

Elections Division - Chapter 165

Division 13

ELECTION OFFENSES

This version of the HB 4024 (2024) draft rule highlights the proposed revisions but does not contain administrative rule history.

A version of this draft rule with tracked changes is available at OregonVotes.gov.

Provide feedback using this version of this draft rule.

These specific Oregon Administrative Rules (OAR) are omitted because no changes are being made as a result of HB 4024 (2024):

- 165-013-0020 Penalty Matrix for Non-Campaign Finance Civil Penalty Election Law Violations
- 165-013-0030 Restrictions on Political Advocacy by Public Employees
- 165-013-0045 Application of ORS 260.537 - False Statement Intended to Mislead Electors

HB 4024 Implementation Draft

Submit feedback to: HB4024.Rules@sos.oregon.gov

Reference the OAR number or document, page number, and line number when feedback applies to specific sections

1 **165-013-0010** Penalty Matrix for Other Campaign Finance Violations

2 (1) This penalty matrix applies to civil penalties for campaign finance violations not
3 covered by the penalty matrices in the Campaign Finance Manual.

4 (2) The Campaign Finance Manual provides the mitigating circumstances that apply to
5 late and insufficient filings. Oregon Administrative Rule 165-012-0525 provides the
6 mitigating circumstances that apply to violations of that rule and ORS 260.266.
7 Violations of HB 4024 (2024), Sections 3, 4, 5, 5a, 9 or 13 are not eligible for mitigating
8 circumstances. The only mitigating circumstances that will be considered in a campaign
9 finance violation otherwise covered by this rule include:

10 (a) The violation is a direct result of a valid personal emergency of the candidate,
11 treasurer, alternate transaction filer, or independent expenditure filer. A valid personal
12 emergency is an emergency, such as a serious personal illness or death in the
13 immediate family of the candidate, treasurer, alternate transaction filer, or independent
14 expenditure filer which caused the violation to occur. A valid personal emergency does
15 not include a common cold or flu, or a long-term illness where other arrangements could
16 have been made. In this case, independent written verification must be provided;

17 (b) The violation is the direct result of an error by the elections filing officer;

18 (c) The violation is the direct result of clearly-established fraud, embezzlement, or other
19 criminal activity against the committee, committee treasurer, candidate, alternate
20 transaction filer, or independent expenditure filer, as determined in a criminal or civil
21 action in a court of law or independently corroborated by a report of a law enforcement
22 agency or insurer or the sworn testimony or affidavit of an accountant or bookkeeper or
23 the person who actually engaged in the criminal activity. This mitigating circumstance
24 does not apply to the treasurer, candidate, alternate transaction filer, or independent
25 expenditure filer who was the perpetrator of the wrongdoing described above;

26 (d) The violation is the direct result of fire, flood, utility failure or other calamitous event,
27 resulting in physical destruction of, or inaccessibility to, campaign finance records.
28 ("Calamitous event" means a phenomenon of an exceptional character, the effects of
29 which could not have been reasonably prevented or avoided by the exercise of due care
30 or foresight);

31 (e) The violation is the direct result of failure of a professional delivery service to deliver
32 documents in the time guaranteed for delivery by written receipt of the service provider.
33 This does not include delivery by fax.

34 (3)(a) Except as provided in this rule, these mitigating circumstances may be
35 considered in reducing, in whole or in part, the civil penalty. If the violation is a direct
36 result of an error by the elections filing officer, the violation is waived and no penalty is
37 assessed.

(b) Except as provided in (c) of this subsection, for the purpose of issuing a proposed penalty notice and subsequent imposition of a civil penalty for any violation in Appendix A of this rule, the candidate of a principal campaign committee, the treasurer of a political action committee, the treasurer of a petition committee, or the independent expenditure filer is the party named in a proposed penalty notice and is the party responsible for the payment of any civil penalty if a penalty is assessed. This subsection does not prohibit another person from paying the civil penalty.

(c) For the purpose of issuing a proposed penalty notice and subsequent imposition of a civil penalty for a violation of ORS 260.038(3)(b) or ORS 260.038(3)(c), the director or the chief petitioner, whichever is applicable based on the committee type, is the party named in a proposed penalty notice and is the party responsible for the payment of any civil penalty if a penalty is assessed. If the committee names more than one director or chief petitioner, all directors or chief petitioners will be jointly and severally responsible for the payment of any civil penalty if a civil penalty is assessed. This subsection does not prohibit another person from paying the civil penalty.

(d) For purposes of determining penalty amounts for violations of campaign finance violations covered by this rule Appendix A of this rule will apply.

Statutory/Other Authority: ORS 246.150, 260.200, & HB 4024 (2024)

Statutes/Other Implemented: ORS 260.995, 260.200, 260.215, 260.232, & HB 4024 (2024)

Appendix A, OAR 165-013-0010, Penalty Matrix for Other Campaign Finance Violations

ORS	Description of election law	1 st violation	2 nd violation	More than 2 violations
260.035(1)	No later than the third business day after a political committee first receives a contribution or makes an expenditure, the political committee is required to appoint a treasurer who must be an elector of Oregon, certify the name and address of the treasurer to the filing officer, and file a statement of organization under ORS 260.039 or 260.042.	\$250	\$500	\$1,000
260.038(3)	In event of the death, resignation or removal of a treasurer before compliance with all obligations of a treasurer under ORS 260.035, a candidate, committee director, or chief petitioner is required to appoint and certify a successor no later than 14 days after the death, resignation, or removal.	\$250	\$500	\$1,000
260.039(5)	Any change in information to a statement of organization for a candidate is required to be in an amended statement of organization filed no later than the 10th day	\$250	\$500	\$1,000

	after the change in information.			
260.041	It is prohibited for candidates to designate more than one principal campaign committee, and principal campaign committees are prohibited from serving for more than one candidate. Political committees are prohibited from serving as the principal campaign committee of more than one candidate.	\$250	\$500	\$1,000
260.042(6)	Any change in information submitted in a statement of organization for a political committee is required to be indicated in an amended statement of organization filed not later than the 10th day after the change in information.	\$250	\$500	\$1,000
260.055(3)	Accounts kept by a candidate or treasurer (documentation for a transaction) are required to be preserved by the candidate or treasurer for at least two years after the date the statement of the contribution or expenditure is filed under ORS 260.057.	\$250	\$500	\$1,000

260.095(1)(b)	<p>If a candidate, political committee or petition committee makes an expenditure that must be reported as both an in-kind contribution and an expenditure by the candidate, political committee or petition committee for whose benefit the expenditure was made, the candidate, political committee or petition committee making the original expenditure is required to notify the candidate or committee for whose benefit the expenditure was made in writing that the expenditure was made; and deliver the notice not later than 48 hours after the time that the candidate, political committee or petition committee making the original expenditure files the expenditure under ORS 260.057.</p>	\$250	\$500	\$1,000
260.118(1) & (2)	<p>The chief petitioner of an initiative, referendum or recall petition is required to appoint a treasurer that is an Oregon elector, and the treasurer is required to file a statement of organization not later than the third business day after the chief petitioner or treasurer receives a contribution</p>	\$250	\$500	\$1,000

	or makes an expenditure relating to the initiative, referendum or recall petition.			
260.118(5)	If there is a change in the information submitted in a statement of organization, the treasurer is required to file an amended statement of organization no later than the 10th day after the change in information.	\$250	\$500	\$1,000
260.266	Political communications in support of a clearly identified candidate are required to include the “paid for by” statement along with all other required information included in the statute and OAR 165-012-0525.	\$250 or 150% of the total cost of the communication, whichever is less.	\$500 or 150% of the total cost of the communication, whichever is less.	150% of the total cost of the communication or \$1,000, whichever is greater.
260.402 (1) and 260.402 (3)	<p>It is prohibited to directly or indirectly reimburse a person for making a contribution or donation, or to make a contribution or donation in any name other than that of the person that in truth provided the contribution or donation.</p> <p>It is also prohibited to knowingly receive a contribution or donation in any name other than</p>	\$1,000 per violation		

	that of the person that in truth provided the contribution or donation, or to enter or cause it to be entered in the committee's accounts or records in another name than that of the person that actually provided the contribution or donation.	
260.407(1)(b)(A)	Amounts received as contributions by a candidate, the principal campaign committee of a candidate for public office, or the principal campaign committee of a candidate are prohibited from being converted by any person to any personal use.	\$1,000 plus amount converted
260.407(2)(b)(A)	Amounts received as contributions by a political committee that is not a principal campaign committee are prohibited from being converted by any person to any personal use.	\$1,000 plus amount converted
260.407(3)(b)(A)	Amounts received as contributions by the chief petitioner or treasurer of a petition committee are prohibited from being converted by any person to any personal use.	\$1,000 plus amount converted

260.409	A candidate or principal campaign committee of a candidate is prohibited from using 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.	\$250	\$500	\$1,000
HB 4024 (2024), Section 5a (1)	At the end of an election cycle, unexpended funds that remain in the accounts of a candidate political committee may be used only to a) refund contributions to contributors in amounts not exceeding the aggregate contribution received from each contributor during the election cycle; b) to make a contribution to another political committee as authorized under [HB 4024]; c) to transfer any amount to the Campaign Finance Education Fund established by [HB 4024]; or d) for purposes authorized under ORS 260.407, except that a contribution made under ORS 260.407 (1)(a)(C) must be made to an organization described	\$250	\$500	\$1,000

	in section 501(c)(3) of the Internal Revenue Code.			
HB 4024 (2024), Section 5 (1)(a)	A person is prohibited from controlling more than one of each of the following types of committees at one time: principal campaign committee, multicandidate political committee, political party multicandidate committee, small donor political committee, membership organization political committee.	\$250	\$500	\$1,000
HB 4024 (2024), Section 9 (1)	A person is prohibited from directly or indirectly requiring employees or contractors to make political contributions or expenditures to support or oppose any candidate, including promising any benefit or threatening any detriment to make a contribution or independent expenditure to support or oppose a candidate.	\$250	\$500	\$1,000
HB 4024 (2024), Section 9 (2)	A foreign national, foreign corporation or foreign entity is prohibited from directly or indirectly, making or offering to make a candidate campaign contribution or	\$1,000 per violation		

	expenditure or making a donation used by an entity to pay for candidate campaign independent expenditures.	
260.402(2), 260.715(10)	A person is prohibited from establishing an entity for the purpose of a) obscuring the original source of funds used to pay for candidate campaign independent expenditures or b) evading contribution limits or c) evading disclosure requirements.	\$1,000 per violation
Other campaign finance election law violations	Any other violation of campaign finance law under ORS chapters 246-260 or OAR Chapter 165, Division 12 that is not included in this table.	Penalties will be imposed under ORS 260.995 in an amount similar to those listed in this matrix.