

HEARING REQUEST FORM, COMMUNICATIONS DISCLOSURE VIOLATIONS

SEL 853

rev 01/2027

If you wish to contest the charges in the Proposed Penalty Notice and assert that you have a valid mitigating circumstance, you must: **Complete this form and submit an answer.**

Committee Name		Committee ID	
Name		Case #	
Address	City	State	Zip Code
Phone	Email Address		

Type of Hearing (select one)

- ☐ I want a **Personal Appearance Hearing** that will be presided over by an independent Administrative Law Judge at the Office of Administrative Hearings in Salem, Oregon.
If a personal appearance hearing is requested you must deliver copies of any exhibits you intend to offer into evidence at the hearing no later than five business days before the date of the hearing.
- ☐ I want a **Telephone Hearing** that will be presided over by an independent Administrative Law Judge at the Office of Administrative Hearings in Salem, Oregon.
If a telephone hearing is requested you must deliver copies of any exhibits you intend to offer into evidence at the hearing no later than five business days before the date of the hearing.
- ☐ I want to submit **Notarized Testimony** in lieu of a telephone or personal appearance hearing.
I have attached my notarized testimony to this form.
I understand that by choosing this option I am waiving my right to a personal appearance or telephone hearing, and that the case will be decided by an independent Administrative Law Judge at the Office of Administrative Hearings based solely on my written notarized testimony, the Elections Division record and written testimony, and my rebuttal notarized testimony, should I choose to submit it.
- I have completed this form and attached my answer.

Signature

Date Signed

Answer Worksheet

You may use the answer worksheet on the next page and/or attach additional sheets containing the required information.

Signature _____

STATE OF OREGON

County of _____

Signed and sworn to (or affirmed) before me on _____ by

_____.

Notary Public of Oregon

Answer Worksheet	Mitigating Circumstances Categories
<p>You must submit an answer that admits or denies the findings found in the intent to impose a penalty notice.</p> <p>You must indicate which mitigating circumstance applies to each finding you deny.</p> <p>A general denial is not sufficient, and evidence not included in your answer may not be considered.</p> <p>If a mitigating circumstance applies to the findings, complete the circumstance category and explanation summary.</p>	<p>A The violation is a direct result of a valid personal emergency of the candidate, treasurer, independent expenditure filer, or other individual responsible for making the required disclosure(s). A valid personal emergency is an emergency, such as a serious personal illness or death in the immediate family of the candidate, treasurer, independent expenditure filer or other responsible individual which caused the violation to occur. A valid personal emergency does not include a common cold or flu, or a long-term illness where other arrangements could have been made. In this case, independent written verification must be provided.</p>
<p>Example</p>	
<p>Mitigating Circumstance Category: E</p> <p>Explanation Summary: The committee supplied five contributor names to the printer hired to produce the communication, but the printer only included four of the five names on the final version that was mailed out.</p>	<p>B The violation is the direct result of an error by the Secretary of State's Office, Elections Division.</p>
<p>Mitigating Circumstance Category:</p> <p>Explanation Summary:</p>	<p>C The violation is the direct result of fire, flood or other calamitous event, resulting in physical destruction of, or inaccessibility to, any records required to be kept to document compliance with Oregon election law. "Calamitous event" means a phenomenon of an exceptional character, the effects of which could not have been reasonably prevented or avoided by the exercise of due care or foresight.</p> <p>D The violation is the direct result of failure of a professional delivery service to deliver documents in the time guaranteed for delivery by written receipt of the service provider. This does not include the delivery by fax.</p>
<p>Mitigating Circumstance Category:</p> <p>Explanation Summary:</p>	<p>E The violation is the direct result of failure of a person charged with or hired to produce the communication.</p>
<p>Mitigating Circumstance Category:</p> <p>Explanation Summary:</p>	