

# Chapter 260

2007 EDITION

## Campaign Finance Regulation; Election Offenses

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**ELECTION CAMPAIGN  
FINANCE REGULATION**

**(Generally)**

**260.005 Definitions.** As used in this chapter:

(1)(a) “Candidate” means:

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

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

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

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

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

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

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

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

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

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

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

(4)(a) “Controlled committee” means a political committee that, in connection with the making of contributions or expenditures:

(A) Is controlled directly or indirectly by a candidate or a controlled committee; or

(B) Acts jointly with a candidate or controlled committee.

(b) For purposes of this subsection, a candidate controls a political committee if:

(A) The candidate, the candidate’s agent, a member of the candidate’s immediate family or any other political committee that the candidate controls has a significant influence on the actions or decisions of the political committee; or

(B) The candidate’s principal campaign committee and the political committee both have the candidate or a member of the candidate’s immediate family as a treasurer or director.

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

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

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

(8) “Filing officer” means:

(a) The Secretary of State:

(A) Regarding a candidate for public office;

(B) Regarding a statement required to be filed under ORS 260.118;

(C) Regarding any measure; or

(D) Regarding any political committee.

(b) Notwithstanding paragraph (a) of this subsection, in the case of an irrigation district formed under ORS chapter 545:

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

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

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

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

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

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

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

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

(b) "Agent" means any person who has:

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

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

(c) "Clearly identified" means, with respect to candidates:

(A) The name of the candidate involved appears;

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

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

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

(A) The ballot number of the measure appears;

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

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

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

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

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

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

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

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

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

(12) "Mass mailing" means more than 200 substantially similar pieces of mail, but does

not include a form letter or other mail that is sent in response to an unsolicited request, letter or other inquiry.

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

(a) A proposed law.

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

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

(d) Local, special or municipal legislation.

(e) A proposition or question.

(14) "Occupation" means:

(a) The nature of an individual's principal business; and

(b) If the individual is employed by another person, the business name and address, by city and state, of the employer.

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

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

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

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

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

(A) A contribution to a candidate or political committee that is required to report the contribution on a statement filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS 260.112; or

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

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

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

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

(20) "Regular district election" means the regular district election described in ORS 255.335.

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

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

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

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

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

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

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

(23) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, state Senator, state Representative, judge or district attorney. [1971 c.749 §1; 1973 c.744 §1; 1975 c.683 §6; 1977 c.678 §1; 1979 c.190 §339; 1983 c.350 §81; 1983 c.392 §8; 1985 c.808 §52; 1987 c.727 §1; 1989 c.80 §1; 1989 c.503 §41; 1991 c.87 §4; 1991 c.719 §61; 1993 c.18 §44; 1993 c.493 §52; 1993 c.710 §1; 1993 c.797 §30; 1995 c.1 §1; 1995 c.607 §56; 1997 c.249 §77; 1999 c.318 §42; 1999 c.999 §1; 2001 c.82 §11; 2003 c.542 §9; 2005 c.797 §1; 2007 c.809 §§20,21; 2007 c.848 §28]

**260.007 Exclusions from definitions of "contribution" and "expenditure."** As used in this chapter, "contribute," "contribution," "expend" or "expenditure" does not include:

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

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

(3) A vendor's sale of food and beverages for use in a candidate's or political commit-

tee's campaign at a charge less than the normal comparable charge, if the charge is at least equal to the cost of the food or beverages to the vendor.

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

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

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

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

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

(9) The payment by a state or local committee of a political party of the costs of preparation, display or mailing or other distribution incurred by the committee with respect to a printed slate card or sample ballot, or other printed listing, of three or more candidates for any public office for which an election is held in this state. This subsection does not apply to costs incurred by the committee with respect to a display of any such listing made on broadcasting stations or in newspapers, magazines or similar types of general public political advertising. [1995 c.1 §2; 1997 c.631 §429; 1999 c.999 §2; 2005 c.797 §2; 2007 c.71 §79]

**260.010** [Amended by 1969 c.279 §2; 1971 c.749 §25; renumbered 260.305]

**260.020** [Amended by 1957 c.643 §2; repealed by 1971 c.749 §82]

**260.025** [1971 c.749 §2; repealed by 1973 c.623 §3]

**260.027** [1973 c.623 §2; repealed by 1975 c.684 §11]

**260.030** [Amended by 1957 c.643 §3; 1971 c.749 §26; renumbered 260.315]

### (Treasurers, Statements of Organization and Accounts)

**260.035 Treasurer and statement of organization for political committees; change in information.** (1) Not later than the third business day after a political committee first receives a contribution or makes an expenditure, the political committee shall:

(a) Appoint a treasurer who shall be an elector of this state;

(b) Certify the name and address of the treasurer to the filing officer; and

(c) File a statement of organization under ORS 260.039 or 260.042.

(2) Contributions shall be received and expenditures made by or through the treasurer of the political committee.

(3) Any change in information required under this section shall be indicated in an amended certification filed not later than the 10th day after the change in information. [1971 c.749 §3; 1973 c.744 §2; 1977 c.829 §20; 1979 c.190 §340; 1991 c.719 §62; 1999 c.999 §3]

**260.037 Treasurers for candidates; appointment; liability of candidate for default or violation.** (1) A candidate may serve as the candidate's own treasurer or may appoint and certify to the filing officer the name and address of a treasurer.

(2) A candidate's treasurer shall perform all the duties prescribed for the candidate under ORS 260.005 and 260.035 to 260.156.

(3) The candidate, in addition to the treasurer, is personally responsible for the performance of the duties referred to in subsection (2) of this section. Any default or violation by the treasurer shall be conclusively considered a default or violation by the candidate. Any default or violation by the person designated by the candidate or treasurer under ORS 260.039, 260.042 or 260.057 is conclusively considered a default or violation by the candidate or treasurer. [1973 c.744 §4; 1979 c.190 §341; 1993 c.493 §53; 2007 c.570 §2]

**260.038 Treasurer of more than one candidate or committee; replacement of treasurer.** (1) An individual may be appointed and serve as treasurer of a candidate and a political committee or of two or more candidates or political committees.

(2) A candidate or political committee may remove a treasurer. In event of the death, resignation or removal of a treasurer before compliance with all obligations of a treasurer under ORS 260.005 and 260.035 to 260.156, a candidate may and a political committee shall appoint a successor and certify the name and address of the successor in the manner of an original appointment. [1979 c.190 §342; 1993 c.493 §54]

**260.039 Statement of organization of candidate or principal campaign committee.**

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

(a) The name, address, occupation, office sought and party affiliation of the candidate. The address shall be the address of a residence, office, headquarters or similar location where the candidate may be conveniently located;

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

(A) The name and address of the committee. The address shall be the address of a residence, office, headquarters or similar location where the political committee or a responsible officer of the political committee may be conveniently located.

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

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

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

(c) The name of the financial institution in which the campaign account required under ORS 260.054 is established, the name and number of the account, the name of the account holder and the names of all persons who have signature authority for the account. The Secretary of State may not disclose information received by the secretary under this paragraph except as necessary for purposes of enforcing the provisions of ORS chapters 246 to 260.

(2) A candidate or treasurer may designate a person to receive any notice provided by a filing officer under ORS chapters 246 to 260. The candidate or treasurer shall include the name and address of the person in the statement of organization filed under this section. A filing officer who provides any notice under ORS chapters 246 to 260 to the candidate or treasurer shall also provide the notice to the person designated by the candidate or treasurer under this subsection.

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

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

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

(6) Except as provided in ORS 260.043, a candidate who serves as the candidate's own treasurer or the treasurer of the principal campaign committee of a candidate shall file a new or amended statement of organization not later than the date that the candidate files a nominating petition, declaration of candidacy or certificate of nomination. [1987 c.727 §12; 1989 c.503 §18; 1991 c.107 §16; 1991 c.719 §53; 1993 c.493 §55; 1999 c.999 §4; 2001 c.965 §53; 2005 c.797 §3; 2005 c.809 §4; 2007 c.570 §3]

**260.040** [Amended by 1957 c.643 §4; repealed by 1971 c.749 §82]

**260.041 Principal campaign committee.**

(1) Notwithstanding ORS 260.005 (16) and except as provided in ORS 260.043, a candidate shall designate a political committee as the candidate's principal campaign committee. A candidate may designate only one political committee as the candidate's principal campaign committee.

(2) A political committee may not be designated as the principal campaign committee of more than one candidate. [1979 c.190 §343; 1999 c.999 §7; 2005 c.809 §23]

**260.042 Statement of organization of political committee.**

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

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

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

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

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

(e) The name, office sought, and party affiliation of each candidate whom the com-

mittee is supporting or specifically opposing or intends to support or specifically oppose, when known, or, if the committee is supporting or specifically opposing all the candidates of a given party, the name of that party.

(f) A designation of any measure that the committee is opposing or supporting, or intends to support or oppose.

(g) The name of the financial institution in which the campaign account required under ORS 260.054 is established, the name and number of the account, the name of the account holder and the names of all persons who have signature authority for the account. The Secretary of State may not disclose information received by the secretary under this paragraph except as necessary for purposes of enforcing the provisions of ORS chapters 246 to 260.

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

(2) A treasurer shall designate a person to receive any notice provided by a filing officer under ORS chapters 246 to 260. The treasurer shall include the name and address of the person in a statement of organization filed under this section. A filing officer who provides any notice under ORS chapters 246 to 260 to the treasurer of the political committee shall also provide the notice to the person designated by the treasurer under this subsection.

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

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

(5) This section does not apply to a political committee that is a principal campaign committee or to a political committee exclusively supporting or opposing one or more candidates for federal or political party office. [1975 c.683 §§2,3; 1979 c.190 §344; 1981 c.234 §1; 1983 c.71 §10; 1985 c.808 §53; 2001 c.965 §54; 2005 c.797 §6; 2005 c.809 §5; 2007 c.570 §4]

**260.043 Exemptions for candidate who expects neither contributions nor expenditures to exceed \$300.** (1) A candidate who serves as the candidate's own treasurer and who expects neither the aggregate contributions to be received nor the aggregate expenditures to be made by or on behalf of the candidate to exceed \$300 in total amount during a calendar year is not required to:

(a) File a statement of organization under ORS 260.039;

(b) Establish a single exclusive campaign account under ORS 260.054; or

(c) File statements under ORS 260.057.

(2) A candidate described in subsection (1) of this section must keep contribution and expenditure records for the previous 24 months.

(3) If at any time following the filing of a nominating petition, declaration of candidacy or certificate of nomination and during the calendar year either the aggregate contributions or aggregate expenditures exceed \$300, the candidate shall do all of the following:

(a) File a statement of organization under ORS 260.039.

(b) Establish a single exclusive campaign account as required under ORS 260.054.

(c) File a statement under ORS 260.057 showing all contributions received and expenditures made. The statement shall be filed not later than seven calendar days after aggregate contributions or aggregate expenditures exceed \$300 during a calendar year.

(d) If necessary, file additional statements under ORS 260.057.

(4) This section does not apply to candidates for federal office. [1999 c.999 §6; 2005 c.809 §§6,24]

**260.044 Statement of independent expenditures; when person considered political committee or principal campaign committee.** (1) A person shall file a statement of independent expenditures if the person makes independent expenditures in a total amount of more than \$100 in a calendar year. The statement shall be filed with the Secretary of State.

(2) A statement described in subsection (1) of this section shall be filed not later than seven calendar days after the total amount of independent expenditures exceeds \$100 in a calendar year. The accounting period for the statement required by subsection (1) of this section begins on the date that an independent expenditure is made. The statement shall specify the candidate or measure supported or opposed by the independent expenditure. The secretary by rule shall prescribe the form of the statement.

(3) Notwithstanding ORS 260.005 (16), a person who solicits and receives a contribution or contributions is a political committee and shall file a statement of organization under ORS 260.042 and the statements required by ORS 260.057 or 260.076.

(4) For purposes of this section:

(a) An independent expenditure does not include a contribution to a candidate or political committee that is required to report



the contribution on a statement filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS 260.112;

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

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

(A) Designated to an identified candidate or political committee;

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

(C) Required to be reported as contributions by a candidate or political committee on a statement filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS 260.112. [Formerly 260.158; 1981 c.234 §8; 1981 c.303 §1; 1985 c.808 §54; 1987 c.267 §57; 1987 c.727 §2; 1993 c.493 §§56,57; 1995 c.712 §73; 1999 c.999 §8; 2001 c.82 §3; 2003 c.542 §10; 2005 c.797 §7; 2005 c.809 §§26,28a]

**260.045 Contributions received from out-of-state political committees; request for statement or affidavit.** (1) If a candidate or treasurer receives a contribution of more than \$100 from a political committee not in this state, the candidate or treasurer shall file the following if required under subsection (2) of this section:

(a) A written statement of the name, occupation and address of each person, or the name, address and primary nature of each political committee, who contributed more than \$100 of the contribution. The statement shall be certified as true by an officer of the contributing political committee. As used in this paragraph, "address" includes street number and name, rural route number or post-office box, and city and state; or

(b) An affidavit that to the best of the candidate's or treasurer's knowledge and belief the contributing political committee will not make contributions to candidates and treasurers in this state that exceed two-thirds, in total amount, of all contributions made by it in this state and elsewhere during the calendar year for which the statement is filed. The affidavit shall be filed at the same time the statement is filed regarding the contribution.

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

(a) Requested by the Secretary of State; or

(b) The Secretary of State receives a request for the filing from any person made not

later than six months after the deadline for filing a statement under ORS 260.057 or 260.118, if a candidate or treasurer files a statement reporting a contribution received from a political committee not in this state.

(3) If requested under subsection (2) of this section, the statement or affidavit described in subsection (1) of this section shall be filed not later than 10 business days after a candidate or treasurer receives a request from the Secretary of State. [1971 c.749 §4; 1973 c.744 §5; 1975 c.675 §32; 1979 c.190 §346; 1981 c.234 §9; 1991 c.258 §2; 1991 c.719 §13; 1993 c.493 §105; 1999 c.999 §9; 2001 c.732 §7; 2001 c.965 §61; 2003 c.542 §11; 2005 c.797 §8; 2005 c.809 §§29,29a; 2007 c.848 §14]

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

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

(3) If a filing officer discontinues a statement of organization under this section, the filing officer shall provide written notice to the candidate, principal campaign committee or political committee that the statement has been discontinued. [2005 c.797 §5]

**260.049 Reports to be filed by certain corporations; rules.** (1) If the major source of revenue of a corporation is paid-in-capital and the primary purpose of the corporation is to support or oppose any candidate, measure or political party, and the corporation has made a contribution or an expenditure for that purpose, the corporation shall report to the Secretary of State the names, addresses and occupations of its shareholders and shall report the amount of paid-in-capital attributable to each shareholder.

(2) The information required under subsection (1) of this section, including information on the nature and amount of all expenditures of money and in-kind contributions made by the corporation, shall be filed not later than seven calendar days after the contribution or expenditure is made.

(3) The Secretary shall adopt by rule a form for the filing of the information required under this section. [1991 c.911 §3; 2005 c.809 §30]

**260.050** [Amended by 1957 c.643 §5; repealed by 1971 c.749 §82]

**260.052 Political committee identification number.** The Secretary of State shall assign an identification number to each political committee required to file a statement with the secretary under ORS 260.057. The political committee shall include the identification number with each contribution made by the political committee. [1991 c.719 §64; 2005 c.809 §31]

**260.054 Campaign account.** (1) Each political committee shall establish a single exclusive campaign account in a financial institution, as defined in ORS 706.008. The financial institution must be located in this state and must ordinarily conduct business with the general public in this state.

(2) A political committee shall maintain the campaign account in the financial institution in the name of the political committee. For purposes of this subsection, acronyms may not be used in the name of the political committee.

(3) Except as provided in subsection (4) of this section, all expenditures made by the political committee shall be drawn from the campaign account and:

(a) Issued on a check signed by the candidate on whose behalf the account is established, by the treasurer of the political committee or by an individual designated by the candidate; or

(b) Paid using a debit card or other form of electronic transaction.

(4) Subsection (3) of this section does not prohibit a person from making a cash or other expenditure on behalf of the political committee and receiving reimbursement from the campaign account.

(5) A contribution received by a candidate or the treasurer of a political committee, directly or indirectly, shall be deposited into the campaign account not later than seven calendar days after the date the contribution is received. This subsection does not apply to in-kind contributions received by a candidate or political committee.

(6) This section does not prohibit the transfer of any amount deposited in the campaign account into a certificate of deposit, stock fund or other investment instrument.

(7) The campaign account may not include any private moneys, other than contributions received by the political committee.

(8) A political committee shall retain a copy of each financial institution account

statement from the campaign account described in this section for not less than two years after the date the statement is issued by the financial institution.

(9) Subsections (1) to (8) of this section do not apply to candidates described in ORS 260.043. [2005 c.809 §3; 2007 c.570 §8]

**260.055 Accounts of contributions and expenditures; inspection; preservation of accounts.** (1) Each candidate, other than a candidate for political party office, and the treasurer of each political committee shall keep detailed accounts. The accounts shall be current as of not later than the seventh calendar day 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 reported under ORS 260.057, 260.076 or 260.078. Subject to ORS 260.085, the accounts shall list all information required to be reported under ORS 260.083.

(2) Accounts kept by a candidate or the treasurer of a political committee may be inspected under reasonable circumstances at any time before the election to which the accounts refer or during the period specified for retention of the accounts under subsection (3) of this section by any opposing candidate or the treasurer of any political committee for the same electoral contest. The right of inspection may be enforced by writ of mandamus issued by any court of competent jurisdiction. The treasurers of political committees supporting a candidate may be joined with the candidate as defendants in a mandamus proceeding.

(3) Accounts kept by a candidate or treasurer shall be preserved by the candidate or treasurer for at least two years after the date of the election to which the accounts refer or at least two years after the date the last statement is filed under ORS 260.057, whichever is later. [1971 c.749 §5; 1973 c.744 §6; 1977 c.268 §2; 1979 c.190 §347; 1981 c.234 §10; 1991 c.719 §14; 1991 c.911 §9; 1993 c.493 §59; 2001 c.82 §4; 2003 c.542 §12; 2005 c.809 §32]

**260.056 Written loan agreements.** (1) A loan made by or to a candidate or political committee must be by written agreement.

(2) A candidate or political committee shall keep a copy of any written loan agreement with the detailed accounts of the candidate or political committee required under ORS 260.055.

(3) Notwithstanding ORS 260.055, a candidate or political committee shall preserve a written loan agreement until the loan is repaid. [2005 c.809 §19]

**(Statements of Contributions  
and Expenditures)**

**260.057 Electronic campaign finance filing system; schedule for filing; Internet availability; exclusions; rules.** (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; and

(b) Treasurers appointed by the chief petitioners of initiative, referendum or recall petitions under ORS 260.118 to file with the secretary statements of contributions received and expenditures made by the treasurers and chief petitioners.

(2)(a) A candidate for nomination or election at any primary or general election or a political committee supporting or opposing a candidate or measure at any primary or general election shall file a statement described in subsection (1) of this section not later than seven calendar days after a contribution is received or an expenditure is made. This paragraph applies to contributions received and expenditures made during the period beginning on the 42nd calendar day before the date of any primary election and ending on the date of the primary election and the period beginning on the 42nd calendar day before the date of any general election and ending on the date of the general election.

(b) For any special election, the secretary by rule may establish a period during which a candidate for nomination or election at the special election or a political committee supporting or opposing a candidate or measure at the special election must file a statement described in subsection (1) of this section not later than seven calendar days after a contribution is received or an expenditure is made.

(3) Except as provided in subsection (4) of this section, during a period not described in subsection (2) of this section, a candidate or political committee shall file a statement described in subsection (1) of this section not later than 30 calendar days after a contribution is received or an expenditure is made.

(4)(a) If a candidate for nomination or election at any primary election or a political committee supporting or opposing a candidate or measure at any primary election receives a contribution or makes an expenditure prior to the 42nd calendar day before the date of the primary election and the candidate or political committee has not filed a statement of the contribution or expenditure under subsection (3) of this section by

the 43rd calendar day before the date of the primary election, the candidate or political committee shall file a statement described in subsection (1) of this section not later than the 35th calendar day before the date of the primary election.

(b) If a candidate for nomination or election at any general election or a political committee supporting or opposing a candidate or measure at any general election receives a contribution or makes an expenditure prior to the 42nd calendar day before the date of the general election and the candidate or political committee has not filed a statement of the contribution or expenditure under subsection (3) of this section by the 43rd calendar day before the date of the general election, the candidate or political committee shall file a statement described in subsection (1) of this section not later than the 35th calendar day before the date of the general election.

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

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

(b) Be compatible with any other electronic filing application provided or approved by the secretary.

(6)(a) Except as provided in paragraph (b) of this subsection, the secretary shall make all data filed electronically under this section and all information filed with the secretary under ORS 260.044, 260.045, 260.049, 260.085, 260.102 or 260.118 available on the Internet to the public free of charge according to a schedule adopted by the secretary by rule. The secretary shall make the data available in a searchable database that is easily accessible by the public.

(b) The secretary may not make data that are filed electronically under this section or ORS 260.118 available to the public under this section, unless the data are required to be listed under ORS 260.083. The secretary may not disclose under ORS 192.410 to 192.505 any data that are filed electronically under this section or ORS 260.118, unless the data are required to be listed under ORS 260.083.

(7)(a) Except as provided in paragraph (b) of this subsection, each statement required by this section shall be signed and certified as true by the candidate or treasurer required to file it. Signatures shall be supplied in the manner specified by the secretary by rule.

(b) A candidate or treasurer may designate a person to sign and certify as true a statement required by this section. The designation must be filed in writing with the

secretary and must be renewed for each two-year period beginning January 1 of an even-numbered year.

(8) Subsections (1) to (7) of this section do not apply to:

(a) Candidates for federal office;

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

(c) Candidates or political committees who file certificates under ORS 260.112. [2005 c.809 §14; 2007 c.570 §1; 2007 c.848 §12]

**Note:** Section 55, chapter 809, Oregon Laws 2005, provides:

**Sec. 55.** (1) During the period beginning on January 1, 2007, and ending on December 31, 2008, in setting the amount of a civil penalty under ORS 260.232, as amended by section 41 of this 2005 Act, for a violation involving a statement required to be filed using the electronic filing system described in section 14 of this 2005 Act [260.057], the Secretary of State shall consider as a mitigating circumstance any issues arising from the transition from a paper filing system to an electronic filing system for the filing of statements of contributions received and expenditures made under ORS chapter 260.

(2) This section is repealed January 2, 2010. [2005 c.809 §55]

**260.058** [1981 c. 234 §3 (enacted in lieu of 260.072); 1983 c.71 §1; 1985 c.732 §1; 1987 c.727 §3; 1989 c.503 §§19, 20; 1989 c.1054 §1; 1993 c.493 §60; 1995 c.712 §74; 1999 c.999 §23; 2001 c.732 §2; 2005 c.797 §9; repealed by 2005 c.809 §56]

**260.060** [Amended by 1957 c.643 §6; 1969 c.279 §1; repealed by 1971 c.749 §82]

**260.062** [1971 c.749 §6; 1973 c.744 §7; repealed by 1979 c.190 §431]

**260.063** [1981 c.234 §4 (enacted in lieu of 260.072); 1983 c.71 §2; 1985 c.732 §2; 1987 c.727 §4; 1989 c.503 §§21,22; 1989 c.1054 §3; 1993 c.493 §61; 1995 c.712 §75; 1999 c.225 §1; 1999 c.999 §24; 2001 c.732 §3; 2005 c.797 §21; repealed by 2005 c.809 §56]

**260.065** [1965 c.110 §2; repealed by 1971 c.749 §82]

**260.067** [1965 c.289 §2 (260.067, 260.075 and 260.077 enacted in lieu of 260.070); 1969 c.243 §1; repealed by 1971 c.749 §82]

**260.068** [1981 c.234 §5 (enacted in lieu of 260.072); 1983 c.71 §3; 1985 c.732 §3; 1987 c.267 §60; 1987 c.727 §5; 1989 c.503 §§23,24; 1989 c.1054 §§5,6; 1991 c.911 §§5,6; 1993 c.493 §§62,63; 1995 c.712 §76; 1999 c.999 §25; 2001 c.732 §4; 2005 c.797 §10; repealed by 2005 c.809 §56]

**260.070** [Amended by 1961 c.75 §1; repealed by 1965 c.289 §1 (260.067, 260.075 and 260.077 enacted in lieu of 260.070)]

**260.072** [1971 c.749 §7; 1973 c.744 §8; 1975 c.683 §7; 1977 c.678 §2; 1979 c.190 §348; repealed by 1981 c.234 §2 (260.058, 260.063, 260.068, 260.073 and 260.078 enacted in lieu of 260.072)]

**260.073** [1981 c.234 §6 (enacted in lieu of 260.072); 1983 c.71 §4; 1985 c.732 §4; 1985 c.808 §55; 1987 c.267 §61; 1987 c.727 §6; 1989 c.503 §§25,26; 1989 c.1054 §§7,8; 1991 c.911 §§7,8; 1993 c.493 §§65,66; 1995 c.712 §77; 1999 c.225 §2; 1999 c.999 §26; 2001 c.732 §5; 2005 c.797 §11; repealed by 2005 c.809 §56]

**260.075** [1965 c.289 §3 (260.067, 260.075 and 260.077 enacted in lieu of 260.070); 1967 c.469 §1; repealed by 1971 c.749 §82]

### **260.076 Statements of contributions received during session of Legislative Assembly.**

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

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

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

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

(5) A statement described in subsections (1) to (4) of this section shall be filed with the Secretary of State on a form prescribed by the secretary. For contributions received

during the period beginning on January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending on the first day of the regular biennial session, a statement shall be filed not later than two business days after the first day of the regular biennial session. For contributions received on or after the first day of the regular biennial session, a statement shall be filed not later than two business days after the date a contribution is received.

(6) If a statement has been filed under subsections (1) to (4) of this section, the next statement filed by the Governor, Governor-elect, official, candidate, principal campaign committee or other political committee under ORS 260.057 shall include the contributions reported in statements filed under this section.

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

(8) As used in this section:

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

(b) "Statewide official" means the Secretary of State or Secretary of State-elect, State Treasurer or State Treasurer-elect, Superintendent of Public Instruction or Superintendent-elect of Public Instruction, Attorney General or Attorney General-elect and the Commissioner of the Bureau of Labor and Industries or the Commissioner-elect of the Bureau of Labor and Industries. [2001 c.82 §2; 2005 c.797 §23; 2005 c.809 §32a; 2007 c.570 §6]

**260.077** [1965 c.289 §4 (260.067, 260.075 and 260.077 enacted in lieu of 260.070); 1967 c.339 §3; repealed by 1971 c.749 §82]

**260.078 Reporting contributions and expenditures not previously reported.** If the first statement filed by a candidate, a candidate's principal campaign committee or a political committee under ORS 260.057 shows an unexpended balance of contributions not previously reported on hand, the statement shall list all contributions and expenditures giving rise to the unexpended balance of contributions in accordance with ORS 260.083. [1981 c.234 §7 (enacted in lieu of 260.072); 2003 c.542 §13; 2005 c.797 §12; 2005 c.809 §33]

**260.080** [Repealed by 1971 c.749 §82]

**260.082** [1971 c.749 §8; repealed by 1973 c.744 §48]

**260.083 Contents of statements.** (1) A statement filed under ORS 260.057, 260.076 or 260.118 shall list:

(a) Except as provided in ORS 260.085, for a contribution:

(A) The name, occupation and address of each person, and the name and address of each political committee, that contributed an aggregate amount of more than \$100 in a

calendar year on behalf of a candidate or to a political committee and the total amount contributed by that person or political committee; and

(B) The total amount of other contributions as a single item, but shall specify how those contributions were obtained.

(b) For an expenditure:

(A) The amount and purpose of each expenditure made in an aggregate amount of more than \$100 to a payee, the name or, if applicable, the business name of the payee of the expenditure, and the city, or county if the payee is not located in a city, and state in which the payee is located; and

(B) The total amount of other expenditures as a single item.

(c) Each loan, whether repaid or not, made by or to the candidate or political committee. The statement shall list:

(A) The name and address of each person shown as a cosigner or guarantor on a loan and the amount of the obligation undertaken by each cosigner or guarantor;

(B) The name of the lender holding the loan; and

(C) The terms of the loan, including the interest rate and repayment schedule.

(2) If an expenditure in an amount exceeding \$100 is a prepayment or a deposit made in consideration for any services, supplies, equipment or other thing of value to be performed or furnished at a future date, that portion of the deposit that has been expended shall be listed as an expenditure and the unexpended portion of the deposit shall be listed as an account receivable.

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

(4) If a candidate, political committee or chief petitioner under ORS 260.057 or 260.118 makes an expenditure that must be reported as an in-kind contribution and an expenditure as provided in subsection (3) of this section, the candidate, political committee or chief petitioner making the original expenditure shall, in any statement filed under ORS 260.057 or 260.118, identify the expenditure as an in-kind contribution and identify the candidate or political committee for whose benefit the expenditure was made.

(5) Expenditures made by an agent of a candidate or political committee on behalf of the candidate or committee shall be reported in the same manner as if the expenditures had been made by the candidate or political committee.

(6) If a political committee makes an expenditure that qualifies as an independent expenditure under ORS 260.005 (9), the listing of the expenditure under this section shall identify any candidates or measures that are the subject of the independent expenditure and state whether the independent expenditure was used to advocate the election, passage or defeat of the candidates or measures.

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

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

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

(9) As used in this section, "address" has the meaning given that term in rules adopted by the Secretary of State. [Formerly 260.162; 1981 c.234 §11; 1985 c.732 §5; 1989 c.80 §4; 1989 c.503 §42; 1989 c.1054 §12; 1991 c.258 §1; 1991 c.719 §15; 1993 c.493 §68; 1995 c.1 §20; 1995 c.607 §87; 1999 c.262 §3; 1999 c.814 §1; 1999 c.999 §10; 2001 c.82 §5; 2001 c.965 §59; 2003 c.542 §14; 2005 c.797 §13; 2005 c.809 §§8,16]

**260.085 Listing of occupation of contributor; procedure when occupation is unknown.** (1) An account required by ORS 260.055 and a statement required by ORS 260.083 to list the occupation of a contributor must list the occupation of the contributor in the account and on the first statement filed under ORS 260.057 or 260.076 after the contribution is received if the occupation is known to the candidate or political committee filing the statement.

(2) If an account required by ORS 260.055 or a statement required by ORS 260.083 to

list the occupation of a contributor does not list the occupation of the contributor as required by ORS 260.055 or on the first statement filed under ORS 260.057 or 260.076 after the contribution is received, the candidate or political committee shall file with the account and with the statement filed under ORS 260.057 documentation of a written request to the contributor to furnish the contributor's occupation.

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

(4) If a candidate or political committee receives information identifying the occupation of a contributor after making a written request under subsection (3) of this section, the candidate or political committee, within seven calendar days after receiving the information, shall include the contributor's occupation in the account kept under ORS 260.055 and in the contributor's entry filed under ORS 260.057. [1989 c.80 §3; 1991 c.719 §16; 1993 c.493 §69; 2001 c.82 §6; 2003 c.542 §15; 2005 c.797 §14; 2005 c.809 §34]

**260.090** [Repealed by 1971 c.749 §82]

**260.092** [1971 c.749 §9; 1973 c.744 §13; 1975 c.683 §8; 1977 c.836 §9; 1979 c.190 §350; repealed by 1981 c.234 §19]

**260.100** [Repealed by 1957 c.643 §9]

**260.102 Statements of persons reducing expenditure deficit.** (1) A person who receives or expends money or any other thing of value, after the date of an election, for the purpose of reducing an expenditure deficit shown by a statement of contributions and expenditures filed by a candidate or treasurer, shall file with the Secretary of State a statement showing the source of all moneys or other things of value received or expended if the person:

(a) Is not the candidate or treasurer; and

(b) Does not receive or expend the money or other thing of value through the candidate or treasurer.

(2) The statement shall list the name, occupation and address of each person, or the name, address and primary nature of each political committee, who contributed an aggregate amount of more than \$100 on behalf of a candidate or regarding a measure. The statement may list as a single item the total amount of other contributions, but shall specify how those contributions were obtained. The statement must be signed and certified as true by the person required to file it or by the person's authorized representative.

(3) As used in this section, “address” includes street number and name, rural route number or post-office box, and city and state. [1971 c.749 §10; 1973 c.744 §14; 1975 c.675 §33; 1979 c.190 §351; 1991 c.258 §3; 1991 c.719 §17; 2005 c.809 §§35,35a]

**260.105** [1957 c.643 §1; 1959 c.416 §1; 1963 c.175 §1; 1971 c.749 §28; renumbered 260.345]

**260.110** [Amended by 1957 c.643 §7; repealed by 1971 c.749 §82]

**260.112 Filing of certificate by candidate or treasurer of political committee who expects neither contributions nor expenditures to exceed \$2,000; schedule.**

(1) A candidate or a treasurer of a political committee who expects neither the aggregate contributions to be received nor the aggregate expenditures to be made by or on behalf of the candidate or political committee to exceed \$2,000 in total amount during the calendar year shall file a certificate to that effect with the Secretary of State. The candidate or treasurer shall make the certificate according to the best of the knowledge or belief of the candidate or treasurer. A candidate or treasurer filing a certificate under this section is not required to file statements under ORS 260.057. The certificate shall be filed:

(a) By a candidate, not sooner than the date on which the candidate files a declaration of candidacy or nominating petition, accepts a nomination or is nominated to fill a vacancy in a nomination or in a partisan elective office, and not later than seven calendar days after the candidate receives a contribution or makes an expenditure.

(b) By a treasurer of a political committee, not sooner than the date that the political committee files a statement of organization under ORS 260.042, and not later than seven calendar days after the political committee receives a contribution or makes an expenditure.

(2) A candidate or political committee under this section must keep contribution and expenditure records during the calendar year.

(3) If at any time following the filing of a certificate under subsection (1) of this section and during the calendar year either the aggregate contributions or aggregate expenditures exceed \$2,000, the candidate or treasurer shall do all of the following:

(a) File a statement under ORS 260.057 within seven calendar days after either the aggregate contributions or aggregate expenditures exceed \$2,000. The statement shall reflect all contributions received and expenditures made by or on behalf of the candidate or political committee to that date, beginning January 1 of the calendar year.

(b) If necessary, file additional statements under ORS 260.057.

(4) This section does not apply to a candidate for federal office. [1971 c.749 §11; 1975 c.683 §9; 1977 c.644 §5; 1979 c.190 §352; 1981 c.234 §12; 1985 c.808 §56; 1987 c.727 §7; 1989 c.503 §27; 1991 c.87 §5; 1999 c.999 §22; 2005 c.797 §15; 2005 c.809 §36a]

**260.118 Treasurer and statement of organization for initiative, referendum or recall petition; filing electronic statements of contributions and expenditures; schedule; rules.** (1) The chief petitioners of an initiative, referendum or recall petition shall appoint a treasurer. The treasurer shall be an elector of this state. Contributions shall be received and expenditures made by or through the treasurer.

(2) The treasurer or a chief petitioner shall file a statement of organization with the appropriate filing officer. The treasurer or a chief petitioner shall file the statement not later than the third business day after the chief petitioners receive a contribution or make an expenditure relating to the initiative, referendum or recall petition. The statement shall include:

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

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

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

(3) If there is a change in the information submitted in a statement of organization under subsection (2) of this section, the treasurer or a chief petitioner shall file an amended statement of organization not later than the 10th day after the change in information.

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

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

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

(b) During the period beginning on the 42nd calendar day before the date of any

primary election and ending on the date of the primary election and the period beginning on the 42nd calendar day before the date of any general election and ending on the date of the general election.

(6) The treasurer of a referendum petition or a recall petition shall file a statement described in subsection (4) of this section not later than seven calendar days after a contribution is received or an expenditure is made. This subsection applies:

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

(b) For a recall petition, to contributions received and expenditures made during the period beginning on the day after the date on which the statement of contributions received and expenditures made that is required under ORS 249.865 is filed and ending on the deadline for submitting signatures for verification.

(7) Except as provided in subsection (8) of this section, during a period not described in subsection (5) or (6) of this section, a treasurer of an initiative, referendum or recall petition shall file a statement described in subsection (4) of this section not later than 30 calendar days after a contribution is received or an expenditure is made.

(8) If a treasurer of an initiative petition receives a contribution or makes an expenditure prior to the 42nd calendar day before the date that is four months before a general election, or the 42nd day before the date of the primary election or general election, and the treasurer has not filed a statement of the contribution or expenditure under subsection (4) of this section by the 43rd calendar day before the date that is four months before a general election, or the 43rd day before the date of the primary election or general election, the treasurer shall file a statement described in subsection (4) of this section not later than the 35th calendar day before the date that is four months before a general election, or the 35th day before the date of the primary election or general election.

(9) For an initiative petition, the accounting period for the first statement filed under this section begins on the date the treasurer is appointed under subsection (1) of this section.

(10) Each statement required under this section shall be signed and certified as true by a chief petitioner or by the treasurer. Signatures shall be supplied in the manner specified by the secretary by rule.

(11) As used in this section, "contribution" and "expenditure" include a contribution or expenditure to or on behalf of an initiative, referendum or recall petition. [1983 c.71 §6; 1985 c.808 §57; 1987 c.210 §2; 1987 c.727 §8; 1991 c.719 §54; 1993 c.493 §§70,71; 1995 c.607 §57; 1999 c.999 §11; 2001 c.732 §1; 2001 c.965 §56; 2005 c.797 §16; 2005 c.809 §37; 2007 c.848 §13]

**260.120** [Amended by 1957 c.643 §8; 1961 c.67 §1; repealed by 1971 c.749 §82]

**260.122** [1971 c.749 §12; 1973 c.744 §15; repealed by 1977 c.644 §7]

**260.130** [1967 c.339 §2; repealed by 1971 c.749 §82]

**260.132** [1971 c.749 §13; repealed by 1975 c.683 §15]

**260.142** [1971 c.749 §14; repealed by 1973 c.744 §48]

**260.150** [1975 c.684 §5; 1979 c.190 §353; repealed by 1987 c.727 §15]

**260.152** [1971 c.749 §15; repealed by 1973 c.744 §48]

**260.153** [1979 c.190 §354; repealed by 1987 c.727 §15]

**260.154** [1973 c.744 §10; repealed by 1975 c.684 §11]

**260.156 Rules for reporting expenditures and contributions.** (1) The Secretary of State may adopt rules for the manner of determining and reporting expenditures and contributions under this chapter, including but not limited to rules for allocation of contributions and expenditures and for determination of fair market value of contributions other than money. Rules adopted under this section shall provide for proportional reporting of expenditures and contributions that benefit more than one candidate or political committee.

(2) The valuation or allocation of any contribution or expenditure under a rule adopted by the Secretary of State before the contribution or expenditure was made or, if it is a continuing contribution or expenditure, the valuation or allocation of that part available to and used on behalf of the candidate after the adoption of the rule, shall be presumed to be the fair market value or allocation of it. [1973 c.744 §11; 1975 c.683 §10; 1975 c.684 §7a; 1979 c.190 §355; 2001 c.965 §64]

**260.158** [1973 c.744 §12; 1975 c.683 §10a; 1979 c.190 §345; renumbered 260.044]

**260.159** [1999 c.824 §7; repealed by 2005 c.809 §56]

**260.160** [1995 c.1 §3; repealed by 1999 c.999 §59]

**260.161** [2001 c.82 §13; repealed by 2005 c.809 §56]

**260.162** [1971 c.749 §16; 1973 c.744 §16; 1975 c.675 §34a; 1975 c.683 §11; 1979 c.190 §349; renumbered 260.083]

**260.163 County or city campaign finance provisions.** (1) A county or city may adopt charter provisions or ordinances that:

(a) Require the filing of electronic or paper statements of contributions received and expenditures made that are in addition to the statements required to be filed under this chapter by candidates for nomination or election to county or city office or by political committees supporting or opposing candidates for nomination or election to county



or city office or the adoption of a county or city measure;

(b) Require the filing of electronic or paper statements of independent expenditures made by persons in support of or in opposition to candidates for nomination or election to county or city office or in support of or in opposition to the adoption of a county or city measure that are in addition to the statements required to be filed under this chapter; or

(c) Subject to subsection (2) of this section, designate the county clerk or city elections officer as the filing officer for:

(A) Statements required to be filed under this chapter by candidates for nomination or election to county or city office or by political committees supporting or opposing candidates for nomination or election to county or city office or the adoption of a county or city measure;

(B) Statements required to be filed under this chapter by persons making independent expenditures in support of or opposition to candidates for nomination or election to county or city office or in support of or opposition to the adoption of a county or city measure;

(C) Any additional statements of contributions received or expenditures made that are required by a charter provision or ordinance to be filed by candidates for nomination or election to county or city office or by political committees supporting or opposing candidates for nomination or election to county or city office or the adoption of a county or city measure; or

(D) Any additional statements of independent expenditures made that are required by a charter provision or ordinance to be filed by persons supporting or opposing candidates for nomination or election to county or city office or supporting or opposing the adoption of a county or city measure.

(2) If a county or city adopts a charter provision or ordinance requiring the filing of statements of contributions received and expenditures made or the filing of statements of independent expenditures that are in addition to the statements required to be filed under this chapter, the charter provision or ordinance shall also designate the county clerk or city elections officer as the filing officer for the additional statements.

(3) If a county or city adopts a charter provision or ordinance under subsection (1) of this section:

(a) The county or city shall file a copy of the charter provision or ordinance with the Secretary of State; and

(b) For purposes of this chapter, any additional statements required to be filed by the charter provision or ordinance are considered statements required to be filed under ORS 260.044 or 260.057.

(4) If a county or city adopts a charter provision or ordinance under subsection (1) of this section that designates the county clerk or city elections officer as the filing officer for a statement described in subsection (1) of this section, any reference in this chapter to the filing officer or to the Secretary of State as the filing officer for the statement is considered a reference to the county clerk or the city elections officer. [2005 c.809 §§51,52]

**260.164** [1995 c.1 §15; repealed by 1999 c.999 §59]

**260.165** [1987 c.902 §9; 1989 c.986 §2; 1989 c.987 §30; repealed by 1993 c.797 §33; amended by 1994 initiative, 1995 c.1 §21; repealed by 1995 c.607 §91]

**260.168** [1995 c.1 §4; repealed by 1999 c.999 §59]

**260.170** [1987 c.902 §10; 1993 c.493 §71; repealed by 1993 c.797 §33]

**260.172** [1995 c.1 §16; repealed by 1999 c.999 §59]

**260.174** [Formerly 260.725; 1999 c.318 §43; repealed by 2005 c.797 §73]

**260.175** [1987 c.902 §11; repealed by 1993 c.797 §33]

**260.178** [1995 c.1 §5; repealed by 1999 c.999 §59]

**260.180** [1995 c.1 §6; repealed by 1999 c.999 §59]

**260.182** [1995 c.1 §7; repealed by 1999 c.999 §59]

**260.184** [1995 c.1 §13; repealed by 1999 c.999 §59]

**260.188** [1995 c.1 §8; repealed by 1999 c.999 §59]

**260.190** [1995 c.1 §14; repealed by 1999 c.999 §59]

**260.192** [1995 c.1 §17; repealed by 1999 c.999 §59]

#### (Administration and Enforcement)

**260.200 Secretary of State rules for accounts, forms, material to be retained and material not subject to disclosure.** The Secretary of State by rule shall:

(1) Prescribe a uniform system for accounts required by ORS 260.055.

(2) Prescribe forms for statements and other information required under this chapter to be filed with filing officers, and furnish those forms to persons required to file those statements and other information.

(3) Prescribe materials, including financial institution account statements and copies of checks, that a candidate or political committee must retain or provide to the secretary for purposes of administering or enforcing the provisions of this chapter. The secretary shall prescribe personal or confidential information that is not required to be disclosed under this subsection. [1971 c.749 §17; 1979 c.190 §356; 1985 c.808 §58; 1993 c.493 §72; 1999 c.999 §12; 2005 c.809 §7]

**260.202** [1995 c.1 §12; repealed by 1999 c.999 §59]

**260.205 Inspection of statements; notice of failure to file correct statements; complaints.** (1) A filing officer shall inspect

each statement filed under ORS 260.057, 260.083, 260.102, 260.112 or 260.118 not later than the 10th business day after the filing deadline or the 10th business day after the statement is filed, whichever is later.

(2) A filing officer immediately shall notify a person required to file a statement with the filing officer under ORS 260.057, 260.083, 260.102, 260.112 or 260.118 if:

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

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

(3) An elector may file with a filing officer a complaint that a statement filed with the filing officer is insufficient or that a person has failed to file a required statement. The complaint shall be in writing, shall state in detail the reasons for complaint and shall be filed with the filing officer not later than the 90th day after the date the statement of which it complains is filed or should have been filed. [1971 c.749 §18; 1979 c.190 §357; 1981 c.142 §6; 1985 c.808 §59; 1991 c.719 §18; 1993 c.493 §73; 1999 c.999 §13; 2001 c.732 §6; 2003 c.542 §16; 2005 c.797 §25; 2005 c.809 §38a]

**260.210** [Amended by 1971 c.749 §36; renumbered 260.402]

**260.215 Examination and investigation of statements by filing officers; review of statements of candidates for state office; documentation of transactions.** (1) For statements filed during each calendar year, each filing officer shall examine each statement filed with the filing officer under ORS 260.044 (1), 260.057, 260.083, 260.102, 260.112 or 260.118 (4) to determine whether the statement is sufficient. The filing officer shall examine statements under this section not later than 90 days after the end of each calendar quarter for statements filed during the previous calendar quarter.

(2) The filing officer may require any person to answer in writing and upon oath or affirmation before a judge, justice of the peace, county clerk or notary public any question within the knowledge of that person concerning the source of any contribution. The filing officer shall advise the person of the penalty for failure to answer.

(3)(a) For statements filed during each calendar year, in addition to the requirements of ORS 260.205 and this section, the Secretary of State shall review statements filed with the secretary under ORS 260.057 by the principal campaign committees of all candidates for nomination or election to state office. For each review, the secretary shall require a candidate or treasurer of a

political committee to provide documentation of not more than eight transactions.

(b) The secretary shall review statements under this subsection on a quarterly basis.

(c) As used in this subsection, “state office” does not include the office of judge or district attorney. [1971 c.749 §19; 1973 c.744 §19; 1979 c.190 §358; 1981 c.142 §7; 1983 c.71 §7; 1993 c.493 §74; 1995 c.712 §78; 1999 c.999 §14; 2003 c.542 §17; 2005 c.809 §§39,39a; 2007 c.848 §15]

**260.218 Subpoena authority.** (1) The Secretary of State may issue subpoenas to compel the production of records, documents, books, papers, memoranda or other information necessary to determine compliance with the provisions of this chapter.

(2) If a person fails to comply with any subpoena issued under subsection (1) of this section, a judge of the circuit court of any county, on application of the Secretary of State shall compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the circuit court. [1987 c.727 §13; 1993 c.493 §75; 1999 c.999 §15]

**260.220** [Repealed by 1971 c.749 §82]

**260.225 Court proceedings to compel filing of correct statements; attorney fees.** (1) Upon the petition of the Secretary of State or an elector, or of any other filing officer with whom a statement is required to be filed, the circuit court for the county in which the principal office of the filing officer is located may compel a candidate, treasurer or person who fails to file a statement required to be filed with the filing officer under ORS 260.044 (1), 260.057, 260.076, 260.083, 260.102, 260.112 or 260.118, or who files with the filing officer an insufficient statement, to file with the filing officer a proper statement. The petition shall be filed with the circuit court not later than the 90th day after the date the statement is filed or should have been filed.

(2) If the court determines that a petition filed under this section is frivolous or the court does not compel the filing of any statement, the candidate, treasurer or person against whom the petition was filed is entitled to recover reasonable attorney fees at trial and on appeal. [1971 c.749 §20; 1973 c.744 §20; 1979 c.190 §359; 1985 c.808 §60; 1989 c.571 §1; 1993 c.493 §76; 1999 c.999 §16; 2001 c.82 §7; 2003 c.542 §18; 2005 c.809 §40]

**260.227** [1973 c.744 §18; repealed by 1975 c. 684 §1 (260.228 enacted in lieu of 260.227)]

**260.228** [1975 c.684 §2 (enacted in lieu of 260.227); 1979 c.519 §34; repealed by 1979 c.190 §431]

**260.230** [Repealed by 1967 c.630 §2 (260.231 enacted in lieu of 260.230)]

**260.231** [1967 c.630 §3 (260.231 enacted in lieu of 260.230); 1971 c.749 §40; renumbered 260.432]

**260.232 Civil penalty for failure to file statement or to include required information.** (1) The Secretary of State may impose a civil penalty as provided in this section, in addition to any other penalty that may be imposed, for:

(a) Failure to file a statement or certificate required to be filed under ORS 260.044 (1), 260.057, 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118.

(b) Failure to include in a statement filed under ORS 260.057, 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118 the information required under ORS 260.057, 260.076, 260.083, 260.102 or 260.118.

(2) If a person required to file has not filed a statement or certificate complying with applicable provisions of ORS 260.044 (1), 260.057, 260.076, 260.078, 260.083, 260.085, 260.102, 260.112 or 260.118 within the time specified in ORS 260.057, 260.076, 260.078 or 260.118, the Secretary of State by certified mail shall notify the person that a penalty may be imposed and that the person has 20 days to request a hearing before the Secretary of State. If the person required to file is a candidate or the principal campaign committee of a candidate, the Secretary of State shall send the notice described in this subsection by certified mail to the individual who is the candidate and by first class mail to the candidate's treasurer or the treasurer of the candidate's principal campaign committee. The notice sent by certified mail to the individual who is a candidate shall be used for purposes of determining the deadline for requesting a hearing under subsection (3) of this section. The Secretary of State is not required to send two notices if the candidate serves as the treasurer of the candidate's principal campaign committee.

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

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

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

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

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

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

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

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

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

(a) \$10,000 for failure to file a statement or certificate required to be filed under ORS 260.044 (1), 260.057, 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118; or

(b) \$10,000 for each failure to include in a statement filed under ORS 260.057, 260.076, 260.078, 260.083, 260.102, 260.112 or 260.118 the information required under ORS 260.057, 260.076, 260.083, 260.102 or 260.118.

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

(9) Except as otherwise provided by this section, civil penalties under this section shall be imposed as provided in ORS 183.745. [1979 c.190 §360; 1979 c.519 §34a; 1981 c.234 §13; 1983 c.71 §8; 1985 c.471 §14; 1991 c.319 §1; 1991 c.719 §30; 1991 c.734 §118; 1993 c.493 §77; 1993 c.743 §24; 1999 c.999 §17; 2001 c.82 §8; 2003 c.542 §19; 2005 c.797 §17; 2005 c.809 §41]

**260.235** [1971 c.749 §21; 1973 c.744 §21; repealed by 1979 c.190 §431]

**260.240** [Repealed by 1967 c.630 §5]

**260.241 Removal from general election ballot for failure to file statement; notice to candidate.** (1) Despite delay in the filing of statements relating to a candidate's nomination required to be filed under ORS 260.057, or in the filing of a certificate described in ORS 260.112 in lieu of a statement required under ORS 260.057, prior to the nominating election, the candidate's name shall appear on the general election ballot if those statements or the certificate is filed before the 61st day before the general election.

(2) A candidate's name shall not be placed on the general election ballot if the statements or certificate referred to in subsection (1) of this section is not filed before the 61st day before the general election.

(2) A candidate's name shall not be placed on the general election ballot if the statements or certificate referred to in subsection (1) of this section is not filed before the 61st day before the general election.

(3) If the statements or certificate referred to in subsection (1) of this section is not filed by the 68th day before the general election, the filing officer by mail shall notify the person required to file the statements or certificate that the candidate's name may not be placed on the general election ballot. The filing officer shall send the notice described in this subsection by certified mail to the individual who is the candidate and by first class mail to the candidate's treasurer or the treasurer of the candidate's principal campaign committee. The filing officer is not required to send two notices if the candidate serves as the treasurer of the candidate's principal campaign committee. [1979 c.190 §361; 1981 c.234 §14; 1985 c.808 §61; 1993 c.493 §78; 1999 c.999 §18; 2005 c.809 §42]

**260.245 Withholding certificate of election or certificate of nomination for failure to file statement.** The Secretary of State, county clerk or chief city elections officer may not grant a certificate of election or certificate of nomination to any candidate until the candidate has filed the statements relating to the election that the candidate is required to file under ORS 260.057. [1971 c.749 §22; 1973 c.744 §22; 1977 c.829 §21; 1979 c.190 §362; 1981 c.234 §15; 2003 c.542 §20; 2005 c.809 §43]

**260.250** [Amended by 1971 c.749 §41; renumbered 260.442]

**260.255 Preservation of filed statements by filing officers; maintenance of data on Internet.** (1) Except as provided in subsection (2) of this section, a filing officer shall preserve each statement filed with the officer under ORS 260.057, 260.076, 260.083, 260.102, 260.112 or 260.118, or an accurate copy of it, for at least six calendar years.

(2) The Secretary of State shall maintain all data filed electronically under ORS 260.057 on the Internet for at least six calendar years after the date the secretary first makes the data available. After six calendar years, if the data are not maintained on the Internet, the secretary shall archive the data in a secure format so that the data are available to the public. This subsection does not apply to data that may not be made available to the public under ORS 260.057 (6)(b). [1971 c.749 §23; 1973 c.744 §23; 1975 c.683 §12; 1979 c.190 §363; 1981 c.234 §16; 1991 c.719 §31; 1993 c.493 §79; 1999 c.999 §19; 2001 c.82 §9; 2003 c.542 §21; 2005 c.797 §18; 2005 c.809 §§44,44a; 2007 c.848 §29]

**260.260** [Repealed by 1971 c.749 §82]

**260.262 Accounts of chief petitioners; review and inspection; retention; disclosure as public record; rules.** (1) As used in this section, "accounts" means:

(a) Any contract entered into by a chief petitioner of an initiative or referendum petition and any person for purposes of obtaining signatures on the petition;

(b) Any employment manual or training materials provided to persons who obtain signatures on the petition;

(c) Payroll records for each employee obtaining signatures on the petition showing hours worked, number of signatures collected and amounts paid;

(d) Records identifying the amount and purpose of each payment made by the chief petitioner or any contractor, as defined in ORS 260.563, to any subcontractor, as defined in ORS 260.563, obtaining signatures on the petition; and

(e) Copies of signature sheets circulated by persons who are being paid to obtain signatures on the petition.

(2) For purposes of enforcing section 1b, Article IV of the Oregon Constitution, a chief petitioner of an initiative or referendum petition who pays any person money or other valuable consideration to obtain signatures on the petition shall keep detailed accounts. The accounts shall be current as of not later than the seventh calendar day after the date a payment is made to a person for obtaining signatures on the petition.

(3) The Secretary of State shall review the accounts of each chief petitioner described in subsection (2) of this section in the manner and according to a regular schedule adopted by the secretary by rule.

(4) In addition to the review conducted under subsection (3) of this section, the secretary, Attorney General or Commissioner of the Bureau of Labor and Industries may inspect the accounts of a chief petitioner described in subsection (2) of this section under reasonable circumstances at any time before the deadline for filing signatures on the petition or during the period specified for retention of the accounts under subsection (5) of this section. The right of inspection may be enforced by writ of mandamus issued by any court of competent jurisdiction.

(5) A chief petitioner must preserve the accounts pertaining to an initiative or referendum petition for at least two years after the deadline for filing the petition for verification of signatures or at least two years after the date the last statement is filed under ORS 260.118, whichever is later.

(6) If a chief petitioner does not produce accounts under subsection (3) or (4) of this section:

(a) There is a rebuttable presumption that a violation of section 1b, Article IV of the Oregon Constitution, has occurred; and

(b) The chief petitioner may not obtain additional signatures on the petition until the chief petitioner is able to supply the ac-

counts to the secretary, Attorney General or commissioner.

(7) Accounts are not subject to disclosure under ORS 192.410 to 192.505. [2007 c.848 §5]

**260.265** [1995 c.1 §9; repealed by 1999 c.999 §59]

**260.270** [Amended by 1957 c.644 §1; 1971 c.749 §44; renumbered 260.462]

**260.280** [Amended by 1957 c.605 §1; 1967 c.630 §1; 1971 c.749 §45; renumbered 260.472]

**260.290** [Repealed by 1957 c.644 §28]

**260.300** [Amended by 1957 c.644 §2; repealed by 1971 c.749 §82]

**260.305** [Formerly 260.010; repealed by 1973 c.744 §48]

**260.310** [Amended by 1971 c.749 §47; renumbered 260.482]

## ELECTION OFFENSES

### (Administration and Enforcement)

#### **260.315 Distribution of copies of law.**

(1) The Secretary of State, at the expense of the state, shall furnish to the other filing officers copies of this chapter.

(2) A filing officer shall deliver a copy of this chapter to each candidate or person whom the officer has reason to believe is required to file a statement with the officer under ORS 260.057, 260.076, 260.083, 260.102, 260.112 or 260.118. [Formerly 260.030; 1979 c.190 §364; 1993 c.493 §80; 2001 c.82 §10; 2003 c.542 §22; 2005 c.809 §45]

**260.320** [Amended by 1971 c.749 §48; renumbered 260.492]

**260.325** [Formerly 260.540; 1979 c.190 §4; renumbered 246.046]

**260.330** [Amended by 1957 c.644 §3; repealed by 1971 c.749 §82]

**260.335** [1967 c.618 §§2, 3; 1971 c.749 §50; renumbered 260.502]

**260.340** [Amended by 1957 c.644 §5; 1971 c.749 §51; renumbered 260.512]

#### **260.345 Complaints or other information regarding violations; action by Secretary of State and Attorney General.**

(1) Any elector may file with any filing officer a written complaint alleging that a violation of an election law or rule adopted by the Secretary of State under ORS chapters 246 to 260 has occurred and stating the reason for believing that the violation occurred and any evidence relating to it. A complaint alleging a violation involving the Secretary of State, a candidate for the office of Secretary of State, or any political committee or person supporting the Secretary of State or a candidate for the office of Secretary of State may be filed with the Attorney General. The Secretary of State or Attorney General shall not accept an anonymous complaint.

(2) The Secretary of State by rule shall prescribe the procedure for processing a complaint filed with any person other than the Secretary of State. If the complaint con-

cerns 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 any additional information relating to the complaint shall be sent to the Attorney General.

(3) Upon receipt of a complaint under subsection (1) or (2) of this section the Secretary of State or Attorney General immediately shall examine the complaint to determine whether a violation of an election law or rule has occurred and shall make any investigation the Secretary of State or Attorney General considers necessary. Except as provided in this subsection, within 48 hours of receiving a complaint under subsection (1) or (2) of this section, the Secretary of State or Attorney General shall notify the person who is the subject of the complaint that a complaint has been received. If the Secretary of State or Attorney General receives a complaint or complaints involving 25 or more individuals or political committees in any 24-hour period, the Secretary of State or Attorney General need not notify the persons who are the subjects of those complaints within 48 hours of receiving the complaints but shall notify those persons not later than 10 business days after receiving the complaint or complaints.

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

(a) In the case of a violation that is subject to a penalty under ORS 260.993, immediately shall report the findings to the Attorney General and request prosecution. 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; or

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

(5) Upon receipt of a complaint or report under subsection (1), (2) or (4) of this section involving an alleged violation subject to a penalty under ORS 260.993, the Attorney General or other prosecutor immediately shall examine the complaint or report to determine whether a violation of an election law has occurred. If the Attorney General or prosecutor determines that a violation has occurred, the Attorney General or prosecutor immediately shall begin prosecution in the name of the state. The Attorney General or other prosecutor shall have the same powers

in any county of this state as the district attorney for the county.

(6) Upon receipt of a complaint under subsection (1) or (2) of this section involving an alleged violation of an election law or rule not subject to a penalty under ORS 260.993, the Attorney General shall examine the complaint to determine whether a violation of an election law or rule has occurred and shall make any investigation the Attorney General considers necessary. If the Attorney General believes after an investigation that a violation of an election law or rule has occurred, the Attorney General may impose a civil penalty under ORS 260.995.

(7) In the case of an alleged violation subject to a civil penalty under ORS 260.995, a complaint shall be filed by an elector under this section no later than 90 days following the election at which a violation of an election law or rule is alleged to have occurred, or 90 days following the date the violation of an election law or rule is alleged to have occurred, whichever is later.

(8) A filing officer having reason to believe that a violation of an election law or rule has occurred shall proceed promptly as though the officer had received a complaint. A filing officer shall proceed under this subsection no later than two years following the election at which a violation of an election law or rule is alleged to have occurred, or two years following the date the violation of an election law or rule is alleged to have occurred, whichever is later. If a filing officer has not proceeded within two years because of fraud, deceit, misleading representation or the filing officer could not have reasonably discovered the alleged violation, the filing officer shall proceed no later than five years following the election at which a violation of an election law or rule is alleged to have occurred, or five years following the date the violation of an election law or rule is alleged to have occurred, whichever is later. [Formerly 260.105; 1973 c.744 §24; 1979 c.190 §365; 1987 c.718 §2; 1987 c.727 §9; 1989 c.171 §35; 1989 c.301 §1; 1989 c.571 §2; 1991 c.719 §32; 1993 c.493 §81]

**260.350** [Repealed by 1971 c.749 §82]

**260.351 Court proceedings for election law violations, generally.** A proceeding for violation of an election law shall be advanced on the docket of the court upon request of any party. However, the court may postpone or continue the trial if justice demands. As a condition of a continuance or postponement the court may impose costs. No petition shall be dismissed without the consent of the prosecutor, unless it is dismissed by the court. [Formerly 260.375; 1985 c.471 §15]

**260.355 Deprivation of nomination or office for deliberate and material election violation.** If, after a plea of guilty by or verdict of guilty against a person nominated or elected to a public office in a criminal prosecution of the person for violation of an election law in regard to either the person's nomination or election, the court determines that the violation was deliberate and material, the court, in addition to any other punishment it may impose, shall deprive the person of the nomination or, if the person was elected to an office other than state Senator or state Representative, of the office. In making the determination the court, in its discretion, may hear evidence, by testimony in open court or, if authorized by the court, by deposition, at a specified time and upon notice to the parties as the court may direct. [1971 c.749 §30; 1979 c.190 §367]

**260.360** [Amended by 1955 c.446 §1; 1971 c.749 §52; renumbered 260.522]

**260.365 Election or appointment after deprivation of nomination or office for violation.** (1) A person nominated or elected to public office, and whose nomination or election has been annulled for violation of an election law, shall not serve, during the term of the office, in any office or vacancy in any office or position of trust, honor or emolument, whether elected or appointed, in this state.

(2) An appointment or election to an office or position of trust, honor or emolument made in violation of subsection (1) of this section shall be void. [Formerly 260.470; 1979 c.190 §368]

**260.368 Investigations of violations of prohibition on payment based on number of signatures obtained on petition.** For the purpose of investigating violations of section 1b, Article IV of the Oregon Constitution, the Secretary of State, Attorney General and Commissioner of the Bureau of Labor and Industries may cooperate and share information as considered necessary by the secretary, Attorney General or commissioner. [2007 c.848 §6]

**260.370** [Repealed by 1971 c.749 §82]

**260.375** [Formerly 260.520; 1979 c.190 §366; renumbered 260.351]

**260.380** [Amended by 1967 c.83 §1; 1971 c.749 §54; renumbered 260.532]

**260.390** [Amended by 1957 c.644 §6; repealed by 1971 c.749 §82]

**260.400** [1965 c.489 §1; repealed by 1971 c.749 §82]

#### (Particular Offenses)

##### **260.402 Contributions in false name.**

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

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

(b) Any political committee; or

(c) A chief petitioner of an initiative, referendum or recall petition or a treasurer required to file a statement under ORS 260.118.

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

(3) If a person receives a contribution from a political committee, the person may enter the contribution into accounts or records as received from the political committee. [Formerly 260.210; 1973 c.744 §25; 1979 c.190 §369; 1991 c.911 §1; 2005 c.797 §19; 2005 c.809 §15; 2007 c.848 §30]

**260.405** [1967 c.593 §2; 1971 c.749 §55; renumbered 260.542]

**260.407 Use of contributed amounts for certain purposes.** (1) Except as provided in subsection (2) of this section, amounts received as contributions by a candidate or the principal campaign committee of a candidate for public office that are in excess of any amount necessary to defray campaign expenditures and any other funds donated to a holder of public office may be:

(a) Used to defray any expenses incurred in connection with the recipient's duties as a holder of public office;

(b) Transferred to any national, state or local political committee of any political party;

(c) Contributed to any organization described in section 170(c) of Title 26 of the United States Code or to any charitable corporation defined in ORS 128.620; or

(d) Used for any other lawful purpose.

(2) Notwithstanding subsection (1) of this section, amounts received as contributions by a candidate for public office that are in excess of any amount necessary to defray campaign expenditures and other funds donated to a holder of public office may not be:

(a) Converted by any person to any personal use other than to defray any expenses incurred in connection with the person's duties as a holder of public office or to repay to a candidate any loan the proceeds of which were used in connection with the candidate's campaign;

(b) Except as provided in this paragraph, used to pay any money award as defined in

ORS 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contributions described in this subsection may be used to pay a civil penalty imposed under this chapter, other than a civil penalty imposed for a violation of this section or ORS 260.409; or

(c) Except as provided in this paragraph, used to pay any legal expenses incurred by the candidate or public official in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of the duties of the person as a candidate or public official. Contributions described in this subsection may be used to pay legal expenses incurred by the candidate or public official in connection with a legal proceeding brought under this chapter, other than a proceeding brought under this section or ORS 260.409.

(3) As used in this section:

(a) "Funds donated" means all funds, including but not limited to gifts, loans, advances, credits or deposits of money that are donated for the purpose of supporting the activities of a holder of public office. "Funds donated" does not mean funds appropriated by the Legislative Assembly or another similar public appropriating body or personal funds of the office holder donated to an account containing only those personal funds.

(b) "Public office" does not include national or political party office. [1995 c.1 §18; 1999 c.999 §20; 2007 c.877 §14]

**260.409 Expenditures for professional services rendered by candidate.** A candidate or principal campaign committee of a candidate may not use amounts received as contributions by the candidate or committee to make an expenditure to or on behalf of the candidate in consideration for the rendering of professional services by the candidate. [2005 c.809 §12]

**260.410** [Repealed by 1971 c.749 §82]

**260.412** [1971 c.749 §38; 1973 c.744 §26; 1979 c.190 §387; renumbered 260.665]

**260.415** [Formerly 260.472; repealed by 1983 c.71 §12]

**260.420** [Amended by 1971 c.749 §43; renumbered 260.452]

**260.422 Acceptance of employment where compensation to be contributed.** No person shall accept employment with the understanding or agreement, express or implied, that the person will contribute any of the compensation to be received because 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. [1971 c.749 §39; 1973 c.744 §27; 1979 c.190 §371]

**260.430** [Amended by 1971 c.644 §7; repealed by 1971 c.749 §82]

**260.432 Solicitation of public employees; activities of public employees during working hours.** (1) No person shall attempt to, or actually, coerce, command or require a public employee to influence or give money, service or other thing of value to promote or oppose any political committee or to promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder.

(2) No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.

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

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**ATTENTION ALL PUBLIC EMPLOYEES:**

The restrictions imposed by the law of the State of Oregon on your political activities are that "No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views."

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.

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(4) As used in this section:

(a) "Public employee" does not include an elected official or a person appointed as a director to the board of a pilot education service district under section 11, chapter 828, Oregon Laws 2005.

(b) "Public employer" includes any board, commission, committee, department, division

or institution in the executive, administrative, legislative or judicial branch of state government, and any county, city, district or other municipal corporation or public corporation organized for a public purpose, including a cooperative body formed between municipal or public corporations. [Formerly 260.231; 1973 c.53 §1; 1973 c.744 §27a; 1979 c.190 §372; 1979 c.519 §35a; 1983 c.71 §9; 1983 c.392 §1; 1985 c.565 §39; 1985 c.808 §62; 1987 c.718 §3; 1993 c.493 §106; 2007 c.589 §7]

**Note:** The amendments to 260.432 by section 8, chapter 589, Oregon Laws 2007, become operative June 30, 2012. See section 6, chapter 589, Oregon Laws 2007. The text that is operative on and after June 30, 2012, is set forth for the user's convenience.

**260.432.** (1) No person shall attempt to, or actually, coerce, command or require a public employee to influence or give money, service or other thing of value to promote or oppose any political committee or to promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder.

(2) No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.

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

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**ATTENTION ALL PUBLIC EMPLOYEES:**

The restrictions imposed by the law of the State of Oregon on your political activities are that "No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views."

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.

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(4) As used in this section:

(a) "Public employee" does not include an elected official.

(b) "Public employer" includes any board, commission, committee, department, division or institution in the executive, administrative, legislative or judicial branch of state government, and any county, city, district or other municipal corporation or public corporation organized for a public purpose, including a cooperative body formed between municipal or public corporations.

**260.440** [Amended by 1971 c.644 §8; repealed by 1971 c.749 §82]

**260.442** [Formerly 260.250; 1973 c.744 §28; 1979 c.190 §383; renumbered 260.625]



- 260.450** [Repealed by 1957 c.644 §28]
- 260.452** [Formerly 260.420; 1973 c.744 §29; repealed by 1979 c.190 §431]
- 260.460** [Repealed by 1957 c.644 §28]
- 260.462** [Formerly 260.270; 1973 c.744 §30; 1979 c.190 §386; renumbered 260.655]
- 260.470** [Amended by 1957 c.644 §9; 1971 c.749 §34; renumbered 260.365]
- 260.472** [Formerly 260.280; 1973 c.744 §31; 1979 c.190 §370; renumbered 260.415]
- 260.480** [Amended by 1957 c.644 §11; repealed by 1971 c.749 §82]
- 260.482** [Formerly 260.310; 1973 c.744 §32; 1977 c.678 §3; 1979 c.190 §384; renumbered 260.635]
- 260.490** [Amended by 1959 c.644 §12; repealed by 1971 c.749 §82]
- 260.492** [Formerly 260.320; 1973 c.744 §33; repealed by 1979 c.190 §431]
- 260.500** [Amended by 1957 c.644 §13; 1971 c.749 §56; renumbered 260.552]
- 260.502** [Formerly 260.335; repealed by 1973 c.744 §48]
- 260.510** [Amended by 1957 c.644 §14; repealed by 1971 c.749 §82]
- 260.512** [Formerly 260.340; 1973 c.744 §34; 1979 c.190 §380; renumbered 260.605]
- 260.520** [Amended by 1957 c.644 §15; 1971 c.749 §35; renumbered 260.375]
- 260.522** [Formerly 260.360; 1973 c.483 §1; 1973 c.744 §35; 1975 c.683 §13; 1979 c.190 §373; 1981 c.234 §17; 1983 c.71 §11; 1985 c.808 §63; 1989 c.503 §28; 1989 c.1054 §13; 1993 c.359 §1; 1993 c.618 §2; repealed by 2001 c.965 §66]
- 260.530** [Repealed by 1957 c.644 §28]

**260.532 False publication relating to candidate or measure; civil action; damages; other remedies; limitation on action.** (1) No person shall cause to be written, printed, published, posted, communicated or circulated, any letter, circular, bill, placard, poster, photograph or other publication, or cause any advertisement to be placed in a publication, or singly or with others pay for any advertisement, with knowledge or with reckless disregard that the letter, circular, bill, placard, poster, photograph, publication or advertisement contains a false statement of material fact relating to any candidate, political committee or measure.

(2) As used in subsection (1) of this section, "cause" does not include the broadcast of an advertisement by a radio or television station or cable television company unless the advertisement is for:

- (a) The candidacy of the owner, licensee or operator of the station or company; or
- (b) A ballot measure of which a chief petitioner is the owner, licensee or operator of the station or company.

(3) A candidate who knows of and consents to a publication or advertisement prohibited by this section with knowledge or with reckless disregard that it contains a false statement of material fact, violates this section regardless of whether the candidate

has participated directly in the publication or advertisement.

(4) There is a rebuttable presumption that a candidate knows of and consents to any publication or advertisement prohibited by this section caused by a political committee over which the candidate exercises any direction and control.

(5) Any candidate or political committee aggrieved by a violation of this section shall have a right of action against the person alleged to have committed the violation. The aggrieved party may file the action in the circuit court for any county in this state in which a defendant resides or can be found or, if the defendant is a nonresident of this state, in the circuit court for any county in which the publication occurred. To prevail in such an action, the plaintiff must show by clear and convincing evidence that the defendant violated subsection (1) of this section.

(6) A plaintiff who prevails in an action provided by subsection (5) of this section may recover economic and noneconomic damages, as defined in ORS 31.710, or \$2,500, whichever is greater. The court may award such additional equitable relief as it considers necessary or proper. The equitable relief may include, but is not limited to, a requirement that a retraction of the false statement be disseminated in the manner directed by the court. Proof of entitlement to economic and noneconomic damages must be by a preponderance of evidence. The court shall award the prevailing party reasonable attorney fees at trial and on appeal.

(7) A political committee has standing to bring an action provided by subsection (5) of this section as plaintiff in its own name, if its purpose as evidenced by its preelection activities, solicitations and publications has been injured by the violation and if it has fully complied with the provisions of this chapter. In an action brought by a political committee as provided by subsection (5) of this section, the plaintiff may recover economic and noneconomic damages for all injury to the purpose of the committee as provided in subsection (6) of this section.

(8) If a judgment is rendered in an action under this section against a defendant who has been nominated to public office or elected to a public office other than state Senator or state Representative, and it is established by clear and convincing evidence that the false statement was deliberately made or caused to be made by the defendant, the finder of fact shall determine whether the false statement reversed the outcome of the election. If the finder of fact finds by clear and convincing evidence that the false statement reversed the outcome of the

election, the defendant shall be deprived of the nomination or election and the nomination or office shall be declared vacant.

(9) An action under this section must be filed not later than the 30th day after the election relating to which a publication or advertisement in violation of this section was made. Proceedings on a complaint filed under this section shall have precedence over all other business on the docket. The courts shall proceed in a manner which will ensure that:

(a) Final judgment on a complaint which relates to a primary election or nominating election is rendered before the 30th day before the general election; and

(b) Final judgment on a complaint which relates to an election to an office is rendered before the term of that office begins.

(10) The remedy provided by this section is the exclusive remedy for a violation of this section. [Formerly 260.380; 1973 c.744 §36; 1975 c.683 §14; 1979 c.190 §374; 1979 c.667 §2; 1981 c.897 §45; 1983 c.756 §1; 1985 c.808 §63a; 1995 c.712 §79; 1997 c.829 §1; 1999 c.941 §1; 1999 c.999 §58]

**260.540** [1957 c.644 §10; 1971 c.749 §27; renumbered 260.325]

**260.542** [Formerly 260.405; 1973 c.744 §37; 1979 c.190 §375; repealed by 1993 c.383 §1]

**260.545** [1987 c.826 §2; repealed by 1993 c.383 §1]

**260.550 Use of term “incumbent.”** (1) No person shall describe a candidate as the incumbent in the office to which the candidate seeks nomination or election in any material, statement or publication supporting the election of the candidate, with knowledge or with reckless disregard that the description is a false statement of material fact.

(2) For purposes of this section, a candidate shall be considered an “incumbent” if the candidate:

(a) Was elected to the identical office in the most recent election to fill that office and is serving and has served continuously in that office from the beginning of the term to which the candidate was elected; or

(b) Was appointed to the identical office after the most recent election to fill that office and is serving and has served continuously in that office from the date of appointment.

(3) If district boundaries have changed since the previous election or the appointment, a candidate shall be considered an “incumbent” if the candidate:

(a) Was elected to an office of the same name as the office to which the candidate seeks nomination or election at the most recent election to fill that office and is serving and has served continuously in that office from the beginning of the term to which the candidate was elected; or

(b) Was appointed to an office of the same name as the office to which the candidate seeks nomination or election after the most recent election to fill that office and is serving and has served continuously in that office from the date of appointment.

(4) This section does not apply to any words or statements required by law to be included in any statement produced by a filing officer or listed on a ballot. [1993 c.383 §3]

**260.552** [Formerly 260.500; 1973 c.744 §38; repealed by 1979 c.190 §431]

**260.555 Prohibitions relating to circulation, filing or certification of initiative, referendum or recall petition.** (1) No person attempting to obtain signatures on, or causing to be circulated, an initiative, referendum or recall petition, shall knowingly make any false statement regarding the contents, meaning or effect of the petition to any person who signs it, attempts to sign it, is requested to sign it or requests information concerning it.

(2) No person shall attempt to obtain signatures to, cause to be circulated or file with a filing officer, an initiative, referendum or recall petition, knowing it to contain a false signature.

(3) No person shall attempt to obtain the signature of a person to an initiative, referendum or recall petition knowing that the person signing the petition is not qualified to sign it.

(4) No person shall knowingly sign an initiative, referendum or recall petition more than once, knowingly sign such petition when not qualified to sign it, or sign such petition in any name other than the person’s own.

(5) No public official or employee shall knowingly make a false certification concerning an initiative, referendum or recall petition. [1979 c.190 §376; 2001 c.489 §1]

**260.558 Payment for signing or not signing initiative, referendum or recall petition; sale or purchase of signature sheets.** (1) It is unlawful to offer, pay or provide money or other valuable consideration to another person to sign or refrain from signing an initiative, referendum or recall petition, and for the other person to accept or agree to accept money or other valuable consideration for signing or refraining to sign an initiative, referendum or recall petition.

(2) It is unlawful to sell, offer to sell, purchase or offer to purchase, for money or other valuable consideration, any signature sheet of an initiative, referendum or recall petition or any other portion of the petition used to gather signatures.

(3) This section applies only to signatures, signature sheets or other portions of an initiative, referendum or recall petition to be submitted to the filing officer for the purpose of verifying whether the petition contains the required number of signatures of electors. [1995 c.646 §2]

**260.560** [1983 c.514 §16; 1985 c.808 §64; repealed by 1999 c.262 §1]

**260.561 Liability of certain chief petitioners for violations committed by persons obtaining signatures on petition; exceptions.** (1) If a chief petitioner of a statewide initiative or referendum petition has knowledge of a violation of any provision of Oregon Revised Statutes or of any rule adopted by the Secretary of State under ORS chapters 246 to 260 related to the circulation of a statewide initiative or referendum petition committed by a person obtaining signatures on the chief petitioner's petition, the violation by the person obtaining signatures shall be conclusively considered a violation by the chief petitioner.

(2) A chief petitioner shall not be liable under subsection (1) of this section if the chief petitioner notifies the Secretary of State in writing not later than one business day after the chief petitioner obtains knowledge of a potential violation. The notice shall state:

(a) That a potential violation has occurred;

(b) The nature of the potential violation; and

(c) All specific information known to the chief petitioner regarding the potential violation.

(3) If a statewide initiative or referendum petition has more than one chief petitioner, each chief petitioner with knowledge may be held liable under subsection (1) of this section.

(4) This section does not apply to a violation of law that is subject to criminal penalty. [2001 c.489 §3; 2001 c.965 §63a]

**260.563 Liability of contractor obtaining signatures on petition for violations committed by subcontractor; exceptions.** (1) As used in this section:

(a) "Contractor" means a person who contracts on predetermined terms with a chief petitioner, or a person acting on behalf of a chief petitioner, of an initiative or referendum petition for the purpose of obtaining signatures on the petition.

(b) "Subcontractor" means a person who contracts on predetermined terms with a contractor for the purpose of obtaining signatures on an initiative or referendum petition and who has no direct contractual

relationship with a chief petitioner or other person acting on behalf of a chief petitioner.

(2) If a contractor has knowledge of an unreported violation of section 1b, Article IV of the Oregon Constitution, by a subcontractor, the violation by the subcontractor is conclusively considered a violation by the contractor.

(3) A contractor is not liable under subsection (2) of this section if the contractor notifies the Secretary of State in writing not later than one business day after the contractor obtains knowledge of an unreported potential violation. The notice shall state:

(a) That a potential violation has occurred;

(b) The nature of the potential violation; and

(c) All specific information known to the contractor regarding the potential violation.

(4) This section does not apply to a violation of law that is subject to criminal penalty. [2007 c.848 §7]

**260.565** [Formerly 254.590; 1981 c.234 §18; repealed by 1983 c.756 §13]

**260.567 Alteration of information on petition signature sheet; exceptions.** (1) Except as provided in subsection (2) of this section, a person other than the person who signed the signature sheet of an initiative, referendum, recall or candidate nominating petition or a certificate of nomination may not write, alter, correct, clarify or obscure on the signature sheet any information about the person who signed the signature sheet.

(2) A person other than the person who signed the signature sheet may:

(a) Alter, correct, clarify or obscure on the signature sheet any information about the person who signed the signature sheet if the line on which the signature appears is subsequently initialed by the person who signed the signature sheet; or

(b) Write, alter, correct, clarify or obscure on the signature sheet any information about the person who signed the signature sheet if the person who signed the signature sheet is a person with a disability and requests assistance in writing, altering, correcting, clarifying or obscuring on the signature sheet any information about the person.

(3) As used in this section:

(a) "Information about the person who signed the signature sheet" means any information regarding the person who signed the signature sheet of an initiative, referendum, recall or candidate nominating petition or a certificate of nomination, in addition to the signature of the person, that is required or requested to be supplied on a signature sheet

of an initiative, referendum, recall or candidate nominating petition or a certificate of nomination.

(b) "The person who signed the signature sheet" means the person whose signature will be submitted for verification under ORS chapter 249 or ORS 250.105, 250.215, 250.315 or 255.175 for the purpose of determining whether the petition or certificate contains the required number of signatures of electors. [2007 c.848 §7b]

**260.569 Payment based on signatures obtained on nominating petition or voter registration card.** A person may not pay or receive money or another thing of value based on the number of:

(1) Signatures a person obtains for purposes of nominating a candidate for elective public office; or

(2) Signed voter registration cards a person collects. [2007 c.314 §2]

**260.575 Use of threats and intimidation for purpose of extorting money.** No person, for any consideration, shall:

(1) Offer, propose, threaten or attempt to sell, hinder or delay any part of an initiative, referendum or recall petition.

(2) Offer, propose or threaten to desist from beginning, promoting, circulating, or soliciting signatures to, any initiative, referendum or recall petition.

(3) Offer, propose, attempt or threaten in any manner to use an initiative, referendum or recall petition or any power of promotion or opposition concerning such petition for extortion, blackmail or private intimidation of any person. [Formerly 254.580]

**260.585** [Formerly 254.600; repealed by 1985 c.732 §7 and 1985 c.808 §82]

**260.605** [Formerly 260.512; repealed by 2005 c.797 §73]

**260.610** [Amended by 1957 c.644 §16; 1971 c.749 §57; 1973 c.744 §39; repealed by 1979 c.190 §431]

**260.615** [1979 c.190 §381; 1987 c.447 §106; repealed by 2005 c.797 §73]

**260.620** [Repealed by 1957 c.644 §28]

**260.625** [Formerly 260.442; repealed by 2005 c.797 §73]

**260.630** [Amended by 1957 c.644 §17; 1971 c.749 §58; 1973 c.744 §40; repealed by 1979 c.190 §431]

**260.635 Bets and wagers on election results.** (1) No candidate shall make or become party to a bet of anything of pecuniary value on any event or contingency relating to a pending election. No candidate shall provide money or other thing of value to be used by any person in betting upon the results of a pending election.

(2) No person, to influence the result of any election, shall make a bet of anything of

pecuniary value on the result of a pending election, or on any event relating to it. [Formerly 260.482]

**260.640** [Amended by 1957 c.644 §18; 1959 c.358 §1; 1971 c.749 §59; 1973 c.744 §41; repealed by 1979 c.190 §431]

**260.645 Illegal acts relating to voting machines or vote tally systems.** (1) No person shall:

(a) Tamper with or injure or attempt to injure any voting machine or vote tally system to be used or being used in an election.

(b) Tamper with any voting machine or vote tally system that has been used in an election except in performance of election duties.

(c) Prevent or attempt to prevent the correct operation of any voting machine or vote tally system.

(2) An unauthorized person shall not make or possess a key to a voting machine or vote tally system to be used or being used in an election.

(3) Neither the Secretary of State nor any officer or employee of any county, city or district using a voting machine or vote tally system, shall solicit or accept any compensation, other than amounts paid by the governmental unit, in connection with the sale, lease or use of the voting machine or vote tally system.

(4) As used in this section, "voting machine" and "vote tally system" have the meaning given those terms in ORS 246.012. [1979 c.190 §385; 1981 c.909 §9]

**260.650** [Amended by 1957 c.644 §19; 1971 c.749 §60; 1973 c.744 §42; repealed by 1979 c.190 §431]

**260.655** [Formerly 260.462; repealed by 2005 c.797 §73]

**260.660** [Amended by 1957 c.644 §20; 1971 c.749 §61; 1973 c.744 §43; repealed by 1979 c.190 §431]

**260.665 Undue influence to affect registration, voting, candidacy; solicitation of money or other benefits.** (1) As used in this section, "undue influence" means force, violence, restraint or the threat of it, inflicting injury, damage, harm, loss of employment or other loss or the threat of it, or giving or promising to give money, employment or other thing of value.

(2) A person, acting either alone or with or through any other person, may not 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;

(g) Challenge or refrain from challenging a person offering to vote; or

(h) Apply or refrain from applying for an absentee ballot.

(3) A person may not solicit or accept money or other thing of value as an inducement to act as prohibited by subsection (2) of this section.

(4) This section does not prohibit:

(a) The employment of persons to render services to candidates, political parties or political committees;

(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 the candidate's intentions or purposes if elected;

(d) A promise by a candidate to employ any person as 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;

(f) For persons voting, free transportation to and from places designated for the deposit of ballots under ORS 254.470 or to and from locations described in ORS 254.472 or 254.474; but no means of advertising, solicitation or inducement to influence the vote of persons transported may be used with that transportation;

(g) Individuals or political committees from providing refreshments incidental to a gathering in support of or in opposition to a candidate, political committee or measure; or

(h) The public distribution of registration cards by a person approved by the Secretary of State under ORS 247.171 to print, copy or otherwise prepare and distribute registration cards, even though the distributor incurs costs in the distribution. [Formerly 260.412; 1983 c.83 §31; 1987 c.464 §1; 1987 c.727 §10; 1989 c.173 §2; 2001 c.960 §1; 2007 c.154 §53]

**260.670** [Amended by 1957 c.644 §21; 1971 c.749 §62; 1973 c.744 §44; repealed by 1979 c.190 §431]

**260.675 Prohibited distribution of ballots.** (1) A person employed or authorized to print official ballots may not give, deliver or knowingly permit any of the ballots to be

taken by any person other than the official under whose direction the ballots are printed.

(2) A person may not knowingly print, cause or permit to be printed any ballot in any other form, with any other names, with names spelled or names of the candidates arranged in any other way than that directed by the official under whose direction the ballots are printed.

(3) An official having the duty of distributing ballots, and any persons acting for that official, may not knowingly distribute or cause to be distributed any ballots in any other manner than as provided under the election laws. [Formerly 249.364; 2007 c.154 §54]

**260.680** [Repealed by 1971 c.749 §82]

**260.685 Elections official compliance with directives of Secretary of State.** An elections official shall not knowingly fail to comply with an interpretation made by the Secretary of State of any election law or a directive, an instruction or a rule made by the Secretary of State under ORS 246.110, 246.120, 246.140 or 246.150. [1979 c.190 §389; 1995 c.607 §58]

**260.690** [Repealed by 1971 c.749 §82]

**260.695 Prohibitions relating to voting.**

(1) A person may not print or circulate an imitation of the ballot or sample ballot, or a portion of the ballot or sample ballot, which contains information which will not appear, or deletes information which will appear, on the ballot or sample ballot, or that portion of the ballot or sample ballot, unless the imitation of the ballot or sample ballot, or portion of the ballot or sample ballot, contains the following statement in bold type: "NOT FOR OFFICIAL USE." This subsection does not prohibit the printing or circulation of an imitation of a ballot which illustrates the manner in which a candidate's name may be written in for an office.

(2) A person may not do any electioneering, including circulating any cards or handbills, or soliciting of signatures to any petition, within any building in which any state or local government elections office designated for the deposit of ballots under ORS 254.470 is located, or within 100 feet measured radially from any entrance to the building. A person may not do any electioneering by public address system located more than 100 feet from an entrance to the building if the person is capable of being understood within 100 feet of the building. The electioneering need not relate to the election being conducted. This subsection applies during the period beginning on

the date that ballots are mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all persons waiting in line at the building who began the act of voting as described in ORS 254.470 (10) by 8 p.m. have finished voting.

(3) A person may not obstruct an entrance of a building in which ballots are issued or a place designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS 254.474 is located. This subsection applies during the period beginning on the date that ballots are mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all persons waiting in line at the building or location who began the act of voting as described in ORS 254.470 (10) by 8 p.m. have finished voting.

(4) A person may not vote or offer to vote in any election knowing the person is not entitled to vote.

(5) A person may not make a false statement about the person's inability to mark a ballot.

(6) A person, except an elections official in performance of duties or another person providing assistance to an elector as described in ORS 254.445, may not ask a person at any place designated for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472 or 254.474 for whom that person intends to vote, or examine or attempt to examine the person's ballot.

(7) A person may not show the person's own marked ballot to another person to reveal how it was marked.

(8) An elections official, other than in the performance of duties, may not disclose to any person any information by which it can be ascertained for whom any elector has voted.

(9) A person, except an elections official in performance of duties, may not do anything to a ballot to permit identification of the person who voted.

(10) An elector may not willfully leave at any place designated for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472 or 254.474 anything that will show how the elector's ballot was marked.

(11) A person, except an elections official in performance of duties, may not remove a ballot from any place designated for the deposit of ballots under ORS 254.470 or any location described in ORS 254.472 or 254.474.

(12) A person, except an elections official in performance of duties or a person authorized by that official, may not willfully deface, remove, alter or destroy a posted election notice.

(13) A person, except an elections official in performance of duties, may not willfully remove, alter or destroy election equipment or supplies, or break the seal or open any sealed package containing election supplies.

(14) A person, except an elections official in performance of duties, may not provide elections advice or attempt to collect voted ballots within any building in which any state or local government elections office designated for the deposit of ballots under ORS 254.470 is located, or within 100 feet measured radially from any entrance to the building.

(15) A person, except an elections official in performance of duties, may not establish a location to collect ballots voted by electors unless:

(a) The person prominently displays at the location a sign stating: "NOT AN OFFICIAL BALLOT DROP SITE"; and

(b) The sign is printed in all capital letters in bold 50-point type. [1979 c.190 §390; 1993 c.713 §37; 1999 c.318 §44; 2001 c.805 §5; 2001 c.965 §16; 2007 c.154 §55; 2007 c.881 §10]

**260.700** [Amended by 1957 c.644 §22; repealed by 1971 c.749 §82]

**260.705 Premature release of vote tally.** A person may not make public the results of the tally of votes from any precinct until after 8 p.m. on the date of the election. [Formerly 246.045; 2007 c.154 §56]

**260.710** [Amended by 1971 c.749 §66; 1973 c.744 §45; repealed by 1979 c.190 §431]

**260.715 Prohibited conduct.** (1) A person may not knowingly make a false statement, oath or affidavit when a statement, oath or affidavit is required under the election laws.

(2) A person may not request a ballot in a name other than the person's own name.

(3) A person may not vote or attempt to vote more than once at any election held on the same date.

(4) A person may not vote or attempt to vote both in an election held in this state and in another state on the same date.

(5) A person, except an elections official in performance of duties, may not willfully alter or destroy a ballot cast at an election or the returns of an election.

(6) A person may not willfully place a fraudulent ballot among the genuine ballots.

(7) A person may not falsely write anything purporting to be written by an elections official in performance of duties on the ballot.

(8) A person may not commit theft of a ballot or tally or return sheet, or willfully hinder or delay the delivery of the tally or return sheet to the county clerk, or fraudulently break open a sealed tally or return sheet of the election.

(9) A person may not manufacture or knowingly use a fraudulent ballot return identification envelope or secrecy envelope or sell, offer to sell, purchase or offer to purchase, for money or other valuable consideration, any official ballot, replacement ballot, ballot return identification envelope or secrecy envelope. As used in this subsection, "ballot return identification envelope" and "secrecy envelope" mean those envelopes used to return ballots to the county clerk. [1979 c.190 §392; 1999 c.318 §45; 2005 c.797 §58; 2007 c.154 §57; 2007 c.155 §10]

**260.718** [1999 c.1002 §6; repealed by 2005 c.797 §73]

**260.720** [Repealed by 1971 c.749 §82]

**260.725** [1993 c.743 §22; 1995 c.79 §90; renumbered 260.174 in 1995]

**260.730** [Amended by 1957 c.644 §23; repealed by 1971 c.749 §82]

## SLATE MAILER ORGANIZATIONS

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

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

(3) Any change in information submitted in a statement of organization under this section shall be indicated in an amended statement of organization filed not later than the 10th day after the change in information. [1993 c.710 §3; 2005 c.797 §20]

**260.737 Disclosures required on slate mailer; definitions.** (1) A slate mailer organization may not send a slate mailer unless all of the following are satisfied:

(a) The name and address of the slate mailer organization shall be shown on the outside of each piece of the slate mailer in a legible size and type.

(b) The following notice shall appear in a legible size and type at the top or bottom of the front side of the slate mailer:

## NOTICE TO VOTERS

THIS DOCUMENT WAS NOT PREPARED BY A POLITICAL PARTY COMMITTEE OR PARTY CAUCUS COMMITTEE.

CANDIDATES AND MEASURES MARKED WITH AN \* PAID FOR APPEARANCE IN THIS DOCUMENT.

(c) Each candidate that has paid to appear in the slate mailer and each measure on whose behalf payment has been received to appear in the slate mailer shall be designated by an asterisk of legible size immediately following the name of the candidate or the name or number of the measure in each instance where the name of the candidate or the name or number of the measure appears in the slate mailer.

(2) The Secretary of State by rule shall define "legible size" and "legible size and type" as used in this section.

(3) For purposes of ORS 260.735 and this section, "address" means the address of a residence, office, headquarters or similar location where the slate mailer organization or a responsible officer of the slate mailer organization may be conveniently located. If the slate mailer organization is a political committee, the address shall be the address of the political committee included in the statement of organization under ORS 260.039 or 260.042.

(4) The Secretary of State by rule may define the term "payment" as used in this section and ORS 260.005 (22) and 260.735. [1993 c.710 §§4,5; 1995 c.607 §56a; 1999 c.999 §21; 2001 c.965 §17; 2005 c.809 §§47,48]

**260.740** [Repealed by 1957 c.644 §28]

**260.750** [Amended by 1957 c.644 §24; repealed by 1971 c.749 §82]

**260.760** [Amended by 1957 c.644 §25; repealed by 1971 c.749 §82]

**260.770** [Repealed by 1971 c.749 §82]

**260.780** [Amended by 1957 c.644 §26; repealed by 1971 c.743 §432 and by 1971 c.749 §83]

**260.790** [Repealed by 1971 c.743 §432 and by 1971 c.749 §83]

**260.800** [Repealed by 1957 c.644 §28]

**260.810** [Repealed by 1957 c.644 §28]

**260.820** [Repealed by 1971 c.749 §82]

## PENALTIES

**260.990** [1971 c.749 §§24, 74; repealed by 1973 c.744 §46 (260.991 enacted in lieu of 260.990)]

**260.991** [1973 c.744 §47 (enacted in lieu of 260.990); repealed by 1979 c.190 §431]

**260.992** [1973 c.623 §6; repealed by 1977 c.678 §4]

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

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

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

(4) Violation of ORS 247.171 (6) is a Class C misdemeanor. [1979 c.190 §393; 1983 c.514 §17; 1983 c.756 §2; 1985 c.808 §65; 1987 c.718 §4; 1999 c.318 §46; 1999 c.941 §2; 1999 c.1002 §9; 2001 c.489 §4; 2001 c.805 §6; 2001 c.965 §19; 2005 c.797 §51]

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

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

(a) \$1,000 for each violation of ORS 251.049 (3) or 251.405 (3); or

(b) \$1,000 plus the amount converted to personal use for each violation of ORS 260.407.

(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 date the person received 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.

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

(7) The secretary 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 or the principal campaign committee of a candidate. [1987 c.718 §1; 1991 c.319 §2; 1991 c.734 §119; 1993 c.493 §83; 2005 c.797 §52; 2005 c.809 §1]

**260.997** [1995 c.1 §10; repealed by 1999 c.999 §59]

**260.999** [1995 c.1 §11; repealed by 1999 c.999 §59]