winner owe a sympathetic ear for a large donation? No wonder the public feels out of control and out of touch with the situation.

Common Cause members believe that a good total limitation in each election, primary and general, is the best possible way to bring back into control the problem of election costs. It is our wish to encourage citizen participation and volunteer work in elections. We wish to encourage good candidates, those that need not be necessarily wealthy in their own right, nor have to spend an inordinate amount of time raising campaign funds. We prefer to see the candidate have more time to address the issues of his campaign. A reasonable total limitation favors neither the incumbent nor the challenger. It is contended that the lesser-known candidate must spend more money to get his name before the public, but on the other hand, the better known person can more easily raise funds in the first place.

Present campaign expenditures should not be used as standards for the new law. They can and should be examined for basic costs in campaigns. Our limit would allow a statewide candidate to spend approximately \$300,000 in each primary and general election.

Senator Hatfield, the top spender, spent \$216,553.30 in the last general election.

In a state Senatorial race, a candidate could spend approximately \$10,000. Only five candidates exceeded that amount in the last election. We have researched the limitations set by other states and will be happy to offer our findings to the committee for comparison and suggested limitations here. Of those states that have total limitations, none have as high a total limit as that of our bill.

An important section of the bill addresses the problem of individual contributions. Implications for large individual donations are obvious. However, Section 3, subsection (2) should be amended to read that the person or candidate may spend \$1,000 as a maximum on his own behalf. As this section now reads, the uncompensated office does not allow any amount to be spent by the candidate on his own behalf. In the overall limitation, we have not attempted to differentiate between the paid and unpaid office.

Section 4, subsection (1) speaks to the problem of "in kind" expenditures of transportation, office space and office furnishings. Secretary of State Myers and the Labor Sponsor have agreed that after "transportation" should be inserted "for candidate and spouse", and that "equipment" should be excluded, as it can be interpreted to mean anything from stamps to duplicating equipment. We are satisfied with Mr. Myers addition at the end of that section which defined "office furnishings".

With reference to this same section (4) subsection (1), we must take exception to the amount of \$5,000 or 10%, which is allowed excludable of the total limitation for "in kind" contributions of transportation, office space, and furnishings. Our Policy Advisory Committee gave much consideration to this point, the intention of which is not to add substantially to the overall expenditure allowance. It was our intention to allow a reasonable donation of office space and travel allowance for the candidate. For this reason, we suggest the amount be cut to \$2500 and that the rest of that sentence be deleted.

The total concept of "in kind" allowances is a difficult one. As a matter of principle and other than the above exceptions, experience has suggested that it is easier to include the total aggregate reported value of "in kind" contributions in the \$.25 limitation.

Senate Committee on Elections

June 11, 1973

3:00 p.m.

319 State Capitol

Members Present: Senator Vern Cook, Vice Chairman
Senator Wallace Carson
Senator Kenneth Jernstedt

Excused: Senator Keith Burbidge, Chairman
Senator K. Burns
Senator Edward Fadeley
Senator Ted Hallock
Senator Robert Smith

Staff: Bill Vandever

Witnesses: Jack F. Thompson, Assistant Secretary of State

HB 3077

Mr. Jack F. Thompson, Assistant Secretary of State, representing the Secretary of State, asked that the bill be heard on Wednesday, June 13, 1973, because the Secretary of State would like to testify on the bill. Senator Cook agreed that it would be heard at that time.

Senator Carson indicated a desire that the committee withhold action on House Bill 3077 until the Senate has acted on Senate Bill 541. If SB 541 is passed, then corrections can be made in HB 3077 and HB 2242 to conform with SB 541 to see if the House will agree with the amendments.

Senator Cook said he would like to see the House Bill amended so that it would be decided by a Conference Committee, rather than having to go through the hearing procedure in the House with a Senate Bill.

HJR 42

Mr. Jack F. Thompson, Assistant Secretary of State, explained that HJR 42 is designed to conform a section of the Constitution relating to school district elections with the United States Constitution, by lowering the voting age from 18 to 21.

Senator Cook noted that the residency requirement in line 7 should be changed from six months to 30 days and in line 9 a period should be inserted after "vote" and the remainder of the sentence deleted because both of these provisions have been found to be unconstitutional.

Senator Carson asked that Bill Vandever check on how that will conform with the general election constitutional amendment that was passed earlier.

HJR 41, 42,
HB 3077, SB 807

Senate Committee on Elections

June 13, 1973

3:00 p.m.

319 State Capitol

Members Present: Senator Vern Cook, Vice Chairman
Senator Kenneth Jernstedt
Senator Robert Smith

Excused: Senator Keith Burbidge, Chairman
Senator K. Burns
Senator Wallace Carson
Senator Edward Fadeley
Senator Ted Hallock

Staff: Bill Vandever

Witnesses: Jack F. Thompson, Assistant Secretary of State

HJR 41 and HJR 42

Mr. Jack F. Thompson, Assistant Secretary of State, advised the committee that both resolutions require amendments to delete the residence and literacy requirements, which have been declared to be unconstitutional.

HB 3077

Mr. Thompson advised the committee that Secretary of State Clay Myers had spoken with members of the committee and would like to postpone his testimony on HB 3077 pending the outcome of SB 541, which has been sent to the floor of the Senate for action.

SB 807

Amendments are being prepared but no further action was taken.

A quorum not having been achieved, with no prospects of additional members coming, the committee adjourned at 3:15 p.m.

Respectfully submitted,



Senator Vern Cook, Vice Chairman



Joann Ertsgaard, Clerk

Senator Hallock moved that HJR 41, as amended, be sent to the Floor with a "DO PASS" recommendation. Voting aye: Senators Burns, Carson, Hallock, Cook and Burbidge. Excused were Senators Smith, Jernstedt and Fadeley. Senator Hallock will lead discussion on the Floor.

HJR 42

Senator Cook moved that HJR 42 be amended on line 7, delete "6 months" and insert "30" and in line 9, after "vote" insert a period and delete the rest of the line and delete line 10. Voting aye: Senators Cook, Burns, Carson, Hallock and Burbidge. Senators Smith, Fadeley and Jernstedt were excused.

Senator Hallock moved that HJR 42, as amended, be sent to the Floor with a "DO PASS" recommendation. Voting aye: Senators Burns, Carson, Hallock, Cook and Burbidge. Senators Smith, Fadeley and Jernstedt were excused. Senator Carson will lead discussion on the floor.

HB 2242 and HB 3077

Clay Myers, Secretary of State, submitted written testimony on HB 2242 and HB 3077, marked Exhibit "I", attached hereto, and by this reference made a part hereof.

Chairman Burbidge asked Mr. Myers if he has a preference as to SB 541 or HB 2242.

Mr. Myers stated he would prefer SB 541. HB 2242 is not an effective overall "lid" bill as it is limited to radio, tv, newspapers, billboards and postage. It does not take into consideration such things as staff, brochures, etc.

Senator Cook stated this strikes him that an equalizer that allows the one fellow to go as high as the estimate of the other fellow, plus 15% puts the one who makes the high estimate at a disadvantage. He asked why not just let the low estimator go up to the estimate of the high estimator, and eliminate the "plus 15%".

Senator Carson pointed out the high estimator only gets penalized if he exceeds his estimate by 15%, so they are both the same.

Lee Johnson, Attorney General, stated the idea is to protect the candidate from getting sandbagged by someone coming in with a large amount of money at the tail end of the campaign.

Jack Thompson stated by administrative rule they can provide for a combined filing, a treasurer making a report for the candidate. They have not made that rule as they are waiting for this legislative session to end to see where they stand.

Senator Cook asked if the only requirement now is that the name of the committee which has filed notice of its existence with

HB 2242 and HB 3077 (cont'd)

the Secretary of State be shown on the publication.

Senator Hallock stated that is the way it is now done on television. It just gives the name of the committee, because the contract on file will have the full address of that committee. Subsection (3) still exempts all other printed matter.

Senator Cook asked Mr. Myers if he has any objection to having just the name of the committee on written matter if the address is on file with the Secretary of State.

Mr. Myers stated he has no objection.

Senator Cook stated it would be more practical to give the Secretary of State some authority to adopt some regulations concerning this address matter.

Senator Hallock asked if the words "other than personal services for which no compensation is asked or given" doesn't leave a wide open hole.

Mr. Thompson stated this is the present law.

In referring to page 3, lines 3 and 4, Senator Hallock asked if "Only the excess value thereof shall be considered a contribution" would mean this would only be for the differential and not for the total value of the thing.

Senator Cook stated this would refer to, an example, if he should loan you an office with a fair market value of \$500 and only receives \$1 for it, then the \$499 is reportable.

Senator Hallock also questioned the grammar on page 3, lines 5 through 8.

Lee Johnson, Attorney General, stated much of the language is in the present law. They are aiming at one or two primary matters that have come up. A question of whether a prepaid loan has to be reported and make it clear that it had to be reported and the problem of taking care of the confusion that some candidates got into where the present law says you don't have to report your filing fees. It may be bad grammar, but felt it would hold up in court.

Senator Hallock pointed out the language on page 3, line 12, "does not include contributions".

Lee Johnson stated they just want things listed as an expenditure or a contribution. It is just like saying it is a debit or a credit.

Senator Hallock also question the language on page 6, lines 4 to 7.

HB 2242 and HB 3077 (cont'd)

Lee Johnson stated the purpose of having this section put into SB 20 two years ago is to close the use of an out-of-state committee as a total funnel for a candidate's contribution. An out-of-state committee is difficult for this state to have jurisdiction over.

Senator Hallock asked if lines 10 through 14 on page 8 are in violation of the First amendment of the U. S. Constitution.

Lee Johnson stated this goes right to the question of whether you're going to impose a lid on campaign spending. You have to recognize that right there you raise a question of constitutionality. It is a limitation upon ones exercise of free speech. If you'r going to put a limitation upon expenditures, you've got to go to the single treasurer approach and give the candidate full control over those expenditures.

In response to Senator Hallock regarding lines 18 through 20 on page 8, Lee Johnson stated this is prorated on a reasonable basis. It might be better to use the word "allocated". In reference to lines 22 through 28 on page 13, there is no problem because nobody can form a committee on your behalf without your consent.

Senator Hallock stated there is no where in the bill that makes sure the person forming this committee has the candidate's consent. He also asked if the word "broadcast" on page 21, line 27, is a synonym for "telecast".

Lee Johnson stated it is.

Senator Hallock asked if the words "reelect" on page 24, lines 26 and 27 can be used even though a redistricting has been done since the last election and some of the constitutents were not constituents then.

Lee Johnson stated it can.

Lee Johnson stated HB 2242 and SB 541 both aim at getting at the dollar amounts to spend in campaigns. He is very concerned about drawing a law that can be enforced. There are grave difficulties with SB 541. There is no need to place a limitation unless you want to place it at a lesser level. The Federal Government has had such a limitation for years. If you pass HB 3077, you have placed a \$3,000 limitation. Any contribution above that amount will be subject to gift tax. He suggested an amendment to HB 2242 that would close the main loophole. The problem with an overall limit on everything is when you get in to "in kind" expenditures. You're going to have candidates who are going to go close up to their limit and you'r bound to have the loser come in and complain and ask for an audit. How do you audit things of this sort? If you include "in kind" services, you are going to have to hire an expert appraiser for every campaign.

HB 2242 and HB 3077 (cont'd)

Senator Cook asked if there isn't a way with SB 541, that rather than for us to attempt to categorize these things to suggest or put in the measure a provision that the Secretary of State will at some fixed date before the election, adopt regulations describing the various things so that we have something fairly specific to cover these situations that occur. It would seem we ought to take SB 541 and amend it with it in it and send it back making a change or two. He felt the House could concur in the amendments. The point is how much can be practically controlled.

Lee Johnson stated the "in kind" provision is not only unenforceable, but extremely expensive to try to enforce.

Bill Vandever asked Mr. Johnson if HB 3077 is a necessary companion to HB 2242.

Lee Johnson stated it would stand on its own feet.

Lee Johnson stated most of the violations, and we spent some \$30,000 in the last election, were in campaigns where less than \$1,000 was spent. HB 3077 still requires candidates to keep books of account. It simply doesn't require him to report unless his opponent wants him to report if he spends less than \$1,000. A lot of people file for office and don't do much after that. All of a sudden they are being charged with a crime.


Senator Cook asked what Mr. Clay's suggestions as a way to control "in kind" contributions.

Senator Hallock suggested that the candidate put some value on all of these things and Mr. Clay, in the course of his auditing could accept or contest it.


Senator Cook suggested a conference between this committee and the House committee so they can see if there are differences between the approaches on these things.

Senator Hallock stated he feels HB 2242, SB 541 and HB 3077 should be combined.

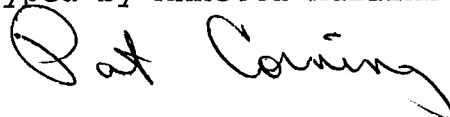
Chairman Burbidge declared the meeting adjourned .



Senator Keith Burbidge, Chairman



Transcribed by Pat Corning
Typed by Annetta Mullins



HB 3074 (cont'd)

Senator Carson pointed out that the elected officials are already there. This is in regard to the extra delegates.

Senator Cook stated a worse example is in Senator Jernstedt's district which has nine counties. Each of those counties in addition to the chairman and vice chairman of the county central committee will be entitled to elect one person from a representative district. So, a district made up of a number of counties would be entitled to nine representatives while a district like Multnomah County, which has only 16 representative districts, would only be entitled to its 16 delegates. Yet, it has eight times the population of Senator Jernstedt's district but it has less than twice as many representative delegates.

Senator Hallock stated he thinks putting the total SB 811 in this bill would solve all these problems.

Senator Cook stated he thinks you should have these additional delegates from the representative districts but, the delegates from there should be elected from the representative districts if that's practical. Is it anticipated that this would abolish the current state central committee

Mr. Alley stated it gives the convention the option of abolishing it, changing or leaving it as it is. The important feature is the one that gives the parties self-determination.

Senator Cook felt if the convention were set up as a continuing thing that would meet not less than every two years, there might not be anything too wrong with allowing the convention to figure out the form, if any, of their state central committee. If SB 811 were adopted, that would make up the state central committee with exactly the same membership that the state convention has mandated under the current law.

Mr. Alley stated SB 811 removes the vice chairman of the county central committee which would affect all the women.

HB 3077

Bill Vandever presented to the committee members and others present a memo dated June 20 outlining areas of questions in HB 3077. This memo has been marked Exhibit "A", attached hereto, and by this reference made a part hereof.

Jim Redden stated it is important that you boil this down to a single treasurer. Also it is important that the candidate assume the final responsibility rather than the treasurer. He is the one responsible in the eyes of the public, and felt it should be that way in the eyes of the law.

Lee Johnson, Attorney General, addressing himself to the second comment in Bill Vandever's memo referring to "appoint a chairman" stated they don't think that's necessary. All that pro-

HB 3077 (cont'd)

vision really is, is that if the committee doesn't comply with the law and appoint a treasurer, we can go after the head of the committee. The purpose of Section 2 is merely to provide, as the thrust of the bill, to place the responsibility on the candidate but he can appoint a treasurer who really is nothing more than an agent. Even though he appoints a treasurer, the responsibility ultimately rests on him. However, both the candidate and treasurer are liable under the provisions of the bill if there is a violation of the law.

Lee Johnson referred the committee to page 8, section 10, subsections (2) and (3). The purpose of subsection (3) is when you go to the single treasurer concept and to the concept that the candidate controls the expenditures of the campaign from the standpoint that nobody else can make an expenditure on his behalf without his consent, they tried to draw in an exemption for the state central committees and the local central committees and the operations that they carry on and at the same time take that outside of the lid bill. It wouldn't be counted as an expenditure. Yet, not make this a device where you can plow \$100,000 into the democratic party treasurer which goes then to one candidate but where the central committee merely conducts activities on behalf of all republican candidates or all democratic candidates. That doesn't apply to any individual candidate. In subsection (2) the word "pro rated" is not a good word. A better word is "allocated".

Senator Smith stated he doesn't understand lines 5 through 7 on page 8, subsection (5).

Lee Johnson stated this requires in your pre-election report that you give an estimate of what your expenditures are going to be for the remaining period of the campaign. You can err by up to 15%. The second part of the language came up in the House committee and they were concerned about the problem of sandbagging. It lets you spend up to what your opponent's estimate is.

Senator Hallock stated then you now have a lid within a lid.

Lee Johnson stated the pre-reporting law can be evaded today without the estimate provision of it. He doesn't see the fear that you are going to give away your strategy because in the pre-election report you do not have to itemize expenditures.

Senator Hallock asked what's this all about if we have an effective lid bill that limits the total amount of money that can be expended.

Lee Johnson stated the pre-election report is not designed to find out so much about expenditures but where the contributions are coming from. The reason you need a campaign limitations bill is to try to cut down the tendency that campaign spending has just gotten out of hand and cut down the amount of dependency that any candidate would have to any particular individual.

Senator Smith asked if this same language applies to Federal

HB 3077 (cont'd)

candidates.

Lee Johnson stated on the Federal candidates we gave them the 14 and 11 so that they don't have to file duplicate reports. Their time requirements are different. The secretary of State suggests requiring the 14 and 11 for all candidates if you require the estimate. If you do not, he thinks we should leave it at 10 and 7. The pre-reporting law without an estimate is too easy to avoid.

Senator Smith asked what it would do to the bill if we provided merely for the estimate of 15% and scratch the rest of that.

Lee Johnson stated he would have no objection. It was a strong feeling with the House committee about this.

Clay Myers stated he would recommend that in HB 3077 you lift the wording of SB 571 of 15% or \$1,000, whichever is greater, and then go to those other dates that coincide with SB 541 instead of using this Section 5. The committee passed in SB 541 wording that any document filed with the Secretary of State to the extent that it contains information required by this Act will be satisfactory and they can use the Federal forms in the Secretary of State's office and they won't have to file supplemental forms. They recommend that that wording be used rather than subsection (4). He thinks the Federal Government is going to change their dates.

HB 3074

Bill Vandever stated if HB 3074 were amended by adding SB 811, the state central committee would become organized according to SB 811 until such time after the convention meets on July 1, 1975 at which time the central committees would become whatever that convention decided upon.

Senator Cook stated he doesn't favor the proposition of completely removing the requirement that there be a statutory-determined representative group of each periodically. Perhaps a convention of this sort could be held once every two years that could determine how it's going to function for the ensuing two years.

Senator Hallock moved that HB 3074 be amended to add the language of SB 811 at the end of the bill.

In response to Senator Cook's reasoning Senator Hallock withdrew his motion.

Senator Hallock moved to replace the language in HB 3074 with the language in SB 811. Voting aye: Senators K. Burns, Fadeley, Hallock, Cook and Burbidge. Voting no: Senators Carson and Jernstedt. Senator Smith was excused.

Senator Cook moved that the emergency clause be added to HB 3074 as amended. The motion carried by voice vote with Senator Smith excused.

HB 3077

Lee Johnson, Attorney General, stated the main purpose of the pre-reporting law is to keep the public informed.

Senator Carson stated he doesn't think we have ever had an example of somebody holding back and dumping a lot of miney in at the last minute. We are legislating for the one or two campaigns that did get out of hand.

Chairman Burbidge suggested that Senator Hallock state the areas of the bill which he questions so that when the committee goes over the bill in a work session on Saturday they will be aware of those thoughts.

Senator Hallock, in referring to Section 1, subsections (2) and (3), stated if there are no loopholes to drive loaned executives through, it's fine with him. On page 3, line 12, the phrase "does not include contributions" is ambiguous.

Lee Johnson stated they are just trying to delineate between expenditures and contributions for accounting purposes.

Senator Hallock, in referring to page 5, line 17, asked if we have to have two or more as a "committee".

Lee Johnson stated you don't have to have a treasurer. The candidate is responsible and for reporting pruposes can be a committee of one.

Senator Hallock, in referring to page 6, lines 4 through 8, asked if the boldface language is simply rewritten from that which was removed.

Lee Johnson stated it is.

Senator Hallock stated he opposes line 15 through 17 on page 7.

Lee Johnson stated the language on page 7 and subsection (5) on page 8 are tied together.

Senators Carson and Jernstedt also opposed that language.

Senator Hallock stated he is worried about subsection (1) in Section 10 but if the Attorney General feels that that isn't an abridgement of the first amendment rights and feels that it is really enforceable, then it is okay.

Lee Johnson stated he doesn't think you can have a campaign lid bill without it.

Senator Hallock, in reference to Section 12, stated imposing the reporting requirement is going to discourage a lot of small individual people who want to spend on a campaign, not give, spend, if they are going to have to do all this reporting. Page 13 is the heart of the matter, relating to the name taken off the ballot if

HB 3077 (Cont'd)

someone fails to file a report. Someone is going to get hooked into this to get his name off the ballot. The Attorney General's office wants those who spend less than \$1,000 who fail to report because they are not active, viable candidates and their ignorance of the law leads them into committing a wrong that they are not aware of. The Attorney General wants exempted from the reporting requirements these people so his office will not have to prosecute. It will get rid of a headache that is costing the taxpayers a lot of money. He doesn't think the reporting laws are concerned about campaigns of that magnitude.

The Secretary of State's office disagrees. This problem can be remedied administratively.

Senator Hallock stated he is opposed to eliminating this in subsection (3) on page 22. He asked Mr. Thompson if this is the bill that has in it reference to an agent or agency disclosure, page 11, subsection (2).

Mr. Thompson stated an advertising agency is not going to, in this case, be defined as an "agent".

Senator Hallock stated he would like to delete lines 4 through 7 on page 11 and elsewhere in the bill if it occurs in other places.

Lee Johnson stated plans are to rewrite the code in plain English after it is enacted so that the candidates can easily understand the election procedures. The Secretary of State's office plans to do that.

In reference to the disclaimer provision, Lee Johnson stated all you have to do is to put your name and an address where you can be clearly located. You cannot use a P.O. address. The present law is confusing, and is not sure what address you are supposed to use.

Lee Johnson stated the approach in SB 541 is the most effective approach, as compared to HB 2242. He asked the committee to determine what they think is a reasonable limit, take the HB 2242 approach and add the suggested amendments. Then, set that lid at the legal limit below what you think the lid should be. The big disadvantage is you are favoring that campaign that uses a lot of staff. It would be better to take the approach of total expenditure limitation and set the limit a little above what you think the reasonable limit ought to be. His advice to any candidate is you'd better save some because there's going to be some question on the value of your "in kind" services.

Senator Hallock stated we need to add the single political treasurer concept to make SB 541 mean what all the folks say it ought to mean.

Lee Johnson stated in Oregon there is a limit of \$1,000 in the calendar year for gift tax. Over that amount it is subject to the state gift tax. This has not in the past applied to political gifts. He would suggest an amendment to exempt those people who are

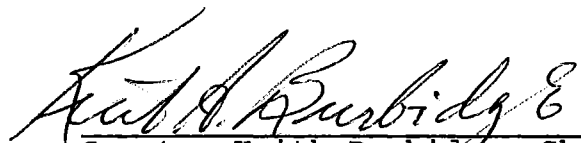
HB 3077 (cont'd)

subject to the political gift tax for the years 1968, 1970 and 1972. It is not a bill for raising revenue.

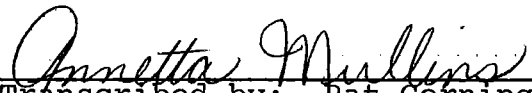
Senator Hallock asked if it is an amendment that can be introduced on the Senate side.

Lee Johnson stated that is a valid question and he will check it out.

Chairman Burbidge declared the meeting adjourned at 5:10 p.m.

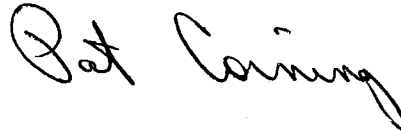


Senator Keith Burbidge, Chairman



Transcribed by: Pat Corning
Typed by: Annetta Mullins

Tape 11, Side 1, 0 - 1316



JOINT COMMITTEE
SENATE COMMITTEE ON ELECTIONS
&
HOUSE LOCAL GOVERNMENT AND URBAN AFFAIRS COMMITTEE

June 22, 1973

8:00 A.M.

319 State Capitol

Members Present: Senator Keith Burbidge, Chairman
Senator Wallace Carson
Senator Kenneth Jernstedt
Senator Ted Hallock

Members Excused: Senator Vern Cook, Vice Chairman
Senator Keith Burns
Senator Edward Fadeley
Senator Robert Smith

Staff: Bill Vandever

Witnesses: Lee Johnson, Attorney General
Jack Thompson, Assistant Secretary of State

NOTE: FOR HOUSE PORTION OF THE MEETING, PLEASE REFER TO THE HOUSE
MINUTES OF JUNE 22.

HB 3077

Senator Carson stated one of the things we really need is, in the professional responsibility discussions of conflict of interest and lobbying, one of the major thrusts is to put the contribution and expenditure authority under the Fair Campaign Commission Division of the Secretary of State's Office and create the Fair Campaign Division. I would hope that HB 3077 could be used to effectuate that transfer so there would be an Elections Division, Audit Division and Fair Practices Commission.

Lee Johnson asked if he was correct that the committee does not want the estimate.

Bill Vandever stated the early reporting can stay in as the law is now.

Lee Johnson asked if they want to change the time of reporting.

The Committee replied they do not.

Lee Johnson asked if they want to permit the federal officials to comply as far as the State law goes or will he have to comply only with the Federal regulations.

Bill Vandever stated the intent was to delete the new language in Section 8, subsection (1) (a).

Lee Johnson asked if they wish then to leave everything the way it is other than leave the estimate out.

HB 3077 (cont'd)

Bill Vandever stated yes.

Lee Johnson asked, under disclaimers, if they would want the lawn sign out of there.

The reply was yes.

Lee Johnson asked if they want the \$1,000 exemption for those who spend less than \$1,000 in their campaigns. This was to exempt from the reporting requirements campaigns who spent less than \$1,000. Of 34 cases actually prosecuted, 32 of them were of campaigns less than \$1,000. Of the 300 plus investigations, over two-thirds of them were less than \$1,000.

Senator Carson stated, if we handle the problem on failure to file administratively, he would agree. There's no problem in pumping a guy because he didn't spend much money on a campaign. On the other hand, a candidate should know when he starts his campaign whether he's going to come under the bill or not and whether he's going to have to report or not. It shouldn't be the decision of his opponent.

Mr. Thompson asked if we are going to allow on disclaimers the person to use addresses other than the residence address or in the language that's in HB 3077 that says "where can be reasonably located" or something like that.

Lee Johnson stated the way they drafted it it is an address where you can be readily located, but you cannot use a post office address.

Lee Johnson stated on the definition of expenditures, there's two exceptions now, page 3, line 10. Present law exempts for travel expenses paid by the candidate and for voters pamphlet statements paid by the candidate. The bill amends it to include also filing fees. Suggests one other exemption. Those expenditures be exempt from the law entirely whether they're paid by the candidate or by somebody else. It will cut down on some of the "in kind" problems.

The following amendment was proposed. "Payment on behalf of or to a candidate of filing fees, fees for space in the voters pamphlet or payment of travel expenses or the furnishing of transportation for a candidate and a candidate's spouse is not a contribution."

Senator Carson asked if this work against the candidate's expenditure lid and does this have to be reported.

Rep. Pat Whiting supported the suggestion by the Attorney General of exempting travel expenses.

Jack Thompson stated travel expenses of the candidate are excluded in the present law because of the very problem involved, whether it's personal or whether it's a campaign expense.

HB 3077 (cont'd)

He added you can write all kind of exclusions into the law. The real test of these things comes in a court or a factual situation when someone makes a complaint of a violation. Definitions should be broadly drawn supplemented by rule-making authority of the office of the Secretary of State and let those rules be tested as to whether they're valid.

Senator Burbidge stated we should at least include some well-defined legislative intent as to what the Secretary of State's authority really extends to, not just an exemption put on something such as a moving headquarters in a self-contained unit.

Lee Johnson stated gift tax to exempt previous gifts from subjection to gift tax will be put in as an amendment to HB 3077.

Bill Vandever stated it will be allocated instead of pro-rated, page 8, line 19. Lines 4 through 7 on page 11 come out. Also subsection (3), page 22, lines 11 through 17 will come out.

Lee Johnson stated if it is a reportable expenditure, it should come under the limitation. If it isn't reportable, take it out entirely. Otherwise, the report is complicated. You are going to have to leave some discretion to the reporting officials and you're going to have to allow the candidates some judgment about what should be reported and what doesn't need to be reported.

Jack Thompson, in reference to Senator Carson's previous point, stated he has some doubts about bringing this Fair Campaign Commission Division into this bill. He felt HB 3077 should stand alone without all these ancillary items in it. It will weight the bill down so much it will not get off the ground at all. The Secretary of State's office feels that the ultimate decision as to whether or not to prosecute for elections violations should be with their office. The Attorney General says this is his power alone.

Lee Johnson stated the bill does give the Secretary of State the power to impose civil penalties. Once a matter is referred to their office for prosecution, it is their decision to make. There is no administrative agency in the State who has the power to prosecute crimes. Only two offices can do this, the District Attorney's office and the Attorney General's office.

Senator Burns stated he would seriously consider proposing an amendment to require the Secretary of State's office to make a recommendation of whether or not to prosecute a case.

Lee Johnson stated he would have no objection to that. He added he would bring proposed amendments back for the full committee on Monday.

Chairman Burbidge declared the meeting adjourned at 11:00 a.m.



STATE OF OREGON
DEPARTMENT OF REVENUE
ESTATE AUDIT SECTION

INTEROFFICE MEMO

OREGON STATE ARCHIVES

AB 3077
10F50

TO: T. A. Lindstrom, Jr.
Administrator, Audit Division

DATE: February 14, 1973

FROM: *ES* Ellis E. Sanders
Supervisor, Estate Audit Section

SUBJECT: Political Contributions

There is attached a compilation of data captured during our examination of Summary Reports of Campaign Contributions and Expenditures for the primary and general elections of 1968, 1970 and 1972.

The contributions made by groups are of such nature that the gift tax thereon, if any, is doubtful.

The contributions in excess of \$1,000 made by individual donors are subject to gift tax providing they were residents of the State of Oregon at the time of making the contributions. The potential gift tax liability, penalty and interest with regard to the individual donors are:

| | | |
|------|----------|--------------------|
| 1968 | Tax | \$51,854.64 |
| | Penalty | 12,963.61 |
| | Interest | <u>16,593.53</u> |
| | Total | <u>\$81,411.78</u> |
| 1970 | Tax | \$ 4,629.56 |
| | Penalty | 1,157.39 |
| | Interest | <u>740.74</u> |
| | | <u>\$ 6,527.69</u> |
| 1972 | Tax | \$17,851.58 |

EES:ht



TREASURY DEPARTMENT
SALEM, OREGON
June 18, 1973

2
~~_____~~
James A. Redden
STATE TREASURER

Re: HB 3077

Dear Keith:

This bill, requested by the Attorney General's office and this office, is a long overdue election law reform bill.

It passed the House with little opposition and has been given substantial editorial support.

I'll be gone until Wednesday morning and unable to be at the hearing this afternoon. I find myself in agreement with both Al Densmore and Lee Johnson on this bill and hope your Committee will "do pass" it.

Thanks,

A handwritten signature in black ink, appearing to be "JAR", written in a cursive style.

JAR/jr

Exhibit A
6-20-73

3

Senator Keith Burbidge
Chairman



Bill Vandever
Administrative Assistant
Telephone: 378-8318

Senator Vern Cook
Vice Chairman

Mrs. Joann Ertsgaard
Committee Clerk
Telephone: 378-8883

Senator Keith Burns
Senator Wallace Carson
Senator Edward Fadeley
Senator Ted Hallock
Senator Kenneth Jernstedt
Senator Robert Smith

SENATE
ELECTIONS COMMITTEE

Office
Room 316, State Capitol
Salem, Oregon 97310
Telephone: 378-8318

Hearing Room
Room 319, State Capitol

June 20, 1973

To: Senate Elections Committee Members
From: Bill Vandever, Committee Assistant

Concerning: Comments on HB 3077

Page 2, line through line 8:

A lot of ORS's -- have they been checked?

Page 4, subsection (8):

The bill does not otherwise mention or require that a political committee appoint a "chairman" as is mentioned in line 20.

Page 4, Section 2:

It's very difficult to follow the intent, although some sense can be made by reading Section 4 with Section 2.

It might be clearer if it dealt only with the political treasurer of a political committee and use Section 4 to deal with the political treasurer of a candidate.

Page 5, Section 4:

Shouldn't it read, "A candidate shall serve ... or shall appoint...?"

Page 5, Section 5; page 6, Section 6:

The addition of "candidate" to the current statutes is confusing.

The intent is obviously to make the candidate responsible. The problem is that if a candidate appoints a political treasurer, Section 4 requires the treasurer to perform all the chapter 260 duties. By replacing the treasurer of the candidate with the candidate, himself, the question arises whether the authority exists to go after a treasurer of a candidate for a violation.

As an example, Section 6 requires each candidate to keep detailed accounts. What if the treasurer is supposed to keep the accounts but does not? He seemingly can not be prosecuted for violating ORS 260.055, although he probably could be prosecuted for violating the general requirement of Section 4.

"candidate" does not include the candidate's political treasurer, and since Section 4 clearly makes the candidate responsible for the acts of his appointed treasurer, the change in terminology adds nothing, is confusing and may force a court to work harder to prosecute a treasurer whose activities are the cause of the candidate's woes.

Also, in Section 6, the political treasurer of a committee can demand inspection but the treasurer of a candidate can not.

Page 8, Section 10, (2), (3):

I can't understand the intent of these.

Page 9, Section 13:

Same problem as previously mentioned, with "candidate" replacing "political treasurer of a candidate" in current law.

Page 11, Section 18:

Will the language work in the case of any noncompliance regarding a filed statement, where there is a genuine factual dispute. Sec. of State is put in position of imposing a penalty and then holding a hearing.

Page 12, Section 18, (5), (6):

May a circuit court enforce any judgements other than circuit court judgements?

Page 13, Section 21, (1)(b):

Should a filing officer be permitted to levy such drastic penalty, as preventing a candidate's name being put on the ballot, if he thinks he knows of such a contributing committee?

Exhibit A
6-25-73

OREGON STATE ARCHIVES
HB 3077
5
S. OREGON STATE ARCHIVES

PROPOSED AMENDMENTS TO
ENGROSSED HOUSE BILL 3077

On page 2 of the printed engrossed bill, in line 3, after "260.072," insert "260.092, and delete "260.112,"

On page 3 in line 4, after the period insert: "Payment on behalf of or to a candidate of filing fees, fees for space in the voters' pamphlet, or payment for or furnishing of personal transportation for a candidate and a candidate's spouse, is not a contribution."

In line 10, delete "travel", and after "expenses" insert "for personal transportation of a candidate or a candidate's spouse".

In line 11, after "pamphlet" insert a comma and delete the rest of the line.

In line 12, delete "a candidate".

On page 4, in line 14, restore "candidate".

In line 15, after " rinciple" insert a period and delete the rest of the line.

Delete line 16.

In line 26, after "(1)" insert "Except as provided in subsection (2) of section 10 of this 1973 Act,".

On page 5, in line 6, after "(3)" insert "Except as provided in subsection (2) of section 10 of this 1973 Act,".

On page 7, in line 8, after "in" insert "subsection (2) of Section 10 of this 1973 Act and".

In line 15, after "election" insert a period and delete the rest of the line.

Delete lines 16 and 17.

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After line 27, insert:

"(3) If a report filed under this section shows any assets on hand at the beginning of the reporting period, it shall set forth all contributions giving rise thereto in accordance with ORS 260.162."

In line 28, delete "(3)" and insert "(4)".

In line 29, delete "(4)" and insert "(5)".

On page 8, delete lines 3 to 7.

In line 8, after "10" insert ", 11".

In line 10, after "person" insert "or political committee".

In line 15, after the period delete the rest of the line.

Delete lines 16 and 17 and insert:

"(2) A person or political committee which receives contributions or makes expenditures in support of a single candidate, or in opposition to one or more candidates with the consent of a single candidate, is not subject to ORS 260.035 to 260.162 but such contributions and expenditures are conclusively deemed to be those of the candidate on whose behalf they were made.

"(3) Any person or political committee other than a person or political committee described in subsection (2) of this section which receives contributions or makes expenditures in support of or in opposition to a candidate with his consent or the consent of any opposing candidate is subject to ORS 260.035 to 260.162. All expenditures by any such person or candidate shall also be considered to be contributions to and expenditures by the candidate who has consented to them, and shall be reported by the candidate as well as by the person or committee making the expenditure."

In line 18, delete "(2)" and insert "(4)", and after "by a" insert "person or".

In line 19, delete "at the same time", and delete "prorated" and insert "allocated".

In line 21, delete "(3)" and insert "(5)", and delete "state or county", and delete "central".

In line 22, delete "attributable" and insert "allocable".

In line 25, delete the period and insert "or section 2 of Senate Bill 541."

Delete lines 26 and 27 and insert:

"Section 11. (1) The Secretary of State may adopt rules for the manner of reporting and determining expenditure limitations under Section 2 of Senate Bill 541, including but not limited to rules for allocation of contributions and expenditures and for determination of fair market value of in kind contributions and contributions other than money, such as but not limited to contributions of office space or of equipment, supplies or facilities, transportation expenses other than for personal transportation of a candidate or a candidate's spouse, the cost of mailings referred to in subsection (2) of Section 2 of Senate Bill 541, and any other contribution or expense which does not have a readily ascertainable money value or equivalent.

"(2) The valuation or allocation of any contribution or expenditure under such rule of Secretary of State adopted prior to the making of such contribution or expenditure, or if it is a continuing contribution or expenditure, the valuation or allocation of that part thereof available to and used on behalf of the candidate subsequent to the adoption of the rule, shall

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be presumed to be the true value or allocation thereof."

After line 32, insert:

"Section 12a. The expenditure limitation prescribed by Section 2 of Senate Bill 541 shall be applicable for any election during the applicable period described in subsection (2) of ORS 260.072.

"Section 13. ORS 260.092 is amended to read:

"260.092. (1) If a statement filed under paragraph (b) of subsection (1) of ORS 260.072 shows an unexpended balance of contributions or an expenditure deficit, the [political treasurer of the] candidate or political treasurer of the political committee shall file with the filing officer:

"(a) Not more than 30 days after the date of the filing of the statement under paragraph (b) of subsection (1) of ORS 260.072, a supplemental statement of contributions and expenditures.

"(b) Every 60 days after the date of the filing of the first supplemental statement, a supplemental statement showing any change in an unexpended balance or contributions from the unexpended balance shown in the previous supplemental statement.

"(c) Every 60 days after the date of the filing of the first supplemental statement, a supplemental statement showing an expenditure deficit until a supplemental statement shows no expenditure deficit.

"(2) Each supplemental statement required by this section shall be signed and certified as true and correct by the [political treasurer] person required to file it."

In line 33, delete "13" and insert "14".

On page 9, delete lines 14 to 34.

On page 10, delete lines 1 to 7.

On page 11, in lines 4 to 7, delete all new material and delete the remainder by bracketing.

In line 8, delete "(3)" and insert "(2)".

Delete lines 13 and 14.

On page 13, in line 18, delete the colon.

In line 19, delete "(a)".

In line 21, delete "; or" and insert a period.

Delete lines 22 to 28.

On page 14, in line 5, after "he" delete the rest of the line and insert "has".

In line 6, delete "which contributed to his election have".

In line 7, restore "he is" and delete "they are".

After line 20 insert:

"(3) The summary reports prepared and made available under subsection (2) of this section shall include a listing of all contributions of \$50 or more, and a listing of all those expenditures made by ballot measure committees, political party committees and other committees, which are contributions to candidates or other committees."

On page 16, in line 18, after "Attorney General" insert "or other prosecutor".

On page 21, in line 25, after "260.522" insert ", as amended by Engrossed Senate Bill 773,".

In line 32, delete "prominently" and "If the".

Delete lines 33 to 35.

On page 22, delete lines 1 to 17 and insert:

"(2) In the case of copies of any such item listed in subsection (1) of this section which has been previously published, that material will be clearly identified as to the source and date of publication.

"(3) All material listed in subsection (1) shall, in addition to the name and address of the publisher therein, include the date of publication.

"(4) 'Address' for purposes of this section means the residence address of the publisher, or if the publisher is a candidate, the address shown on his declaration of candidacy or nomination petition filed with the filing officer, or if the publisher is a political committee the address of its political treasurer certified to the Secretary of State under subsection (1) of ORS 260.035. However, a different address may be used if the candidate, publisher or a responsible officer first files with the Secretary of State his residence address and the address proposed to be used."

In line 18, delete "(4)" and insert "(5)".

On page 24, delete all new material in lines 19 and 20 and delete the remainder by bracketing.

In line 23, delete "(2)".

In line 26, delete "(a)" and insert "(1)".

In line 27, delete "or" and insert "and".

In line 28, delete "(b)" and insert "(2)".

On page 28, in line 25, delete "to (4)" and insert "and (3)".

//

Delete lines 32 and 33.

On page 29, in line 10, delete "July" and insert "September".

ENGROSSED

House Bill 3077

Ordered by the House
(Including Amendments by Committee on
Local Government and Urban Affairs May 29)

Sponsored by COMMITTEE ON LOCAL GOVERNMENT AND URBAN
AFFAIRS (at the request of the State Treasurer)

SUMMARY

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

[Prohibits any person not political treasurer of candidate from making expenditures in support of nomination or election of candidate. Prescribes limitations on total amount of expenditures political treasurer of candidate can make in support of candidate. Requires all contributions to or on behalf of candidate be submitted to political treasurer of candidate. Includes in candidate's family descendant, brother, sister, aunt, uncle and others for purposes of limitation on contributions that candidate and candidate's family can make in support of candidate's nomination or election. Eliminates preelection filing of statement of contributions and expenditures. Provides for investigation and prosecution of election law offenses by district attorney for offices not voted on statewide. Makes other provisions. Provides penalties.]

Makes candidates personally responsible for filing and accuracy of financial statements. Eliminates dual filing of certain statements. Requires candidate to include, with preelection filing of financial statements, statement of estimated expenditures during succeeding period ending on election day. Prohibits candidate from expending amount exceeding estimate by more than 15 percent or exceeding opposing candidate's estimate, whichever is greater. Permits political committees and individuals to make expenditures in support of or opposition to candidates only with consent of candidate or opposing candidate, such expenditure to be reported as contribution to and expenditure by consenting candidate. Requires that individual name of political treasurer or chairman appear on campaign publication and makes candidates and individually named publishers presumptively responsible for publication of false political statements. Removes criminal penalty for false political statements and substitutes civil action by aggrieved candidate or political committee. Retains potential forfeiture of nomination or election by candidate who makes false political statement.

Provides that Attorney General or other prosecutor determine whether to prosecute election law violation. Authorizes Secretary of State to impose civil penalty up to five percent of total contributions or expenditures per day for late filing of financial statement. Makes other provisions. Provides penalties.

Effective January 1, 1974.

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted; complete new sections begin with SECTION.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; amending ORS 260.005,
260.092
3 260.035, 260.045, 260.055, 260.062, 260.072, 260.102, ~~260.112~~, 260.122, 260.162,
4 260.215, 260.225, 260.235, 260.245, 260.255, 260.345, 260.402, 260.412, 260.422,
5 260.432, 260.442, 260.452, 260.462, 260.472, 260.482, 260.492, 260.512, 260.522,
6 260.532, 260.542, 260.552, 260.610, 260.630, 260.640, 260.650, 260.660, 260.670
7 and 260.710; repealing ORS 260.082, 260.142, 260.152, 260.305, 260.502 and
8 260.990; providing penalties; and declaring an emergency.

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

10 Section 1. ORS 260.005 is amended to read:

11 260.005. As used in [ORS 260.005 to 260.255 and subsection (1) of ORS
12 260.990] this chapter, unless the context requires otherwise:

13 (1) "Candidate" means an individual seeking nomination or election
14 to public office whose name is printed on an official ballot for public office
15 or whose name is expected to be or has been presented, with his consent,
16 for nomination or election to public office.

17 (2) "Contribute [,]" or "contribution [,]" ["*expend*" and "*expenditure*"]
18 means any advance, conveyance, deposit, distribution, gift, loan, payment,
19 pledge or subscription of money or any other thing of value, and any
20 contract, agreement, promise or other obligation, whether or not legally
21 enforceable, to make a contribution or expenditure, in support of or in
22 opposition to any candidate, political committee or measure; but do not
23 include:]

24 [(a) Services by speakers, writers, publishers or others, for which
25 no compensation is asked or given.]

26 [(b) Travel expenses incurred by a candidate.]

27 [(c) Fees paid by a candidate for space in the voters' pamphlet for
28 his material or the material of his political party contained therein.] in-
29 cludes the payment, unrepaid loan, gift, forgiving of indebtedness, or
30 furnishing without equivalent compensation or consideration, of money,
31 services other than personal services for which no compensation is asked
32 or given, supplies, equipment or any other thing of value, to or on behalf
33 of a candidate, political committee or measure; and any unfulfilled pledge,
34 subscription, agreement or promise, whether or not legally enforceable,

1 to make a contribution. In case of any contribution made for compensation
 2 or consideration of less than equivalent value, measured if possible by
 3 fair market value, only the excess value thereof shall be considered a
 4 contribution.

On page 3 in line 4, after the period insert: "Payment on
 behalf of or to a candidate of filing fees, fees for space in
 the voters' pamphlet, or payment for or furnishing of personal
 transportation for a candidate and a candidate's spouse, is
 not a contribution."

5 (3) "Expend" or "expenditure" includes the payment or furnishing of
 6 money or any thing of value or the incurring or repayment of indebtedness
 7 or obligation by or on behalf of a candidate, political committee or person
 8 in consideration for any services, supplies, equipment or other thing of
 9 value performed or furnished in support of or opposition to a candidate,
 10 political committee or measure, but does not include ~~travel expenses~~ for
 11 filing fees or fees for space in the voters' pamphlet, ~~incurred and paid by~~
 12 ~~a candidate~~ and does not include contributions.

for personal
 transportation
 of a candidate
 or a candidate's
 spouse

13 [(3)] (4) "Filing officer" means the:

14 (a) Secretary of State, in the case of a candidate for any state office
 15 or any office to be voted for in the state at large, in a congressional district
 16 or in a district, port or municipal corporation other than a city, consisting
 17 of *[more than one county or situated in]* two or more entire counties or
 18 two or more entire counties and portions of one or more additional coun-
 19 ties; and in the case of a measure to be voted for in the state at large or
 20 in a district, port or municipal corporation [,] other than a city, consisting
 21 of *[more than one county or situated in]* two or more entire counties or
 22 two or more entire counties and portions of one or more additional counties.

23 (b) County clerk, in the case of a candidate for any county office or
 24 any district, port, municipal corporation other than a city or precinct
 25 office within the county, and in the case of a measure to be voted for in
 26 one county or in a district, port or municipal corporation [,] other than a city,
 27 situated wholly within one county.

28 (c) City clerk, auditor or recorder, in the case of a candidate for any
 29 city or ward office, and in the case of a measure to be voted for in a city
 30 only.

31 (d) County clerk of the county in which the chief administrative
 32 officer or administrative board maintains his or her office, in the case
 33 of a candidate for office for any district, port or municipal corporation
 34 other than a city, and in the case of a measure to be voted for in such

1 district, port or municipal corporation other than a city, when such district,
2 port or municipal corporation other than a city is situated in more than
3 one county but does not include more than one complete county.

4 [(4)] (5) "Measure" means any proposed law, Act or part of an Act
5 of the Legislative Assembly, revision of or amendment to the Oregon Con-
6 stitution, local, special or municipal legislation or proposition or ballot
7 question submitted to the people for their approval or rejection at an
8 election.

9 [(5)] (6) "Person" means an individual or a corporation, association,
10 firm, partnership, joint stock company, club, organization or other combina-
11 tion of individuals having collective capacity.

12 [(6)] (7) "Political committee" means a combination of two or more
13 individuals, or a person other than an individual, the primary or incidental
14 purpose of which is to support or oppose any ~~candidate,~~ measure or
15 political party or principle, ~~or to raise money and contribute to the support~~
16 ~~or opposition of any candidate.~~

17 [(7)] (8) "Political treasurer" means an individual appointed by a
18 candidate, as provided by section 4 of this 1973 Act, or political committee
19 as provided in ORS 260.035 or, if a [candidate or] political committee fails
20 to comply with ORS 260.035, the [candidate or] chairman of the political
21 committee.

22 [(8)] (9) "Public office" means any national, state, county, school or
23 other district, precinct, city, ward or political party office or position that
24 is filled by the voters.

25 Section 2. ORS 260.035 is amended to read:
26 Except as provided in subsection (2) of section 10 of this 1973 Act,

26 260.035. (1) [^]Each [candidate and] political committee shall appoint a
27 political treasurer and certify the name and address of the political treasur-
28 er to the filing officer. A political treasurer so appointed shall be a registered
29 elector of this state. An individual may be appointed and serve as political
30 treasurer of a candidate and a political committee or two or more candidates
31 and political committees. [A candidate may appoint himself his own
32 political treasurer.]

33 (2) A candidate or political committee may remove his or its political
34 treasurer. In case of the death, resignation or removal of his or its political

1 political treasurer before compliance with all obligations of a political
 2 treasurer under ORS 260.005 to 260.255 [and subsection (1) of ORS 260.990],
 3 a candidate may or political committee shall appoint a successor and certify
 4 the name and address of the successor in the manner provided in the case
 5 of an original appointment.
 Except as provided in subsection (2) of section 10 of this 1973 Act,

6 (3) No contribution shall be received or expenditure made by or on
 7 behalf of a [candidate or] political committee:

8 (a) Until the [candidate or] political committee appoints a political
 9 treasurer and certifies the name and address of the political treasurer to
 10 the filing officer.

11 (b) Unless the contribution is received or expenditure made by or
 12 through the political treasurer of the [candidate or] political committee.

13 [(4) Violation by any person of subsection (3) of this section is a
 14 misdemeanor.]

15 **SECTION 3.** Section 4 of this Act is added to and made a part of
 16 ORS 260.005 to 260.255.

17 **SECTION 4.** A candidate may serve as his own political treasurer or
 18 may appoint and certify to the filing officer the name and address of a
 19 political treasurer. If a candidate appoints a political treasurer, his political
 20 treasurer shall perform all the duties prescribed for the candidate under
 21 ORS 260.005 to 260.255. The candidate shall, in addition to the political
 22 treasurer, be personally responsible for the performance of such duties
 23 and any default or violation by the political treasurer shall also conclu-
 24 sively be considered a default or violation by the candidate.

25 Section 5. ORS 260.045 is amended to read:

26 260.045. [(1)] A candidate or political treasurer shall not accept a con-
 27 tribution of more than \$50 from a political committee not in this state
 28 unless:

29 [(a)] (1) The contribution is accompanied by a written statement set-
 30 ting forth the name and address of each person who contributed more
 31 than \$25 of the contribution and certified as true and correct by an officer
 32 of the contributing political committee; or

33 [(b)] (2) The candidate or political treasurer files with the filing
 34 officer, at the same time he files a statement setting forth the contribution,

17

1 [an affidavit to the effect that the contributing political committee made
2 contributions to political treasurers in this state in a total amount of not
3 more than two-thirds of the sum of all contributions made by it in this
4 state and not in this state] his affidavit that to the best of his knowledge
5 and belief the contributing political committee will make no contributions
6 to candidates and political treasurers in this state exceeding two-thirds, in
7 total amount, of all contributions made by it in this state and elsewhere
8 during the period described in ORS 260.072 for which the statement is filed.

9 [(2) Violation by a political treasurer of subsection (1) of this section
10 is a misdemeanor.]

11 Section 6. ORS 260.055 is amended to read:

12 260.055. (1) Each candidate and the political treasurer of each [candi-
13 date and] political committee shall keep detailed accounts, current within
14 not more than seven days after the date of receiving a contribution or
15 making an expenditure, of all contributions received and all expenditures
16 made by or on behalf of the candidate or political committee that are
17 required to be set forth in a statement filed under ORS 260.072, 260.092
18 or 260.132.

19 (2) Accounts kept by a candidate or the political treasurer of a [candi-
20 date or] political committee may be inspected, before the election to which
21 the accounts refer and under reasonable circumstances, by [the political
22 treasurer of] any opposing candidate or the political treasurer of any
23 political committee for the same electoral [district] contest. The right of
24 inspection may be enforced by writ of mandamus issued by any court
25 of competent jurisdiction. The political treasurers of political committees
26 supporting a candidate may be joined with the [political treasurer of the]
27 candidate as defendants in a mandamus proceeding.

28 (3) Accounts kept by a candidate or political treasurer shall be pre-
29 served by the candidate or political treasurer for at least six months after
30 the date of the election to which the accounts refer or at least six months
31 after the date of the last supplemental statement is filed under ORS
32 260.092, whichever is later.

1 [(4) Violation of subsection (1) or (3) of this section is a misdemeanor.]

2 Section 7. ORS 260.062 is amended to read:

3 260.062. [(1)] A person required to file a statement under ORS 260.072
4 to [260.152] 260.162 shall file a statement that substantially conforms to
5 law and to the truth.

6 [(2) Violation of subsection (1) of this section is a misdemeanor.]

7 Section 8. ORS 260.072 is amended to read:

8 260.072. (1) Except as otherwise provided in ^{subsection (2) of section 10 of this 1973 Act,} ORS 260.112 and 260.132,

9 [the political treasurer of] each candidate and the political treasurer of
10 each political committee shall file with the filing officer:

11 (a) Not more than 10 days and not less than seven days before the date
12 of an election, a statement of all contributions received and all expendi-
13 tures made by or on behalf of the candidate or political committee during
14 the period beginning as provided in subsection (2) of this section and
15 ending on the 10th day before the date of the election, ~~and a statement of~~
16 ~~estimated expenditures which will be made during the succeeding period~~
17 ~~ending on the day of the election.~~

18 (b) Not more than 30 days after the date of an election, a statement
19 of all contributions received and all expenditures made by or on behalf
20 of the candidate or political committee during the period beginning as
21 provided in subsection (2) of this section and ending on the date of the
22 election.

23 (2) The period referred to in subsection (1) of this section begins:

24 (a) For a regular biennial general election, on the [15th] day after the
25 date of the preceding primary election.

26 (b) For any other election, on the 250th day before the date of the
27 election.

X (3) If a report filed under this section shows any assets
on hand at the beginning of the reporting period, it shall set
forth all contributions giving rise thereto in accordance with
ORS 260.162."

28 (A) Each statement required by this section shall be signed and cer-
29 tified as true and correct by the candidate or political treasurer required
30 to file it.

31 (A) ⁵ In the case of any candidate for federal office, a report required to
32 be filed under paragraph (a) of subsection (1) of this section may instead be
33 filed not more than 14 and not less than 11 days before the date of the

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[8]

1 election, covering the period ending on the 14th day before the date of
2 the election.

~~3 (5) No expenditures shall be made during the period covered by the~~

~~4 estimate of expenditures provided by paragraph (a) of subsection (1) of~~

~~5 this section, which exceed the amount of the estimate by more than 15~~

~~6 percent or which exceed the amount of the estimate by an opposing candi-~~

~~7 date or political committee, whichever is greater.~~

8 SECTION 9. Sections 10¹¹ and 12 of this Act are added to and made a part
9 of ORS 260.072 to 260.162.

10 SECTION 10. (1) No person^{or political committee} shall make expenditures in support of
11 or in opposition to a candidate except the candidate or an opposing candi-
12 date. However, a person or political committee may make expenditures in
13 support of a candidate if the consent of the candidate is previously ob-
14 tained, or in opposition to a candidate if the consent of one or more other
15 candidates for the same office is previously obtained. ~~Such expenditures~~
16 ~~shall be considered and shall be reported as contributions to and expendi-~~
17 ~~tures by the candidate who has consented to them.~~

" (2) A person or political committee which receives con-
tributions or makes expenditures in support of a single candidate,
or in opposition to one or more candidates with the consent of a
single candidate, is not subject to ORS 260.035 to 260.162 but
such contributions and expenditures are conclusively deemed to
be those of the candidate on whose behalf they were made.

" (3) Any person or political committee other than a person
or political committee described in subsection (2) of this section
which receives contributions or makes expenditures in support of
or in opposition to a candidate with his consent or the consent
of any opposing candidate is subject to ORS 260.035 to 260.162.
All expenditures by any such person or candidate shall also be
considered to be contributions to and expenditures by the candidate
who has consented to them, and shall be reported by the candi-
date as well as by the person or committee making the expenditure."

18 ⁴ (P) Expenses incurred by a ^{person or} political committee on behalf of more than
 19 one candidate ~~at the same time~~ shall be ^{allocated} ~~prorated~~ between such candidates
 20 on a reasonable basis.

21 ⁵ (P) Expenses incurred by a ~~state or county~~ political ~~central~~ committee,
 22 ^{allocable} ~~not attributable~~ to any particular candidate or candidates, including ex-
 23 penses incurred in solicitation of funds intended to be contributed to
 24 candidates to be designated later, shall not be considered expenditures
 25 in support of a candidate for purposes of subsection (1) of this section ⁹ or section 2 of
 26 Senate Bill 541.

27 **SECTION 11.** ~~If section 10 of this Act becomes law, section 3, chapter~~
~~—, Oregon Laws 1973 (Enrolled House Bill 2242) is repealed.~~

"Section 11. (1) The Secretary of State may adopt rules for the manner of reporting and determining expenditure limitations under Section 2 of Senate Bill 541, including but not limited to rules for allocation of contributions and expenditures and for determination of fair market value of in kind contributions and contributions other than money, such as but not limited to contributions of office space or of equipment, supplies or facilities, transportation expenses other than for personal transportation of a candidate or a candidate's spouse, the cost of mailings referred to in subsection (2) of Section 2 of Senate Bill 541, and any other contribution or expense which does not have a readily ascertainable money value or equivalent.

"(2) The valuation or allocation of any contribution or expenditure under such rule of Secretary of State adopted prior to the making of such contributions or expenditure, or if it is a continuing contribution or expenditure, the valuation of that part thereof available to and used on behalf of the candidate subsequent to the adoption of the rule, shall be presumed to be the true value or allocation thereof."

28 SECTION 12. Any individual who during a period described in sub-
29 section (2) of ORS 260.072 makes expenditures in a total amount of more
30 than \$25 in support of or in opposition to any measure shall for purposes of
31 ORS 260.072 be considered a political committee, and shall as his own
32 political treasurer file the statements required by ORS 260.072.

21

"Section 12a. The expenditure limitation prescribed by
section 2 of Senate Bill 541 shall be applicable for any election
during the applicable period described in ^{sub} ⁽²⁾ section/ of ORS 260.072.

"Section 13. ORS 260.082 is amended to read:

"'260.092. (1) If a statement filed under paragraph (b)
of subsection (1) of ORS 260.072 shows an unexpended balance of
contributions or an expenditure deficit, the [political treasurer]
of the] candidate or political treasurer of the political committee
shall file with the filing officer:

"' (a) Not more than 30 days after the date of the filing of
the statement under paragraph (b) of subsection (1) of ORS 260.072,
a supplemental statement of contributions and expenditures.

"' (b) Every 60 days after the date of the filing of the first
supplemental statement, a supplemental statement showing any change
in an unexpended balance or contributions from the unexpended
balance shown in the previous supplemental statement.

"' (c) Every 60 days after the date of the filing of the first
supplemental statement, a supplemental statement showing an expendi-
ture deficit until a supplemental statement shows no expenditure
deficit.

"' (2) Each supplemental statement required by this section
shall be signed and certified as true and correct by the
[political treasurer] person required to file it."

33 Section ¹⁴ ~~13~~ ORS 260.102 is amended to read:

34 260.102. A person who receives or expends money or any other thing

1 of value, after the date of an election, for the purpose of reducing an
2 expenditure deficit shown by a statement of contributions and expendi-
3 tures filed by a candidate or political treasurer, and who is not the candi-
4 date or political treasurer and does not receive or expend the money or
5 other thing of value through the candidate or political treasurer, shall file
6 with the filing officer a statement showing the source of all money or
7 other things of value so received or expended. The statement shall list the
8 name and address of each individual who contributed an aggregate amount
9 of more than [\$5] \$25. The statement may list as a single item the total
10 amount of contributions in amounts of [\$5] \$25 or less each, but shall specify
11 in that case how those contributions were obtained. The statement shall
12 be signed and certified as true and correct by the person required to file
13 it or by his authorized representative.

14 ~~Section 14. ORS 260.112 is amended to read:~~

15 ~~260.112. (1) If the public office to which a candidate seeks nomination~~
16 ~~or election is one for which there is no salary or compensation and if all~~
17 ~~expenditures made by [or on behalf of] the candidate during a period~~
18 ~~described in ORS 260.072 are in a total amount of not more than \$250, no~~
19 ~~statement of contributions received and expenditures made by [or on be-~~
20 ~~half of] the candidate during that period described in ORS 260.072 are in a~~
21 ~~total amount of not more than \$250, no statement of contributions received~~
22 ~~and expenditures made by [or on behalf of] the candidate during that~~
23 ~~period is required.~~

24 ~~(2) In any other case in which all expenditures made and expenses~~
25 ~~incurred by the candidate during a period described in ORS 260.072 are in a~~
26 ~~total amount of not more than \$1,000, no statement of contributions re-~~
27 ~~ceived and expenditures made by or on behalf of the candidate during that~~
28 ~~period is required to be made except as provided in subsection (3) of this~~
29 ~~section. An exemption under this subsection shall apply separately to a~~
30 ~~primary election and to a succeeding general election.~~

31 ~~(3) If after the last day for filing of candidacies and no later than 17~~
32 ~~days before the election, a candidate notifies the filing officer that he will~~
33 ~~require the filing of statements under ORS 260.072 to 260.162 by each~~
34 ~~candidate for the particular office, the filing officer shall forthwith notify~~

~~1 each such candidate and notwithstanding subsection (2) of this section
2 all such candidates shall thereupon file the statements required by ORS
3 260.072 to 260.162 unless exempt under subsection (1) of this section. It
4 shall be the duty of each candidate and political treasurer to determine
5 for himself whether or not he is exempt under subsection (2) of this
6 section from filing a statement, or required under this subsection to file
7 a statement.~~

8 Section 15. ORS 260.122 is amended to read:

9 260.122. Except as otherwise provided in ORS 260.112, if no contribu-
10 tion is received or expenditure made by or on behalf of a candidate or
11 political committee during a period described in ORS 260.072, the candi-
12 date or political treasurer of the [candidate or] political committee shall
13 file with the filing officer, at the time required by ORS 260.072 for the
14 period, a statement to that effect. Each statement shall be signed and cer-
15 tified as true and correct by the [political treasurer] person required to
16 file it.

17 Section 16. ORS 260.162 is amended to read:

18 260.162. (1) A statement filed under ORS 260.072, 260.092 [,] or
19 260.132 [, 260.142 or 260.152] shall set forth:

20 (a) Under contributions, a list of all contributions received. The state-
21 ment shall list the name and address of each person who contributed an
22 aggregate amount of more than \$25, and the amount contributed by that
23 person. The statement may list as a single item the total amount of con-
24 tributions in amounts of \$25 or less each, but shall specify in that case
25 how those contributions were obtained.

26 (b) Under expenditures, a list of all expenditures made, showing the
27 amount and purpose thereof. Each expenditure in an amount of more than
28 \$25 shall be vouched for by a receipt or canceled check or an accurate copy
29 thereof. A statement filed under paragraph (a) of subsection (1) of ORS
30 260.072 may list as a single item the total amount of expenditures without
31 showing the amount and purpose of or vouching for each expenditure.
32 Any thing of value paid for or contributed by any person shall be listed
33 both as an expenditure and a contribution.

23

24

1 (c) The statement shall also separately list all contributions made by
2 the candidate or political committee to any other candidate or political
3 committee.

4 [(2) If ~~the political treasurer of~~ a candidate [,] ~~or a~~ political committee
5 or [his or] its political treasurer employs or uses the services of an agent
6 to make expenditures on his or its behalf, a statement filed by the political
7 treasurer shall include a list of all expenditures made by the agent.]

8 (A) Any statement required to be filed under ORS 260.072, 260.092 or
9 260.132 shall be considered as filed only when it is received in the office
10 of the filing officer and to be in default unless received no later than the
11 day due or, if the day due is a Saturday, Sunday or holiday, on the next
12 succeeding business day.

13 ~~SECTION 16a. If section 16 of this Act becomes law, section 6, chapter~~
14 ~~_____, Oregon Laws 1973 (Enrolled House Bill 2242) is repealed.~~

15 SECTION 17. Section 18 is added to and made a part of ORS 260.200
16 to 260.255.

17 SECTION 18. (1) Notwithstanding any other penalty which may be
18 imposed by law for failure to file a statement required to be filed under
19 ORS 260.072 to 260.162, the Secretary of State, on his own motion in the
20 case of a statement required to be filed with him or on the request of any
21 other filing officer with whom a statement is required to be filed but was
22 not filed, may impose a civil penalty as provided in subsections (2) and (3)
23 of this section for failure to file a statement which complies with applicable
24 provisions of ORS 260.062 to 260.162.

25 (2) A civil penalty may be imposed under this section against a can-
26 didate, political treasurer or other person required to file a statement who
27 has not filed such statement complying with applicable provisions of ORS
28 260.062 to 260.162 within the time required.

29 (3) The penalty imposed shall be not more than five percent of the
30 total contributions or total expenses and expenditures required to be re-
31 ported in the statement, whichever is greater, for each day, including
32 Sundays and holidays, beginning on the day the penalty is imposed until
33 the day a statement conforming to the law and the truth is filed. However,
34 the penalty shall be not less than \$10 for each day. The Secretary of State

1 may upon a showing of extenuating circumstances remit a portion of the
2 penalty.

3 (4) The order imposing the penalty shall be served upon the person
4 against whom it is imposed by certified mail, return receipt requested, and
5 shall be accompanied by notice stating that upon request received in the
6 Secretary of State's office not more than 30 days thereafter the Secretary
7 of State or his designee will schedule a hearing on whether the penalty
8 should have been imposed and to consider any circumstances in mitigation.
9 The hearing shall be held, and the Secretary of State's order may be ap-
10 pealed, in accordance with the procedure for contested cases provided in
11 ORS chapter 183, but the order shall be reversed or modified only if the
12 court finds that the Secretary of State lacked authority to impose the
13 penalty or that the amount of the penalty imposed was unconscionable in
14 the circumstances.

15 (5) The Secretary of State may file the original order assessing the
16 penalty and a subsequent order determining the exact amount due, or
17 certified copies thereof, with the clerk of any circuit court in the state:

18 (a) At any time after expiration of the time in which a hearing may
19 be requested; or

20 (b) If a hearing is requested and held, after expiration of the time in
21 which an appeal may be taken; or

22 (c) After final determination of the matter on appeal.

23 (6) Such orders shall be docketed in the judgment docket and may
24 be enforced in the same manner as a judgment.

25 Section 19. ORS 260.215 is amended to read:

26 260.215. [(1)] Within three months after the date of each primary and
27 each general election [the Secretary of State] each filing officer shall
28 examine each statement filed with him under ORS 260.072 to [260.152]
29 260.162, and referring to the election, to determine whether the statement
30 conforms to [law and to the truth] applicable statutes. The [Secretary of
31 State] filing officer may require any person to answer in writing and
32 upon oath or affirmation any question within the knowledge of that person
33 concerning the source of any contribution. The inquiry shall advise the
34 person concerned of the penalty for failure to answer.

1 [(2) Failure to answer a question under oath or affirmation as re-
2 quired under subsection (1) of this section is a misdemeanor.]

3 Section 20. ORS 260.225 is amended to read:

4 260.225. Upon the petition of the Secretary of State [, Attorney Gen-
5 eral] or any registered elector, or of any other filing officer with whom
6 a report is required to be filed, the circuit court for the county in which
7 a filing officer has his office may compel any candidate, political treasurer
8 or person who fails to file any statement required to be filed with the
9 filing officer under ORS 260.072 to [260.152] 260.162, or who files with
10 the filing officer a statement that does not [conform to law or to the
11 truth] comply with applicable statutes, to file with the filing officer a
12 proper statement [that conforms to the law and to the truth]. The petition
13 shall be filed with the circuit court within 60 days after the date the state-
14 ment is filed or should have been filed as required by law.

15 Section 21. ORS 260.235 is amended to read:

16 260.235. (1) The name of a candidate nominated at a primary election
17 or otherwise shall not be printed on the official ballot for the succeeding
18 election if ^g

19 ~~(a)~~ The [political treasurer of the] candidate fails to file any statement
20 referring to the nomination he is required to file under ORS 260.072,
21 260.092 [,] or 260.122 [or 260.152] ~~or~~

22 ~~(b) A statement referring to the nomination filed by the [political~~
23 ~~treasurer of the] candidate discloses the existence of a political committee~~
24 ~~[supporting] contributing to the nomination of the candidate, or the filing~~
25 ~~officer has knowledge of such political committee, and the political treas-~~
26 ~~urer of the political committee fails to file any statement referring to the~~
27 ~~nomination he is required to file under ORS 260.072, 260.092 [,] or 260.122~~
28 ~~[or 260.152].~~

29 (2) Delay in the filing of a statement referred to in subsection (1) of
30 this section beyond the time required by law does not prevent the accept-
31 ance of the statement or prevent the insertion of the name of the candidate
32 on the official ballot if the statement is filed not less than 21 days before
33 the day of the election [there is reasonable time therefor after the filing
34 of the statement].

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1 (3) A vacancy on an official ballot under this section may be filled
2 in the manner provided by law, but not by the name of the candidate.

3 Section 22. ORS 260.245 is amended to read:

4 260.245. No certificate of election shall be granted to any candidate
5 until [his] ^{has} ~~he and the political treasurer [has] of the political committee~~
6 ~~which contributed to his election have~~ filed the statements referring to
7 the election ~~he is~~ ^{they are} required to file under ORS 260.072, 260.092 [,]
8 and 260.122 [and 260.152].

9 Section 23. ORS 260.255 is amended to read:

10 260.255. (1) [Except as provided in ORS 260.082,] A filing officer shall
11 preserve each statement filed with him under ORS 260.072 to [260.152]
12 260.162, or an accurate copy thereof, for at least six years after the date
13 of the election to which the statement refers. [A statement is a public rec-
14 ord and shall be available for public inspection, under reasonable circum-
15 stances, in the office of the filing officer. A filing officer shall give certi-
16 fied copies of a statement in the same manner as of other public records.]

17 (2) A filing officer shall publish a summary of the statements filed
18 with him under paragraph (b) of subsection (1) of ORS 260.072 and ORS
19 260.092 to [260.152] 260.162 for each election and shall make the sum-
20 mary available to the general public.

"(3) The summary reports prepared and made available under
subsection (2) of this section shall include a listing of all
contributions of \$50 or more, and a listing of all those expendi-
tures made by ballot measure committees, political party committees
and other committees, which are contributions to candidates or
other committees."

21 Section 24. ORS 260.345 is amended to read:

22 260.345. (1) Any registered elector may file with the Secretary of
23 State, or any [county clerk or any city clerk, auditor or recorder] filing
24 officer a written complaint alleging that a violation of any provision of the
25 election laws has occurred and setting forth his reasons for believing that
26 such violation has occurred and any evidence pertaining thereto that he
27 may have. A complaint alleging a violation involving the Secretary of State
28 [or], a candidate for the office of Secretary of State or any political com-
29 mittee or person supporting the Secretary of State or a candidate for the
30 office of Secretary of State may be filed with the Attorney General.

31 (2) [If a complaint is filed with him under subsection (1) of this sec-
32 tion, a county clerk or city clerk, auditor or recorder immediately shall
33 send such complaint to the Secretary of State or, where the violation

28

1 involves the Secretary of State or a candidate for the office of Secretary
2 of State, to the Attorney General, together with any other information he
3 may have pertaining to the complaint. If, by reason of information avail-
4 able to him other than a complaint filed with him under subsection (1)
5 of this section, a county clerk or city clerk, auditor or recorder believes
6 that a violation of any provision of the election laws has occurred, he im-
7 mediately shall send to the Secretary of State or, where the violation in-
8 volves the Secretary of State or a candidate for the office of Secretary
9 of State, to the Attorney General a notice setting forth his reasons for
10 believing that such violation has occurred and any evidence, or copies
11 thereof, pertaining thereto that he may have] If the complaint is filed
12 with any person other than the Secretary of State, he shall immediately
13 send such complaint to the Secretary of State together with any other
14 information he has pertaining to the complaint. In any case in which
15 the complaint concerns the Secretary of State, any candidate for the office
16 of the Secretary of State or any political committee or person supporting
17 the candidacy of the Secretary of State or of another person for the office
18 of Secretary of State, the complaint and additional information shall in-
19 stead be sent to the Attorney General.

20 (3) Upon receipt of a complain [or notice] under subsection (1) or (2)
21 of this section [, or upon information otherwise available to him,] the Sec-
22 retary of State or Attorney General immediately shall cause such com-
23 plaint [, notice or other information] to be examined for the purpose of
24 determining whether a violation of any provision of the election laws has
25 occurred and shall make any investigation of the facts which he con-
26 siders necessary. [The Secretary of State may request the assistance of
27 the Attorney General in making such examination and determination, or,
28 where the violation involves the Attorney General or a candidate for the
29 office of Attorney General, may employ such other legal counsel as he may
30 consider necessary for such purpose.]

31 (4) If the Secretary of State [determines] believes after an investiga-
32 tion under subsection (3) of this section that a violation of any provision
33 of the election laws has occurred, he immediately shall [cause such viola-
34 tion to be prosecuted in the name of the state. The Secretary of State shall

1 request the Attorney General to conduct the prosecution or, where the
2 violation involves the Attorney General or a candidate for the office of
3 Attorney General, he may employ other legal counsel for such purpose.
4 If so requested, the Attorney General immediately shall] report his find-
5 ings to the Attorney General and request him to take such steps as are
6 necessary and available to prosecute such violation in the name of the state.
7 If the violation involves the Attorney General, a candidate for that office
8 or a political committee or person supporting or opposing the Attorney
9 General or a candidate for that office, the Secretary of State shall appoint
10 another prosecutor for that purpose.

11 (5) Upon receipt of a complaint or [notice] report under subsection (1)
12 [or], (2) or (4) of this section, the Attorney General or other prosecutor
13 immediately shall cause such complaint or [notice] report to be examined
14 for the purpose of determining whether a violation of any provision of the
15 election laws has occurred. If [the Attorney General] he determines that
16 a violation has occurred, he immediately shall take such steps as are neces-
17 sary and available to prosecute such violation in the name of the state.
18 For that purpose the Attorney General^{or other prosecutor} shall have all the powers and
19 prerogatives in any county of this state as the district attorney for such
20 county.

21 (6) Any filing officer having reason to believe that any violation of
22 the election laws has occurred, even if no complaint has been filed with
23 or received by him, shall forthwith proceed in the same manner as
24 though he had received a complaint.

25 Section 25. ORS 260.402 is amended to read:

26 260.402. [(1)] No person shall make a payment of his own money or
27 of another person's money to any other person, in connection with a nomi-
28 nation or election, in any name other than that of the person who in truth
29 provides such money. No person shall knowingly receive such payment or
30 enter or cause it to be entered in his accounts or records in another name
31 than that of the person by whom it was actually provided. However, if
32 the money is received from the treasurer of any political committee, it
33 shall be sufficient to enter it as received from such treasurer.

24 [(2) Violation of this section is a misdemeanor.]

29

1 Section 26. ORS 260.412 is amended to read:

2 260.412. (1) No person, acting either alone or with or through any
3 other person, shall directly or indirectly subject any person to undue in-
4 fluence with the intent to induce any person to:

5 (a) Register or vote;

6 (b) Refrain from registering or voting;

7 (c) Register or vote in any particular manner;

8 (d) Be or refrain from or cease being a candidate;

9 (e) Contribute or refrain from contributing to any candidate, political
10 party or political committee;

11 (f) Render or refrain from rendering services to any candidate, politi-
12 cal party or political committee; or

13 (g) Challenge or refrain from challenging a voter.

14 (2) As used in subsection (1) of this section, "undue influence" means
15 force, violence, restraint or the threat thereof, inflicting injury, damage,
16 harm, loss or the threat thereof, fraud or giving or promising to give
17 money, benefits or other thing of value.

18 (3) No person shall solicit money, benefits or other thing of value, or
19 the promise thereof, as an inducement prohibited by subsection (1) of this
20 section.

21 (4) This section shall not be construed to prohibit:

22 (a) The bona fide employment of persons to render services to candi-
23 dates, political parties or political committees, if the compensation for
24 such services performed during a period described in subsection (2) of
25 ORS 260.072 is reported as an expense on the statements required to be
26 filed under ORS 260.072 to 260.162 ;

27 (b) The public distribution by candidates, political parties or political
28 committees of sample ballots or other items readily available to the public
29 without charge, even though the distributor incurs costs in the distribution;

30 (c) Public or nonpromissory statements by or on behalf of a candi-
31 date of his intentions or purposes if elected;

32 (d) A promise by a candidate to employ any person as his administra-
33 tive assistant, secretary or other direct personal aide;

34 (e) Free custody and care of minor children of persons during the

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1 time those persons are absent from those children for voting purposes; or
2 (f) Free transportation to and from the polls for persons voting, but
3 no means of advertising, solicitation or inducement for the purpose of in-
4 fluencing the vote of persons transported shall be employed in connection
5 with that transportation.

6 [(5) *Violation of this section is a misdemeanor.*]

7 Section 27. ORS 260.422 is amended to read:

8 260.422. [(1)] No person shall accept employment with the under-
9 standing or agreement, express or implied, that he will contribute all or any
10 part of the compensation to be received by him by reason of the employ-
11 ment to or on behalf of a candidate or political committee in support of
12 the nomination or election of the candidate or in support of or in oppo-
13 sition to a measure.

14 [(2) *Violation of this section is a misdemeanor.*]

15 Section 27a. ORS 260.432, as amended by section 1, chapter —, Ore-
16 gon Laws 1973 (Enrolled House Bill 2223) is amended to read:

17 260.432. (1) No person shall attempt to coerce, command or require a
18 public employ to influence or give money, service or other thing of value to
19 aid or promote any political committee or to aid or promote the nomina-
20 tion or election of any person to public office.

21 (2) No public employe shall solicit any money, influence, service or
22 other thing of value or otherwise aid or promote any political committee
23 or the nomination or election of any person to public office while on the
24 job during working hours. However, nothing in this section is intended to
25 restrict the right of a public employe to express his personal political views.

26 (3) Each public employer shall have posted in a conspicuous place
27 likely to be seen by its employes the following notice in printed or type-
28 written form:

29

30

ATTENTION ALL PUBLIC EMPLOYES:

31 The restrictions imposed by the law of the State of Oregon on your
32 political activities are that "No public employe shall solicit any money,
33 influence, service or other thing of value or otherwise aid or promote any
34 political committee or the nomination or election of any person to public

1 office while on the job during working hours. However, nothing in this
2 section is intended to restrict the right of a public employe to express his
3 personal political views."

4 It is therefore the policy of the state and of your public employer that
5 you may engage in political activity except to the extent prohibited by
6 state law when on the job during working hours.

7 _____
8 (4) For purposes of subsection (3) of this section "public employer"
9 means the state and any of its agencies and institutions, and includes a
10 city, county or other political subdivision.

11 [(5) Violation of subsection (1) or (2) of this section is a Class C mis-
12 demeanor.]

13 Section 28. ORS 260.442 is amended to read:

14 260.442. [(1)] No person shall invite, offer or effect the transfer of any
15 convention credential in return for payment of money or other thing of
16 value.

17 [(2) Violation of this section is a misdemeanor.]

18 Section 29. ORS 260.452 is amended to read:

19 260.452. [(1)] No person shall receive or pay money or other thing of
20 value for becoming or refraining from becoming a candidate for nomi-
21 nation or election to public office, or by himself or in combination with
22 any other person become a candidate for the purpose of defeating the
23 nomination or election of any other person and not with a bona fide intent
24 to obtain the office.

25 [(2) Violation of this section is a misdemeanor.]

26 Section 30. ORS 260.462 is amended to read:

27 260.462. [(1)] No payment or contribution for any purpose shall be
28 made a condition precedent to the putting of a name on any caucus or
29 convention ballot, nomination paper or petition, or to the performance
30 of any duty imposed by law on a political committee.

31 [(2) Violation of this section is a misdemeanor.]

32 Section 31. ORS 260.472 is amended to read:

33 260.472. (1) As used in this section, "corporation or company" means:

34 (a) Any corporation carrying on the business of a bank, savings bank,

33

1 cooperative bank, trust, trustee, surety, indemnity, safe deposit, insurance,
2 telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, water,
3 cemetery or crematory company.

4 (b) Any company engaged in business as a common carrier of freight
5 or passengers by railroad, motor truck, motor bus, airplane or watercraft.

6 (c) Any company having the right to take or condemn land or to exer-
7 cise franchises in public ways granted by the state or any county or city.

8 (2) No corporation or company shall pay or contribute in order to
9 aid, promote or prevent the nomination or election of any person, or in
10 order to aid or promote the interests, success or defeat of any political
11 party or political committee supporting or opposing any person as a candi-
12 date. No person shall solicit or receive such payment or contribution from
13 such corporation or company.

14 (3) This section does not prohibit any voluntary activity for or against
15 any candidate undertaken by an officer or employe of a corporation or com-
16 pany on his own behalf that is:

17 (a) Casual and occasional and occurs during business hours; or

18 (b) More than casual and occasional but occurs on the officer's or
19 employe's own time.

20 [(4) *Violation of this section is a misdemeanor.*]

21 Section 32. ORS 260.482 is amended to read:

22 260.482. (1) No candidate shall, before or during any election cam-
23 paign, make any bet or wager of anything of pecuniary value, or in any
24 manner become a party to any such bet or wager, on the result of the
25 election in his electoral district or any part thereof, or on any event
26 or contingency relating to any pending election. No candidate shall pro-
27 vide money or other thing of value to be used by any person in betting or
28 wagering upon the results of any pending election.

29 (2) No person shall, for the purpose of influencing the result of any
30 election, make any bet or wager of anything of pecuniary value on the
31 result of such election in his electoral district or any part thereof, or of
32 any pending election, or on any event or contingency relating thereto.

33 (3) Violation of subsection (2) of this section shall be a ground of

1 challenge against the violator's right to vote, in addition to any other
2 remedy, civil or criminal, provided by law.

3 [(4) Violation of this section is a misdemeanor.]

4 Section 33. ORS 260.492 is amended to read:

5 260.492. [(1)] No person shall apply for a ballot, at any election, in
6 the name of some other person, whether it be that of a person living, dead
7 or a fictitious person, nor, having voted once, apply at the same election for
8 a ballot in his own name.

9 [(2) Violation of this section is a felony.]

10 Section 34. ORS 260.512 is amended to read:

11 260.512. [(1) No publisher of a newspaper or other periodical shall in-
12 sert, either in its advertising or reading columns, any paid matter that is
13 designed or tends to aid, injure or defeat any candidate, political party or
14 political committee or any measure submitted to the people, unless it is
15 stated therein that it is a paid advertisement. There shall also appear, in
16 the nature of a signature to the advertisement, the name of the person
17 inserting it, with his residence address.] No person shall purchase or ar-
18 range for the purchase of any advertising from, or pay the owner, editor,
19 manager, publisher or agent of any newspaper or other periodical or of any
20 radio or television station, to induce him to editorially advocate or oppose
21 any candidate for nomination or election or any measure submitted to the
22 people. No such owner, editor, manager, publisher or agent shall solicit or
23 receive such payment or purchase of advertising .

24 [(2) Violation of this section is a misdemeanor.]
as amended by Engrossed Senate Bill 773

25 Section 35. ORS 260.522 is amended to read:

26 260.522. (1) Except as otherwise provided in subsection (3) of this
27 section, no person shall print, publish, post, broadcast or circulate or cause
28 to be printed, published, posted, broadcast or circulated through the
29 mails or otherwise any letter, circular, bill, placard, poster, advertisement
30 or other publication or broadcast relating to any election or to any
31 candidate or measure at any election, unless it [bears on its face]
32 ~~prominently includes the name and address of the publisher thereof. If the~~
33 ~~publisher is a political committee, the material shall also prominently~~
34 ~~include the name of an individual who is chairman or political treasurer~~
~~of the committee and the address shall be his address. "Address" for pur-~~

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~~1 poses of this subsection means a residence or business address, other than
2 a post office box, where the publisher or named individual may be readily
3 located.~~

~~4 (2) [Violation of this section is a misdemeanor.] The publisher or
5 individual chairman or political treasurer of the publisher whose name
6 is included in the published material is presumed to have consented
7 to the use of his name. If he has consented to the use of his name,
8 he shall be conclusively presumed to have knowledge of the contents
9 of the printed, published, posted, broadcast or circulated material and to
10 have directed its preparation and publication.~~

~~11 (3) Compliance with subsection (1) of this section is not required in
12 the case of a placard, poster or sign, affixed or posted in a specific loca-
13 tion and containing no legend other than the name of a candidate, political
14 party, office sought and the words "elect," "reelect," "keep," "return"
15 or "incumbent" or any of them and no other words or, in the case of a
16 measure, identification of the measure by number only and the words
17 "vote yes" or "vote no" and no other words.~~

"(2) In the case of copies of any such item listed in subsection (1) of this section which has been previously published, that material will be clearly identified as to the source and date of publication.

"(3) All material listed in subsection (1) shall, in addition to the name and address of the publisher therein, include the date of publication.

"(4) 'Address' for purposes of this section means the residence address of the publisher, or if the publisher is a candidate, the address shown on his declaration of candidacy or nomination petition filed with the filing officer, or if the publisher is a political committee the address of its political treasurer certified to the Secretary of State under subsection (1) of ORS 260.035. However, a different address may be used if the candidate, publisher or a responsible officer first files with the Secretary of State his residence address and the address proposed to be used."

18 ⁵(A) Any identification of the publisher of a broadcast political adver-
19 tisement or publication which complies with requirements of the Federal
20 Communications Act and regulations thereunder shall be considered in
21 compliance with subsection (1) of this section.

22 Section 36. ORS 260.532 is amended to read:

23 260.532. (1) No person shall write, print, publish, post, communicate
24 or circulate, or cause to be written, printed, published, posted, communi-
25 cated or circulated, any letter, circular, bill, placard, poster or other pub-
26 lication or communication, or cause any advertisement to be placed in a
27 newspaper or any other publication, or singly or with others pay for any
28 such advertisement, knowing such letter, circular, bill, placard, poster,
29 communication, publication or advertisement to contain any false state-
30 ment of material fact relating to any candidate or political committee, or
31 if he is candidate, to himself, or any false statement of material fact
32 relating to any measure.

33 (2) [*Violation of this section is a misdemeanor.*] A candidate for
34 public office who knows of and consents to a publication or communi-
cation prohibited by subsection (1) of this section concerning himself

1 or concerning any other candidate for the same office, knowing that it
2 contains a false statement of material fact, is guilty of a violation of
3 subsection (1) of this section whether or not he has participated in the
4 publication or communication.

5 (3) It is conclusively presumed that a candidate for public office
6 knows of and has authorized any publication or communication prohibited
7 by subsection (1) of this section, by a political committee which supports
8 his candidacy and through which any contributions by or to the candi-
9 date are made or over which the candidate exercises any direction and
10 control. It is rebuttably presumed that a candidate for public office knows
11 of and has authorized any publication or communication prohibited by
12 subsection (1) of this section, by any other person or political committee,
13 concerning the candidate or any other candidate for the same office.

14 (4) Any candidate or political committee aggrieved by a violation of
15 subsection (1) of this section shall have a right of action against the per-
16 son or persons alleged to have committed the violation. The aggrieved
17 party may file the action in the circuit court for any county in this state
18 in which a defendant resides or can be found or, if the defendant is a non-
19 resident of this state, in the circuit court for any county in which the pub-
20 lication occurred.

21 (5) Except as provided in subsection (6) of this section, a plaintiff
22 who prevails in an action provided by subsection (4) of this section shall
23 recover punitive damages and attorney fees and may also recover general
24 damages if any have been suffered, but proof of general damages is not
25 required for recovery of punitive damages and attorney fees.

26 (6) A political committee has standing to bring an action provided by
27 subsection (4) of this section as plaintiff in its own name, if its purpose
28 as evidenced by its preelection activities, solicitations and publications
29 has been injured by the violation and if it has fully complied with all pro-
30 visions of ORS chapter 260, but a political committee may not be sued
31 as defendant in such an action. If a plaintiff political committee prevails
32 in such an action its recovery of punitive damages shall not exceed the
33 amount of contributions received by it during the period beginning 250
34 days before (but not earlier than the day of any preceding primary elec-

1 tion) and ending on the day of the election relating to which the violation
2 occurred, to the extent those contributions can be identified as having
3 been received for the purpose injured. Such recovery shall be distributed
4 pro rata among the persons making such contributions.

5 (7) If a judgment is rendered in an action under this section against
6 a defendant who has been nominated or elected to public office, such de-
7 fendant shall be deprived of the nomination or election and the nomination
8 or office shall be declared vacant.

9 (8) An action under this section must be filed not later than 60 days
10 after the election relating to which a publication in violation of subsection
11 (1) of this section was made.

12 Section 37. ORS 260.542 is amended to read:

13 260.542. [(1) *The officer with whom is filed any statement of a candi-*
14 *date for use as the candidate's statement on a ballot or in a voters' pam-*
15 *phlet shall reject any statement offered by a candidate for that use if the*
16 *statement contains words which might tend to mislead any voter into be-*
17 *lieving that the candidate had previously held a public office unless the*
18 *candidate in fact did hold that office.]*

19 [(2)] (1) No candidate shall use ~~[.] the term "reelect"~~ in a statement
20 offered for use as his statement on a ballot or in a voters' pamphlet ~~[, words~~
21 *which might tend to cause any voter to believe that the candidate had*
22 *previously held a public office unless he in fact did hold that office].*

23 ~~(2)~~ No candidate, political committee or other person shall use the
24 term "reelect" in any material, statement or publication supporting the
25 election of a candidate for office unless the candidate:

26 ¹
(A) Was elected to the identical office with the same position number,
27 if any, in the most recent election to fill that office; ~~or~~ and

28 ²
(B) Was elected from the same district from which he is seeking
29 election or, if district boundaries have been changed since the previous
30 election, if the majority of the population in the district from which he
31 is seeking election was in the district from which he was previously
32 elected; and

33 ³
(C) Is serving and has served continuously in that office from the
34 beginning of the term to which he was elected.

1 [(3) Violation of subsection (2) of this section is a misdemeanor.]

2 Section 38. ORS 260.552 is amended to read:

3 260.552. [(1)] No person shall knowingly make any false oath or affi-
4 davit where an oath or affidavit is required by any provision of the elec-
5 tion laws.

6 [(2) Violation of this section is a felony.]

7 Section 39. ORS 260.610 is amended to read:

8 260.610. [(1)] No person shall wilfully or fraudulently register more
9 than once without canceling his former registration, or register under
10 any but his true name, or attempt to vote by impersonating another who is
11 registered, contrary to any provision of the election laws, or wilfully reg-
12 ister in any precinct where he is not a resident at the time of registering.

13 [(2) Violation of this section is a felony.]

14 Section 40. ORS 260.630 is amended to read:

15 260.630. (1) No primary, general or special election officer of any
16 precinct or district where double election boards have been appointed
17 shall wilfully fail, neglect or refuse to prepare and return certificates of
18 result of election in the manner provided by law within 12 hours after
19 the completion of the count, tabulation and declaration of the result.

20 (2) No election officer or any other person authorized by law to be
21 present while votes are being counted, shall divulge the result of the
22 count of the ballots at any time prior to the closing of the polls.

23 [(3) Violation of this section is a misdemeanor.]

24 Section 41. ORS 260.640 is amended to read:

25 260.640. (1) No elector shall wilfully leave in the polling place any-
26 thing other than the official ballot which will show how he has prepared
27 the official ballot.

28 (2) No elector shall, except as otherwise provided by law, allow his
29 official ballot to be seen by any person with an apparent intention of let-
30 ting it be known how he is about to vote, mutilate his ballot or place any
31 distinguishing mark upon it whereby it may be identified.

32 (3) No person shall make a false statement as to his inability to mark
33 his ballot.

1 (4) No person shall interfere, or attempt to interfere, with any voter
2 when inside the polling place, or when marking his ballot.

3 (5) No person shall endeavor to induce any voter to mark his ballot
4 in a particular way, or before or after voting to show or explain how he
5 marks or has marked his ballot.

6 (6) Nothing contained in this section shall prohibit an elector from
7 taking into the polling place or voting booth a marked sample ballot or
8 other voting guide.

9 *[(7) Violation of this section is a misdemeanor.]*

10 Section 42. ORS 260.650 is amended to read:

11 260.650. (1) No election officer shall disclose to any person the name
12 of any candidate for whom any elector has voted or give any information
13 by which it can be ascertained for whom any elector has voted.

14 (2) No election board member or other officer about the polls shall do
15 any electioneering on election day.

16 (3) *[No person shall, on election day within any polling place or within
17 50 feet of any polling place, wear any political badge, button or other in-
18 signia or do any electioneering, including but not limited to any election-
19 eering by public address system located more than 50 feet from any poll-
20 ing place but capable of being heard and understood within 50 feet of the
21 polling place by any person with normal hearing.]* No person shall on
22 election day:

23 (a) Within any polling place, wear any political badge, button or other
24 insignia;

25 (b) Within any polling place, within any building in which a polling
26 place is located or within 100 feet measured radially from any entrance
27 to a building in which a polling place is located, do any electioneering,
28 including circulating any cards or handbills, soliciting signatures to any
29 petition or electioneering by public address system more than 100 feet
30 from any entrance to such building but capable of being heard and
31 understood within 100 feet of such building entrance whether or not such
32 electioneering relates to the particular election being conducted; or

33 (c) Obstruct free ingress to or egress from any polling place or building
34 in which a polling place is located.

1 (4) No person shall remove any official ballot from any polling place
2 before the closing of the polls.

3 (5) No person shall knowingly apply for or receive any official ballot
4 in any polling place other than that in which he is entitled to vote.

5 (6) No person shall show his ballot, after it is marked, to any person
6 in such a way as to reveal the contents thereof or the name of the candi-
7 dates for whom or the measures for which he has marked his ballot.

8 (7) No person, except an election board member, shall receive from
9 any voter the ballot prepared for voting.

10 (8) No person shall, contrary to law, ask another at a polling place
11 for whom he intends to vote, or examine his ballot or solicit the voter to
12 show it.

13 (9) No elector shall knowingly receive any official ballot from any
14 other person than one of the election board members.

15 (10) No person shall print or circulate or knowingly have in his pos-
16 session any imitation of the official or sample ballots.

17 (11) No person, other than an election board member, shall deliver
18 any official ballot to an elector.

19 (12) No elector shall deliver any ballot to an election board member
20 to be voted except the one he received from an election board member.

21 (13) No person shall, contrary to law, place any mark upon or do any-
22 thing to his or any official ballot by which it may be afterwards identified
23 as the one voted by any particular individual.

24 *[(14) Violation of any subsection of this section is a misdemeanor.]*

25 Section 43. ORS 260.660 is amended to read:

26 260.660. (1) No person shall wilfully or fraudulently alter or destroy
27 any official ballot cast at any election or any of the returns of any election
28 or introduce among the genuine ballots a fraudulent ballot.

29 (2) No person shall falsely write the initials of any election board
30 member or any writing upon the ballot or ballot stub purporting to be
31 written by any election board member.

32 (3) No person shall steal any of the ballots or returns, or wilfully or
33 fraudulently hinder or delay the delivery of any of the election returns to

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1 the county clerk, or wilfully break open any of such sealed returns of any
2 election.

3 *[(4) Violation of this section is a felony.]*

4 Section 44. ORS 260.670 is amended to read:

5 260.670. [(1)] No person shall, prior to or during an election, wilfully
6 deface, tear down, remove or destroy any notice posted in accordance with
7 any provision of the election laws or, during an election, wilfully deface,
8 tear down, remove or destroy any official paper posted for the instruction
9 of voters, or deface, tear down, remove, alter or destroy any certificate of
10 the result of the election posted under any provision of the election laws,
11 or, during an election, wilfully remove or destroy any of the official or
12 sample ballots, supplies or conveniences furnished to enable a voter to pre-
13 pare his ballot, or wilfully break the seals or open any of the sealed pack-
14 ages containing any of the supplies for the polling places contrary to any
15 provision of the election laws.

16 *[(2) Violation of this section is a misdemeanor.]*

17 Section 45. ORS 260.710 is amended to read:

18 260.710. [(1)] No person shall vote, or offer to vote, at any election in
19 in this state, knowing he is not entitled to vote thereat, nor vote, or offer to
20 vote, at any polling place or in any precinct at any such election, knowing
21 he is not entitled to vote at such polling place or in such precinct.

22 *[(2) Violation of this section is a misdemeanor.]*

23 SECTION 46. ORS 260.990 is repealed and section 47 of this Act is
24 enacted in lieu thereof.

25 SECTION 47. (1) Except as provided in subsections (2) ~~to (4)~~ and (3) of this
26 section, violation of any provisions of ORS chapter 260 is a Class A mis-
27 demeanor.

28 (2) Violation of ORS 260.492, 260.552, 260.610 or 260.660 is a Class C
29 felony.

30 (3) The penalty for violation of ORS 260.532 is limited to that provided
31 for in subsections (5) and (7) of ORS 260.532.

32 ~~(4) Violation of subsection (1) or (2) of ORS 260.432 is a Class C mis-~~
33 ~~demeanor.~~

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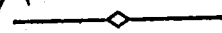
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1 (5) Violation of any provision of law contained in the Oregon Revised
2 Statutes relating to the conduct of any election or to nominations, peti-
3 tions, filing or any other matter preliminary to or relating to an election,
4 for which no penalty is otherwise provided by law, is a Class A misde-
5 meanor.

6 SECTION 48. ORS 260.082, 260.142, 260.152, 260.305 and 260.502 are
7 repealed.

8 SECTION 49. This Act being necessary for the immediate preservation
9 of the public peace, health and safety, an emergency is declared to exist,
10 and this Act takes effect on ^{September} ~~July~~ 1, 1973.

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On page 5, line 6, after "(3)" insert "Except as provided in subsection (2) of section 10 of this 1973 Act,".

On page 7, line 8, after "in" insert "subsection (2) of section 10 of this 1973 Act and".

In line 15, after "election" insert a period and delete the rest of the line.

Delete lines 16 and 17.

After line 27, insert:

"(3) If a report filed under this section shows any assets on hand at the beginning of the reporting period, it shall set forth all contributions giving rise thereto in accordance with ORS 260.162."

In line 28, delete "(3)" and insert "(4)".

In line 31, delete "(4)" and insert "(5)".

On page 8, delete lines 3 through 7.

In line 8, after "10" insert ", 11".

In line 10, after "person" insert "or political committee".

In line 15, after the period delete the rest of the line.

Delete lines 16 and 17 and insert:

"(2) A person or political committee which receives contributions or makes expenditures in support of a single candidate, or in opposition to one or more candidates with the consent of a single candidate, is not subject to ORS 260.035 to 260.162 but such contributions and expenditures are conclusively deemed to be those of the candidate on whose behalf they were made.

"(3) Any person or political committee other than a person or political committee described in subsection (2) of this section which receives contributions or makes expenditures in support of or in opposition to a candidate with his consent or the consent of any opposing candidate is subject to ORS 260.035 to 260.162. All expenditures by any such person or candidate shall also be considered to be contributions to and expenditures by the candidate who has consented to them and shall be reported by the candidate as well as by the person or committee making the expenditure."

In line 18, delete "(2)" and insert "(4)" and in the same line after "a" insert "person or".

In line 19, delete "at the same time" and in the same line delete "prorated" and insert "allocated".

In line 21, delete "(3)" and insert "(5)" and in the same line delete "state or county" and in the same line delete "central".

In line 22, delete "attributable" and insert "allocable".

In line 25, after "section" insert "or section 2, chapter ², Oregon Laws 1973 (Enrolled Senate Bill 541)".

Delete lines 26 and 27 and insert:

"Section 11. (1) The Secretary of State may adopt rules for the manner of determining and reporting expenditure limitations under section 2, chapter ___, Oregon Laws 1973 (Enrolled Senate Bill 541), including but not limited to rules for allocation of contributions and expenditures and for determination of fair market value of in-kind contributions

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and contributions other than money, including but not limited to contributions of office space or of equipment, supplies or facilities, transportation expenses other than for personal transportation of a candidate or a candidate's spouse, the cost of mailings referred to in subsection (2) of section 2, chapter ___, Oregon Laws 1973 (Enrolled Senate Bill 541) and any other contribution or expense which does not have a readily ascertainable money value or equivalent.

"(2) The valuation or allocation of any contribution or expenditure under such rule of Secretary of State adopted prior to the making of such contribution or expenditure or, if it is a continuing contribution or expenditure, the valuation or allocation of that part thereof available to and used on behalf of the candidate subsequent to the adoption of the rule, shall be presumed to be the true value or allocation thereof."

After line 32, insert:

"Section 12a. The expenditure limitation prescribed by section 2, chapter ___, Oregon Laws 1973 (Enrolled Senate Bill 541) shall apply to any election during the applicable period described in subsection (2) of ORS 260.072.

"Section 13. ORS 260.092 is amended to read:

" 260.092. (1) If a statement filed under paragraph (b) of subsection (1) of ORS 260.072 shows an unexpended balance of contributions or an expenditure deficit, the [political treasurer

of the] candidate or political treasurer of the political committee shall file with the filing officer:

" (a) Not more than 30 days after the date of the filing of the statement under paragraph (b) of subsection (1) of ORS 260.072, a supplemental statement of contributions and expenditures.

" (b) Every 60 days after the date of the filing of the first supplemental statement, a supplemental statement showing any change in an unexpended balance or contributions from the unexpended balance shown in the previous supplemental statement.

" (c) Every 60 days after the date of the filing of the first supplemental statement, a supplemental statement showing an expenditure deficit until a supplemental statement shows no expenditure deficit.

" (2) Each supplemental statement required by this section shall be signed and certified as true and correct by the [political treasurer] person required to file it. "

In line 33, delete "13" and insert "14".

On page 9, delete lines 14 through 34.

On page 10, delete lines 1 through 7.

On page 11, delete lines 4 through 7.

In line 8, delete "(3)" and insert "(2)".

Delete lines 13 and 14.

On page 13, line 18, delete the colon.

In line 19, delete "(a)".

In line 21, delete "; or" and insert a period.

Delete lines 22 through 28.

On page 14, line 5, after "he" insert "has" and delete the rest of the line.

In line 6, delete "which contributed to his election have".

In line 7, restore "he is" and delete "they are".

After line 20, insert:

"(3) The summary reports prepared and made available under subsection (2) of this section shall include a listing of all contributions of \$50 or more and a listing of all those expenditures made by ballot measure committees, political party committees and other committees which are contributions to candidates or other committees."

On page 16, line 18, after "General" insert "or other prosecutor".

On page 21, line 25, after "260.522" insert ", as amended by section 1, chapter ___, Oregon Laws 1973 (Enrolled Senate Bill 773),".

In line 32, delete "prominently" and in the same line delete "If the".

Delete lines 33 through 35.

On page 22, delete lines 1 through 17 and insert:

"(2) In the case of copies of any such item listed in subsection (1) of this section which has been previously published, that material will be clearly identified as to the source and date of publication.

"(3) All material listed in subsection (1) shall, in

addition to the name and address of the publisher therein, include the date of publication.

"(4) 'Address' for purposes of this section means the residence address of the publisher or, if the publisher is a candidate, the address shown on his declaration of candidacy or nomination petition filed with the filing officer or, if the publisher is a political committee, the address of its political treasurer certified to the Secretary of State under subsection (1) of ORS 260.035. However, a different address may be used if the candidate, publisher or a responsible officer first files with the Secretary of State his residence address and the address proposed to be used."

In line 18, delete "(4)" and insert "(5)".

On page 24, delete lines 19 through 22.

In line 23, delete "(2)".

In line 26, delete "(a)" and insert "(1)".

In line 27, delete "or" and insert "and".

In line 28, delete "(b)" and insert "(2)".

In line 33, delete "(c)" and insert "(3)".

On page 28, line 25, delete "to (4)" and insert "and
"(3)".

Delete lines 32 and 33.

On page 29, line 1, delete "(5)" and insert "(4)".

In line 10, delete "July" and insert "September".