

# House Bill 3930

Sponsored by Representatives SCHARF, DRAZAN

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that certain public officials may take donations for certain emergency costs. The Act tells the SOS to post certain documents on the Internet. (Flesch Readability Score: 60.2).

Permits a public official to establish a specific purpose account for purposes of expending donations of funds to the account for specified emergency expenses. Requires the public official to submit certain notices and reports to the Secretary of State regarding donations to and expenditures from the account. Requires the Secretary of State to make any notice or report filed with the secretary for a special purpose account available to the public on the electronic filing system maintained by the secretary.

## A BILL FOR AN ACT

Relating to the establishment of specific purpose accounts by public officials; creating new provisions; and amending ORS 260.057 and 260.995.

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

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

(a)(A) **"Emergency expenses" means expenses related to an emergency involving the public official or a relative of the public official.**

(B) **"Emergency expenses" includes expenses for medical purposes, death and disasters.**

(b) **"Lobbying" has the meaning given that term in ORS 171.725.**

(c) **"Lobbyist" has the meaning given that term in ORS 171.725.**

(d) **"Public official" means any individual who is serving this state or any of its political subdivisions as an elected official.**

(e) **"Relative" has the meaning given that term in ORS 244.020.**

(f) **"Specific purpose account" means an account established under this section for purposes of accepting donations of funds to be expended for emergency expenses.**

(2) **Notwithstanding ORS chapters 244 and 260, a public official may establish a specific purpose account in accordance with this section for purposes of accepting donations to the account to be expended by the public official for emergency expenses.**

(3) **A public official who establishes a specific purpose account shall:**

(a) **Provide written notice to the Secretary of State prior to establishing the account;**

(b) **Accept any donation of funds to the account for not more than 30 days following the establishment of the account;**

(c) **Expend any funds donated to the account solely for the emergency expenses included in the notice under subsection (4) of this section;**

(d) **Expend any funds donated to the account not more than 180 days from the final day donations may be accepted to the account under paragraph (b) of this subsection; and**

(e) **Not more than 365 days following the date on which notice was provided to the Sec-**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

retary of State under paragraph (a) of this subsection, submit a report to the secretary regarding the amount of any donation of funds to the account and any expenditure of funds made from the account.

(4) A notice provided to the Secretary of State under subsection (3)(a) of this section must include a description of the emergency expenses that are the subject of the specific purpose account and the total amount of donations of funds to the account that the public official intends to accept.

(5) The report submitted to the Secretary of State under subsection (3)(e) of this section must include:

(a) The name of any individual making a donation of funds, regardless of whether that individual is designated as anonymous on any website that the public official uses for purposes of establishing the specific purpose account;

(b) The address of the individual making the donation;

(c) The date of the donation;

(d) The amount of the donation; and

(e) The amount and purpose of any expenditure of funds from the account. The public official shall provide a copy of any receipt for an expenditure of funds included under this paragraph.

(6)(a) An individual who is a lobbyist and who engages in lobbying a public official who establishes a specific purpose account under this section may not donate funds to that account.

(b) A public official who establishes a specific purpose account under this section may not accept a donation of funds from an individual who is a lobbyist and who engages in lobbying the public official.

(7) A donation of funds to a specific purpose account established under this section is excluded in computing subtractions or deductions for purposes of ORS chapter 316, 317 or 318.

(8) A violation of any provision of this section is subject to a civil penalty under ORS 260.995.

**SECTION 2.** ORS 260.057 is amended to read:

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

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

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

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

**(d) Public officials who establish a specific purpose account under section 1 of this 2025 Act.**

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

(3)(a) A candidate for nomination or election at any primary or general election or a political

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

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

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

9 (b) For any special election, the secretary by rule may establish a period during which a can-  
 10 didate for nomination or election at the special election or a political committee supporting or op-  
 11 posing a candidate or measure at the special election must file a statement described in subsection  
 12 (1) of this section not later than seven calendar days after a contribution is received or an expend-  
 13 iture is made.

14 (c) If the candidate or political committee receives a contribution or makes an expenditure prior  
 15 to the 42nd calendar day before the date of the primary or general election and the candidate or  
 16 political committee has not filed a statement of the contribution or expenditure under subsection (2)  
 17 of this section by the 43rd calendar day before the date of the primary or general election, the  
 18 candidate or political committee shall file a statement described in subsection (1)(a) of this section  
 19 not later than whichever of the following dates occurs first:

20 (A) The date required under subsection (2) of this section; or

21 (B) The 35th calendar day before the date of the primary or general election.

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

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

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

26 (5)(a) Except as provided in paragraph (b) of this subsection, the secretary shall make all data  
 27 filed electronically under subsection (1)(a) of this section, **any [and all]** information filed with the  
 28 secretary under ORS 260.049 or 260.085 **and any written notice provided or report submitted**  
 29 **under section 1 of this 2025 Act** available on the Internet to the public free of charge according  
 30 to a schedule adopted by the secretary by rule. The secretary shall make the data available in a  
 31 searchable database that is easily accessible by the public. When the secretary makes data or in-  
 32 formation available on the Internet under this subsection, the secretary shall display any contribu-  
 33 tion received from a person or political committee with an out-of-state address in a different colored  
 34 font than a contribution received from a person or political committee with an in-state address.

35 (b) The secretary may not make data that are filed electronically under subsection (1)(a) of this  
 36 section available to the public under this section, unless the data are required to be listed under  
 37 ORS 260.083. The secretary may not disclose under ORS 192.311 to 192.478 any data that are filed  
 38 electronically under subsection (1)(a) of this section, unless the data are required to be listed under  
 39 ORS 260.083.

40 (6) Each statement required by this section shall be signed and certified as true by the candi-  
 41 date, treasurer, designee of the candidate or treasurer or person who files a statement of independ-  
 42 ent expenditures under ORS 260.044, as appropriate. Signatures shall be supplied in the manner  
 43 specified by the secretary by rule.

44 (7) This section does not apply to:

45 (a) Candidates for federal office;

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

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

**SECTION 3.** ORS 260.995 is amended to read:

260.995. (1) Except as provided in subsection (2) of this section, following an investigation under ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to exceed \$1,000 for each violation of any provision of Oregon Revised Statutes relating to the conduct of any election, any rule adopted by the secretary under ORS chapters 246 to 260 or any other matter preliminary to or relating to an election, for which a civil penalty is not otherwise provided, **or any violation of section 1 of this 2025 Act.**

(2) The secretary or the Attorney General may impose a civil penalty not to exceed:

(a)(A) Except as provided in subparagraph (B) of this paragraph, \$1,000 plus the amount converted to personal use for each violation of ORS 260.407;

(B) Two times the amount of the penalty provision for violating a nondisclosure agreement that is contained within each nondisclosure agreement entered into in violation of ORS 260.407 or 260.413;

(b) 150 percent of the total cost of printing, transmitting or distributing a communication in support of or in opposition to a clearly identified candidate if the disclosure requirements set forth in ORS 260.266 are not met; or

(c) \$10,000 for each violation of ORS 260.555, 260.558, 260.575, 260.695 (1) or (2) or 260.715 (1) or Article IV, section 1b, of the Oregon Constitution.

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

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

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

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

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

(b) Upon the secretary's or Attorney General's own motion.

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

(6) All hearings under this section shall be held not later than 45 days after the deadline for the person against whom the penalty may be assessed to request a hearing. However, if requested by the person against whom the penalty may be assessed, a hearing under subsection (4) of this section shall be held not later than 60 days after the deadline for the person against whom the penalty may be assessed to request a hearing.

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

(8) All penalties recovered under this section shall be paid into the State Treasury and credited to the General Fund.

(9) In the case of a civil penalty imposed under this section for a violation of ORS 260.407, the person against whom the penalty is assessed:

(a) Is personally responsible for the payment of the civil penalty;

(b) Shall pay the civil penalty from personal funds of the person; and

(c) May not pay the civil penalty from contributions received by a candidate, a candidate's principal campaign committee, a political committee or a petition committee.

**SECTION 4.** ORS 260.995, as amended by section 20, chapter 9, Oregon Laws 2024, is amended to read:

260.995. (1) Except as provided in subsections (2) to (4) of this section, following an investigation under ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to exceed \$1,000 for each violation of any provision of Oregon Revised Statutes relating to the conduct of any election, any rule adopted by the secretary under ORS chapters 246 to 260 or any other matter preliminary to or relating to an election, for which a civil penalty is not otherwise provided, **or any violation of section 1 of this 2025 Act.**

(2) The secretary or the Attorney General may impose a civil penalty not to exceed:

(a)(A) Except as provided in subparagraph (B) of this paragraph, \$1,000 plus the amount converted to personal use for each violation of ORS 260.407; or

(B) Two times the amount of the penalty provision for violating a nondisclosure agreement that is contained within each nondisclosure agreement entered into in violation of ORS 260.407 or 260.413;

(b) 150 percent of the total cost of printing, transmitting or distributing a communication in support of or in opposition to a clearly identified candidate if the disclosure requirements set forth in ORS 260.266 are not met; or

(c) \$10,000 for each violation of ORS 260.555, 260.558, 260.575, 260.695 (1) or (2) or 260.715 (1) or Article IV, section 1b, of the Oregon Constitution.

(3)(a) Except as provided in paragraphs (b) and (c) of this subsection, the Secretary of State or the Attorney General may impose a civil penalty on the recipient of a contribution that exceeds the limits of section 4 or 5, chapter 9, Oregon Laws 2024. The amount of the civil penalty to be imposed shall be at least equal to the amount of the unlawful contribution.

(b) The recipient of a contribution that violates the contribution limits of section 4 or 5, chapter 9, Oregon Laws 2024, may remedy the violation by refunding to the contributor an amount that renders the contribution in compliance with applicable contribution limits under section 4 or 5, chapter 9, Oregon Laws 2024. For this paragraph to apply, the refund must be made to the contributor within 14 days of receipt of the unlawful contribution.

(c) If paragraph (b) of this subsection does not apply, the recipient of a contribution that violates the contribution limits of section 4 or 5, chapter 9, Oregon Laws 2024, may reduce the penalty otherwise applicable under this subsection by 50 percent, if the recipient refunds to the contributor an amount that renders the contribution in compliance with section 4 or 5, chapter 9, Oregon Laws 2024, within 14 days of the date the recipient reasonably should have known that the violation occurred.

(d) The Secretary of State shall adopt rules under this subsection establishing enhanced penal-

ties for successive knowing and willful violations of the contribution limit provisions of section 4 or 5, chapter 9, Oregon Laws 2024.

(4)(a) The Secretary of State or the Attorney General may impose a civil penalty on a person subject to the reporting requirements of section 13, chapter 9, Oregon Laws 2024, and that is violating those requirements. The penalty to be imposed shall be not less than one-tenth of, nor more than four times, the total amount of contribution or expenditure that was not properly disclosed or disclaimed.

(b) The Secretary of State shall adopt rules under this subsection establishing enhanced penalties for successive knowing and willful violations of the disclosure provisions of section 13, chapter 9, Oregon Laws 2024.

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

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

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

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

(a) Upon request of the person against whom the penalty may be assessed, if the request is made not later than the 20th day after the service date on the notice sent under subsection (5) of this section; or

(b) Upon the secretary's or Attorney General's own motion.

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

(8) All hearings under this section shall be held not later than 45 days after the deadline for the person against whom the penalty may be assessed to request a hearing. However, if requested by the person against whom the penalty may be assessed, a hearing under subsection (6) of this section shall be held not later than 60 days after the deadline for the person against whom the penalty may be assessed to request a hearing.

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

(10) All penalties recovered under this section shall be paid into the State Treasury and credited to the General Fund.

(11) In the case of a civil penalty imposed under this section for a violation of ORS 260.407, the person against whom the penalty is assessed:

(a) Is personally responsible for the payment of the civil penalty;

(b) Shall pay the civil penalty from personal funds of the person; and

(c) May not pay the civil penalty from contributions received by a candidate, a candidate's principal campaign committee, a political committee or a petition committee.