

# Chapter 260

2017 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) 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:

(A) 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

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

(b) The excess value of a contribution made for compensation or consideration of less than equivalent value.

(4) “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.

(5) “Controlled directly or indirectly by a candidate” means:

(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.

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

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

(8) 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.

(9) “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) In the case of an irrigation district formed under ORS chapter 545, “filing officer” means:

(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.

(10) "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) "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.

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

(i) The name of the candidate involved appears;

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

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

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

(i) The ballot number of the measure appears;

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

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

(c) "Communication in support of or in opposition to a clearly identified candidate or measure" means:

(A)(i) 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;

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

(iii) It is clear what action the communication advocates; or

(B)(i) The communication contains aggregate expenditures of \$750 or more by a person;

(ii) The communication refers to a clearly identified candidate who will appear on the ballot or to a political party; and

(iii) The communication is published and disseminated to the relevant electorate within 30 calendar days before a primary election or 60 calendar days before a general election.

(d) "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.

(B) Does not mean 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.

(11) "Initiative petition" means a petition to initiate a measure for which a prospective

petition has been filed but that is not yet a measure.

(12) “Judge” means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court.

(13) “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.

(14) “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.

(15) “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.

(16) “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.

(17) “Petition committee” means an initiative, referendum or recall petition committee organized under ORS 260.118.

(18) “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. For purposes of this paragraph, 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 or 260.076 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.

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

(20) “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.

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

(22) “Regular district election” means the regular district election described in ORS 255.335.

(23) “State office” means the office of Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, 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; 2005 c.809 §§20,21; 2007 c.848 §28; 2009 c.818 §1; 2011 c.652 §3; 2011 c.731 §16; 2013 c.756 §8; 2013 c.758 §1; 2017 c.419 §1]

**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 committee’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 por-

tion 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, including but not limited to activity that is allowed for a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code.

(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.

(10) A candidate debate or forum for a state office, or a communication publicizing a candidate debate or forum for a state office, when all major political party candidates for the state office have been invited to participate in the candidate debate or forum.

(11) The following nonpartisan communications that refer to a candidate or political party within 30 calendar days before a primary election or 60 calendar days before a general election:

(a) The publication of a nonpartisan voters' guide that:

(A) Is permitted to be published by a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code; or

(B) With respect to each state office referenced in the voters' guide:

(i) Includes information from all major political party candidates for the state office referenced; or

(ii) Offers all major political party candidates for the state office referenced a reasonable opportunity to be included in the voters' guide.

(b) A commercial communication that depicts a candidate's name, image, likeness or voice only in the candidate's capacity as owner, operator or employee of a business that existed prior to the candidate's declaration of candidacy.

(c) Official publications produced or distributed by public employees while on the job during working hours.

(d) A communication by a labor union, membership organization or corporation to its members, stockholders or executive or administrative personnel.

(e) Any other nonpartisan communication identified by the Secretary of State by rule. [1995 c.1 §2; 1997 c.631 §429; 1999 c.999 §2; 2005 c.797 §2; 2007 c.71 §79; 2017 c.419 §2]

**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 and candidates; 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) 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. A candidate's treasurer shall perform all the duties prescribed for the candidate under ORS 260.035 to 260.156.

(3) Contributions shall be received and expenditures made by or through the treasurer of the political committee or the candidate or the treasurer of a principal campaign committee.

(4) 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; 2011 c.652 §4]

**260.037 Liability of candidate or treasurer for default or violation of treasurer obligations.** (1) The candidate is personally responsible for the performance of the duties referred to in ORS 260.035 (2). Any default or violation by the treasurer shall be conclusively considered a default or violation by the candidate. Any default or violation by the individual designated by the candidate or treasurer under ORS 260.039 or 260.057 is conclusively considered a default or violation by the candidate.

(2) Except as otherwise provided in subsection (1) of this section, the treasurer of a political committee or the treasurer of a petition committee is personally responsible for the performance of the duties referred to in ORS 260.035 (3) or 260.118. Any default or violation by the individual designated by the treasurer under ORS 260.042 or 260.057 is conclusively considered a default or violation by the treasurer. [1973 c.744 §4; 1979 c.190 §341; 1993 c.493 §53; 2007 c.570 §2; 2013 c.758 §2; 2017 c.517 §1]

**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, a political committee or petition committee or of two or more candidates, political committees or petition committees.

(2) A candidate, political committee or petition committee may remove a treasurer.

(3) In event of the death, resignation or removal of a treasurer before compliance with all obligations of a treasurer under ORS 260.035 to 260.156, no later than 14 days after the death, resignation or removal of the treasurer:

(a) A candidate shall appoint a successor and certify the name and address of the successor in the manner of an original appointment or certify to the filing officer that the candidate serves as the candidate's own treasurer.

(b) A committee director shall appoint a successor and certify the name and address of the successor in the manner of an original appointment.

(c) A chief petitioner 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; 2011 c.652 §5]

**260.039 Content of 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.

(c) The name of the financial institution in which the campaign account required under ORS 260.054 is established, the name of the account, the name of the account holder and the names of all individuals 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 an individual 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 individual 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 individual 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; 2009 c.818 §2; 2013 c.756 §9]

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

**260.041 Principal campaign committee.**

(1) Notwithstanding ORS 260.005 (18) 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; 2009 c.818 §3]

**260.042 Content of 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 committee 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 of the account, the name of the account holder and the names of all individuals 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 may designate an individual 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 individual 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 individual designated by the treasurer under this subsection.

(3) A treasurer may designate an elector of this state to be liable for any civil penalty imposed under ORS 260.232. The treasurer shall include the name and address of any elector designated under this subsection in a statement of organization filed under this section.

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

(5) 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.

(6) 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; 2009 c.818 §4; 2013 c.756 §10; 2017 c.517 §2]



**260.043 Exemptions for candidate who expects neither contributions nor expenditures to exceed \$750 or \$3,500; exemptions.** (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 \$750 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)(a) If at any time during the calendar year either the aggregate contributions or aggregate expenditures exceed \$750, the candidate must file a statement of organization under ORS 260.039, establish a single exclusive campaign account as required under ORS 260.054 and file statements as required in paragraph (b) of this subsection.

(b)(A) Except as provided in subparagraph (B) of this paragraph, if at any time during the calendar year either the aggregate contributions or aggregate expenditures exceed \$750, the candidate must file a statement under ORS 260.057 showing all contributions received and expenditures made. After aggregate contributions or aggregate expenditures exceed \$750 during a calendar year, the statement shall be filed under the time frames established in ORS 260.057 (3).

(B) If the candidate expects neither the aggregate contributions to be received nor the aggregate expenditures to be made by or on behalf of the candidate to exceed \$3,500 during the calendar year, the candidate may file a statement to that effect under ORS 260.112, rather than file statements under ORS 260.057. Notwithstanding ORS 260.112 (2), the statement shall be filed not later than seven calendar days after aggregate contributions or aggregate expenditures exceed \$750 during a calendar year.

(4) For purposes of this section, a fee paid under ORS 251.095 is exempt and may not be considered when calculating:

(a) The expected aggregate amount of contributions received or expenditures made; or

(b) The actual aggregate amount of contributions received or expenditures made.

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

§§6,24; 2009 c.818 §5; 2010 c.9 §7; 2017 c.80 §1; 2017 c.749 §33]

**260.044 Statement of independent expenditures; when person considered political committee or principal campaign committee; electronic filing; time frames; rules.** (1) If a person makes independent expenditures in a total amount of more than \$750 in a calendar year, the person shall use the electronic filing system adopted under ORS 260.057 to file with the Secretary of State a statement of independent expenditures not later than seven calendar days after the total amount of independent expenditures exceeds \$750 in a calendar year.

(2) A person who files a statement of independent expenditures under subsection (1) of this section shall use the electronic filing system adopted under ORS 260.057 to file with the secretary additional statements of independent expenditures made by the person, as described in ORS 260.083.

(3) Except as provided in subsections (4) and (5) of this section, a person shall file a statement described in subsection (2) of this section not later than 30 calendar days after an independent expenditure is made.

(4)(a) A person shall file a statement described in subsection (2) of this section not later than seven calendar days after an independent expenditure is made. This paragraph applies to independent expenditures made:

(A) 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

(B) During 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) If the person makes an independent expenditure prior to the 42nd calendar day before the date of the primary or general election and the person has not filed a statement under subsection (3) of this section by the 43rd calendar day before the date of the primary or general election, the person shall file a statement described in subsection (2) of this section not later than the 35th calendar day before the date of the primary or general election.

(5) For any special election, the secretary by rule may establish a period during which a person must file a statement described in subsection (2) of this section. The period may not extend beyond seven calendar days after an independent expenditure is made.

(6) Notwithstanding ORS 260.005 (18), 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, 260.076 or 260.078.

(7) 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 260.078 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 (6) 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 260.078 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; 2009 c.818 §6; 2011 c.652 §6; 2013 c.756 §1; 2013 c.758 §3]

**260.045** [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; repealed by 2013 c.758 §15]

**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, political committee or petition committee if the candidate or 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, political committee or petition committee that the statement has been discontinued. [2005 c.797 §5; 2011 c.652 §7]

**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 Political committee campaign account; petition committee petition account.** (1) Each political committee shall establish a single exclusive campaign account and each petition committee organized under ORS 260.118 shall establish a single exclusive petition 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 name of the political committee. A petition committee shall maintain the petition account in the name of the petition committee.

(3) Except as provided in subsection (4) of this section:

(a) 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 treasurer; or

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

(b) All expenditures made by the petition committee shall be drawn from the petition account and:

(A) Issued on a check signed by the chief petitioner or treasurer of the petition committee or by an individual designated by the chief petitioner or treasurer; 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 or petition committee and receiving reimbursement from the campaign or petition account.

(5)(a) Not later than seven business days after the date the contribution is received:

(A) A contribution received by a candidate or the treasurer of a political committee, directly or indirectly, shall be deposited into the campaign account.

(B) A contribution received by a chief petitioner or treasurer of a petition committee, directly or indirectly, shall be deposited into the petition account.

(b) This subsection does not apply to in-kind contributions received by a candidate, political committee or petition committee.

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

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

(8) A political committee or petition committee shall retain a copy of each financial institution account statement from the campaign or petition account described in this section for not less than two years after the date the statement is issued by the financial institution.

(9) This section does not apply to candidates described in ORS 260.043.

(10) As used in this section, "contribution" and "expenditure" include a contribution or expenditure to or on behalf of an initiative, referendum or recall petition. [2005 c.809 §3; 2007 c.570 §8; 2009 c.818 §7; 2017 c.749 §34]

**260.055 Accounts of contributions and expenditures; inspection; preservation.** (1) Each candidate, other than a candidate for political party office, the treasurer of each political committee and the treasurer of each petition committee shall keep detailed accounts. The accounts shall be current as of not later than the seventh business day after the date of receiving a contribution or making an expenditure with respect to all contributions received and all expenditures made by or on behalf of the candidate or commit-

tee 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 the statement of the contribution or expenditure is filed under ORS 260.057. [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; 2009 c.818 §21; 2010 c.9 §8; 2013 c.758 §4; 2017 c.749 §35]

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

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

(3) Notwithstanding ORS 260.055, a candidate, political committee or petition committee shall preserve a written loan agreement for at least two years after the statement of the loan is filed under ORS 260.057 or until the loan is repaid, whichever is later. [2005 c.809 §19; 2009 c.818 §27; 2011 c.652 §8]

### (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.

(b) Treasurers of petition committees organized under ORS 260.118 to file with the secretary statements of contributions received and expenditures made by the treas-

urers or chief petitioners as described in ORS 260.083.

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

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

(3)(a) A candidate for nomination or election at any primary or general election or a political committee supporting or opposing a candidate or measure at any primary or general election shall file a statement described in subsection (1)(a) 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:

(A) 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

(B) During 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.

(c) If the candidate or political committee receives a contribution or makes an expenditure prior to the 42nd calendar day before the date of the primary or general election and the candidate or political committee has not filed a statement of the contribution or expenditure under subsection (2) of this section by the 43rd calendar day before the date of the primary or general election, the candidate or political committee shall file a statement described in subsection (1)(a) of this section not later than the 35th calendar day before the date of the primary or general election.

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

(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.

(5)(a) Except as provided in paragraph (b) of this subsection, the secretary shall make all data filed electronically under subsection (1)(a) of this section and all information filed with the secretary under ORS 260.049 or 260.085 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. When the secretary makes data or information available on the Internet under this subsection, the secretary shall display any contribution received from a person or political committee with an out-of-state address in a different colored font than a contribution received from a person or political committee with an in-state address.

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

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

(7) This section does 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, political committees or petition committees that file certificates under ORS 260.112. [2005 c.809 §14; 2007 c.570 §1; 2007 c.848 §12; 2008 c.41 §1; 2009 c.818 §8; 2013 c.756 §2; 2013 c.758 §5; 2017 c.749 §36]

**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]

**260.064 In-kind contribution from candidate, political committee or petition committee; insufficient filing; updated information.** (1) If a candidate, political committee or petition committee receives updated information that an in-kind contribution received from another candidate, political committee or petition committee reported in a statement filed under ORS 260.057, 260.076 or 260.118 is inaccurate or otherwise insufficient, the candidate, political committee or petition committee that received the in-kind contribution shall, without penalty, file an updated statement with the Secretary of State:

(a) Not later than the date that the statement is required to be filed under ORS 260.057, 260.076 or 260.118; or

(b) If the filing deadline has passed, not later than 30 calendar days after the candidate, political committee or petition committee received the updated information.

(2) This section does not apply to a candidate, political committee or petition committee that knew or reasonably should have known that the information reported in the statement originally filed under ORS 260.057, 260.076 or 260.118 was inaccurate or insufficient at the time of filing. [2009 c.818 §26]

**Note:** 260.064 was added to and made a part of ORS chapter 260 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**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, can-

didate or committee during the period beginning January 1 and ending upon adjournment of the regular 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 and ending 30 business days following adjournment of the regular 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 and ending upon adjournment of the regular 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 and ending 30 business days following adjournment of the regular 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 and ending on the first day of the regular session, a statement shall be filed not later than two business days after the first day of the regular session. For contributions received on or after the first day of the regular session, a statement shall be filed not later than two business days after the date a contribution is received. For contributions received during any special session of the Legislative Assembly, a statement shall be filed not later than two business days after the date a contribution is received.

(6) 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, 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; 2009 c.818 §9; 2011 c.545 §74; 2011 c.731 §17; 2013 c.758 §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, a petition 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; 2017 c.749 §37]

**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) For a contribution, except as provided in ORS 260.085, a statement filed under ORS 260.044, 260.057, 260.076, 260.078 or 260.118 shall list:

(A) The name, occupation and address of each person, and the name and address of each political committee or petition committee, that contributed an aggregate amount of more than \$100 in a calendar year on behalf of a candidate or to a political committee or petition committee and the total amount contributed by that person or 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, including an independent expenditure, a statement filed under ORS 260.044, 260.057, 260.076, 260.078 or 260.118 shall list:

(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) For each loan, whether repaid or not, made by or to a candidate, political committee or petition committee, a statement filed

under ORS 260.044, 260.057, 260.076, 260.078 or 260.118 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) An expenditure shall be reported as an account payable only if the expenditure is not paid within the time specified in ORS 260.057, 260.076 or 260.118.

(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 petition committee 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 petition committee making the original expenditure shall, in any statement filed under ORS 260.057, 260.078 or 260.118, identify the expenditure as an in-kind contribution and identify the candidate, political committee or petition committee for whose benefit the expenditure was made.

(5) If a political committee makes an expenditure that qualifies as an independent expenditure under ORS 260.005 (10), 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.

(6) As used in this section:

(a) “Address” has the meaning given that term in rules adopted by the Secretary of State.

(b) “Contribution” and “expenditure” include a contribution or expenditure to or on behalf of an initiative, referendum or recall petition. [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; 2009 c.818 §10; 2013 c.756 §3]

**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, political committee or petition 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, political committee or petition 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, political committee or petition committee receives a contribution that does not identify the occupation of the contributor, the candidate or committee shall make a written request to the contributor to furnish the occupation of the contributor within seven calendar days after receiving the contribution. A written request under this subsection may be sent by electronic mail.

(4) If a candidate, political committee or petition committee receives information identifying the occupation of a contributor after making a written request under subsection (3) of this section, the candidate or 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; 2008 c.41 §4; 2009 c.818 §28]

**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]

**260.095 Reporting expenditures that are both in-kind contributions and expenditures; notice to candidate or committee; process; rules.** (1) If a candidate, political committee or petition committee under ORS 260.057 or 260.118 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 as provided in ORS 260.083 (3), the candidate, political committee or petition committee making the original expenditure shall:

(a) Notify the candidate or committee for whose benefit the expenditure was made in writing that the expenditure was made; and

(b) Deliver the notice not later than 48 hours after the time that the candidate, political committee or petition committee making the original expenditure includes the

expenditure in a statement under ORS 260.057.

(2) The Secretary of State shall adopt rules requiring expenditures 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 to be highlighted in an identifiable color in the electronic filing system required under ORS 260.057. [2013 c.756 §7]

**Note:** 260.095 was added to and made a part of ORS chapter 260 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

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

**260.102** [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; repealed by 2013 c.758 §15]

**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 or petition committee who expects neither contributions nor expenditures to exceed \$3,500; schedule.** (1)(a) 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 \$3,500 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.

(b) A treasurer of a petition committee organized under ORS 260.118 who expects neither the aggregate contributions to be received nor the aggregate expenditures to be made by a chief petitioner or the treasurer to exceed \$3,500 in total amount during the calendar year shall file a certificate to that effect with the Secretary of State. The treasurer shall make the certificate according to the best of the knowledge or belief of the treasurer. A treasurer filing a certificate under this section is not required to file statements under ORS 260.118.

(2) A certificate described in subsection (1) of this section shall be filed:

(a) By a candidate, not sooner than the date that the candidate files a statement of organization under ORS 260.039, 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.

(c) By a treasurer of a petition committee, not sooner than the date that the petition committee files a statement of organization under ORS 260.118, and not later than seven calendar days after the petition committee receives a contribution or makes an expenditure.

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

(4) If at any time following the filing of a certificate under this section and during the calendar year either the aggregate contributions or aggregate expenditures exceed \$3,500, the candidate or treasurer shall do all of the following:

(a) File a statement under ORS 260.057 or 260.118 within seven calendar days after either the aggregate contributions or aggregate expenditures exceed \$3,500. The statement must reflect all contributions received and expenditures made by or on behalf of the candidate, political committee or petition committee to that date, beginning January 1 of the calendar year.

(b) If necessary, file additional statements under ORS 260.057 or 260.118.

(5) This section does not apply to a candidate for federal office.

(6) As used in this section, “contribution” and “expenditure” include a contribution or expenditure to or on behalf of an initiative, referendum or recall petition. [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; 2009 c.818 §11; 2011 c.481 §1; 2013 c.758 §7]

**260.118 Treasurer and statement of organization of petition committee; 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 shall file a statement of organization of a petition committee with the appropriate filing officer. The treasurer shall file the statement not later than the third business day after a chief petitioner or

the treasurer receives a contribution or makes 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.

(d) The name of the financial institution in which the petition account required under ORS 260.054 is established, the name of the account, the name of the account holder and the names of all individuals 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.

(3) A treasurer may designate an elector of this state to be liable for any civil penalty imposed under ORS 260.232. The treasurer shall include the name and address of any elector designated under this subsection in a statement of organization filed under this section.

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

(5) The treasurer of an initiative, referendum or recall petition committee 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 petition committee, as described in ORS 260.083.

(6) The treasurer of an initiative petition committee shall file a statement described in subsection (5) 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.

(7) The treasurer of a referendum petition committee or a recall petition committee shall file a statement described in subsection (5) 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 committee, 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 committee, to contributions received and expenditures made during the period beginning on the day on which the recall petition is filed under ORS 249.865 and ending on the deadline for submitting signatures for verification.

(8) Except as provided in subsection (9) of this section, during a period not described in subsection (6) or (7) of this section, a treasurer of an initiative, referendum or recall petition committee shall file a statement described in subsection (5) of this section not later than 30 calendar days after a contribution is received or an expenditure is made.

(9) If a treasurer of an initiative petition committee 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 (5) 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 (5) 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.

(10) For an initiative petition committee, 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.

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

(12) Subsections (5) to (11) of this section do not apply to petition committees that file certificates under ORS 260.112.

(13) 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; 2009 c.818 §12; 2013 c.756 §4; 2017 c.517 §3; 2017 c.749 §54]

**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, political committee or petition 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; 2009 c.818 §29]

**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; sufficiency of response.** (1) A filing officer shall inspect each statement filed under ORS 260.057, 260.083, 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, 260.112 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.

(4) If upon receiving notification under subsection (2) of this section a person responds by filing a statement or submitting information to correct an insufficient statement, the filing officer shall confirm whether the person's response is sufficient not later than 90 days after receiving the response. If, within 90 days, the filing officer does not confirm whether a response is sufficient under this subsection, the person is not subject to civil penalty under ORS 260.232 for failure to file or failure to include the required information in the statement. [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; 2009 c.818 §22; 2013 c.758 §8]

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

**260.215 Periodic examination and investigation of statements.** (1) For statements filed during each calendar year, each filing officer shall examine each statement filed with the filing officer under ORS 260.044, 260.057, 260.083, 260.112 or 260.118 (5) 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. [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; 2009 c.818 §13; 2013 c.758 §9; 2017 c.517 §5]

**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, 260.057, 260.076, 260.083, 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; 2009 c.818 §14; 2013 c.758 §10]

**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; notice.** (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, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118.

(b) Failure to include in a statement filed under ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118 the information required under ORS 260.044, 260.057, 260.076, 260.083 or 260.118.

(2)(a) If a person required to file has not filed a statement or certificate complying with applicable provisions of ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.085, 260.112 or 260.118 within the time specified in ORS 260.044, 260.057, 260.076, 260.078 or 260.118, the Secretary of State by first class mail or electronically shall notify the person or elector designated under ORS 260.042 or 260.118 that a penalty may be imposed and that the person has 20 days from the service date on the notice to request a hearing before the Secretary of State.

(b) 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 paragraph (a) of this subsection by first class mail or electronically to the candidate. The notice shall be used for purposes of determining the deadline for requesting a hearing under subsection (3) of this section.

(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 from the service date on 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 45 days after the deadline for the person against whom the penalty may be assessed to request a hearing. However, if requested by the person against whom the penalty may be assessed, a hearing under subsection (3) of this section shall be held not later than 60 days after the deadline for the person against whom the penalty may be assessed to request a hearing.

(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 and may be submitted electronically.

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

(a) For failure to file a statement or certificate required to be filed under ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118, 10 percent of the total amount of the contribution or expenditure required to be included in the statement or certificate; or

(b) For each failure to include in a statement filed under ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.112 or 260.118 the information required under ORS 260.044, 260.057, 260.076, 260.083 or 260.118, 10 percent of the total amount of the contribution or expenditure required to be included in the statement.

(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; 2009 c.818 §15; 2011 c.652 §9; 2013 c.756 §5; 2013 c.758 §11; 2017 c.517 §4; 2017 c.749 §38]

**260.234 Notice of civil penalty; sufficiency of response; timeline for action by filing officer.** (1) A filing officer having reason to believe that a violation of an election law or rule for which a civil penalty may be imposed under ORS 260.232 has occurred shall proceed promptly as though the officer had received a complaint under ORS 260.345 and, not later than two years following the date the violation is alleged to have occurred, shall:

(a) Determine whether a violation occurred; and

(b) If a penalty is to be imposed, notify the person alleged to have committed the violation in the manner described in ORS 260.232 (2).

(2) Not later than 90 calendar days after receiving payment for a penalty imposed under ORS 260.232 or receiving other information in response to a notification under subsection (1) of this section, the Secretary of State shall send a notice to the person stating whether the response or payment received is sufficient. [2009 c.818 §25]

**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 may 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 or electronically shall notify the candidate 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 first class mail or electronically to the candidate and 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; 2011 c.652 §10; 2017 c.749 §39]

**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 filed electronically; State Archivist rules.** (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, 260.112 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 retain and dispose of the data in a manner prescribed by the State Archivist. The State Archivist shall consider the value of the data for legal, administrative or research purposes and shall establish rules for procedures for the retention and disposition of data described in this section. [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; 2009 c.818 §30; 2013 c.758 §12]

**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 relating to a state measure and any person for purposes of obtaining signatures on the initiative or referendum petition or on a prospective petition for a state measure to be initiated;

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

(c) Payroll records for each employee obtaining signatures on the petition or prospective 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 or prospective petition; and

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

(2) For purposes of enforcing section 1b, Article IV of the Oregon Constitution, a chief petitioner of an initiative or referendum petition relating to a state measure who

pays any person money or other valuable consideration to obtain signatures on the petition or prospective 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 or prospective 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 relating to a state measure, or to a prospective petition for a state measure to be initiated, 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 or prospective petition until the chief petitioner is able to supply the accounts to the secretary, Attorney General or commissioner.

(7) Accounts are not subject to disclosure under ORS 192.311 to 192.478. [2007 c.848 §5; 2009 c.533 §4; 2013 c.519 §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, 260.112 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; 2013 c.758 §13]

**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 and any evidence relating to it may be filed electronically. 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 concerns 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 At-

torney 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, political committees or petition 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. Except as provided in ORS 260.234, 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; 2009 c.818 §23; 2011 c.607 §14]

**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 petition committee required to file a statement under ORS 260.118.

(2) Except as provided in subsection (3) of this section, a person, political committee or petition committee 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; 2009 c.818 §16]

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

**260.407 Use of contributed amounts for certain purposes.** (1)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions by a candidate, the principal campaign committee of a candidate or the principal campaign committee of 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 the Internal Revenue Code or to any charitable corporation as defined in ORS 128.620; or

(D) Used for any other lawful purpose.

(b) Amounts received as contributions by a candidate, the principal campaign committee of a candidate for public office or the principal campaign committee of 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 subparagraph, 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 paragraph 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 subparagraph, 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 paragraph may be used to pay legal expenses incurred by the candidate or public official in connection with a legal proceeding brought under ORS chapters 246 to 260, other than a proceeding brought under this section or ORS 260.409.



(2)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions by a political committee that is not a principal campaign committee may be:

(A) Used to repay to the political committee any loan the proceeds of which were used in connection with the campaign;

(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 the Internal Revenue Code or to any charitable corporation as defined in ORS 128.620; or

(D) Used for any other lawful purpose.

(b) Amounts received as contributions by the political committee may not be:

(A) Converted by any person to any personal use;

(B) Except as provided in this subparagraph, 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 subparagraph, used to pay any legal expenses incurred by a treasurer or director of a political committee 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 treasurer or director. Contributions described in this subsection may be used to pay legal expenses incurred by a treasurer or director in connection with a legal proceeding brought under ORS chapters 246 to 260, other than a proceeding brought under this section or ORS 260.409.

(3)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions by a chief petitioner or treasurer of a petition committee may be:

(A) Used to repay to the chief petitioner any loan the proceeds of which were used in connection with the initiative, referendum or recall petition;

(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 the Internal Revenue Code or to any charitable corporation as defined in ORS 128.620; or

(D) Used for any other lawful purpose.

(b) Amounts received as contributions by a chief petitioner or treasurer of a petition committee may not be:

(A) Converted by any person to any personal use;

(B) Except as provided in this subparagraph, 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 subparagraph, used to pay any legal expenses incurred by a chief petitioner or the treasurer of a petition committee 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 chief petitioner or treasurer. Contributions described in this subsection may be used to pay legal expenses incurred by a chief petitioner or treasurer in connection with a legal proceeding brought under ORS chapters 246 to 260, other than a proceeding brought under this section or ORS 260.409.

(4) As used in this section:

(a) "Contribution" and "expenditure" include a contribution or expenditure to or on behalf of an initiative, referendum or recall petition.

(b) "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.

(c) "Public office" does not include national or political party office. [1995 c.1 §18; 1999 c.999 §20; 2007 c.877 §14; 2009 c.818 §17; 2010 c.9 §9; 2013 c.758 §14; 2017 c.749 §40]

**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:

**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 pro-

hibited by state law when on the job during working hours.

(4) Nothing in this section prohibits an employee of the legislative branch from explaining the vote of a member of the Legislative Assembly on:

(a) An Act that has been referred to the people by law or petition under section 1 (3), Article IV of the Oregon Constitution;

(b) An Act for which a prospective referendum petition has been filed under ORS 250.045; or

(c) A constitutional amendment or revision proposed under section 1 or 2, Article XVII of the Oregon Constitution.

(5) 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 ORS 334.108.

(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 §§7,8; 2010 c.9 §§15,16; 2013 c.13 §2]

**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]

**260.556 Secretary of State prohibited from counting petition signatures obtained by certain persons.** The Secretary of State may not include in a count under ORS 250.045 (3) or 250.105 or ORS chapter 249 for purposes of determining whether an initiative, referendum or recall petition or a prospective petition for a state measure to be initiated contains the required number of signatures of electors, any signatures obtained by a person who the secretary determines, during the five-year period prior to the date the signatures were obtained:

(1) Has been convicted for a criminal offense involving fraud, forgery or identification theft in any state;

(2) Has had a civil penalty imposed under ORS 260.995 for a violation of ORS 250.048 or 260.262; or

(3) Has had a civil or criminal penalty imposed for violation of a statute subject to a criminal penalty under ORS 260.993. [2009 c.533 §13]

**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)(a) If a chief petitioner of a statewide initiative or referendum petition has knowledge of a violation of any provision of Oregon Revised Statutes, 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 or section 1b, Article IV of the Oregon Constitution, committed by a person obtaining signatures on the chief petitioner's petition or prospective petition, the violation by the person obtaining signatures is conclusively considered a violation by the chief petitioner.

(b) If a chief petitioner of a statewide initiative or referendum petition has knowledge or should have had knowledge of a violation of ORS 250.048, 260.262, 260.555, 260.558, 260.567, 260.575, 260.665, 260.715 (1) or section 1b, Article IV of the Oregon Constitution, or any rule adopted by the Secretary of State related to section 1b, Article IV of the Oregon Constitution, petition sheets or circulator training, registration or certification, committed by a person obtaining signatures on the chief petitioner's petition or prospective petition or a contractor or subcontractor, as defined in ORS 260.563, the violation by the person obtaining signatures or the contractor or subcontractor is conclusively considered a violation by the chief petitioner.

(2) A chief petitioner is not 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 who has knowledge or should have had knowledge may be held liable under subsection (1) of this section.

(4)(a) Subsection (1)(a) of this section does not apply to a violation of law that is subject to criminal penalty.

(b) A chief petitioner may not be held criminally liable under subsection (1)(b) of this section solely based on a violation committed by a person obtaining signatures on the chief petitioner's petition or prospective petition or by a contractor or subcontractor. [2001 c.489 §3; 2001 c.965 §63a; 2009 c.533 §5; 2009 c.720 §7]

**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 or a prospective petition for a state measure to be initiated for the purpose of obtaining signatures on the petition or prospective 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 or a prospective petition for a state measure to be initiated 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 or should have had knowledge of a violation of ORS 250.048, 260.555, 260.558, 260.567, 260.575, 260.665 or 260.715 (1) or section 1b, Article IV of the Oregon Constitution, or any rule adopted by the Secretary of State related to section 1b, Article IV of the Oregon Constitution, petition sheets or circulator training, registration or certification, 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 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 contractor regarding the potential violation.

(4) A contractor may not be held criminally liable under this section solely

based on a violation committed by a subcontractor. [2007 c.848 §7; 2009 c.533 §6; 2009 c.720 §8]

**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, a prospective petition for a state measure to be initiated 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, a prospective petition for a state measure to be initiated 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, a prospective 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 250.045 (3), 250.105, 250.215, 250.315 or 255.175 for the purpose of determining whether the petition, prospective petition or certificate contains the required number of signatures of electors. [2007 c.848 §7b; 2009 c.533 §7]

**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, signing petitions; 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;

(h) Apply or refrain from applying for a ballot as an absent elector; or

(i) Sign or refrain from signing a prospective petition or an initiative, referendum, recall or candidate nominating petition.

(3) A person may not solicit or accept money or other thing of value as an induce-

ment 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; 2009 c.533 §10; 2013 c.520 §20]

**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) If a person prints or circulates an imitation of the ballot or sample ballot:

(A) The imitation ballot or sample ballot and the back of any return envelope enclosed with the ballot or sample ballot shall state the following: "THIS IS NOT A REAL BALLOT. DO NOT USE TO VOTE." The statement on the imitation ballot or sample ballot shall be in bold print that is at least two times as large as the majority of the text on the ballot or sample ballot or 20-point type, whichever is larger. The statement on the back of a return envelope shall be in bold print that is at least 36-point type.

(B) The word "UNOFFICIAL" must be superimposed on the imitation ballot or sample ballot so that the word extends diagonally across the ballot from one margin of the text to the other. The superimposed word may be printed in lighter ink than other text on the ballot or sample ballot.

(b) For purposes of this subsection, an imitation of the ballot or sample ballot includes an imitation of a portion of the ballot or sample ballot.

(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 business hours of the building or, if the building is a county elections office, during the hours the office is open to the public, 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) 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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.

(12) 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.



(13) 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.

(14) 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; 2010 c.35 §1; 2014 c.67 §6; 2014 c.112 §6]

**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) A person may not:

(A) Manufacture or knowingly use a fraudulent ballot return identification envelope or secrecy envelope; or

(B) Sell, make an offer with the actual intent to sell, purchase or make an offer with the actual intent to purchase, for money or other valuable consideration, any official ballot, replacement ballot, ballot return identification envelope or secrecy envelope.

(b) 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; 2017 c.749 §41]

**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]

**260.735** [1993 c.710 §3; 2005 c.797 §20; repealed by 2011 c.652 §11]

**260.737** [1993 c.710 §§4,5; 1995 c.607 §56a; 1999 c.999 §21; 2001 c.965 §17; 2005 c.809 §§47,48; 2009 c.818 §18; repealed by 2011 c.652 §11]

**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]

**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]

**PENALTIES**

**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 (1), 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; 2009 c.511 §20]

**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 \$1,000 for each violation of any provision of Oregon Revised Statutes relating to the conduct of any election, any rule adopted by the secretary under ORS chapters 246 to 260 or any other matter preliminary to or relating to an election, for which a civil penalty is not otherwise provided.

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

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

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

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

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

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

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

(a) Upon request of the person against whom the penalty may be assessed, if the request is made not later than the 20th day after the 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 45 days after the deadline for the person against whom the penalty may be assessed to request a hearing. However, if requested by the person against whom the penalty may be assessed, a hearing under subsection (4) of this section shall be held not later than 60 days after the deadline for the person against whom the penalty may be assessed to request a hearing.

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

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

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

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

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

(c) May not pay the civil penalty from contributions received by a candidate, a candidate's principal campaign committee, a political committee or a petition committee. [1987 c.718 §1; 1991 c.319 §2; 1991 c.734 §119; 1993 c.493 §83; 2005 c.797 §52; 2005 c.809 §1; 2009 c.533 §11; 2009 c.818 §19; 2010 c.9 §10; 2010 c.35 §2; 2013 c.617 §2]

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

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