

Chapter 260

1979 REPLACEMENT PART

Campaign Finance Regulation; Election Offenses

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**ELECTION CAMPAIGN
FINANCE REGULATION
(Generally)**

260.005 Definitions. As used in this chapter:

(1) "Candidate" means an individual whose name is printed on a ballot, or whose name is expected to be or has been presented with the individual's consent, for nomination or election to public office, or a public office holder against whom a recall petition has been completed and filed.

(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.

(3) "Contribute" or "contribution" includes the payment, unrepaid 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, to or on behalf of a candidate, political committee or measure; and any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforceable, to make a contribution. Regarding a contribution made for compensation or consideration of less than equivalent value, only the excess value of it shall be considered a contribution. "Contribution" does not include payment on behalf of or to a candidate of filing fees, fees for space in the voters' pamphlet or payment by a candidate or a candidate's spouse for personal transportation for the candidate or spouse.

(4) "County clerk" means the county clerk or the county official in charge of elections.

(5) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

(6) "Expend" or "expenditure" includes the payment or furnishing of money or any thing 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 in support of or opposition to a candidate, political committee or measure. "Expenditure" does not include contributions, filing fees, fees for space in the voters' pamphlet or expenses incurred by a candidate or

the candidate's spouse for personal transportation of the candidate or spouse.

(7) "Filing officer" means the:

(a) Secretary of State, regarding a candidate for any state office or any office to be voted for in the state at large, in a congressional district or in a district consisting of two or more entire counties or two or more entire counties and portions of one or more additional counties; or regarding a measure to be voted for in the state at large or in a district consisting of two or more entire counties or two or more entire counties and portions of one or more additional counties.

(b) County clerk, regarding a candidate for any county office or any district or precinct office within the county, or regarding a measure to be voted for in one county or in a district situated wholly within one county.

(c) Chief city election officer, regarding a candidate for any city office, or a measure to be voted for in a city only.

(d) County clerk of the county in which the office of the chief administrative officer or administrative board is located regarding a candidate for office for any district or regarding a measure to be voted on in a district, when the district is situated in more than one county but does not include more than one complete county.

(8) "Measure" means any proposed law, an Act or part of an Act of the Legislative Assembly, revision of or amendment to the Oregon Constitution, local, special or municipal legislation, proposition or question submitted to the people for their approval or rejection at an election.

(9) "Occupation" means the nature of an individual's principal business and, if the individual is employed by another person, the business name and address of the employer.

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

(11) "Political committee" means a combination of two or more individuals, or a person other than an individual, the primary or incidental purpose of which is to support or oppose any candidate, measure or political party, and which has received a contribution or made an expenditure for that purpose.

(12) "Public office" means any national, state, county, district, city or political party

office or position that is filled by the voters. [1971 c.749 §1; 1973 c.744 §1, 1975 c.683 §6; 1977 c.678 §1; 1979 c.190 §339]

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 Treasurers; requirement; appointment; functions. (1) Each political committee shall appoint a treasurer and certify the name and address of the treasurer to the filing officer. The treasurer shall be an elector of this state.

(2) No contribution shall be received or expenditure made by or on behalf of a political committee until the political committee appoints a treasurer and certifies the name and address of the treasurer to the filing officer.

(3) Contributions shall be received and expenditures made by or through the treasurer of the political committee. [1971 c.749 §3, 1973 c.744 §2; 1977 c.829 §20; 1979 c.190 §340]

260.037 Treasurers for candidates; appointment; liability of candidate for default or violation of treasurer. 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 260.005 to 260.255. The candidate, in addition to the treasurer, shall be personally responsible for the performance of such duties and any default or violation by the treasurer shall be conclusively considered a default or violation by the candidate. [1973 c.744 §4; 1979 c.190 §341]

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

(2) A candidate or political committee may remove a treasurer. In event of the death, resignation or removal of a treasurer before compliance with all obligations of a treasurer

under ORS 260.005 to 260.255, a candidate may and a political committee shall appoint a successor and certify the name and address of the successor in the manner of an original appointment. [1979 c.190 §342]

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

260.041 Principal campaign committee. (1) A candidate may designate 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]

260.042 Statement of organization of political committee other than principal campaign committee; filing amended statement. (1) Before a political committee, other than a principal campaign committee, receives a contribution or makes an expenditure, the treasurer of the committee shall file a statement of organization with the filing officer. The statement shall include:

(a) The name, address and nature of the committee.

(b) The name, address and occupation of the committee 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) A statement of whether the committee presently intends to remain in existence for more than one year.

(f) 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.

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

(h) A statement of how the committee intends to solicit funds.

(2) Any change in information submitted in a statement of organization provided in subsection (1) of this section shall be indicated in an amended statement of organization filed not later than the 30th day after the change

in information. [1975 c.683 §§2, 3; 1979 c.190 §344]

260.044 When individual considered political committee. A person who during the total period described in subsections (1) and (2) of ORS 260.072 makes expenditures in a total amount of more than \$100 in support of or in opposition to a candidate for state-wide office or a state-wide measure, or more than \$50 in support of or in opposition to a candidate for other than state-wide office, a measure other than a state-wide measure or a political committee, shall be a political committee, and shall file the statements required by ORS 260.072. For the purpose of this section, an expenditure shall not include a contribution to a candidate or political committee that reports the contribution on a statement filed under ORS 260.072, 260.092, 260.102 and subsection (2) of 260.112. [Formerly 260.158]

260.045 Contributions by out-of-state political committees. A candidate or treasurer shall not accept a contribution of more than \$50 from a political committee not in this state unless:

(1) The contribution is accompanied by a written statement of the name, occupation and address of each person, or the name, address and primary nature of each political committee, who contributed more than \$100 of the contribution to a candidate for state-wide office or regarding a state-wide measure, or \$50 of the contribution to a candidate for other than state-wide office or regarding a measure other than a state-wide measure and certified as true by an officer of the contributing political committee. As used in this subsection, "address" includes street number and name or rural route number, city and state; or

(2) The candidate or treasurer files with the filing officer, at the same time the statement is filed regarding the contribution, an affidavit that to the best of the candidate's or treasurer's knowledge and belief the contributing political committee will not make contributions to candidates and treasurers in this state that exceed two-thirds, in total amount, of all contributions made by it in this state and elsewhere during the period described in ORS 260.072 for which the statement is filed. [1971 c.749 §4; 1973 c.744 §5; 1975 c.675 §32; 1979 c.190 §346]

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

260.055 Accounts of contributions and expenditures; inspection; preservation of accounts. (1) Each candidate, other than a candidate for political party office, and the treasurer of each political committee shall keep detailed accounts. The accounts shall be current as of not later than the seventh day after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be reported under ORS 260.072 or 260.092. The treasurer of a political committee other than a principal campaign committee also shall include in the accounts required by this section the occupation of each contributor who contributes an aggregate amount of more than \$25.

(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 six months after the date of the election to which the accounts refer or at least six months after the date the last supplemental statement is filed under ORS 260.092, whichever is later. [1971 c.749 §5; 1973 c.744 §6; 1977 c.268 §2; 1979 c.190 §347]

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

(Statements of Contributions and Expenditures)

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

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]

260.070 [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 Statements of candidates and political committees; time for filing. (1) Except as otherwise provided in ORS 260.112 and subsection (5) of this section, each candidate, other than a candidate for political party office, and the treasurer of each political committee shall file with the filing officer:

(a) Not sooner than the 30th day and not later than the 21st day before the date of an election, a statement of all contributions received and all expenditures made by or on behalf of the candidate or political committee during the period beginning as provided in subsection (2) of this section and ending on the 30th day before the date of the election.

(b) Not sooner than the 12th day and not later than the seventh day before the date of an election, a statement of all contributions received and all expenditures made by or on behalf of the candidate or political committee during the period beginning on the 30th day before the date of the election and ending on the 12th day before the date of the election. If the candidate or political committee will expend more than \$3,000 during the 12-day period ending on election day, the statement shall include the estimated amount of expenditures to be made by or on behalf of the candidate or political committee in the 12-day period ending on election day. The total expenditures made by or on behalf of the candidate during the 12-day period ending on election day shall not exceed by more than 15 percent the estimated amount reported under this paragraph.

(c) Not later than the 30th day after the date of an election, a statement of all contributions received and all expenditures made by or on behalf of the candidate or political committee during the period beginning on the 12th day before the date of the election and ending on the 20th day after the date of the election.

(2) The period referred to in subsection (1) of this section begins:

(a) For a candidate in the general election who was nominated in the preceding primary election and for a political committee supporting or opposing that candidate, on the day after the preceding primary election.

(b) For a candidate in the general election who was not nominated in the preceding primary election and for a political committee supporting or opposing that candidate and for a political committee supporting or opposing a measure on the general election ballot, on the

250th day before the date of the general election.

(c) For any other election, on the 250th day before the date of the election.

(3) The statement required by paragraph (c) of subsection (1) of this section shall not contain expenditures made for any other election.

(4) If a report filed under this section shows any assets on hand at the beginning of the first reporting period, it shall list all contributions giving rise to the assets in accordance with ORS 260.083.

(5) A candidate for federal office shall file statements required by the federal election laws in lieu of the statements required by ORS 260.035 to 260.156. The statements required by federal election laws shall be filed in the office of the Secretary of State on or before the federal filing dates. At any time the Secretary of State by rule may make a determination that the standards and requirements of the federal election laws relating to candidates for federal office are not substantially similar to those contained in ORS 260.035 to 260.156. If the Secretary of State makes this determination, candidates for federal office are subject to the requirements of ORS 260.035 to 260.156.

(6) Each statement required by this section shall be signed and certified as true by the candidate or treasurer required to file it.

[1971 c.749 §7; 1973 c.744 §8, 1975 c.683 §7; 1977 c.678 §2; 1979 c 190 §348]

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]

260.077 [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]

260.080 [Repealed by 1971 c.749 §82]

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

260.083 Contents of statements. (1) A statement filed under ORS 260.072 or 260.092 shall list:

(a) Under contributions, all contributions received. The statement shall list the name, occupation and address of each person, and the name, address and primary nature of each political committee, that contributed an aggregate amount of:

(A) More than \$100 on behalf of a candidate for state-wide office, regarding a state-wide measure or to a political committee sup-

porting or opposing only such a candidate or measure, and the total amount contributed by that person or political committee.

(B) More than \$50 on behalf of a candidate for other than state-wide office, regarding a measure other than a state-wide measure or to a political committee supporting or opposing such a candidate or measure, and the total amount contributed by that person or political committee.

(C) More than \$50 to a political committee supporting or opposing both a candidate for state-wide office or a state-wide measure and a candidate for other than state-wide office or a measure other than a state-wide measure, and the total amount contributed by that person or political committee.

The statement may list as a single item the total amount of other contributions, but shall specify how those contributions were obtained. As used in this paragraph, "address" includes street number, and name or rural route number, city and state.

(b) Under expenditures, all expenditures made, showing the amount and purpose of each. Each expenditure in an amount of more than \$50 shall be vouched for by a receipt or canceled check or an accurate copy of the receipt or check. A statement filed under paragraph (a) or (b) of subsection (1) of ORS 260.072 shall list the name of any person to whom expenditures were made totaling \$100 or more, and the total amount of all expenditures.

(c) Separately, all contributions made by the candidate or political committee to any other candidate or political committee.

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

(3) Expenditures made by an agent of a political committee on behalf of the committee shall be reported in the same manner as if the expenditures had been made by the committee itself. [Formerly 260 162]

260.090 [Repealed by 1971 c.749 §82]

260.092 Supplemental statements of unexpended balances and deficits. (1) If a statement filed under paragraph (c) of subsection (1) of ORS 260.072 shows an unexpended balance of contributions or an expenditure deficit, the candidate or treasurer of the political committee, not later than the 10th day

following the close of every other calendar quarter, shall file with the filing officer a statement containing any change in the unexpended balance or expenditure deficit. Such a statement shall be filed until a statement is filed containing no deficit or no balance.

(2) Except with respect to moneys received from the Oregon political party fund pursuant to section 4, chapter 836, Oregon Laws 1977, a central committee of a political party as defined by ORS 248.031 and 248.075 shall not be required to file a supplemental statement under subsection (1) of this section.

(3) Each supplemental statement required by this section shall be signed and certified as true by the person required to file it. [1971 c.749 §9; 1973 c.744 §13; 1975 c.683 §8; 1977 c.836 §9; 1979 c.190 §350]

260.100 [Repealed by 1957 c.643 §9]

260.102 Statements of persons reducing expenditure deficit. A person who receives or expends money or any other thing of value, after the date of an election, for the purpose of reducing an expenditure deficit shown by a statement of contributions and expenditures filed by a candidate or treasurer, and who is not the candidate or treasurer and does not receive or expend the money or other thing of value through the candidate or treasurer, shall file with the filing officer a statement showing the source of all money or other things of value so received or expended. The statement shall list the name, occupation and address of each person, or the name, address and primary nature of each political committee, who contributed an aggregate amount of more than \$100 on behalf of a candidate for state-wide office or regarding a state-wide measure, or more than \$50 on behalf of a candidate for other than state-wide office or regarding a measure other than a state-wide measure. The statement may list as a single item the total amount of other contributions, but shall specify how those contributions were obtained. The statement shall be signed and certified as true by the person required to file it or by the person's authorized representative. As used in this section, "address" includes street number and name or rural route number, city and state. [1971 c.749 §10; 1973 c.744 §14; 1975 c.675 §33; 1979 c.190 §351]

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 When statements not required. (1) If neither the aggregate contributions received nor the aggregate expenditures made by or on behalf of the candidate, other than a candidate for political party office, or political committee during the total period described in subsections (1) and (2) of ORS 260.072 are in a total amount of not more than \$500, no statement of contributions received and expenditures made by or on behalf of the candidate or political committee during that period is required. However, contribution and expenditure records must be kept, and the candidate or treasurer, not later than the 30th day after the date of the election, must file a certificate that neither the aggregate contributions nor aggregate expenditures totaled more than \$500.

(2) If at any time during the total period described in subsections (1) and (2) of ORS 260.072 either the aggregate contributions or aggregate expenditures exceed \$500, the candidate, other than a candidate for political party office, or treasurer shall file a contribution and expenditure statement when a statement for the reporting period in which the contributions or expenditures exceeded \$500 is filed. The filed statement shall reflect all contributions received and expenditures made by or on behalf of the candidate or political committee to that date, beginning with the start of the first reporting period in paragraph (a) of subsection (1) of ORS 260.072. [1971 c 749 §11; 1975 c.683 §9; 1977 c 644 §5; 1979 c.190 §352]

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 Application of ORS 260.035 to 260.156 to certain contributions and expenditures. A person or political committee other than a candidate or a principal campaign committee which receives contributions or makes expenditures in support of a single candidate, or in opposition to one or more candidates, with the consent of a single candidate, is not subject to ORS 260.035 to 260.156 if the contributions and expenditures are reported by the candidate or political committee on whose behalf they were made. [1975 c 684 §5; 1979 c.190 §353]

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

260.153 Statements of persons and committees making expenditures relating to candidates. (1) A person or political committee subject to ORS 260.035 to 260.156 which makes any expenditure on behalf of a candidate, or in opposition to a candidate, shall report the total of such expenditures to the Secretary of State on a form prescribed by the secretary. The person or committee shall file a separate form for each candidate which the person or committee has supported or opposed, showing the name of the person or committee making the report, the name of the candidate supported or opposed and the total amount expended in support of or opposition to the named candidate. The forms shall be filed by the person or committee at the time of filing reports required by ORS 260.035 to 260.156. The Secretary of State shall file the forms with the reports of the candidate supported or opposed by the person or committee filing the form. If an expenditure is in opposition to a candidate, and not identifiably on behalf of any particular candidate, duplicate reports shall be filed for all other candidates for the same office.

(2) Expenditures made by a person or political committee subject to ORS 260.035 to 260.156 on behalf of or in opposition to more than one candidate shall be allocated between such candidates on a reasonable basis.

(3) Expenditures made by a political committee, not allocable to any particular candidate or candidates, including expenditures made to solicit funds intended to be contributed to candidates to be designated later, shall not be considered expenditures in support of a candidate for purposes of subsection (1) of this section. [1979 c.190 §354]

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

260.156 Rules regarding evaluation of 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.

(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]

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

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]

(Administration and Enforcement)

260.200 Secretary of State to prescribe system of accounts and forms; furnishing forms. The Secretary of State shall:

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

(2) Prescribe forms for statements and other information required by ORS 260.035 and 260.072 to 260.083 to be filed with filing officers, and furnish those forms to persons required to file those statements and other information. [1971 c.749 §17; 1979 c.190 §356]

260.205 Inspection of statements; notice of failure to file correct statements. (1) A filing officer shall inspect each statement filed under ORS 260.072 to 260.156 not later than the 10th day after the date it is filed.

(2) A filing officer immediately shall notify a person required to file a statement with the filing officer under ORS 260.072 to 260.156 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, shall be sworn to by the complainant and shall be filed with the filing officer not later than the 60th day after the date the statement of which it complains is filed or should have been filed.

[1971 c.749 §18; 1979 c.190 §357]

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

260.215 Examination and investigation of statements by filing officers. Not later than the third month after the date of a primary or general election each filing officer shall examine each statement relating to the election filed with the officer under ORS 260.072 to 260.156 to determine whether the statement is sufficient. The filing officer may require any person to answer in writing and upon oath or affirmation any question within the knowledge of that person concerning the source of any contribution. The inquiry shall advise the person concerned of the penalty for failure to answer. [1971 c.749 §19; 1973 c.744 §19; 1979 c.190 §358]

260.220 [Repealed by 1971 c.749 §82]

260.225 Court proceedings to compel filing of correct statements. Upon the petition of the Secretary of State or an elector, or of any other filing officer with whom a report 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 260.072 to 260.156, 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 60th day after the date the statement is filed or should have been filed. [1971 c.749 §20; 1973 c.744 §20; 1979 c.190 §359]

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. (1) In addition to any other penalty imposed for failure to file a statement or certificate required to be filed under ORS 260.072 to 260.156, the Secretary of State may impose a civil penalty as provided in this section.

(2) If a person required to file has not filed a statement or certificate complying with applicable provisions of ORS 260.072 to 260.156 within the time specified in ORS 260.072, the Secretary of State by certified mail shall notify the person that a penalty may be imposed and that the person has seven

days to request a hearing before the Secretary of State.

(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 seventh day after the person received the notice sent under subsection (2) of this section;

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

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

(4) A hearing under subsection (3) of this section shall be conducted, and the Secretary of State's order may be appealed, in the manner provided for a contested case under ORS 183.310 to 183.500.

(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 and other evidence, subject to the penalty for false swearing, to the Secretary of State for entry in the hearing record. Such documents must be received by the secretary not later than the time set for the hearing.

(6) A civil penalty imposed under this section shall be not more than five percent of the total contributions or total expenditures required to be reported in the statement or certificate, whichever is greater, for each day, including Sundays and holidays, beginning on the day the Secretary of State mailed the notice referred to in subsection (2) of this section until the day a sufficient statement is filed. The penalty shall be not less than \$10 for each day. However, the Secretary of State, upon a showing of mitigating circumstances, may reduce the amount of the penalty.

(7) The Secretary of State may file the order assessing the penalty, or a certified copy of the order, with the clerk of any circuit court in the state after:

(a) Expiration of the time in which an appeal may be taken; or

(b) Final determination of the matter on appeal.

(8) The order assessing the penalty shall be docketed in the judgment docket and may be enforced in the same manner as a judgment. [1979 c 190 §360; 1979 c 519 §34a]

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 ballot for failure to file statement. (1) Despite delay in the filing of statements relating to a candidate's nomination required to be filed under ORS 260.072 or 260.092, the candidate's name shall appear on the general election ballot if those statements are filed before the 20th day before the general election.

(2) A candidate's name shall not be placed on the general election ballot if the statements referred to in subsection (1) of this section are not filed before the 20th day before the general election. [1979 c.190 §361]

260.245 Withholding certificate of election or certificate of nomination for failure to file statement. A certificate of election or certificate of nomination shall not be granted to any candidate until the candidate has filed the statements relating to the election that the candidate is required to file under ORS 260.072 and 260.092. [1971 c.749 §22; 1973 c.744 §22; 1977 c.829 §21; 1979 c 190 §362]

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

260.255 Preservation of filed statements by filing officers; summary of statements; contents. (1) A filing officer shall preserve each statement filed with the officer under ORS 260.072 to 260.156, or an accurate copy of it, for at least six years after the date of the election to which the statement refers.

(2) The Secretary of State shall publish a summary of the statements filed with the secretary under subsection (1) of ORS 260.072 for each election and shall make the summary available to the public. The county clerk shall publish such a summary regarding candidates for county offices and county measures. The Secretary of State by rule may require a filing officer to publish such a summary regarding other offices or measures.

(3) The summary reports prepared under this section shall include a list of all expenditures which total \$100 or more to any one person and a list of all contributions of:

(a) More than \$100 on behalf of a candidate for state-wide office, regarding a state-wide measure, or to a political committee supporting or opposing only such a candidate or measure;

(b) More than \$50 on behalf of a candidate for other than state-wide office, regarding a measure other than a state-wide measure, or to a political committee supporting or opposing such a candidate or measure; and

(c) More than \$50 to a political committee supporting or opposing both a candidate for state-wide office or a state-wide measure and a candidate for other than state-wide office or a measure other than a state-wide measure.

[1971 c.749 §23; 1973 c.744 §23; 1975 c.683 §12; 1979 c.190 §363]

260.260 [Repealed by 1971 c.749 §82]

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 260.072 to 260.156. [Formerly 260.030; 1979 c.190 §364]

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 has occurred and stating the reason for believing that the violation occurred and any evidence relating to it. A complaint alleging a violation involving the Secretary of State, a candidate for the office of Secretary of State, or any political committee or person supporting the Secretary of State or a candidate for the office of Secretary of State may be filed with the Attorney General.

(2) If the complaint is filed with any person other than the Secretary of State, that person immediately shall send the complaint to the Secretary of State together with any other information relating to the complaint. 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 additional information instead 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 has occurred and shall make any investigation the Secretary of State or Attorney General considers necessary.

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

(5) Upon receipt of a complaint or report under subsection (1), (2) or (4) of this section, 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 powers in any county of this state as the district attorney for the county.

(6) A filing officer having reason to believe that a violation of the election laws has occurred shall proceed promptly as though the officer had received a complaint. [Formerly 260.105; 1973 c 744 §24; 1979 c.190 §365]

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. No person shall be excused from testifying or producing papers or documents because the testimony or the production of papers or documents will tend to incriminate the person. However, no admission made, paper or document produced or evidence advanced by the person, or any evidence that is the direct result thereof, shall be offered or used against the person in any civil or criminal prosecution, except in a prosecution for perjury committed in the testimony. [Formerly 260.375]

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]

260.370 [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 Payments in false name. No person shall make a payment of money to any other person, relating to a nomination or election of any candidate or the support or opposition to any measure, in any name other than that of the person who in truth provides the money. No person shall knowingly receive the payment or enter or cause it to be entered in accounts or records in another name than that of the person by whom it was actually provided. However, if the money is received from the treasurer of any political committee, it shall be sufficient to enter it as received from the treasurer. [Formerly 260.210; 1973 c.744 §25; 1979 c 190 §369]

260.405 [1967 c 593 §2; 1971 c 749 §55; renumbered 260 542]

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 Payments by or solicitation of certain businesses. (1) As used in this section, "company" means:

(a) Any entity carrying on the business of a bank, savings bank or cooperative bank.

(b) Any entity carrying on the business of a trust, trustee, surety, indemnity, safe deposit, insurance, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, water, cemetery or crematory company.

(c) Any entity engaged in business as a common carrier of freight or passengers by railroad, motor truck, motor bus, airplane or watercraft.

(2) No company shall contribute to aid, promote or prevent the nomination or election of any person, or to aid or promote the interests, success or defeat of any political party or political committee supporting or opposing any person as a candidate. No person shall solicit or receive such contribution from a company.

(3) This section does not prohibit any voluntary activity for or against any candidate undertaken by an officer or employe of a company on the officer's or employe's own behalf that is:

(a) Casual and occasional and occurs during business hours; or

(b) More than casual and occasional but occurs on the officer's or employe's own time. [Formerly 260.472]

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 employes; activities of public employes during working hours. (1) No person shall attempt to, or actually, coerce, command or require a public employe to influence or give money, service or other thing of value to aid, promote or oppose any political committee or to aid, promote or oppose the nomination or election of a candidate, the adoption of a measure or the recall of a public office holder.

(2) No public employe shall solicit any money, influence, service or other thing of value or otherwise aid or promote any political committee or aid, promote or oppose the nomination or election of a candidate, 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 employe to express personal political views.

(3) Each public employer shall have posted in a conspicuous place likely to be seen by its

employes 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 employe shall solicit any money, influence, service or other thing of value or otherwise aid or promote any political committee or aid, promote or oppose the nomination or election of a candidate, 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 employe to express personal political views."

It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job during working hours.

(4) In lieu of any other penalty which may be imposed by law for a violation of this section, the Secretary of State after a hearing conducted under ORS 183.310 to 183.500 may impose a civil penalty of not more than \$100 for a violation of this section.

(5) As used in this section "public employer" means the state and any of its agencies and institutions, and includes a city, county or other political subdivision. [Formerly 260.231; 1973 c.53 §1; 1973 c.744 §27a; 1979 c.190 §372; 1979 c.519 §35a]

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 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 Identification of source of political publication. (1) No person shall cause to be printed, posted, broadcast, mailed, circulated or otherwise published, any written matter or broadcast relating to any election or to any candidate or measure at any election, unless it includes the name of the candidate or the name and address of the political committee or other person causing the publication. Any publication made by the candidate's principal campaign committee need only include the name of the candidate.

(2) Any written matter or broadcast which has been previously published shall have the publisher and date of publication clearly identified when it is referred to in a publication listed under subsection (1) of this section.

(3) "Address" for purposes of this section means the address of a residence, office, headquarters or similar location where a responsible officer of the political committee may be conveniently located. However, a different address may be used if the responsible officer first files with the filing officer the officer's residence address and the address proposed to be used.

(4) Any identification of the publisher of a publication which complies with requirements of the Federal Communications Act and regulations under it shall be considered in compliance with subsection (1) of this section.

[Formerly 260.360; 1973 c.483 §1; 1973 c.744 §35; 1975 c.683 §13; 1979 c.190 §373]

260.530 [Repealed by 1957 c.644 §28]

260.532 False publication relating to candidate or measure. (1) No person shall cause to be written, printed, published, posted, communicated or circulated, any letter, circular, bill, placard, poster 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, publication or advertisement contains a false statement of material fact relating to any candidate, political committee or measure.

(2) 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 in the publication or advertisement.

(3) 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.

(4) 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.

(5) Except as provided in subsection (6) of this section, a plaintiff who prevails in an action provided by subsection (4) of this section shall recover punitive damages and also may recover general damages if any have been suffered. Proof of general damages is not required for recovery of punitive damages. Any prevailing party may be awarded reasonable attorney fees.

(6) A political committee has standing to bring an action provided by subsection (4) 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. A political committee may not be sued as defendant in such an action. A recovery made by a political committee which prevails in an action under this section shall be distributed pro rata among the persons making contributions to the committee.

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

(8) 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 insure that:

(a) Final judgment on a complaint which relates to a primary 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.

(9) The remedy provided under subsection (4) of 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]

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

260.542 Use of term "reelect." No person shall use the term "reelect" in any material, statement or publication supporting the election of a candidate unless the candidate:

(1) Was elected to the identical office with the same position number, if any, in the most recent election to fill that office;

(2) Was elected from the same district from which the candidate is seeking election or, if district boundaries have been changed since the previous election, if the majority of the population in the district from which the candidate is seeking election was in the district from which the candidate was previously elected; and

(3) Is serving and has served continuously in that office from the beginning of the term to which the candidate was elected. [Formerly 260.405; 1973 c.744 §37; 1979 c.190 §375]

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 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.

(4) No public official or employe shall knowingly make a false certification concerning an initiative, referendum or recall petition. [1979 c.190 §376]

260.565 Acceptance or giving of compensation for obtaining signatures. No person shall give or receive any money or other valuable consideration for securing signatures of electors on an initiative, referendum or recall petition. [Formerly 254.590]

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 Sponsor of petition to file statement of contributions and expenditures; effect of failure to file. The chief petitioner of a completed and filed initiative or referendum petition, not later than the 30th day after the final date for filing the completed petition, shall file a statement of contributions and expenditures for the petition. This statement shall conform to the requirements of ORS 260.083. [Formerly 254.600]

260.605 Purchase of advertising or payment for editorial advocacy or opposition prohibited. No person shall purchase or arrange for the purchase of any advertising from, or pay the owner, editor, manager, publisher or agent of any newspaper or other periodical or of any radio or television station, to induce that person to editorially support or oppose any candidate or measure. No such owner, editor, manager, publisher or agent shall solicit or receive such payment or purchase of advertising. [Formerly 260.512]

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

260.615 Special privileges by public utility to political patrons prohibited. (1) No public utility or its agents or officers shall offer or give to a political committee or a member or employe of the committee, or to a candidate for or incumbent of any public office or to any person at the request, or for the advantage of any of them, any reduced rate or a privilege withheld from any person for service which is or will be rendered by a public utility.

(2) No political committee, member or employe of the committee, or candidate or incumbent shall ask for or accept from a public utility, or its agent or officer, or use in any manner or for any purpose a reduced rate, frank or privilege withheld from any person, for any service which is or will be rendered by a public utility.

(3) As used in this section, "public utility" has the meaning given that term in ORS 757.005. [1979 c.190 §381]

260.620 [Repealed by 1957 c.644 §28]

260.625 Transfer of convention credential for value. No person shall offer or effect the transfer of any convention credential in return for payment of money or other thing of value. [Formerly 260.442]

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 employe 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 258.005 (1977 replacement part). [1979 c.190 §385]

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

260.655 Payments for putting name on nomination papers or for performance of political committee duties. No payment or contribution for any purpose shall be made a condition precedent to putting a name on any caucus or convention ballot, nomination paper or petition, or to the performance of any duty imposed by law on a political committee. [Formerly 260.462]

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

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

or other loss or the threat of it, fraud or giving or promising to give money, employment or other thing of value.

(2) No person, acting either alone or with or through any other person, shall 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; or
- (g) Challenge or refrain from challenging a voter.

(3) No person shall solicit or accept money or other thing of value as an inducement to act as prohibited by subsection (2) of this section.

(4) This section does not prohibit:

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

(b) The public distribution by candidates, political parties or political committees of sample ballots or other items readily available to the public without charge, even though the distributor incurs costs in the distribution;

(c) Public or nonpromissory statements by or on behalf of a candidate of the candidate's intentions or purposes if elected;

(d) A promise by a candidate to employ any person as administrative assistant, secretary or other direct personal aide;

(e) Free custody and care of minor children of persons during the time those persons are absent from those children for voting purposes; or

(f) Free transportation to and from the polls for persons voting ; but no means of advertising, solicitation or inducement to influence the vote of persons transported shall be used with that transportation. [Formerly 260.412]

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

260.675 Furnishing, printing or distributing ballots contrary to law prohibited.

No person employed or authorized to print official ballots or ballot labels shall give, deliver or knowingly permit any of the ballots or ballot labels to be taken by any person other than the official under whose direction the ballots or ballot labels are printed. No person shall knowingly print, cause or permit to be printed any ballot or ballot label 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 such official. No official having the duty of distributing ballots or ballot labels, nor any persons acting for that official, shall knowingly distribute or cause to be distributed any ballots or ballot labels in any other manner than as provided under the election law. [Formerly 249.364]

260.680 [Repealed by 1971 c.749 §82]

260.685 Performance of duties by election official required. (1) No election official shall negligently fail to perform any duty required of the official under the election laws.

(2) No election official shall knowingly fail to perform any duty required of the official under the election laws. [1979 c.190 §389]

260.690 [Repealed by 1971 c.749 §82]

260.695 Prohibitions relating to voting and the polling place. (1) No person shall print or circulate an imitation of the ballot or sample ballot, or a portion of the ballot or sample ballot, which contains information which will not appear, or deletes information which will appear, on the ballot or sample ballot, or that portion of the ballot or sample ballot. This subsection does not prohibit the printing or circulation of an imitation of a ballot which illustrates the manner in which a candidate's name may be written in for an office.

(2) No person, within any building in which a polling place is located or within 100 feet measured radially from any entrance to the building, shall do any electioneering, including circulating any cards or hand bills, or soliciting signatures to any petition. No person shall do any electioneering by public address system located more than 100 feet from an entrance to the building but capable of being understood within 100 feet of the building. The electioneering need not relate to the election being conducted.

(3) No person shall obstruct an entrance of a building in which a polling place is located.

(4) No person, within a polling place, shall wear a political badge, button or other insignia.

(5) No person shall vote or offer to vote in any election or at any polling place knowing the person is not entitled to vote.

(6) No person shall sign the poll book knowing that the person's residence is not then within the precinct.

(7) No person at a polling place, other than an election board member, shall deliver a ballot to an elector.

(8) No elector other than an absent voter shall knowingly receive a ballot from any other person than an election board member.

(9) No person shall make a false statement about the person's inability to mark a ballot.

(10) No person, except an election official in performance of duties or other person providing assistance to a handicapped voter, shall ask a person at the polling place for whom that person intends to vote, or examine or attempt to examine the person's ballot.

(11) No person shall show the person's own marked or punched ballot to another person to reveal how it was marked or punched.

(12) No election official, other than in the performance of duties, shall disclose to any person any information by which it can be ascertained for whom any elector has voted.

(13) No person, other than an election official in performance of duties, shall do anything to a ballot to permit identification of the person who voted.

(14) No elector shall deliver a ballot to an election board member except the ballot the elector received from an election board member.

(15) No person, except an election board member, shall receive from a voter other than an absent voter a marked or punched ballot.

(16) No elector shall wilfully leave in the polling place anything that will show how the elector's ballot was marked or punched.

(17) No person, except an election official in performance of duties, shall remove a ballot from any polling place.

(18) No person, except an election official in performance of duties or a person authorized by that official, shall wilfully deface,

remove, alter or destroy a posted election notice.

(19) No person, except an election official in performance of duties, shall wilfully remove, alter or destroy election equipment or supplies, or break the seal or open any sealed package containing election supplies. [1979 c.190 §390]

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

260.705 Premature release of vote tally prohibited. No person shall make public the results of the tally of votes from any precinct until after the time for the close of all the polls in the state. [Formerly 246.045]

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

260.715 Prohibitions relating to voting and the polling place. (1) No person shall knowingly make a false statement, oath or affidavit where a statement, oath or affidavit is required under the election laws.

(2) No person shall request a ballot in a name other than the person's own name.

(3) No person shall attempt to vote more than once at the same election.

(4) No person, except an election official in performance of duties, shall wilfully alter or destroy a ballot cast at an election or the returns of an election.

(5) No person shall wilfully place a fraudulent ballot among the genuine ballots.

(6) No person shall falsely write anything on the ballot or ballot stub purporting it to be written by an election board member.

(7) No person shall commit theft of a ballot or tally or return sheet, or wilfully 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. [1979 c.190 §392]

260.720 [Repealed by 1971 c.749 §82]

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

260.740 [Repealed by 1957 c.644 §28]

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

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

260.770 [Repealed by 1971 c.749 §82]

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

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

260.800 [Repealed by 1957 c 644 §28]

260.810 [Repealed by 1957 c 644 §28]

260.820 [Repealed by 1971 c.749 §82]

PENALTIES

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

260.991 [1973 c 744 §47 (enacted in lieu of 260 990); repealed by 1979 c 190 §431]

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

260.993 Penalties. (1) Except as provided in subsections (2) to (6) of this section, violation of any provision of this chapter is a Class A misdemeanor.

(2) The penalty for violation of ORS 260.532 is limited to that provided in subsections (5) and (7) of that section.

(3) Violation of ORS 260.555, 260.575, 260.615, 260.645 or 260.715 is a Class C felony.

(4) Violation of ORS 260.705 is a Class B misdemeanor.

(5) Violation of ORS 260.565 or 260.585 is a Class C misdemeanor.

(6) Violation of subsection (1) of ORS 260.685 is punishable by a fine of not more than \$250.

(7) Violation of any provision of Oregon Revised Statutes relating to the conduct of any election or to nominations, petitions, filing or any other matter preliminary to or relating to an election, for which no penalty is otherwise provided, is punishable by a fine of not more than \$250. [1979 c.190 §393]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
October 1, 1979.

Thomas G. Clifford
Legislative Counsel

