

Elections Division – Chapter 165

Division 13 ELECTION OFFENSES

This version of the HB 4024 (2024) draft rule contains tracked changes but does not contain administrative rule history.

A more accessible version of these draft rules with proposed revisions highlighted is available at OregonVotes.gov.

Provide feedback using the highlighted versions of these draft rules.

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

Reference the highlighted version of this draft rule for information about submitting feedback.

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

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

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

(a) The violation is a direct result of a valid personal emergency of the candidate, treasurer, alternate transaction filer, or independent expenditure filer. A valid personal emergency is an emergency, such as a serious personal illness or death in the immediate family of the candidate, treasurer, alternate transaction filer, or independent expenditure filer 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;

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

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

(d) The violation is the direct result of fire, flood, utility failure or other calamitous event, resulting in physical destruction of, or inaccessibility to, campaign finance records. ("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);

(e) 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 delivery by fax.

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

Reference the highlighted version of this draft rule for information about submitting feedback.

(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.

~~[ED. NOTE: To view attachments referenced in rule text, click here to view rule.]~~

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 Penalty Amount	2 nd violation	More than 2 violations
260.035(1)	Not later than the third business day after a political committee first receives a contribution or makes an expenditure, the political committee shall is required to appoint a treasurer who shall 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 shall be	\$250	\$500	\$1,000

	<p>indicatedis required to be in an amended statement of organization filed not later than the 10th day after the change in information.</p>			
260.041	<p>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. A candidate may only designate one principal campaign committee, and a principal campaign committee may not serve more than one candidate. A political committee may not be designated as the principal campaign committee of more than one candidate.</p>	\$250	\$500	\$1,000
260.042(6)	<p>Any change in information submitted in a statement of organization for a political committee shallis required to be indicated in an</p>	\$250	\$500	\$1,000

	amended statement of organization filed not later than the 10th day after the change in information.			
260.055(3)	Accounts kept by a candidate or treasurer (documentation for a transaction) shall 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)	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 shall 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	\$250	\$500	\$1,000

	time that the candidate, political committee or petition committee making the original expenditure files the expenditure under ORS 260.057.			
260.118(1) & (2)	The chief petitioner of an initiative, referendum or recall petition shall is required to appoint a treasurer that is an Oregon elector, and the treasurer shall is required to file a statement of organization not later than the third business day after the chief petitioner or treasurer receives a contribution or makes an expenditure relating to the initiative, referendum or recall petition.	\$250	\$500	\$1,000
260.118(5)	If there is a change in the information submitted in a statement of organization, the treasurer is required to shall file an amended statement of organization not 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	\$250 or 150% of the total cost of the communication,	\$500 or 150% of the total cost of the communication,	150% of the total cost of the communication

	are required to include the “paid for by” statement along with all other required information included in the statute and OAR 165-012-0525.	whichever is less.	whichever is less.	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 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.</p>	\$1,000 per violation		
260.407(1)(b)(A)	Amounts received as contributions by a candidate, the principal campaign committee of a candidate for public	\$1,000 plus amount converted		

	office, or the principal campaign committee of a candidate may not be are prohibited from being converted by any person to any personal use.			
260.407(2)(b)(A)	Amounts received as contributions by a political committee that is not a principal campaign committee may not be are prohibited from being converted by any person to any personal use.	\$1,000 pPlus amount converted		
260.407(3)(b)(A)	Amounts received as contributions by the chief petitioner or treasurer of a petition committee may not be are prohibited from being converted by any person to any personal use.	\$1,000 pPlus amount converted		
260.409	A candidate or principal campaign committee of a candidate may not be 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 in section 501(c)(3) of the Internal Revenue Code.	\$250	\$500	\$1,000
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,	\$250	\$500	\$1,000

	multicandidate political committee, political party multicandidate committee, small donor political committee, membership organization political committee.			
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 expenditure or making a donation used by an entity to pay for candidate campaign independent expenditures.	\$1,000 per violation		
260.402(2), 260.715(10)	A person is prohibited from establishing an entity for the purpose of a) obscuring the	\$1,000 per violation		

	original source of funds used to pay for candidate campaign independent expenditures or b) evading contribution limits or c) evading disclosure requirements.	
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.