

Chapter 260

1989 EDITION

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.

(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 for any reason, including in support of or opposition to a candidate, political committee or measure. "Expenditure" also includes contributions made by a candidate or political committee to or on behalf of any other candidate or political committee.

(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 or in a congressional district; or regarding a measure to be voted for in the state at large.

(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.

(8) "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.

(9) "Occupation" means the nature of an individual's principal business or, if the individual is employed by another person, the nature of the individual's principal business or 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 electors. [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]

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]

260.039 Statement of organization where candidate is own treasurer. (1) A candidate who serves as the candidate's own treasurer shall file a statement of organization with the appropriate 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. However, a different

address may be used if the candidate first files with the filing officer the candidate's residence address and the address proposed to be used.

(b) A statement of how the candidate intends to solicit funds.

(2) No contribution shall be received or expenditure made by or on behalf of the candidate until the candidate designates the candidate as the treasurer and files the statement described in subsection (1) of this section.

(3) 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 10th day after the change in information. [1987 c.727 §12; 1989 c.503 §18]

Note: 260.039 was added to and made a part of ORS chapter 260 but was not added to any smaller series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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 supporting or opposing one or more candidates for public office, other than candidates for federal or political party office, or one or more measures at an election shall file a statement of organization. A copy of the statement of organization shall be filed with each appropriate 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. However, a different address may be used if the officer first files with the filing officer the officer's residence address and the address proposed to be used.

(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) 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 10th day after the change in information. [1975 c.683 §2, 3; 1979 c.190 §344; 1981 c.234 §1; 1983 c.71 §10; 1985 c.808 §53]

260.044 When individual considered political committee. (1) A person who during the total period described in ORS 260.063 (1) or 260.073 (1) makes expenditures or makes a loan 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 260.063 or 260.073. 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 260.063, 260.073 or 260.102, or a certificate filed under ORS 260.112.

(2) A person shall be a political committee if the person, in preparing to become a candidate in the general election, receives a contribution, receives a loan, whether repaid or not, or makes an expenditure in a total amount of more than \$500 before the date of the primary election. A person described in this subsection shall file the statements required by ORS 260.063 as if the person were a candidate in the primary election. This subsection does not apply to a candidate in the primary or nominating election. [Formerly 260.158; 1981 c.234 §8; 1981 c.303 §1; 1985 c.808 §54; 1987 c.727 §2]

Note: The amendments to 260.044 by section 57, chapter 267, Oregon Laws 1987, are repealed January 1,

1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

260.044. (1) A person who during the total period described in ORS 260.063 (1) or 260.073 (1) makes expenditures or makes a loan 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 260.063 or 260.073. 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 260.063, 260.073 or 260.102, or a certificate filed under ORS 260.112.

(2) A person shall be a political committee if the person, in preparing to become a candidate in the general election, receives a contribution, receives a loan, whether repaid or not, or makes an expenditure in a total amount of more than \$500 before the date of the presidential or biennial primary election. A person described in this subsection shall file the statements required by ORS 260.063 as if the person were a candidate in the presidential or biennial primary election. This subsection does not apply to a candidate in the presidential or biennial primary or nominating election.

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 260.058 (1), 260.063 (1), 260.068 (1) or 260.073 (1) for which the statement is filed. [1971 c.749 §4; 1973 c.744 §5; 1975 c.675 §32; 1979 c.190 §346; 1981 c.234 §9]

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 260.058, 260.063, 260.068, 260.073 or 260.078. 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 260.058 (2), 260.063 (2), 260.068 (2) or 260.073 (2), whichever is later. [1971 c.749 §5; 1973 c.744 §6; 1977 c.268 §2; 1979 c.190 §347; 1981 c.234 §10]

(Statements of Contributions and Expenditures)

260.058 Statements of candidates and principal campaign committees for election other than general election; supplement to second preelection statement; supplemental statements of unexpended balances and deficits; times for filing. (1) Except as otherwise provided in ORS 260.112 and subsection (3) of this section, each candidate seeking nomination or election at the primary election or at any election other than the general election, or a candidate's principal campaign committee at the primary election or at any election other than the general election, shall file the following with the filing officer:

(a) A first preelection statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not

sooner than the 39th day and not later than the 29th day before the date of the election. The accounting period for the statement required by this paragraph begins on the date that the name of a treasurer is certified to the filing officer under ORS 260.035 or 260.037 unless a candidate or a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election showing an unexpended balance of contributions or an expenditure deficit. If such a post-election or supplemental statement is filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for the previous election. If a candidate or a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election showing no balance or no deficit, the accounting period begins on the day that the candidate or the candidate's principal campaign committee next receives a contribution or makes an expenditure. If the statement for a previous election shows an unexpended balance of contributions or an expenditure deficit, the beginning balance on the statement required by this paragraph shall be the amount of the unexpended balance of contributions or expenditure deficit. The accounting period for the statement required by this paragraph ends on the 40th day before the date of the election.

(b) A second preelection statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the eighth day and not later than the fifth day before the date of the election. The accounting period for this statement begins on the 39th day before the date of the election and ends on the ninth day before the date of the election.

(c) A supplement to the second preelection statement on the day before the election, showing contributions, including loans, whether repaid or not, received by or on behalf of the candidate or committee after the ninth day and before the day preceding the day of the election. A supplement shall be filed if contributions received from a political committee or other person during the period described in this paragraph exceed \$500. The supplement must be written but may be transmitted to the filing officer by any expeditious means available. A candidate or treasurer of the candidate's principal campaign committee who filed a certificate under ORS 260.112 shall file a supplement under this paragraph if the aggregate contributions exceed \$500 because of contrib-

utions received after the ninth day and before the day preceding the day of the election.

(d) A post-election statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 21st day and not later than the 30th day after the date of the election. The accounting period for the statement required by this paragraph begins on the eighth day before the date of the election and ends on the 20th day after the date of the election.

(2) A candidate or a candidate's principal campaign committee shall file a supplemental statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, if the post-election statement required by paragraph (d) of subsection (1) of this section shows an unexpended balance of contributions or an expenditure deficit. A supplemental statement shall be filed annually on September 10, until a statement is filed containing no balance or no deficit. The accounting period for the statement required by this subsection begins on the day following the last day of the accounting period for the previous statement filed and ends on September 1.

(3) 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.

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

Note: Sections 2 and 10, chapter 1054, Oregon Laws 1989, provide:

Sec. 2. ORS 260.058 also applies to a presidential primary election. [1989 c.1054 §2]

Sec. 10. Sections 2 and 4 of this Act are added to and made a part of chapter 267, Oregon Laws 1987. [1989 c.1054 §10]

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 Statements of political committees, other than principal campaign committees, for election other than general election; supplement to second preelection statement; supplemental statements of unexpended balances and deficits; times for filing. (1) Except as otherwise provided in ORS 260.112, each political committee, other than a candidate's principal campaign committee, supporting or opposing one or more candidates or measures at the primary election or any election other than the general election shall file the following with each appropriate filing officer:

(a) A first preelection statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 39th day and not later than the 29th day before the date of the election. The accounting period for this statement required by this paragraph begins on the date that the name of a treasurer is certified to the filing officer under ORS 260.035 unless a political committee has filed a post-election or supplemental statement of contributions and expenditures showing an unexpended balance of contributions or an expenditure deficit for a previous election. If such a post-election or supplemental statement is filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for the previous election. If a political committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election showing no balance or no deficit, the accounting period begins on the day that the political committee next receives a contribution or makes an expenditure. If the statement for a previous election shows an unexpended balance of contributions or an expenditure deficit, the beginning balance on the statement required by this paragraph shall be the amount of the unexpended balance of contributions or expenditure deficit. The accounting period for the statement required by this paragraph ends on the 40th day before the date of the election.

(b) A second preelection statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the eighth day and not later than the fifth day before the date of the election. The accounting period for the statement required by this paragraph begins on the 39th day before the date of the election and ends on the ninth day before the date of the election.

(c) A supplement to the second preelection statement, on the day before the election, showing contributions, including loans, whether repaid or not, received by or

on behalf of the political committee after the ninth day and before the day preceding the day of the election. A supplement shall be filed if contributions received from a political committee or other person during the period described in this paragraph exceed \$500. The supplement must be written but may be transmitted to the filing officer by any expeditious means available. A treasurer of a political committee who filed a certificate under ORS 260.112 shall file a supplement under this paragraph if the aggregate contributions exceed \$500 because of contributions received after the ninth day and before the day preceding the day of the election.

(d) A post-election statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 21st day and not later than the 30th day after the date of the election. The accounting period for the statement required by this paragraph begins on the eighth day before the date of the election and ends on the 20th day after the date of the election.

(2) A political committee shall file a supplemental statement of contributions received and expenditures made by or on behalf of the political committee, if the post-election statement required by paragraph (d) of subsection (1) of this section shows an unexpended balance of contributions or an expenditure deficit. A supplemental statement shall be filed annually on September 10, until a statement is filed containing no balance or no deficit. The accounting period for the statement required by this subsection begins on the day following the last day of the accounting period for the previous statement filed and ends on September 1.

(3) A political committee shall prepare one original copy of each statement and the supplement required by subsections (1) and (2) of this section and file a duplicate copy of the statement and supplement with the filing officer of each candidate or measure supported or opposed by the political committee. The statement, supplement and each duplicate copy shall be signed and certified as true by the treasurer required to file it. [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]

Note: Section 4, chapter 1054, Oregon Laws 1989, provides:

Sec. 4. ORS 260.063 also applies to a presidential primary election. [1989 c.1054 §4]

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 Statements of candidates and principal campaign committees for gen-

eral election; supplement to second pre-election statement; supplemental statements of unexpended balances and deficits; times for filing. (1) Except as otherwise provided in ORS 260.112 and subsection (3) of this section, each candidate seeking election at the general election or a candidate's principal campaign committee at the general election shall file the following with each appropriate filing officer:

(a) A first preelection statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 39th day and not later than the 29th day before the date of the election. For a candidate nominated at the primary election or for that candidate's principal campaign committee, the accounting period for the statement required by this paragraph begins on the 21st day after the primary election. For a candidate not nominated at the primary election or for that candidate's principal campaign committee, the accounting period for the statement required by this paragraph begins on the date that the name of a treasurer is certified to the filing officer under ORS 260.035 or 260.037 unless a candidate or a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures showing an unexpended balance of contributions or an expenditure deficit for a previous election other than the preceding primary election. If such a post-election or supplemental statement is filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for that previous election. If a candidate or a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election other than the preceding primary election showing no balance or no deficit, the accounting period begins on the day that the candidate or the candidate's principal campaign committee next receives a contribution or makes an expenditure. If the statement for a previous election shows an unexpended balance of contributions or an expenditure deficit, the beginning balance on the statement required by this paragraph shall be the amount of the unexpended balance of contributions or expenditure deficit. The accounting period for the statement required by this paragraph ends on the 40th day before the date of the election.

(b) A second preelection statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the eighth day and not later

than the fifth day before the date of the election. The accounting period for the statement required by this paragraph begins on the 39th day before the date of the election and ends on the ninth day before the date of the election.

(c) A supplement to the second preelection statement, on the day before the election, showing contributions, including loans, whether repaid or not, received by or on behalf of the candidate or committee after the ninth day and before the day preceding the day of the election. A supplement shall be filed if contributions received from a political committee or other person during the period described in this paragraph exceed \$500. The supplement must be written but may be transmitted to the filing officer by any expeditious means available. A candidate or treasurer of the candidate's principal campaign committee who filed a certificate under ORS 260.112 shall file a supplement under this paragraph if the aggregate contributions exceed \$500 because of contributions received after the ninth day and before the day preceding the day of the election.

(d) A post-election statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 21st day and not later than the 30th day after the date of the election. The accounting period for the statement required by this paragraph begins on the eighth day before the date of the election and ends on the 20th day after the date of the election.

(2) A candidate or a candidate's principal campaign committee shall file a supplemental statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, if the post-election statement required by paragraph (d) of subsection (1) of this section shows an unexpended balance of contributions or an expenditure deficit. A supplemental statement shall be filed annually on September 10, until a statement containing no balance or no deficit is filed. The accounting period for the statement required by this subsection begins on the day following the last day of the accounting period for the previous statement filed and ends on September 1.

(3) 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 re-

quirements 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.

(4) Each statement and the supplement required by this section shall be signed and certified as true by the candidate or treasurer required to file it. [1981 c.234 §5 (enacted in lieu of 260.072), 1983 c.71 §3; 1985 c.732 §3, 1987 c.727 §5; 1989 c.503 §23; 1989 c.1054 §5]

Note: The amendments to 260.068 by section 60, chapter 267, Oregon Laws 1987 and section 24, chapter 503, Oregon Laws 1989, and section 6, chapter 1054, Oregon Laws 1989, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience

260.068. (1) Except as otherwise provided in ORS 260.112 and subsection (3) of this section, each candidate seeking election at the general election or a candidate's principal campaign committee at the general election shall file the following with each appropriate filing officer:

(a) A first preelection statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 39th day and not later than the 29th day before the date of the election. For a candidate nominated at the biennial primary election or for that candidate's principal campaign committee, the accounting period for the statement required by this paragraph begins on the 21st day after the biennial primary election. For a candidate who was a candidate at the presidential primary election or for that candidate's principal campaign committee, the accounting period for the statement required by this paragraph begins on the 21st day after the presidential primary election. For a candidate not nominated at the biennial primary election or who was not a candidate at the presidential primary election, or for that candidate's principal campaign committee, the accounting period for the statement required by this paragraph begins on the date the name of a treasurer is certified to the filing officer under ORS 260.035 or 260.037 unless a candidate or a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures showing an unexpended balance of contributions or an expenditure deficit for a previous election other than the preceding biennial primary election. If such a post-election or supplemental statement is filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for that previous election. If a candidate or a candidate's principal campaign committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election other than the preceding biennial primary election showing no balance or no deficit, the accounting period begins on the day that the candidate or the candidate's principal campaign committee next receives a contribution or makes an expenditure. If the statement for a previous election shows an unexpended balance of contributions or an expenditure deficit, the beginning balance on the statement required by this paragraph shall be the amount of the unexpended balance of contributions or expenditure deficit. The accounting period for the statement required by this paragraph ends on the 40th day before the date of the election.

(b) A second preelection statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the eighth day and not later

than the fifth day before the date of the election. The accounting period for the statement required by this paragraph begins on the 39th day before the date of the election and ends on the ninth day before the date of the election.

(c) A supplement to the second preelection statement, on the day before the election, showing contributions, including loans, whether repaid or not, received by or on behalf of the candidate or committee after the ninth day and before the day preceding the day of the election. A supplement shall be filed if contributions received from a political committee or other person during the period described in this paragraph exceed \$500. The supplement must be written but may be transmitted to the filing officer by any expeditious means available. A candidate or treasurer of the candidate's principal campaign committee who filed a certificate under ORS 260.112 shall file a supplement under this paragraph if the aggregate contributions exceed \$500 because of contributions received after the ninth day and before the day preceding the day of the election.

(d) A post-election statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, not sooner than the 21st day and not later than the 30th day after the date of the election. The accounting period for the statement required by this paragraph begins on the eighth day before the date of the election and ends on the 20th day after the date of the election.

(2) A candidate or a candidate's principal campaign committee shall file a supplemental statement of contributions received and expenditures made by or on behalf of the candidate or the candidate's principal campaign committee, if the post-election statement required by paragraph (d) of subsection (1) of this section shows an unexpended balance of contributions or an expenditure deficit. A supplemental statement shall be filed annually on September 10, until a statement containing no balance or no deficit is filed. The accounting period for the statement required by this subsection begins on the day following the last day of the accounting period for the previous statement filed and ends on September 1.

(3) 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.

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

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 Statements of political committees, other than principal campaign committees, for general election; supplement to second preelection statement; supplemental statements of unexpended balances and deficits; times for filing. (1)

Except as otherwise provided in ORS 260.112, each political committee, other than a candidate's principal campaign committee, supporting or opposing one or more candidates or measures at the general election shall file the following with each appropriate filing officer:

(a) A first preelection statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 39th day and not later than the 29th day before the date of the election. For a political committee that supported or opposed one or more candidates or measures at the primary election, the accounting period for the statement required by this paragraph begins on the 21st day after the primary election. Otherwise, the accounting period for the statement begins on the date that the name of a treasurer is certified to the filing officer under ORS 260.035 unless a political committee has filed a post-election or supplemental statement of contributions and expenditures showing an unexpended balance of contributions or an expenditure deficit for a previous election. If such a post-election or supplemental statement is filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for the previous election. If a political committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election showing no balance or no deficit, the accounting period begins on the day that political committee next receives a contribution or makes an expenditure. If the statement for a previous election shows an unexpended balance of contributions or an expenditure deficit, the beginning balance on the statement required by this paragraph shall be the amount of the unexpended balance of contributions or expenditure deficit. The accounting period for the statement required by this paragraph ends on the 40th day before the date of the election.

(b) A second preelection statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the eighth day and not later than the fifth day before the date of the election. The accounting period for the statement required by this paragraph begins on the 39th day before the date of the election and ends on the ninth day before the date of the election.

(c) A supplement to the second preelection statement, on the day before the election, showing contributions, including loans, whether repaid or not, received by or on behalf of the political committee after the ninth day and before the day preceding the day of the election. A supplement shall be

filed if contributions received from a political committee or other person during the period described in this paragraph exceed \$500. The supplement must be written but may be transmitted to the filing officer by any expeditious means available. A treasurer of a political committee who filed a certificate under ORS 260.112 shall file a supplement under this paragraph if the aggregate contributions exceed \$500 because of contributions received after the ninth day and before the day preceding the day of the election.

(d) A post-election statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 21st day and not later than the 30th day after the date of the election. The accounting period for a statement required by this paragraph begins on the eighth day before the date of the election and ends on the 20th day after the date of the election.

(2) A political committee shall file a supplemental statement of contributions received and expenditures made by or on behalf of the political committee, if the post-election statement required by paragraph (d) of subsection (1) of this section shows an unexpended balance of contributions or an expenditure deficit. A supplemental statement shall be filed annually on September 10, until a statement is filed containing no balance or no deficit. The accounting period for a statement required under this subsection begins on the day following the last day of the accounting period for the previous statement filed and ends on September 1.

(3) A political committee shall prepare one original copy of each statement and the supplement required by subsections (1) and (2) of this section and file a duplicate copy of the statement and supplement with the filing officer of each candidate or measure supported or opposed by the political committee. The statement, supplement and each duplicate copy shall be signed and certified as true by the treasurer required to file it. [1981 c.234 §6 (enacted in lieu of 260.072), 1983 c.71 §4; 1985 c.732 §4; 1985 c.808 §5; 1987 c.727 §6; 1989 c.503 §25; 1989 c.1054 §7]

Note: The amendments to 260.073 by section 61, chapter 267, Oregon Laws 1987 and section 26, chapter 503, Oregon Laws 1989 and section 8, chapter 1054, Oregon Laws 1989, are repealed January 1, 1994. See section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

260.073. (1) Except as otherwise provided in ORS 260.112, each political committee, other than a candidate's principal campaign committee, supporting or opposing one or more candidates or measures at the general election shall file the following with each appropriate filing officer:

(a) A first preelection statement of contributions received and expenditures made by or on behalf of the

political committee, not sooner than the 39th day and not later than the 29th day before the date of the election. For a political committee that supported or opposed one or more candidates or measures at the presidential or biennial primary election, the accounting period for the statement required by this paragraph begins on the 21st day after the primary election at which the political committee supported or opposed one or more candidates or measures. Otherwise, the accounting period for the statement begins on the date that the name of a treasurer is certified to the filing officer under ORS 260.035 unless a political committee has filed a post-election or supplemental statement of contributions and expenditures showing an unexpended balance of contributions or an expenditure deficit for a previous election. If such a post-election or supplemental statement is filed, the accounting period begins on the day following the last day of the accounting period for the statement filed for the previous election. If a political committee has filed a post-election or supplemental statement of contributions and expenditures for a previous election showing no balance or no deficit, the accounting period begins on the day that the political committee next receives a contribution or makes an expenditure. If the statement for a previous election shows an unexpended balance of contributions or an expenditure deficit, the beginning balance on the statement required by this paragraph shall be the amount of the unexpended balance of contributions or expenditure deficit. The accounting period for the statement required by this paragraph ends on the 40th day before the date of the election.

(b) A second preelection statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the eighth day and not later than the fifth day before the date of the election. The accounting period for the statement required by this paragraph begins on the 39th day before the date of the election and ends on the ninth day before the date of the election.

(c) A supplement to the second preelection statement, on the day before the election, showing contributions, including loans, whether repaid or not, received by or on behalf of the political committee after the ninth day and before the day preceding the day of the election. A supplement shall be filed if contributions received from a political committee or other person during the period described in this paragraph exceed \$500. The supplement must be written but may be transmitted to the filing officer by any expeditious means available. A treasurer of a political committee who filed a certificate under ORS 260.112 shall file a supplement under this paragraph if the aggregate contributions exceed \$500 because of contributions received after the ninth day and before the day preceding the day of the election.

(d) A post-election statement of contributions received and expenditures made by or on behalf of the political committee, not sooner than the 21st day and not later than the 30th day after the date of the election. The accounting period for a statement required by this paragraph begins on the eighth day before the date of the election and ends on the 20th day after the date of the election.

(2) A political committee shall file a supplemental statement of contributions received and expenditures made by or on behalf of the political committee, if the post-election statement required by paragraph (d) of subsection (1) of this section shows an unexpended balance of contributions or an expenditure deficit. A supplemental statement shall be filed annually on September 10, until a statement is filed containing no balance or no deficit. The accounting period for a statement required under this subsection begins on the day following the last day of the accounting period for the previous statement filed and ends on September 1.

(3) A political committee shall prepare one original copy of each statement and the supplement required by subsections (1) and (2) of this section and file a duplicate copy of the statement and supplement with the filing officer of each candidate or measure supported or opposed by the political committee. The statement, supplement and each duplicate copy shall be signed and certified as true by the treasurer required to file it.

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]

260.078 Reporting of initial assets and contributions not previously reported. If a report filed by a candidate, a candidate's principal campaign committee or a political committee under ORS 260.058 (1)(a), 260.063 (1)(a), 260.068 (1)(a) or 260.073 (1)(a) shows any assets not previously reported on hand at the beginning of the first reporting period, the report shall list all contributions giving rise to the assets in accordance with ORS 260.083. [1981 c.234 §7 (enacted in lieu of 260.072)]

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 260.058, 260.063, 260.068 or 260.073 shall list:

(a) Under contributions, all contributions received. Except as provided in ORS 260.085, 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 supporting 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.

(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 an invoice, receipt or canceled check or an accurate copy of the invoice, receipt or check. A statement filed under ORS 260.058, 260.063, 260.068 or 260.073 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.

(d) All loans, whether repaid or not, made to the candidate or political committee. The statement shall list 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. The statement also shall list the name of the lender holding the loan.

(2) If an expenditure in an amount exceeding \$50 is a prepayment or a deposit made in consideration for any services, supplies, equipment or other thing of value to be performed or furnished at a future date, that portion of the deposit that has been expended during the reporting period shall be listed as an expenditure and the unexpended portion of the deposit shall be listed as an account receivable.

(3) 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.

(4) 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.

(5) As used in this section "address" includes street number and name or rural route number, city and state. [Formerly 260-162; 1981 c.234 §11; 1985 c.732 §5; 1989 c.80 §4; 1989 c.503 §42; 1989 c.1054 §12]

260.085 Listing of occupation of contributor; procedure when occupation is unknown. (1) A statement required by ORS 260.083 to list the occupation of a contributor shall list the occupation of the contributor on the first statement filed under ORS 260.058 to 260.073 after the contribution is received if the occupation is known to the candidate or political committee filing the statement.

(2) If a statement required by ORS 260.083 to list the occupation of a contributor does not list the occupation of the contributor on the first statement filed under ORS 260.058 to 260.073 after the contribution is received, the candidate or political committee shall file with the filing officer doc-

umentation of a written request to the contributor to furnish the contributor's occupation.

(3) If a candidate or political committee receives a contribution that does not identify the occupation of the contributor, the candidate or political committee shall make a written request to the contributor to furnish the occupation of the contributor within 10 days after receiving the contribution.

(4) Documentation of a written request under subsection (3) of this section shall be filed with the first statement under ORS 260.058 to 260.073 that is filed at least 10 days after the contribution is received.

(5) If a candidate or political committee receives information identifying the occupation of a contributor after making a written request under subsection (3) of this section, the candidate or political committee shall include the contributor's occupation in the next statement filed under ORS 260.058 to 260.073.

(6) The filing officer shall be in compliance with law by accepting the information described in this section. [1989 c.80 §3]

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]

260.100 [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 Filing of certificate by candidate or political committee who expects neither contributions nor expenditures to exceed \$500; time for filing. (1) A candidate, other than a candidate for federal or political party office, 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 \$500 in total amount during the total period described in ORS 260.058 (1), 260.063 (1), 260.068 (1) or 260.073 (1) shall file a certificate to that effect. The candidate or treasurer shall make the certificate according to the best of the knowledge or belief of the candidate or treasurer. The certificate shall be filed:

(a) By a candidate, not sooner than the date on which the candidate files a declaration of candidacy or nominating petition, accepts a nomination or is nominated to fill a vacancy in a nomination or in a partisan elective office, and not later than the 29th day before the date of the election.

(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 the 29th day before the date of the election.

(2) A candidate or political committee under this section must keep contribution and expenditure records during the applicable total period described in ORS 260.058, 260.063, 260.068 or 260.073.

(3) If at any time following the filing of a certificate under subsection (1) of this section and during the total period described in ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1) either the aggregate contributions or aggregate expenditures exceed \$500, the candidate, other than a candidate for federal or 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 ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1). [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]

260.118 Chief petitioner of initiative, referendum or recall petition to file information statement; contributions and expenditures. (1) Not later than the 15th day after the date an initiative, referendum or recall petition is filed with the filing officer for verification of signatures, and not later than the 15th day after the last day for filing for prospective petitions not completed or filed, the chief petitioners of the initiative or referendum petition or the chief petitioner of the recall petition shall file with the filing officer a statement described in this section.

(2) A statement filed under this section shall include the following information:

(a) The name and address of the chief petitioner.

(b) A designation of the measure proposed to be initiated or referred or the officer whose recall is demanded.

(c) A statement conforming to ORS 260.083 of contributions received and expenditures made by or on behalf of the chief petitioners to the date on which the statement is filed. If the statement is filed by a chief petitioner of a recall petition, the statement need only report the contributions received and the expenditures made by or on behalf of the chief petitioner and political committee the chief petitioner represents, if any, after the date on which the statement of contributions and expenditures required under ORS 249.865 is filed. [1983 c.71 §6; 1985 c.808 §57; 1987 c.210 §2; 1987 c.727 §8]

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 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 candi-

date 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]

(Political Contribution Checkoff)

260.165 Payment of moneys by Department of Revenue to political party; distribution of moneys by political party; eligibility of political party to receive moneys. (1)(a) Not less than once each year ending June 30, moneys designated for a major or minor political party by individual taxpayers under ORS 316.487, less the amount appropriated for administrative costs as provided in paragraph (b) of this subsection, shall be paid to the treasurer of the political party by the Department of Revenue. The Department of Revenue shall determine the procedure for payment by administrative rule.

(b) Of the moneys designated for a major or minor political party under ORS 316.487, not more than three percent per fiscal year ending June 30 are continuously appropriated for use in reimbursing the General Fund for costs of administering the checkoff program established under ORS 316.487.

(2) Of the moneys paid to the treasurer of a major political party under subsection (1) of this section:

(a) The treasurer shall distribute not less than 50 percent of the moneys to the treasurers of the county central committees of the party; and

(b) Not less than 50 percent of the moneys remaining after the distribution to the county central committees under this subsection shall be paid to candidates of the major political party.

(3) Not less than 50 percent of the moneys paid to the treasurer of a minor political party under subsection (1) of this section shall be distributed to candidates of the minor political party.

(4) Of the moneys distributed to the county central committees of a major political party under subsection (2) of this section, not less than 50 percent of the moneys received by each county central committee shall be distributed to candidates of the major political party.

(5) The state central committee of a major political party shall adopt bylaws establishing a formula for the distribution of moneys to the treasurers of the county central committees under subsection (2) of this section.

(6) A major political party, as defined in ORS 248.006, shall be eligible to receive moneys under this section only if the state central committee of the major political party is organized in compliance with ORS 248.075. The Department of Revenue shall not distribute moneys under this section to a major political party if the department receives notice from the Secretary of State under ORS 248.095. [1987 c.902 §9, 1989 c.986 §2; 1989 c.987 §30]

260.170 Contribution and expenditure reporting; limits on distribution of moneys by political party. (1) A payment to a political party under ORS 260.165 shall be considered a contribution to that party and shall be maintained by the treasurer of the party in an account separate from all other assets of the party.

(2) For the purpose of reporting under ORS 260.058 to 260.156, a separate accounting shall be made of all expenditures of moneys received by treasurers of the political parties from the Department of Revenue.

(3) The accounting and reporting provisions of this section are applicable to the treasurers of county central committees with respect to moneys received by them pursuant to ORS 260.165.

(4) Any moneys paid to the treasurers of the political parties under ORS 260.165 and moneys distributed to county central committees of major political parties under ORS 260.165 may be paid to candidates by the treasurer of a political party or by a county central committee only during the period following the primary election and before the general election. [1987 c.902 §10]

260.175 Prohibited uses of moneys paid to political party. Moneys paid to the treasurers of the political parties under ORS 260.165 and moneys distributed to county central committees under ORS 260.165 shall not be used for any of the following purposes:

(1) To support or oppose any candidate for the nomination of a political party.

(2) To reduce a candidate's deficit remaining after the date of the general election.

(3) To support or oppose any ballot measure. [1987 c.902 §11]

(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, 260.058 to 260.083, 260.102, 260.112 and 260.118 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; 1985 c.808 §58]

260.205 Inspection of statements; notice of failure to file correct statements.

(1) A filing officer shall inspect each statement filed under ORS 260.058 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 260.058 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 before a judge, justice of the peace, county clerk or notary public 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. [1971 c.749 §18, 1979 c.190 §357; 1981 c.142 §6; 1985 c.808 §59]

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

260.215 Examination and investigation of statements by filing officers. (1) 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 260.058 to 260.156, other than a statement filed under ORS 260.118, to determine whether the statement is sufficient. 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 inquiry shall advise the person concerned of the penalty for failure to answer.

(2) Subsection (1) of this section applies in regard to a statement filed under ORS 260.118, except that the filing officer shall examine such a statement not later than the third month after the date the statement is

filed. [1971 c.749 §19; 1973 c.744 §19; 1979 c.190 §358; 1981 c.142 §7, 1983 c.71 §7]

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 the sufficiency of statements filed under ORS 260.058 to 260.156.

(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]

Note: 216.218 was added to and made a part of ORS chapter 280 but was not added to any smaller series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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 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 260.058 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 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]

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. (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 260.058 to 260.156.

(b) Failure to include in a statement filed under ORS 260.058 to 260.156 the information required under ORS 260.083, 260.102 or 260.118.

(2) If a person required to file has not filed a statement or certificate complying with applicable provisions of ORS 260.058 to 260.156 within the time specified in ORS 260.058, 260.063, 260.068, 260.073, 260.078 or 260.118, 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 183.550.

(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 after the date on which the statement or certificate is due until the day a sufficient statement is filed or omitted information is supplied. However, the Secretary of State, upon a showing of mitigating circumstances, may reduce the amount of the penalty.

(7) The Secretary of State may record the order assessing the penalty, or a certified

copy of the order, with the clerk of any county 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 recorded in the County Clerk Lien Record and may be enforced in the same manner as a judgment. [1979 c.190 §360; 1979 c.519 §34a; 1981 c.234 §13; 1983 c.71 §8, 1985 c.471 §14]

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 260.058 or in the filing of a certificate in lieu of the statement required by ORS 260.058, 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; 1981 c.234 §14, 1985 c.808 §61]

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 260.058 and 260.068. [1971 c.749 §22; 1973 c.744 §22; 1977 c.829 §21; 1979 c.190 §362; 1981 c.234 §15]

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 260.058 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 for each election a summary of the statements filed with the secretary under ORS 260.058 (1), 260.063 (1), 260.068 (1) and 260.073 (1) 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; 1981 c.234 §16]

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 260.058 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. The Secretary of State or Attorney General shall not accept an anonymous complaint.

(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. 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.

(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:

(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 de-

termine 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 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 has occurred and shall make any investigation the Attorney General considers necessary. If the Attorney General believes after an investigation that a violation of election law has occurred, the Attorney General may impose a civil penalty as provided in 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 the election laws is alleged to have occurred, or 90 days following the date the violation of the election laws is alleged to have occurred, whichever is later.

(8) 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, 1987 c.718 §2; 1987 c.727 §9; 1989 c.171 §35; 1989 c.301 §1; 1989 c.571 §2]

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]

260.370 [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 [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 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 any political committee or 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 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 any political committee or 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 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 prohibited by state law when on the job during working hours.

(4) As used in this section:

(a) "Public employee" does not include an elected official.

(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 §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]

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) Except as provided in this section, no person shall cause to be printed, posted, broadcast, mailed, circulated or otherwise published, any written matter, photograph or broadcast relating to any election or to any candidate or measure at any election, unless it states the name and address of the person responsible for the publication, including a statement that the publication was authorized by the person.

(2) A radio broadcast which complies with the requirements of the Federal Communications Act and regulations under it is not required to state the address of the person responsible for the broadcast if the person responsible for the broadcast is a candidate or political committee.

(3) The prohibition under subsection (1) of this section does not apply to:

(a) Any sign relating to a candidate if the candidate or the principal campaign committee of the candidate is responsible for the

sign and the sign displays the name of the candidate; or

(b) Any written matter relating to a measure at any election prepared under the direction of the governing body of the city, county or district that referred the measure if the written matter is impartial, neither supports nor opposes passage of the measure and contains the name and address of the city, county or district.

(4) 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.

(5) "Address" for purposes of this section means the address of a residence, office, headquarters or similar location where the person may be conveniently located. If the person is a political committee, the address shall be the address of the political committee included in the statement of organization under ORS 260.042. [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]

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, 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) 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.

(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) A plaintiff who prevails in an action provided by subsection (4) of this section may recover compensatory damages for all injury suffered by the plaintiff by reason of the false statement of material fact. Proof of entitlement to compensatory damages must be by a preponderance of evidence. Any prevailing party is entitled to recover reasonable attorney fees at trial and on appeal.

(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. In an action brought by a political committee as provided by subsection (4) of this section, the plaintiff may recover compensatory damages for all injury to the purpose of the committee by reason of the false statement of material fact. 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, 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.

(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 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]

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]

260.545 Use of candidate name in way implying candidate is incumbent. No person shall use the name of a candidate in a way that implies that the candidate is the incumbent in office in any material, statement or publication supporting the election of a candidate unless the candidate is qualified to use the term "reelect" under ORS 260.542 or the candidate:

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

(2) Was appointed from the same district from which the candidate is seeking election, or if district boundaries have 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 appointed; and

(3) Is serving and has served continuously in that office since the date of appointment. [1987 c.826 §2]

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 employee shall knowingly make a false certification concerning an initiative, referendum or recall petition. [1979 c.190 §376]

260.560 Obtaining signatures on petition by person who is not elector prohibited. A person who is not an elector shall not attempt to obtain signatures on an initiative, referendum or recall petition. [1983 c.514 §16; 1985 c.808 §64]

260.565 [Formerly 254.590, 1981 c.234 §18, repealed by 1983 c.756 §13]

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 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 telecommunications utility or its agents or officers shall offer or give to a political committee or a member or employee 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 or telecommunications utility.

(2) No political committee, member or employee of the committee, or candidate or incumbent shall ask for or accept from a public utility or telecommunications 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 or telecommunications utility.

(3) As used in this section, "public utility" has the meaning given that term in ORS 757.005.

(4) As used in this section, "telecommunications utility" has the meaning given that term in ORS 759.005. [1979 c.190 §381; 1987 c.447 §106]

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 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 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;

(g) Challenge or refrain from challenging a person offering to vote; or

(h) Apply or refrain from applying for an absentee ballot.

(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;

(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;

(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]

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 elector 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 elector, 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 an elector other than an absent elector 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 ballots. (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 Criminal penalties. (1) The penalty for violation of ORS 260.532 is limited to that provided in ORS 260.532 (5) and (7).

(2) Violation of ORS 260.402, 260.555, 260.575, 260.615, 260.645, 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 (5) is a Class A misdemeanor. [1979 c 190 §393, 1983 c 514 §17; 1983 c.756 §2; 1985 c.808 §65; 1987 c.718 §4]

260.995 Civil penalties. (1) Following an investigation under ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to exceed \$250 for each violation of any provision of Oregon Revised Statutes relating to the conduct of

any election or any other matter preliminary to or relating to an election, for which no penalty is otherwise provided.

(2) The Secretary of State or Attorney General by certified mail shall notify the person subject of a violation that a penalty may be imposed and that the person has 20 days to request a hearing before the Secretary of State or Attorney General. The notice must include:

(a) A reference to the particular statutory section involved;

(b) A short and plain statement of the matter asserted or charged as a violation;

(c) A statement of the amount of penalty that may be imposed;

(d) The date and time of the hearing;

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

(f) If the person is an agency, corporation or an unincorporated association, 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.

(3) A hearing on whether to impose a civil penalty and to consider circumstances in mitigation shall be held by the Secretary of State 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 (2) of this section; or

(b) Upon the Secretary of State's or Attorney General's own motion.

(4) 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, sworn to before a notary public, to the Secretary of State or Attorney General for entry in the hearing record. Such documents must be received by the Secretary of State or Attorney General not later than the time set for the hearing.

(5) All hearings shall be conducted pursuant to the applicable provisions of ORS 183.310 to 183.550.

(6) The Secretary of State or Attorney General may record the order assessing the penalty, or a certified copy of the order, with the county clerk of any county 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, if an appeal is taken.

(7) The order assessing the penalty shall be recorded in the County Clerk Lien Record and shall be enforced in the same manner as a judgment.

(8) Except as provided in this subsection, all penalties recovered under this section shall be paid into the State Treasury and credited to the General Fund. A penalty that is recovered from a person who violated ORS 260.432 (1) or from a public employee who violated ORS 260.432 (2) shall be remitted as follows:

(a) If the public employee involved is an employee of the state or any of its agencies or institutions, the penalty shall be paid into the State Treasury and credited to the General Fund.

(b) If the public employee involved is an employee of a city, county or other political subdivision, the penalty shall be paid to the city, county or other political subdivision. [1987 c.718 §1]

Note: 260.995 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 260 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation