



# City Commission **Candidate Packets**

**2024**

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  - c. Campaign Finance Manual
  - d. "A Guide for Public Officials" from Oregon Government Ethics Commission
  - e. "So, you want to run for local office..." from the League of Oregon Cities



May 20, 2024

Dear Prospective Candidate:

Attached is the Candidate Information Packet for the upcoming municipal election that will be held on **November 5, 2024**. It contains a variety of information regarding filing requirements and finance reporting. You can also access the information on the City's website at [www.warrentonoregon.us](http://www.warrentonoregon.us). You can file beginning June 5, 2024. **The deadline to file with the City Recorder's Office is August 27, 2024.**

The City of Warrenton has three positions open for election in November:

- 1) Position #1; Commissioner Gerald Poe – term expires December 31, 2024
- 2) Position #2; Commissioner Mark Baldwin – term expires December 31, 2024
- 3) Position #3; Commissioner Tom Dyer – term expires December 31, 2024

All positions are for 4-year terms set to expire on December 31, 2028.

The filing of financial documents must be done electronically through the Oregon Secretary of State, Elections Division website at <http://sos.oregon.gov/elections/Pages/orestar.aspx>.

Please contact the County Clerk regarding questions about the Voter's Pamphlet and deadline.

If you have any questions, please feel free to contact me by phone, email or in person. Please schedule an appointment with me to file your election documents. I look forward to working with you through the election process.

Sincerely,

*Dawne Shaw*

Dawne Shaw, CMC  
City Recorder/Elections Officer  
City of Warrenton  
P.O. Box 250/225 S. Main Avenue  
Warrenton, OR 97146  
(503)861-0823  
[cityrecorder@warrentonoregon.us](mailto:cityrecorder@warrentonoregon.us)

## Elections Calendar - 2024

- May 23, 2024** Candidate packets available from Warrenton City Records' Office.
- June 5, 2024** Candidate filing begins.
- August 27, 2024** Deadline is 5:00 p.m. for filing for candidacy with the City Recorder, City of Warrenton. See "How to File". **Note: If you are filing by petition, signatures must be submitted with sufficient time to be verified with the County Elections Office BEFORE the filing deadline. Complete Form SEL338 to submit with signature sheets.**
- September 9, 2024** Deadline for candidates to submit information to the County Elections Office for inclusion in the Voter Pamphlet.
- August 30, 2024** Deadline for withdrawal of candidacy
- November 5, 2024** Election Day

## **Qualifications for Candidacy**

### Requirements:

- Must be a registered voter in the State of Oregon.
- Must be a resident of the City of Warrenton.
- All forms must be properly completed and returned to Dawne Shaw, City Recorder, at Warrenton City Hall no later than 5:00 p.m. on August 27, 2024

## How to File

The County, City, and District Candidate manual will guide you through the process to run for Warrenton City Commission.

The manual is also available on the Secretary of State's website at <http://oregonvotes.org/pages/publications/manuals/index.html>. All required forms are available on the Secretary of State's website at <http://sos.oregon.gov/elections/Pages/electionforms.aspx>.

### **Step 1. Register\* Your Campaign Committee:**

Prospective candidates shall file a Candidate's Statement of Organization form (SEL 220) and Campaign Account Information form (SEL 223) with the Oregon Secretary of State's Elections Division.

**This filing must take place within three (3) business days of receiving the first contribution or making an initial expenditure.**

These filings are done electronically, and additional instructions can be accessed at [https://secure.sos.state.or.us/oim/login?oimAction=login&p\\_a\\_cd=EIM&p\\_fp\\_gurl=https://secure.sos.state.or.us/orestar/jsp/index.jsp](https://secure.sos.state.or.us/oim/login?oimAction=login&p_a_cd=EIM&p_fp_gurl=https://secure.sos.state.or.us/orestar/jsp/index.jsp). From this website, you can login and register with ORESTAR. For additional information, contact the Oregon State Elections Division at 1-503-986-1518.

- [SEL 220 Statement of Organization](#)
- [SEL 223 Campaign Account Information](#)

**\*Note:** A candidate is ***not*** required to establish a campaign account, file a Statement of Organization, or file contribution and expenditure reports, if ***ALL THREE*** of the following conditions are met:

1. *The candidate serves as the candidate's own treasurer;*
2. *The candidate does not have an existing candidate committee; AND*
3. *The candidate does not expect to receive or spend more than \$750 during a calendar year.*

### **Step 2. Two Options for Filing for Candidacy:**

Candidates shall complete form **SEL 101**, indicating whether they are filing by fee or by petition. You must also clearly indicate which city commission position you are filing for.

Positions Open:	Commissioner, Position No. 1 (four-year term)
	Commissioner, Position No. 2 (four-year term)
	Commissioner, Position No. 3 (four-year term)

### **Option 1 - Candidates Filing by Declaration**

Per City of Warrenton Municipal Code (1.16.010), you have the option of filing a \$25.00 fee in lieu of obtaining signatures on a petition. Please make check payable to **"City of Warrenton."** You must indicate on your form which Commission Position number you are filing for. Complete the SEL 101 form and file with the City Recorder, along with your fee.

### **Option 2 - Candidates Filing by Petition**

Signature sheets (form SEL 121) must be approved by the City Recorder before you begin to gather signatures. The general information on the top should be completed before submitting to the City Recorder. After your petition is approved, the City Recorder will return the form to you to start the gathering of signatures. Copies of this form should be made, and each sheet numbered before circulation.

After receiving approval from the City Recorder, circulate the approved petition (SEL 121) for signatures. Warrenton candidates must collect **50 valid signatures** to place a candidate on the ballot. *It is recommended that you collect more than the required number of signatures.*

**Please note that a person cannot sign a nomination petition unless they are already registered to vote in Clatsop County.**

Remember, you must indicate on your forms which City Commission Position number you are filing for. Complete the two forms listed below and file them with the City Recorder.

- [SEL 101 Candidate Filing for Nonpartisan](#)
- [SEL 121 Candidate Signature Sheet | Nonpartisan](#)

**Note: Complete Form SEL 338 with each submission of signature sheets (SEL 121).**

### **Step 3. File Your Completed Petition:**

Please submit the signature sheets (SEL 121) and form SEL 338 in advance of the August 27, 2024, filing deadline. The candidate must allow sufficient time to have the signatures verified before the filing deadline. **Filing deadline: 5:00 p.m. on August 27, 2024.**

**Please return all required forms to Dawne Shaw, City Recorder, at Warrenton City Hall, 225 S. Main Ave., Warrenton, OR 97146.**

### **Step 4. Follow Campaign Finance Reporting Requirements:**

Please refer to the *Campaign Finance Manual* for instructions and a schedule of filing deadlines. Campaign Finance forms are filed with the Secretary of State's Elections Division.

### **Voters' Pamphlet Information**

Candidates can file a statement in the Voters' Pamphlet with Clatsop County Elections Division. The deadline for submission is September 9, 2024, and the fee is \$50.

Instructions and forms for filing a candidate statement for inclusion in the Voters' Pamphlet with the County are available online at <http://www.co.clatsop.or.us/clerk>.

Contact the Clatsop County Elections Division at 503-325-8511 for further information.



## **Political Signs**

No signs on city property or in rights-of-way. Follow county regulations (below).

### County Political Sign Regulations:

Temporary (including campaign) signs: In residential, commercial and industrial zones signs placed for a period of not more than six consecutive months are allowed provided they meet the following standards: (A) The sign may not exceed thirty-two (32) square feet. (B) The sign may not be illuminated. (C) The sign shall be removed from the premises fifteen (15) days following the event being advertised or six months after first placement, whichever is earliest.

<b>Election Offices</b>
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**City of Warrenton**

Dawne Shaw, City Recorder  
225 S. Main Ave.

Mailing: P.O. Box 225  
Warrenton, OR 97146

[www.warrentonoregon.us](http://www.warrentonoregon.us)

**503-861-0823 Direct line**

**503-861-2233 Main line**

**Clatsop County Elections**

820 Exchange St., Suite 220  
Astoria, Oregon 97103

[www.co.clatsop.or.us/clerk](http://www.co.clatsop.or.us/clerk)

**503-325-8511**

**State of Oregon Elections Division**

255 State Capitol Street NE, Suite 501  
Salem, OR 97310

[www.sos.state.or.us/elections](http://www.sos.state.or.us/elections)

**503-986-1518**

**1-866-673-8683**

# Candidate Filing

## Major Political Party or Nonpartisan

**SEL 101**rev 01/24  
ORS 249.031

Filing Dates		Candidate Filing	Candidate Withdrawal
Primary Election May 21, 2024	First Day to File	September 14, 2023	March 15, 2024
	Last Day to File	March 12, 2024	
General Election November 5, 2024	First Day to File	June 5, 2024	August 30, 2024
	Last Day to File	August 27, 2024	

<b>Filing Information</b>	
This filing is an	<input type="checkbox"/> Original <input type="checkbox"/> Amendment

<b>Office Information</b>			
Filing for Office of:			
District, Position or County:			
Party Affiliation:	<input type="checkbox"/> Democratic Party	<input type="checkbox"/> Republican Party	<input type="checkbox"/> Nonpartisan
Incumbent Judge (for judicial candidates only):	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Nondisclosure on file

<b>Filing Method</b>			
<input type="checkbox"/> Fee			
<b>Office</b>	<b>Filing Fee</b>	<b>Office</b>	<b>Filing Fee</b>
United States President	n/a	District Attorney	\$50
United States Vice President	n/a	County Judge	\$50
United States Senator	\$150	MSD Executive Officer, MAD Director	\$100
United States Representative	\$100	MSD Councilor	\$25
Statewide Offices	\$100	County Office	\$50
State senator or Representative	\$25	City Office	Set by charter or ordinance
Circuit Court Judge	\$50	Justice of the Peace	n/a
<input type="checkbox"/> Prospective Petition, in lieu of filing fee		Some circulators may be paid	<input type="checkbox"/> Yes <input type="checkbox"/> No

<b>Candidate Information</b>				
<b>Name of Candidate</b>				
First	MI	Last		
<b>How you would like your name to appear on the ballot</b>				
<b>Candidate Residence / Route Address</b>				
Street Address	City	State	Zip	County
<b>Candidate Mailing Address and Contact Information</b> Only one phone number and an email is required.				
Street Address or PO Box	City	State	Zip	
Work Phone	Home Phone	Cell Phone		
Email Address	Web Site, if applicable			
<b>Race and Ethnicity</b> Optional				

Continued on page 2 of this form

**Occupation (present employment)** If not employed, enter "Not Employed".

**Occupational Background (previous employment)** If no relevant experience, None or NA must be entered.

**Educational Background (schools attended)**

Complete name of School	Last Grade completed	Diploma/Degree/Certificate	Course of Study
-------------------------	----------------------	----------------------------	-----------------

**Educational Background (other)** Attach a separate sheet if necessary.

**Prior Governmental Experience (elected or appointed)** If no relevant experience, None or NA must be entered.

**Campaign Finance Information** Not applicable to candidates for federal office.

A candidate must file a Statement of Organization not later than three business days of first receiving a contribution or making an expenditure and no later than the deadline for filing a nominating petition, declaration of candidacy, or certificate of nomination, whichever occurs first, unless they meet the criteria for an exemption. To meet the criteria, the candidate must serve as their own treasurer, not have an existing candidate committee, and not expect to spend or receive more than \$750 during the entire calendar year (including in-kind contributions and personal funds).

If you have an existing candidate committee you must amend the statement of organization not later than 10 days after a change in information. This includes changes to the election you are active in and the office you are running for.

See the Campaign Finance Manual for the procedural and legal requirements of establishing and maintaining a candidate committee.

**Residence Address Exemption**

To exempt your residence address from public disclosure, complete form [SEL 180 – Residence Address Exemption Request](#). The request for a Residence Address Exemption MUST include a publicly disclosable mailing address. See the Candidates Manual for further information.

☐ I don't want my residence address to be disclosed. I will be filing a separate [SEL 180 – Residence Address Exemption Request](#).

**Candidate Attestation**

*By signing this document, I hereby state that:*

- I will accept the nomination for the office indicated above;
- I will qualify for said office if elected;
- All information provided by me on this form is true to the best of my knowledge; **and**
- No circulators will be compensated based on the number of signatures obtained by the circulator on a prospective petition

**For Major Political Party Candidates**

- if not nominated, I will not accept the nomination or endorsement of any political party other than the one named
- I have been a member of said political party, subject to the exceptions stated in ORS 249.046, for at least 180 days before the deadline for filing a nominating petition or declaration of candidacy (ORS 249.031). Does not apply to candidates filing for the office of US President.



**Warning**

Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. (ORS 260.715). A person may only file for one lucrative office or not more than one precinct committee person at the same election. Unless the person has withdrawn from the first filing, **all** filings are invalid. (ORS 249.013 and ORS 249.170)

\_\_\_\_\_  
**Candidate Signature**


\_\_\_\_\_  
**Date**

Candidate Signature Sheet | Nonpartisan

Petition ID \_\_\_\_\_

☐ SOME Circulators    ☐ No Circulators    for this petition are being paid.


This is a candidate nominating petition. Signers of this page must be active registered voters in the county listed.

 Signatures must be verified by the appropriate county elections official before the petition can be filed with the filing officer.

County \_\_\_\_\_

Candidate Information	
Name	Office
Election	District or Position Number (include city if applicable)

To the Elections Official/Filing Officer, We the undersigned voters, request the candidate’s name be placed on the ballot at the election listed above for nomination to the office indicated.

 Signers must initial any changes the circulator makes to their printed name, residence address or date they signed the petition.

Signature	Date Signed	mm/dd/yy	Print Name	Residence or Mailing Address	street, city, zip code
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

**Circulator Certification** This certification **must** be completed by the circulator and additional signatures **should not** be collected on this sheet once the certification has been signed and dated!  
I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet, and I believe each person is a voter qualified to sign the petition (ORS 249.061). I also hereby certify that compensation I received, if any, was not based on the number of signatures obtained for this petition.

Circulator Signature	Date Signed	mm/dd/yy		
Printed Name of Circulator			Circulator’s Address	street, city, zip code

Sheet Number
Completed by
Candidate

# Petition Submission

## Candidate, Voters' Pamphlet

SEL 338

rev. 01/22  
OAR 165-010-0005, 165-016-0000

→ This form must be completed and filed with any submission of signatures.

Election Type			Year		
<input type="checkbox"/> Primary	<input type="checkbox"/> General	<input type="checkbox"/> Special Election	<input type="checkbox"/> 2022	<input type="checkbox"/> 2023	<input type="checkbox"/> 2024

Petition Information
Petition ID/Candidate's Name

Type of Filing	Number of Signatures Submitted
<input type="checkbox"/> Candidate Nominating	
<input type="checkbox"/> Voters' Pamphlet, Candidate	
<input type="checkbox"/> Voters' Pamphlet, Measure	

Candidate's Nominating/Voters' Pamphlet Filing
→ By signing this document, I hereby state that all information on the form is true and correct to the best of my knowledge.

Name	Contact Phone	Email Address
Signature		Date Signed

Measure Argument Filing
→ By signing this document, I hereby state that all information on the form is true and correct to the best of my knowledge.

Name	Contact Phone	Email Address
Signature		Date Signed

For office use only	
Submittal number	Number of signatures accepted
Is the petition complete? <input type="checkbox"/> Yes <input type="checkbox"/> No	Will there be additional submittals? <input type="checkbox"/> Yes <input type="checkbox"/> No

Candidate Filing  
Withdrawal

SEL 150

rev 06/23 ORS 249.170, ORS 249.180  
ORS 249.830, ORS 255.235

Withdrawal Deadlines

<b>2024 Primary Election</b> March 15, 2024	<b>2024 General Election</b> August 30, 2024	<b>2025 District Election</b> March 20, 2025
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 All information must be completed or the form will be rejected.

This filing is an ☐ Original ☐ Amendment

<b>Withdrawal from Candidacy or Nomination for Office Information</b>			
Office of:			
District, Position or County:			
<input type="checkbox"/> Withdrawal from Candidacy			
<input type="checkbox"/> Withdrawal from Nomination: Please indicate below what party or parties you are withdrawing from:			
<input type="checkbox"/> Constitution	<input type="checkbox"/> Democratic	<input type="checkbox"/> Independent	<input type="checkbox"/> Libertarian
<input type="checkbox"/> Pacific Green	<input type="checkbox"/> Progressive	<input type="checkbox"/> Republican	<input type="checkbox"/> Working Families

Candidate and Nominee Information

<b>Name of Candidate</b>			
First	MI	Last	Suffix

Candidate Residence/Route Address

Street Address	City	State	Zip
----------------	------	-------	-----

Candidate Mailing Address and Contact Information: Only one phone number and an email are required.

Street Address or PO Box	City	State	Zip
Work Phone	Home Phone	Cell Phone	Fax
Email Address (required)	Web Site, if applicable		

Withdrawal Reason

I submit notice of withdrawal from candidacy or nomination to the above named office. My reason for withdrawal is:

By signing this document, I hereby state that:

- I withdraw my candidacy or nomination for the office stated above and
- The reasons provided by me on this form for withdrawal are true.



Warning

Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. (ORS 260.715).


Candidate's Signature

Date Signed

# County, City, and District Candidate Manual

*Published by*

Elections Division  
255 Capitol St NE, Suite 126  
Salem, OR 97310-0722

 503 986 1518  
**fax** 503 373 7414  
**tty** 1 800 735 2900  
[www.oregonvotes.gov](http://www.oregonvotes.gov)

*Adopted by*

Oregon Administrative Rule No. 165-010-0005



## Secretary of State

Elections Division Rev. 01/2024



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# Using This Manual

## Icons

The following icons are used in this manual to emphasize information:


**alert icon**

indicates alert; warning; attention needed


**deadline icon**

indicates a deadline


**form icon**

indicates a reference to a form


**info icon**

indicates additional information


**petition sheet icon**

indicates a reference to a signature sheet


**search icon**

indicates information located elsewhere

## Help

For help, please contact:

Elections Division  
255 Capitol St NE Suite 126  
Salem OR 97310

**503 986 1518**  
 **503 373 7414**

**[elections.sos@sos.oregon.gov](mailto:elections.sos@sos.oregon.gov)**  
 **[www.oregonvotes.gov](http://www.oregonvotes.gov)**

**1 866 673 8683**  
se habla español

**tty 1 800 735 2900**  
for the hearing impaired

## Other Assistance

For city candidate assistance contact your city administrator or city recorder (auditor). For county and district candidate assistance, contact your county:

**Baker County**

1995 Third St, Ste 150  
Baker City, OR 97814-3365  
541-523-8207/TTY 800-735-2900  
[skirby@bakercountyor.gov](mailto:skirby@bakercountyor.gov)

**Benton County**

4500 SW Research Way, 2nd Floor  
Corvallis, OR 97333  
541-766-6756/TTY 541-766-6080  
[elections@bentoncountyor.gov](mailto:elections@bentoncountyor.gov)

**Clackamas County**

1710 Red Soils Ct, Ste 100  
Oregon City, OR 97045-4300  
503-655-8510/TTY 503-655-1685  
[elections@clackamas.us](mailto:elections@clackamas.us)

**Clatsop County**

820 Exchange St, Ste 220  
Astoria, OR 97103-4609  
503-325-8511/TTY 800-735-2900  
[clerk@clatsopcounty.gov](mailto:clerk@clatsopcounty.gov)

**Columbia County**

Courthouse 230 Strand St.  
St Helens, OR 97051-2040  
503-397-3796/TTY 503-397-7246  
[elections@columbiacountyor.gov](mailto:elections@columbiacountyor.gov)

**Coos County**

Courthouse 250 N Baxter St.  
Coquille, OR 97423-1875  
541-396-7610/TTY 800-735-2900  
[coosclerk@co.coos.or.us](mailto:coosclerk@co.coos.or.us)

**Crook County**

Courthouse 300 NE Third St, Rm 23  
Prineville, OR 97754-1919  
541-447-6553/TTY 541-416-4963  
[elections@crookcountyor.gov](mailto:elections@crookcountyor.gov)

**Curry County**

94235 Moore St, Ste 212  
Gold Beach, OR 97444-97055  
541-247-3297 or 877-739-4218  
[clerk@co.curry.or.us](mailto:clerk@co.curry.or.us)

**Deschutes County**

PO Box 6005  
Bend, OR 97708-6005  
541-388-6547/TTY 1-800-735-2900  
[elections@deschutescounty.gov](mailto:elections@deschutescounty.gov)

**Douglas County**

PO Box 10  
Roseburg, OR 97470-0004  
541-440-4252/TTY 1-800-735-2900  
[elections@douglascountyor.gov](mailto:elections@douglascountyor.gov)

**Gilliam County**

PO Box 427  
Condon, OR 97823-0427  
541-351-9491/TTY 800-735-2900  
[ellen.wagenaar@co.gilliam.or.us](mailto:ellen.wagenaar@co.gilliam.or.us)

**Grant County**

201 S Humbolt, Ste 290  
Canyon City, OR 97820-6186  
541-575-1675  
[percycb@grantcounty-or.gov](mailto:percycb@grantcounty-or.gov)

**Harney County**

450 N Buena Vista Ave, Ste 14  
Burns, OR 97720-1565  
541-573-6641  
[elections@harneycountyor.gov](mailto:elections@harneycountyor.gov)

**Hood River County**

601 State St  
Hood River, OR 97031-1871  
541-386-1442/TTY 800-735-2900  
[elections@hoodrivercounty.gov](mailto:elections@hoodrivercounty.gov)

**Jackson County**

1101 W Main St, Ste 201  
Medford, OR 97501-2369  
541-774-6148/TTY 800-735-2900  
[elections@jacksoncountyor.gov](mailto:elections@jacksoncountyor.gov)

**Jefferson County**

Courthouse 66 SE D St, Ste C  
Madras, OR 97741-1739  
541-475-4451/TTY 800-735-2900  
[elections@jeffco.net](mailto:elections@jeffco.net)

**Josephine County**

PO Box 69  
Grants Pass, OR 97528-0203  
541-474-5243/TTY 1-800-735-2900  
[clerk@josephinecounty.gov](mailto:clerk@josephinecounty.gov)

**Klamath County**

305 Main St  
Klamath Falls, OR 97601-6332  
541-883-5134/TTY 800-735-2900  
[elections@klamathcounty.org](mailto:elections@klamathcounty.org)

**Lake County**

513 Center St.  
Lakeview, OR 97630-1539  
541-947-6006/TTY 800-735-2900  
[elections@co.lake.or.us](mailto:elections@co.lake.or.us)

**Lane County**

275 W 10th Ave.  
Eugene, OR 97401-3008  
541-682-4234  
[elections@lanecountyor.gov](mailto:elections@lanecountyor.gov)

**Lincoln County**

225 W Olive St, Rm 201  
Newport, OR 97365-3811  
541-265-4131/TTY 800-735-2900  
[countyclerk@co.lincoln.or.us](mailto:countyclerk@co.lincoln.or.us)

**Linn County**

PO Box 100  
Albany, OR 97321-0031  
541-967-3831/TTY 800-735-2900  
[elections@co.linn.or.us](mailto:elections@co.linn.or.us)

**Malheur County**

251 B St. W, Ste 4  
Vale, OR 97918-1375  
541-473-5151/TTY 800-735-2900  
[countyclerk@malheurco.org](mailto:countyclerk@malheurco.org)

**Marion County**

PO Box 14500  
Salem, OR 97309-5036  
503-588-5041 or 800-655-5388  
TTY 503-588-5610  
[elections@co.marion.or.us](mailto:elections@co.marion.or.us)

**Morrow County**

PO Box 338  
Heppner, OR 97836-0338  
541-676-5604/TTY 800-735-2900  
[elections@co.morrow.or.us](mailto:elections@co.morrow.or.us)

**Multnomah County**

1040 SE Morrison St  
Portland, OR 97214-2495  
503-988-8683/TTY 800-735-2900  
[elections@multco.us](mailto:elections@multco.us)

**Polk County**

850 Main St, Rm 201  
Dallas, OR 97338-3179  
503-623-9217/TTY 800-735-2900  
[clerk.elections@co.polk.or.us](mailto:clerk.elections@co.polk.or.us)

**Sherman County**

PO Box 243  
Moro, OR 97039-0365  
541-565-3606/TTY 800-735-2900  
[countyclerk@shermancounty.net](mailto:countyclerk@shermancounty.net)

**Tillamook County**

201 Laurel Ave.  
Tillamook, OR 97141-2311  
503-842-3402/TTY 800-735-2900  
[clerk@tillamookcounty.gov](mailto:clerk@tillamookcounty.gov)

**Umatilla County**

216 SE 4th St, Ste 18  
Pendleton, OR 97801-2699  
541-278-6254/TTY 800-735-2900  
[elections@umatillacounty.gov](mailto:elections@umatillacounty.gov)

**Union County**

1001 Fourth St, Ste D  
La Grande, OR 97850-2100  
541-963-1006/TTY 800-735-2900  
[clerk@union-county.org](mailto:clerk@union-county.org)

**Wallowa County**

101 S River St, Ste 100  
Enterprise, OR 97828-1335  
541-426-4543, option 5/TTY 800-735-2900  
[slathrop@co.wallowa.or.us](mailto:slathrop@co.wallowa.or.us)

**Wasco County**

511 Washington St, Rm 201  
The Dalles, OR 97058-2237  
541-506-2530/TTY 800-735-2900  
[countyclerk@co.wasco.or.us](mailto:countyclerk@co.wasco.or.us)

**Washington County**

2925 NE Aloclek Dr, Ste 170  
Hillsboro, OR 97124  
503-846-5800/TTY 800-735-2900  
[Elections@washingtoncountyor.gov](mailto:Elections@washingtoncountyor.gov)




**Wheeler County**

PO Box 327  
Fossil, OR 97830-0327  
541-763-2374/TTY 800-735-2900  
[bsnowpotter@co.wheeler.or.us](mailto:bsnowpotter@co.wheeler.or.us)





**Yamhill County**

414 NE Evans St  
McMinnville, OR 97128-4607  
503-434-7518/TTY 800-735-2900  
[clerk@yamhillcounty.gov](mailto:clerk@yamhillcounty.gov)

## 2024 Local Elections Calendar

 Last day for	Primary Election		General Election	
	March 12	May 21	August 27	November 5
<b>County Elections Official to Publish</b>				
→ notice of district board election ( <a href="#">ORS 255.075</a> )	December 2, 2023	February 1	May 18	July 18
 Regular district elections are generally held in May of odd numbered years. Districts should contact the county elections official of the county in which the district's administrative office is located for election information.				
<b>County, City or District Candidates to file with Local Elections Official</b>				
→ a declaration of candidacy and required filing fee	January 11	March 12	June 27	August 27
or				
→ a verified nominating petition containing 100% of the required number of signatures				
→ a statement for inclusion in county voters' pamphlet	January 16	March 14	July 1	August 29
→ a statement for inclusion in county voters' pamphlet if the candidate files candidacy with governing body other than county clerk	January 16	March 25	July 1	September 9
 <b>District Candidates:</b> The enabling statutes, or principal act, of a district specifies how board members are elected. Most districts, as defined in <a href="#">ORS 255.012</a> , elect board members at the regular district election which is held in May of odd numbered years or at the Primary or General Election. As provided for in <a href="#">ORS 255.235(2)(a)</a> , the March and August deadlines included above are only applicable if the election is a district's first election to elect board member and are not included in the daily calendar.				

## 2025 Local Elections Calendar

 Last day for	Primary Election		General Election	
	March 11	May 20	August 26	November 4
<b>County Elections Official to Publish</b>				
→ notice of district board election ( <a href="#">ORS 255.075</a> )	November 30, 2024	February 8	May 17	July 26
 Regular district elections are generally held in May of odd numbered years. Districts should contact the county elections official of the county in which the district's administrative office is located for election information.				
<b>Candidates to file with County Elections Official</b>				
→ verified signatures or \$10 filing fee ( <a href="#">ORS 255.235</a> )	January 9	March 20	June 26	September 4
→ statement for inclusion in county voters' pamphlet	January 13	March 24	June 30	September 8
 <b>County and City Candidates:</b> Deadlines applicable to county and city office are not included on this calendar. Candidates for those offices, unless otherwise provided for by charter or ordinance, are elected at the primary or general election. If a county or city charter provides for candidates to be elected at an election other than the primary or general election but does not specify a deadline or adopts the statutory filing deadline, <a href="#">ORS 249.722</a> applies.				
 <b>District Candidates:</b> The enabling statutes, or principal act, of a district specifies how board members are elected. Most districts, as defined in <a href="#">ORS 255.012</a> , elect board members at the regular district election which is held in May of odd numbered years or at the Primary or General Election. The March, August and November deadlines included above, are only applicable if the election is a district's first election to elect board member ( <a href="#">ORS 255.235(2)(a)</a> ). They are not included in the daily calendar.				

# Getting Started

## Types of Public Office

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There are two types of public office in Oregon, partisan and nonpartisan.

### Partisan Offices

A partisan office is an office for which a candidate may be nominated by a major or minor political party or as a nonaffiliated candidate.

Partisan offices include:

- County Commissioner (unless county home rule charter or ordinance specifies otherwise) and
- Precinct Committeeperson.

### Nonpartisan Offices

A nonpartisan office is an office for which a candidate does not run under the name of any political party. All candidates for nonpartisan office must run in the primary election.

Nonpartisan offices include:

County Commissioner (unless county home rule charter or ordinance specifies otherwise), County Clerk, Sheriff, County Assessor, County Auditor, County Treasurer, County Tax Collector, County Surveyor, Justice of the Peace, County Judge who exercises judicial functions, Mayor, City Councilor, Municipal Judge, Board Member, Director of a District, All Special District offices, any elected office of a metropolitan service district under [ORS chapter 268](#), and any office designated nonpartisan by a home rule charter or ordinance.

For local offices not listed, please contact the local elections official to determine whether the office is partisan or nonpartisan.

## Filing Methods for Public Office

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All filings and an accompanying payment of fees required to be filed, must be delivered to, and actually received at the office of the designated officer not later than 5:00:00 pm of the day the document or fee is due.

Generally, candidates may file for public office by:

- submitting a completed candidate filing form and paying the required filing fee, if any;

**or**

- submitting a nominating petition containing the required number of valid signatures.



A prospective petition may be filed at any time. However, candidates need to allow enough time for signature collection and signature verification to be completed by county elections officials prior to the filing deadline.



See the Filing Requirements on pages 9, 10, 19, 21 and 23 for filing fees and deadline to submit completed forms.

Candidate filing forms can be submitted by:

- mail;
  - fax;
- or**
- as a scanned attachment to an email.

## Multiple Nominations to Public Offices

In Oregon, **candidates running for partisan office** may be nominated by multiple political parties. Candidates nominated by more than one party or by other nominating processes may select up to three parties or designations to be printed with their name on the general election ballot.

A candidate may designate the order in which the parties or designations will be listed, with two exceptions:

- If a political party nominates one of its members for a partisan office, that party will be listed first, followed by no more than two additional parties.
- If individual electors or an assembly of electors nominate a nonaffiliated candidate, “nonaffiliated” will be listed first, followed by no more than two additional parties.

When selecting political parties or other designations the following rules apply:

	Candidate is nominated by:	Information and default order listed on ballot:
Member of political party	Party of which the candidate is a member	The ballot lists this party first, followed by two or fewer additional parties in alphabetical order. The candidate may specify a different order for the additional parties.
	Party of which the candidate is not a member	The ballot lists three or fewer parties in alphabetical order. The candidate may specify a different order. If more than three parties nominate the candidate, the candidate may choose which appear.
Not affiliated with any political party	Individual or Assembly of Electors	The ballot lists “nonaffiliated” first, followed by two or fewer parties in alphabetical order. The candidate may specify a different order for parties. If more than two parties nominate the candidate, the candidate may choose which appear.
	Any political party	Three or fewer parties are listed in alphabetical order. If more than three parties nominate the candidate, the candidate may choose which appear.

## Running for Multiple Offices

Candidates can file for more than one position as long as the offices are:

- not on the same district board;
- not a city office on the same ballot;
- not for more than one precinct committeeperson’s office; and
- not a lucrative office;



An office is considered lucrative if a salary or other compensation beyond expenses is attached to it; it is created by statute or the constitution; its holder exercises part of the sovereign power of government; it is a matter of public concern; and the position is not temporary or intermittent.

# Campaign Finance Reporting

Oregon campaign finance law may require candidates to establish a campaign account, file a Statement of Organization designating a candidate committee and file contribution and expenditure transactions with the Elections Division.

For further details on campaign finance reporting requirements, review:

 The Campaign Finance Manual, and the ORESTAR User's Manuals available at [www.oregonvotes.gov](http://www.oregonvotes.gov).

# Qualifications for Public Office

The qualifications for public offices differ depending on the office. Before filing, the candidate should review the constitutional and statutory requirements for the office sought.

 See the qualifications for most offices provided in each applicable section of this manual.

However, qualifications for city or district office are governed by city charter or ordinance or district by-laws and are not provided. Contact the local elections official for more information.

# Precinct Committeeperson Candidates

*ORS 248.015-248.029, 249.031, and 249.037*

# Qualifications for Precinct Committeeperson

All Candidates must be US Citizens and Registered Voters

Office	Age	Residency	Term of Office	Vacancies
Precinct Committee-person	18	A candidate may be elected to represent the precinct in which they reside, an adjoining precinct in the same county or a precinct that is in the same county and the same state representative district as the precinct the candidate resides in. <a href="#">ORS 248.015</a>	A precinct committee-person holds office from the 35 <sup>th</sup> day after the primary to the 35 <sup>th</sup> day after the next primary.	Vacancies are filled according to <a href="#">ORS 248.026</a> .

## Special Requirements

To be placed on the ballot, a candidate must be a member of the major political party by September 14, 2023.

A write-in candidate must be a member of the major political party for 180 days prior to the Primary election.

An otherwise qualified person who becomes a U.S. citizen during the filing period, and who is registered as a member of the major political party on or before the deadline for filing a declaration of candidacy or a write-in declaration; is eligible to file to be listed on the ballot and to be elected to the office, including by write-in votes.

Any votes received for a write-in candidate will only be counted if an [SEL 105D Write-In Candidate Declaration](#) or [SEL 105N Write-In Candidate Nomination](#) is filed no later than May 21, 2024, 8 pm.

Any candidate must receive at least 3 votes to be elected to the office.

## Filing Requirements for Precinct Committeeperson

All filings required to be filed must be delivered to and actually received at the office of the designated officer not later than 5:00:00 pm of the day the document is due.

Office	Filing Fee	First day to file	Last day to file	Last day to Withdraw
Precinct Committeeperson	None	September 14, 2023	March 12, 2024	March 15, 2024
Write-In Declaration	None	September 14, 2023	May 21, 2024, 8 pm	Not applicable
Write-In Nomination	None	September 14, 2023	May 21, 2024, 8 pm	Not applicable

## Filing Method for Precinct Committeeperson Candidate

A precinct committeeperson candidate must choose one of two methods of election and file the required form with the **county elections** official. They may also be nominated by another person, if the person resides in the same precinct, adjacent precinct, or house district as the candidate.



See the instructions for completing the required portions of the [Candidate Filing form](#) on page 30.

### Candidate Filing

A precinct committeeperson candidate who wants their name to appear on the ballot must file:



Form [SEL 105 Candidate Filing – Precinct Committeeperson](#)



A person may not hold office as a committeeperson in more than one precinct. A person may only file for one precinct committeeperson at the same election. Unless the person has withdrawn from the first filing, all filings are invalid. [ORS 249.013](#)

### Write-In Candidate Declaration

A precinct committeeperson candidate who wants to be elected by write-in votes must file:



Form [SEL 105D Write-In Declaration – Precinct Committeeperson](#)



Filing Form [SEL 105D](#) withdraws any precinct committeeperson candidate declaration previously filed for the same election. County elections officials will only count the write-in votes received by candidates who file Form [105D](#) no later than 8 pm, May 21, 2024.

### Write-In Nomination

An elector who wants to nominate another elector as a write-in precinct committeeperson must file:



Form [SEL 105N Write-In Nomination – Precinct Committeeperson](#)



# County Candidates

## General Information

ORS 249.056

Candidates may file with the county elections office by paying a fee or by petition to obtain signatures.

🔍 See the instructions for completing the required portions of the [Candidate Filing form on page 30](#).

📌 A prospective petition may be filed at any time. However, candidates need to allow enough time for signature collection and signature verification to be conducted by county elections officials prior to the filing deadline.

County charter requirements for county offices may differ. For information regarding specific candidate filing requirements for county office, contact the county elections official.

⚠️ A person may only file for one lucrative office at the same election. Unless the person has withdrawn from the first filing, all filings are invalid. [ORS 249.013](#)

## Partisan Office – County

ORS 249.031

### Qualifications

All Candidates must be US Citizens and Registered Voters

Office	Age	Residency	Term of Office	Special Requirements	Vacancies
<b>County Commissioner</b>	18	Resident of county one year prior to election <a href="#">ORS 204.016</a>	4 years <a href="#">ORS 204.010</a>	This is a partisan office unless a county home rule charter or ordinance deems it nonpartisan. 📌 Contact the local elections official for further information.	County governing body appoints qualified person until successor is elected <a href="#">ORS 236.215</a>


### Filing Requirements


All signatures must be of active registered voters within the district

All filings and an accompanying payment of fees required to be filed, must be delivered to, and actually received at the office of the designated officer not later than 5:00:00 pm of the day the document or fee is due.

Office	Major Party Fee or Required Signatures	Minor Party	Individual Electors	Assembly of Electors
🕒 <b>First Day to File</b>	September 14, 2023	June 5, 2024	June 5, 2024	June 5, 2024
🕒 <b>Last Day to File</b>	March 12, 2024	August 27, 2024	August 27, 2024	August 27, 2024
🕒 <b>Last Day to Withdraw</b>	March 15, 2024	August 30, 2024	August 30, 2024	August 30, 2024
<b>County Commissioner</b> 📌 Contact the local elections official for applicable charter or ordinance provisions that may supersede this information.	\$50 or The lesser of either 500 signatures or 2% of the number of votes cast in the county for US President by members of the candidate's party	Nominating convention held in accordance with party bylaws and state law	Number of signatures equal to 1% of the number of votes cast in the county for US President	250 signatures obtained at a nominating convention held in one place, at one time, during a 12-hour period


## Major Party Candidates – County

 A candidate who files for a major political party office must have been registered to vote as a member of that political party by September 14, 2023. Exceptions are allowed if the candidate's registration is inactive or the candidate will turn 18 between September 14, 2023 and March 12, 2024. [ORS 249.046](#)

 A major political party candidate on the primary election ballot who is not nominated to the general election may not be the candidate of any other political party or become a nonaffiliated candidate for the same office at the general election. [ORS 249.048](#)

## Filing Methods for a Major Party Candidate Other than Precinct Committeeperson

[ORS 249.031](#)

 A person may only file for one lucrative office at the same election. Unless the person has withdrawn from the first filing, all filings are invalid. [ORS 249.013](#)

### Filing by Fee

[ORS 249.056](#)

A candidate must file:

 Form SEL 101 Candidate Filing – Major Political Party or Nonpartisan;  
and

→ Pay the required filing fee, if any; See [Filing Requirements](#) on page 10.

### File by Petition


[ORS 249.008](#), [249.020](#), [249.031](#), [249.035](#), and [249.061-249.076](#)

The following information provides instruction on collecting and submitting sufficient valid signatures to place the candidate's name on the ballot.

 Violations of certain circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. [ORS 260.715](#)

### Prospective Petition

Prior to obtaining any signatures, candidates must file the following to begin the signature sheet approval process:

 Form SEL 101 Candidate Filing-Major Political Party or Nonpartisan marked "Prospective Petition"  
and

 Form SEL 102 Candidate Signature Sheet – Major Party.

 See [Signature Sheet Requirements](#) on page 26.

### Approval to Circulate

After receiving the completed forms, the elections official reviews for required information and if complete will provide written approval to circulate the prospective nominating petition that includes:

- petition number;
- number of signatures required; and
- filing deadline.



All signature sheets must be approved in writing by the elections official before circulating. Failure to do so will result in the rejection of the signature sheets.

### Required Signatures

County partisan candidate must have the lesser of either:

- 500 signatures;
- or
- 2% of the number of votes cast in the electoral district for president by members of the candidate's party.

### Complete Filing

To complete the filing process a candidate will:

- 1 ensure each signature sheet certification is signed and dated by the circulator;
- 2 submit the signature sheets with Form [SEL 338 Petition Submission – Candidate, Voters' Pamphlet](#) to the county elections official for verification allowing sufficient time for the verification process to be completed prior to the filing deadline.

### Candidate Filing Timeline



The 2024 Primary Election filing period is from September 14, 2023 to 5 pm on March 12, 2024.

## Minor Party Candidates – County

### Filing Methods for a Minor Party Candidate

Minor political parties may nominate candidates for any partisan office, including federal, state, and county offices, as long as the party has been established within the electoral district and maintains ballot access.

A minor political party nominates candidates by convening a nominating convention that complies with party bylaws and state law. Candidates that are nominated by a recognized minor political party complete and file with the appropriate elections official the following:



Form [SEL 110 Candidate Filing – Minor Political Party](#) with the Candidates Nomination Certificate executed by a party officer and notarized.

## Nonaffiliated Candidates – County



To qualify for nomination by individual electors or to conduct an assembly of electors, a candidate cannot be registered to vote as a member of any political party as of February 29, 2024.

## Filing Methods for a Nonaffiliated Candidate

Candidates who are not a member of any political party may file for a partisan or nonpartisan office on the general election ballot by completing one of two processes:

→ Individual Electors

A nomination by individual voters involves obtaining a required number of valid signatures from registered voters

or

→ Assembly of Electors

An Assembly of Electors involves a gathering of registered voters in one place at one time to nominate candidates to partisan office.

### Individual Electors

*ORS 249.740*

To be nominated by individual electors the candidate must obtain a required number of valid signatures from active Oregon registered voters in the district.

#### 1 File a Prospective Petition

Prior to obtaining any signatures candidates must file the following forms to begin the signature sheet approval process:



Form SEL 114 Candidate Filing – Individual Electors marked Prospective Petition, designating circulator pay status

and



SEL 122 Candidate Signature Sheet – Individual Electors with all fields completed.



See Signature Sheet Requirements on page 26.

#### 2 Receive Approval to Circulate

If the form is complete, the elections official will give written approval that includes:

→ petition number;

→ number of signatures required; and

→ filing deadline.



All signature sheets must be approved in writing by the elections official before circulating. Failure to do so will result in the rejection of the signature sheets.

#### 3 Gather Petition Signatures

Once the petition has been approved to circulate, but before collecting any signatures, a candidate must review with all circulators the legal requirements and guidelines for circulating the candidate nominating petition.



See Guidelines for Circulation on page 27.



Violations of certain circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. *ORS 260.715 and 260.993*

After reviewing the legal requirements and guidelines for circulating the nominating petition, a candidate may begin gathering signatures.



Failure to comply with the legal requirements will result in rejection of those sheets.

A candidate is advised to obtain more than the required number of signatures to ensure the petition has a sufficient number of valid signatures.

#### 4 Complete the Petition

Allow sufficient time for the verification process to be completed prior to the filing deadline.

Before submitting signature sheets for verification, the candidate must:

- ensure each signature sheet certification is signed and dated by the circulator; and
- sort the signature sheets by county, if required;

#### 5 Signature Verification

To complete the petition process a candidate must file with the appropriate elections official:



Form [SEL 338 Petition Submission – Candidate, Voters’ Pamphlet](#);

and

- the signature sheets that contain at least 100% of the required number of signatures.

The elections official reviews each signature sheet to ensure that sheets are sorted by county if required and that the circulator’s certification is sufficient. After reviewing the signature sheets the elections official tabulates the number of valid signatures contained on the accepted signature sheets.



If the elections official determines the petition does not contain the required number of valid signatures and the filing deadline has not passed, the candidate may submit additional signatures.

### Assembly of Electors

*ORS 249.735*

An Assembly of Electors is a nominating convention of active Oregon registered voters who gather in one place, on a single day during a single 12-hour period. A presiding officer conducts the assembly, and the assembly secretary records nominations in the minutes. The minutes also include the signatures of the assembly participants. Those signatures are submitted to the elections official.



The presiding officer must coordinate the date, time, and place of the assembly with the elections official, so elections staff can attend and supervise the nominating convention.



See the [Filing Requirements](#) section for a list of required signatures and the deadline to submit completed forms.

#### 1 File a Prospective Petition

The candidate or presiding officer must file Form [SEL 115 Candidate Filing – Assembly of Electors](#). Only by the candidate should sign the form.

#### 2 Receive Approval to Schedule the Assembly

If the form is complete, the elections official will give written approval to schedule the Assembly of Electors.

### 3 Determine the Logistics for the Assembly

The candidate or presiding officer must coordinate with the elections official to:

- determine a mutually convenient time to conduct the assembly;
- review assembly requirements;
- provide final signature sheets for approval; **and**
- file copy of published notice.

### 4 Publish a Notice of Assembly


Next, the candidate or presiding officer must publish a notice of the Assembly of Electors at least once in at least three newspapers of general circulation in the electoral district for which the assembly will nominate a candidate.


The notice must contain:

- the time and place of the assembly;
- the office or offices for which nominations will be made; **and**
- the names and addresses of at least 25 active Oregon registered voters who want to have the assembly and who are eligible to participate;
- before publishing the notice, the candidate or presiding officer must submit the 25 names to the elections official to confirm that they are active registered voters.

### 5 File the Notice of Assembly

To receive final approval to convene the assembly, the candidate or presiding officer must file a copy of the published notice with elections official.


 The candidate or presiding officer must publish the notice and file it with the elections official no later than ten days before the nominating convention. [ORS 249.735\(3\)](#).

 If the published notice is not filed on time or does not meet the requirements described above, the Assembly of Electors will be cancelled. The candidate or presiding officer may reschedule the assembly in coordination with the elections official and may hold the assembly once all the requirements are met.

### 6 Get Affidavits to Prove the Notice was Published

The candidate or presiding officer must get an affidavit from each of the newspapers where the notice is published, to prove that the notice was published, as required. Each affidavit should attach to a copy of the notice and be signed by one of the following:

- the newspaper's owner; **or**
- the newspaper's editor; **or**
- the newspaper's publisher; **or**
- the newspaper's manager; **or**
- the newspaper's advertising manager; **or**
- the principal clerk of the owner or editor or manager; **or**
- the newspaper's printer or the printer's foreperson.

 The candidate or presiding officer should not submit the affidavit with the filed notice. They should keep it and submit it to the elections official when they file the completed petition after the Assembly of Electors.

## 7 Receive Approval to Hold the Assembly

Once the candidate or presiding officer files a copy of the published notice (see Step 5, above), the elections official will review it for completeness. If complete, the elections official will give approval, in writing, to hold the Assembly of Electors. The approval document will include:

- the petition number; and
- the number of required signatures; and
- the filing deadline; and
- a signature sheet template, to use for gathering signatures.

## 8 Hold the Assembly of Electors

The presiding officer is advised to invite more than the required number of participants, to ensure that the minutes include enough valid signatures from active voters. After starting the assembly, the presiding officer must explain that:

- the nominating convention is held in one day in one location and is completed within 12 hours or the process must begin again;
  - the assembly participants must be active Oregon registered voters within the electoral districts from which the assembly is nominating candidates;
  - the assembly may only nominate candidates for offices published in the notice;
  - the candidate who receives the highest number of votes for an office will be the assembly's nominee for that office;
  - only assembly participants who are active registered voters may sign the signature sheets;
- and**
- once the required number of active registered voters are present to participate, they must remain in the assembly until candidates have been nominated, signature sheets are signed, and the convention is adjourned.

## 9 Filing a Vacancy in Nomination(s)

If a vacancy in nomination occurs, it may be filled in either of the following ways:

- The presiding officer may reconvene the assembly following the same rules as the original assembly. **or**
- The original assembly must vote to appoint the committee to whom the assembly will delegate the authority to fill vacancies. A committee designated by the original assembly may select a nominee to fill the vacancy. The assembly is considered the same assembly if the presiding officer and secretary are the same as during the original assembly. The committee only has the authority to select a nominee to fill the vacancy if the petition has the required number of signatures.

The presiding officer, or the committee, must file with the elections official a certificate of nomination designating the nominee to fill the vacancy.



The vacancy must be filled no later than the 70th day before the general election, August 27, 2024.

## 10 Adjourn the Assembly of Electors

After the assembly has completed the nomination process and selected the committee to fill vacancies, if any, the assembly is adjourned. The elections official collects all completed signature sheets and stamps each sheet under the last signature line signed to ensure no additional signatures are added. The signature sheets will be returned to the presiding officer.

## 11 Complete the Petition, Signature Verification

To complete the petition process the candidate or presiding officer must submit to the elections official:



Notarized form [SEL 115 Candidate Filing – Assembly of Electors](#) with the Certificate of Nomination executed by the presiding officer and secretary of the assembly;



The Certificate of Nomination may be executed and notarized on a copy of the [SEL 115](#) originally submitted. If executed and notarized on a new [SEL 115](#), all sections of the form must be completed in their entirety.

→ signature sheets that contain at least 100% of required number of signatures;

**and**

→ proof of published notice affidavit(s).

The candidate or presiding officer submits signature sheets to the appropriate county elections official for verification allowing sufficient time for the verification process to be completed prior to the filing deadline.

Before submitting the signature sheets for verification, the presiding officer must:

→ ensure each signature sheet certification is signed and dated by the circulator and

→ sort the signature sheets by county, if required.

The county elections official verifies the signatures against the voters' registration record.

## 12 Signature Tally

The elections official tabulates the number of valid signatures contained on the accepted signature sheets and notifies the candidate and presiding officer of the final tally.



## Nonpartisan Office – County ORS 249.031

In a county nonpartisan race, a candidate does not run as a member of a political party. County nonpartisan offices include Justice of the Peace, County Clerk, County Assessor, County Treasurer, Sheriff and County Judge who exercises judicial functions; it may also include County Commissioner. **ORS 249.002**. Check with the County Clerk for specific qualifications.

### Qualifications

All Candidates must be US Citizens and Registered Voters

Office	Age	Residency	Term of Office	Special Requirements	Vacancies
<b>Assessor</b>	18	Resident of county one year prior to election <b>ORS 204.016</b>	4 years <b>ORS 204.010</b>	The candidate must be a registered appraiser or an appraiser trainee; have two years accounting experience or two years employment in an appraiser's office; and be certified to be eligible by the Dept. of Revenue. <b>ORS 204.016(4)</b>	County governing body appoints qualified person to serve until successor is elected <b>ORS 236.210</b>
<b>Auditor</b>	18	Resident of county one year prior to election <b>ORS 204.016</b>	4 years <b>ORS 204.010</b>	Must be a registered CPA	County governing body appoints qualified person to serve until successor is elected <b>ORS 236.210</b>
<b>Clerk</b>	18	Resident of county one year prior to election <b>ORS 204.016</b>	4 years <b>OR Const., Art VI, §6</b>		County governing body appoints qualified person to serve until successor is elected <b>ORS 236.210</b>
<b>Sheriff</b>	21	Resident of county one year prior to election <b>ORS 204.016</b>	4 years <b>OR Const., Art VI, §6</b>	Proof of certification or eligibility for certification by the Department of Public Safety Standards and Training must be provided to the filing officer no later than the 61 <sup>st</sup> day prior to the election. Exceptions may apply. <b>ORS 206.015 (3) and (4)</b>	County governing body appoints qualified person to serve until successor is elected <b>ORS 236.210</b>
<b>Treasurer</b>	18	Resident of county one year prior to election <b>ORS 204.016</b>	4 years <b>OR Const., Art VI, §6</b>		County governing body appoints qualified person to serve until successor is elected <b>ORS 236.210</b>
<b>Justice of the Peace</b>	18	Resident of state for 3 years, residence or office in district 1 year prior to appointment or becoming a candidate <b>ORS 51.240</b>	6 years (must retire at end of calendar year in which judge attains the age of 75) <b>OR Const., Art VII §1a</b>	If not a member of the state bar, must take 30 hours of continuing education every 2 calendar years <b>ORS 51.245</b>	Governor appoints qualified person to serve until successor is elected <b>ORS 51.260</b>
<b>County Judge Who Exercises Judicial Functions</b>	No older than 75	Resident of the county for one year before election <b>ORS 204.016</b>	6 years	Must retire at end of the calendar year in which the judge turns 75 <b>OR Const., Art VII §1a</b>	Governor appoints qualified person to serve until successor is elected <b>ORS 236.210</b>

- ① County Commissioner is a partisan office unless a county home rule charter or ordinance deems it nonpartisan. Contact the local elections official for further information.
- ① Qualifications for county, city, or district office may be governed by county or city charter or ordinance or district by-laws and are not provided. For those offices or any other office not listed in these tables, contact the local elections official for the required qualifications.

## Filing Requirements

All signatures must be of active Oregon registered voters within the district.

All filings and an accompanying payment of fees required to be filed, must be delivered to and actually received at the office of the designated officer not later than 5:00:00 pm of the day the document or fee is due.

	Primary Election	General Election	Regularly Scheduled District Election
<b>First Day to File</b>	September 14, 2023	June 5, 2024	February 8, 2025
<b>Last Day to File</b>	March 12, 2024	August 27, 2024	March 20, 2025
<b>Last Day to Withdraw</b>	March 15, 2024	August 30, 2024	March 20, 2025
Office	Fee	Required Signatures	
<b>Justice of the Peace</b>	Free ORS 249.056 (2)		
<b>County Judge Who Exercises Judicial Functions, Assessor, Auditor, Clerk, Sheriff or Treasurer</b>	\$50	or	The lesser of either 500 signatures or 1% of the number of votes cast in the district for governor at the last election at which the Governor was elected to a full term.
Contact the local elections official for applicable charter or ordinance provisions that may supersede this information			

## Filing Methods for a Nonpartisan Office Candidate

ORS 249.020

A person may only file for one lucrative office at the same election. Unless the person has withdrawn from the first filing, all filings are invalid. ORS 249.013

### Filing by Fee

ORS 249.056

A candidate files form SEL 101, and pays the required filing fee, if any. See Filing Requirements above.

### File by Petition

ORS 249.008, 249.020, 249.031, 249.035, and 249.061-249.076

The following information provides instruction on collecting and submitting sufficient valid signatures to place the candidate's name on the ballot.

Violations of certain circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. ORS 260.715 and 260.993

### Prospective Petition

Prior to obtaining any signatures, candidates must file the following forms to begin the signature sheet approval process:

- SEL 101 Candidate Filing-Major Political Party or Nonpartisan marked "Prospective Petition"
- and
- SEL 121 Candidate Signature Sheet – Nonpartisan.
- See Signature Sheet Requirements on page 26.

Forms are available online at [www.oregonvotes.gov](http://www.oregonvotes.gov).

### Approval to Circulate

After receiving the required forms, the elections official reviews for required information and if complete will provide written approval to circulate the prospective nominating petition that includes:

- petition number;
- number of signatures required; and
- filing deadline.



All signature sheets must be approved in writing by the elections official before circulating. Failure to do so will result in the rejection of the signature sheets.

### Required Signatures

County nonpartisan candidates must have the lesser of either:

- 500 signatures
- or
- 1% of the number of votes cast in the electoral district for governor.

A nonpartisan candidate may obtain signatures from any active Oregon registered voter in the county, regardless of political party affiliation.

### Complete Filing

To complete the filing process a candidate will:

- 1 ensure each signature sheet certification is signed and dated by the circulator;
  - 2 submit the signature sheets to the county elections official for verification allowing sufficient time for the verification process to be completed prior to the filing deadline;
- and
- 3 file the signature sheets with the Form [SEL 338 Petition Submission – Candidate, Voters’ Pamphlet](#).

### Candidate Filing Timeline



The 2024 Primary Election filing period is from September 14, 2023 to 5 pm on March 12, 2024.

# City Candidates

City candidates may file with the city elections office by paying a filing fee or by a petition containing signatures. The city elections official will verify qualification for a candidate prior to their name being placed on the ballot. If the candidate does not qualify for the position, the filing will be rejected and any fees will be refunded.

Qualifications and requirements set by city charter or ordinance may differ from state statutes. For more information and specific requirements, contact the city elections official before filing.

## Filing Requirements

All filings and an accompanying payment of fees required to be filed, must be delivered to and actually received at the office of the designated officer not later than 5:00:00 pm of the day the document or fee is due.

Primary Election		General Election
🕒 First Day to File	September 14, 2023	June 5, 2024
🕒 Last Day to File	March 12, 2024	August 27, 2024
🕒 Last Day to Withdraw	March 15, 2024	August 30, 2024
Office	Fee	Required Signatures
<b>City Office</b> 📍 Contact the local elections official to determine which election the office will appear on and for any applicable charter or ordinance provisions that may supersede this information.	Set by charter or ordinance <b>or</b>	The lesser of either 500 signatures or 1% of the number of votes cast in the district for governor at the last election at which the Governor was elected to a full term.

## Filing Methods for City Candidates

! A person may only file for one lucrative office at the same election. Unless the person has withdrawn from the first filing, all filings are invalid. [ORS 249.013](#)

### File by Fee

*ORS 249.056*

A candidate must file the following with the city elections office:

- 📄 Form SEL 101 Candidate Filing – Major Political Party or Nonpartisan
- and
- pay the required filing fee, if any.

City candidate filing fees may be set by a city charter or ordinance. Check with your city elections official for more information.

### File by Petition

*ORS 249.008, 249.020, 249.031, 249.035, and 249.061-249.076*

All signatures must be from active Oregon registered voters within the district.

A candidate must allow sufficient time for signatures to be verified before the filing deadline.

! Violations of certain circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. [ORS 260.715](#) and [260.993](#)

The following forms must be completed and filed with the city elections office:



SEL 101 Candidate Filing – Major Political Party or Nonpartisan marked “Prospective Petition”

and



SEL 121 Candidate Signature Sheet – Nonpartisan.



See Circulator and Petition Sheet Requirements on page 26.

### Approval to Circulate

After receiving the completed forms the elections official reviews for required information and if complete will provide written approval to circulate the prospective nominating petition that includes:

- petition number;
- number of signatures required; and
- filing deadline.



All signature sheets must be approved in writing by the elections official before circulating. Failure to do so will result in the rejection of the signature sheets.

### Required Signatures

A candidate is advised to obtain more than the required number of signatures to ensure the petition contains a sufficient number of valid signatures.

City candidate must have the lesser of either:

- 500 signatures
- or
- 1% of the votes cast in the electoral district for all candidates for Governor at the last election where the Governor was elected to a full term.

City charter or ordinance may have different requirements.

### Complete Filing

To complete the filing process a candidate must:

- 1 ensure each signature sheet certification is signed and dated by the circulator;
- 2 submit the signature sheets to the city elections official for verification allowing sufficient time for the verification process to be completed prior to the filing deadline;

and

- 3 file the signature sheets with Form SEL 338 Petition Submission – Candidate, Voters’ Pamphlet.

### Signature Verification

The city elections official will review signature sheets for sufficient circulator certification.


The city elections official will submit the signatures to the county elections official for signature verification.

The county elections official will:

- verify the signatures against the voters’ current registration record **and**
- return the certified signature sheets to the city elections official.

The city elections official will notify the candidate of the results of the signature verification. If it is determined that there are not enough valid signatures and the filing deadline has not passed, the candidate may submit additional signatures.

Candidate Filing Timeline

 If a city does not elect candidates at a primary election, the first day to file for office is June 5, 2024, and the deadline is 5 pm on August 27, 2024, for the November 5, 2024 General Election.

District Candidates

ORS 255.235

District candidates may file with the county elections office by paying a filing fee or by petition to obtain signatures.

Qualifications for District Offices

Contact the Elections Division for what procedures apply to candidates for a newly created district board. Before filing for district office, a candidate should contact the county elections official to review the statutory requirements for the office sought.

Special district statutory requirements may differ from general state elections requirements.

Soil and Water Conservation District candidates must contact the Oregon Department of Agriculture for information related to filing for candidacy.

Regular district elections to elect district board members are held at the May election in each odd-numbered year. For more information and specific requirements, contact the county elections official before filing.





Candidates for Metropolitan Service District (MSD) offices must follow the same process as state and county nonpartisan candidates.


Filing Requirements for District Offices

Contact your county elections official to ensure all statutory requirements are met.


All signatures must be of active Oregon registered voters within the district.

All filings and an accompanying payment of fees required to be filed, must be delivered to and actually received at the office of the designated officer not later than 5:00:00 pm of the day the document or fee is due.

	Primary Election	General Election	Regularly Scheduled District Election
 <b>First Day to File</b>	February 1, 2024	July 18, 2024	February 8, 2025
 <b>Last Day to File</b>	March 12, 2024	August 27, 2024	March 20, 2025
 <b>Last Day to Withdraw</b>	March 12, 2024	August 27, 2024	March 20, 2025
Office	Fee		Required Signatures
 District board members are elected at the regular district election in May of each odd-numbered year.	\$10	or	The lesser of either 25 signatures or 10% of the total number of active registered voters in the district.  Contact the local elections official for any applicable by-laws that may supersede this information.

 No person may be a candidate for more than one position on the same district board to be filled at the same election. ORS 249.013


## Filing Methods for District Candidates

 A person may only file for one lucrative office at the same election. Unless the person has withdrawn from the first filing, all filings are invalid. [ORS 249.013](#)

### File by Fee

*ORS 249.056*




A candidate will file:

-  Form [SEL 190 District Candidate Filing form](#)  
and  
→ The appropriate filing fee.

### File by Petition

*ORS 249.064, 249.076, 255.012, 255.235*


A candidate must allow sufficient time to have the signatures verified before the filing deadline. A candidate nominating petition for a district candidate is not approved by the county elections official prior to circulation. Instead, the district candidate uses the following signature sheet to gather signatures:

-  Form [SEL 121 Candidate Signature Sheet – Nonpartisan](#) or  
 See [Circulator and Petition Sheet Requirements](#) on page 26.
-  Form [SEL 338 Petition Submission – Candidate, Voters’ Pamphlet](#).

 Violations of certain circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. [ORS 260.715](#) and [260.993](#)

### Complete Filing

To complete the filing process a candidate must:

- 1 obtain the required number of signatures, although obtaining more than the required number may help to ensure the petition contains a sufficient number of valid signatures;
  - 2 ensure each signature sheet certification is signed and dated by the circulator;
- and
- 3 submit the signature sheets to the appropriate county elections official for signature verification along with:  
 Form [SEL 190 Candidate Filing – District](#).

### Signature Verification


The county elections official reviews signature sheets for sufficient circulator certification and verifies the signatures against the voters’ current registration record.

# Write-In Candidates

ORS 254.548

Oregon voters have the option of writing in the name of a candidate for any office instead of voting for a candidate printed on the ballot. Write-in votes are tallied together with a lump sum recorded for each office unless there is no candidate on the ballot, or the total number of write-in votes exceeds the candidate with the most votes.

A candidate seeking nomination or election to office by write-in does not complete any candidate filing forms but must qualify for the office and may be required to establish a campaign account and file a Statement of Organization designating a candidate committee.

 See the [Campaign Finance Manual](#) and the [ORESTAR User’s Manuals](#) available at [www.oregonvotes.gov](http://www.oregonvotes.gov).  
Prior to sending a notification to any person who is nominated or elected by write-in, the filing officer will conduct a review of the qualifications of the office. If the person who received the most votes does not qualify for the position, the office becomes vacant.  
If any individual is nominated or elected by write-in votes, the procedures for accepting the nomination of office are explained in the following sections.

## Notification

The elections official notifies the candidate by sending:

 Form [SEL 141 Write-In Candidate Acceptance](#)

## Acceptance of Nomination or Office

To accept the nomination or office, the candidate completes, signs, and returns form [SEL 141](#) to the elections official.

### Certificate of Nomination or Election

Upon receipt of the completed and signed [SEL 141](#) the elections official prepares and delivers a certificate of nomination or election to the candidate and if applicable, issues a proclamation of election.

### Deadline to Complete Write-In Process

	Precinct Committeeperson	Primary Election	General Election	District Election
Notification	June 17, 2024	June 28, 2024	December 13, 2024	June 27, 2025
Acceptance	June 24, 2024	July 3, 2024	December 18, 2024	July 2, 2025
Certificate	June 25, 2024	July 5, 2024	December 20, 2024	July 3, 2025



## Vacancy

The procedures for the filling of vacancies in an elective public office or nomination are dependent on the office. A **vacancy in nomination** occurs when a candidate on the ballot becomes disqualified or dies (a candidate may only withdraw from the ballot after they have filed and up to the specified deadline for withdrawal). A **vacancy in office** occurs when the current office holder resigns, is recalled, becomes disqualified or dies.

For local elective public offices, the vacancy procedures are under the authority of the local jurisdiction and the Secretary of State, Elections Division does not generally provide advice or resolve disputes about those procedures. The Secretary of State, Elections Division has a role **only** in the vacancy procedures for **state offices**. These procedures differ depending on whether the public office is partisan or nonpartisan and also differ for specific offices within those categories.

A vacancy in office may occur at any time during the term of office, even before the person takes the oath of office or before the term ends.

- The processes for filling a vacancy are dependent upon the type of office and when the vacancy occurred, not why the vacancy occurred.
- Reasons for vacancies may include death, resignation, disqualification, or recall.
- [ORS 236.320](#) provides that resignations for public office shall be in writing and filed with the appropriate filing officers.

The Oregon Constitution, Oregon Revised Statutes, and Oregon Administrative Rules have applicable sections regarding vacancies. The Oregon Constitution and Oregon Revised Statutes can be searched [here](#). The search can be narrowed by using the ORS General Index. Oregon Administration Rules are found [here](#).

## Petition Guidelines and Requirements

The guidelines and requirements for producing and circulating candidate nominating petition signature sheets are explained in the following sections.

### Official Signature Sheets

*ORS 249.031, 249.061, and 249.064*

Local candidates must use approved signature sheet forms to collect signatures. Candidate nominating petitions cannot be circulated using an electronic signature sheet.

Signature sheets must be submitted for approval exactly as intended to circulate, including weight, style, and color of paper. Official signature sheets include:

- Form SEL 102, Candidate Signature Sheet – Major Party
- Form SEL 116, Candidate Signature Sheet – Assembly of Electors
- Form SEL 121, Candidate Signature Sheet – Nonpartisan
- Form SEL 122, Candidate Signature Sheet – Individual Electors



Any proposed variation to the approved signature sheet must be resubmitted and approved in writing by the elections official before circulating.

### Signature Sheet Requirements

Each signature sheet must meet the following formatting requirements:

- standard 8½ x 11 size paper or equivalent;
- at least 20 pound uncoated paper or equivalent; **and**
- printed on white or colored paper stock to enable elections officials to readily verify signatures.

 Forms are available online at [www.oregonvotes.gov](http://www.oregonvotes.gov).

## Guidelines for Circulation

ORS 249.061

To ensure compliance with circulating requirements, candidates must educate circulators on the guidelines for circulating and monitor their activities.

### Circulator Requirements

Each circulator must:	What this means:
→ personally witness each signature collected;	✓ Watch the person sign the petition. ⓘ It is not sufficient to merely be present in the same room or vicinity.
→ complete the circulator certification after witnessing all signatures collected on a sheet; and	✓ Sign the certification using a legal signature. ⓘ A legal signature is defined as a signature possessing obvious and predominantly matching characteristics to signatures on file from a paid circulator's registration, signatures in the Oregon voter registration file, or the signature on an official government document. ⓘ Initials, signature stamps, illegible or printed script are not sufficient unless verified by exemplar.
→ provide the date when the certification was signed.	✓ The date must be provided in month, day, year order if written in all numbers.



A circulator's failure to comply with these requirements may result in the rejection of the petition signature sheets and a felony conviction for the circulator.

### Circulator Prohibitions



It is against the law for circulators to knowingly:

- circulate a petition containing a false signature;
- attempt to obtain the signature of a person who is not qualified to sign the petition;  
 ⓘ Only active Oregon registered voters may sign a petition.
- make false statements to any person who signs the petition or requests information about it;
- offer money or anything of value to another person to sign or not sign the petition;
- sell or offer to sell signature sheets; or
- write, alter, correct, clarify or obscure any information about the signers unless the signer initials after the changes are made.  
 ⓘ A circulator may assist a disabled signer who requests assistance in completing their printed name, address and date signed. In such a case, no initials are required.



Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. ORS 260.715 and 260.993


## Signer Requirements

Each petition signer must:	What this means:
<b>All Petition Types</b>	
→ Signers should provide an original signature and should be encouraged to provide their printed name and date signed.	✓ Signers must sign the petition using a signature contained in their voter registration record.
 These informational fields, while optional unless otherwise noted below, provide valuable assistance when verifying signatures.	
 Signers must include printed name for Nomination by Assembly of Electors and for Major Party Presidential Candidates.	
→ Signers should be an active registered voter at the time of signing the petition in the candidate's electoral district.	✓ Information in the voter's registration record is up to date, and they would be able to vote for the candidate.
→ Sign a petition sheet that is designated for their county of residence, if applicable.	✓ Signers should sign a petition sheet designated for the county in which they are registered to vote.
→ Provide a residence or mailing address.	✓ Signers should provide the address at which they are registered to vote.
<b>Nominating Petition Only</b>	
→ At the time of signing the petition, signers are encouraged to include the signer's precinct name or number.	✓ Signers are encouraged to provide precinct information.
<b>Major Party Petition Only</b>	
→ At the time of signing the petition, the signer should be a member of the same political party as the candidate.	✓ Information in the voter's registration record is up to date, and they would be able to vote for the candidate at a primary election.

## Signature Date

If no date is provided by the signer, the signature is only considered valid if the signer:


- ✓ was an active Oregon registered voter between the date the petition was approved to circulate and the circulator's certification date; or
- ✓ was originally registered to vote on or after the date the petition was approved to circulate and was an active registered voter between their original registration date and the circulator's certification date.

 This standard also applies to any signer that provides a date of birth or a date that at the time of verification has not yet occurred instead of the date they signed the petition.

## Signer Prohibitions

It is against the law for signers to knowingly:

- sign another person's name under any circumstances;
- sign a petition more than one time; or
- sign a petition when not qualified to sign it.

 Only active Oregon registered voters may sign a petition. If the signer is not registered to vote or an active voter the signature will be rejected unless a completed registration card is received by a designated voter registration agency or an elections filing officer before 5 pm the day the petition is signed or 11:59 pm if completed electronically online at [www.oregonvotes.gov](http://www.oregonvotes.gov).

## Certification of Signature Sheets

*OAR 165-014-0270*

After all signatures on a signature sheet have been collected, circulators complete the certification by signing their legal signature and providing the date when the certification was signed. A legal signature is defined as a signature possessing obvious and predominantly matching characteristics to signatures on file from a paid circulator's registration, signatures in the Oregon voter registration file, or the signature on an official government document.

**!** If the circulator certification is not completed or determined to be insufficient the signature sheet will be rejected.

Prior to submission to elections officials the circulator may correct the following defects:

### Circulator Signature Defects



If the circulator has:	Then the circulator should:
→ signed using only initials; <b>i</b> Unless verified by exemplar.	✓ sign and re-date certification with legal signature;
→ signed using a signature stamp; <b>i</b> Unless approved under ORS 246.025.	✓ re-sign and re-date certification with legal signature;
→ signed using an illegible signature; <b>i</b> Unless verified by exemplar.	✓ re-sign and re-date certification with legal signature;
→ photocopied or carbon copied the certification; or	✓ sign and re-date certification with legal signature; or
→ signed in a manner that the signature, printed name, and address are all illegible;	✓ re-sign and re-date certification with legal signature.

### Certification Date Defects

If the date is:	Then the circulator should:
→ missing;	✓ re-sign and date <b>or</b> date and initial correction;
→ crossed out;	✓ re-sign and re-date <b>or</b> re-date and initial correction;
→ overwritten with a different date;	✓ re-sign and re-date <b>or</b> re-date and initial correction;
→ earlier than all petition signers; <b>i</b> Unless the circulator and the only signer are the same person.	✓ re-sign and re-date <b>or</b> re-date and initial correction;
→ earlier than some, but not all petition signers; <b>i</b> Only those signatures dated on or before the date of the certification will be accepted.	✓ re-sign and re-date <b>or</b> re-date and initial correction;
→ partial or ambiguous; or	✓ re-sign and re-date <b>or</b> re-date and initial correction; or <b>i</b> Date must be provided in month, day, and year order if written in all numeric characters.
→ obscured in any way by white out or other correction fluid or adhesive tape.	✓ re-sign and re-date <b>or</b> re-date and initial correction.

The following defects in the circulator certification cannot be corrected and any signature sheet submitted that contains one of these defects will be rejected:

### Incurable Defects

- the original signature of a circulator has been crossed out, and a different circulator's signature is inserted;  
 Does not apply if the original signature is that of an individual whose signature appears on the same signature sheet as a signer.
- two individuals sign and date as circulator; or  
 Does not apply if the only signers and the circulators are the same people.
- white-out or other correction fluid or adhesive tape appears on the signature line.

## Guidelines for Completing Candidate Filing Forms

ORS 249.031



Providing false statements on filing forms is a violation of Oregon Election Law and the candidate may be convicted of a Class C Felony. ORS 260.715(1) and 260.993

Counties may create an electronic version of Candidate Filing Forms. The electronic version of Candidate Filing Forms must contain the required information listed in the statute and have the same components as the PDF version posted on oregonvotes.gov website.

### Residence Address Exemption Request

Candidates for public office are required to provide their residential address for elections officials to confirm that candidates and elected officials reside in the appropriate district and/or jurisdiction.

However, candidates may choose to limit the public accessibility of candidate's residence address from the filing form and a list of electors delivered under ORS 247.940 or 247.945. Candidates wanting to exempt their residence address from public disclosure must complete and file the following form:



SEL 180 – Residence Address Exemption Request

This exemption does not apply to precinct committeeperson or candidates for that office.

Candidates who choose to exempt their residence address from disclosure must provide a publicly disclosable mailing address.

The ballot for each election will be sent to the publicly disclosable mailing address provided by the candidate.

The Elections Official will make all efforts to review the request for exemption within five (5) business days.

If the exemption is granted, the exemption is effective until the:

- person is no longer a candidate;
- candidate was not elected to the public office;
- candidate ceases to hold public office.


To terminate the exemption early, submit a written request to the Elections Official.

A publicly disclosable mailing address listed on Residence Address Exemption Request will be used as the mailing address on the candidate filing if the exempt residence address is used as the mailing address on the filing.

The residence address of a candidate is still subject to inspection as a public record, under ORS 192.311 to 192.478, only to a person who has filed a written public records request.

All forms must be complete before submitting them to the elections official.

Additional information may be required and will be discussed further in this section under the specific section.

 Failure to provide information for each of the required fields may result in rejection of the candidate filing.

## Original or Amendment

Indicate if the filing is an Original filing or an Amendment that is changing information prior to the filing deadline.

## Candidate Information

Complete the following information:

- **Name of Candidate:** This should be the candidate's full name (first, middle initial if applicable, and last). If filing online through ORESTAR, this field is automatically populated from the user profile and cannot be modified.
- **How name should appear on ballot:** Include how the candidate wishes their name to appear on the ballot. If a nickname is used in connection with the candidate's full name, the nickname should be in parentheses. Titles and designations (e.g., Dr., CPA) should not be included as they cannot appear on the ballot.
- **Candidate Residence Address:** Residential address of the candidate, including the county must be used.
- **Mailing Address for Candidate Correspondence:** Include the address where the candidate wishes to receive correspondence from the elections official. To use the residence address as the mailing address for candidate correspondence, click in the checkbox.
- **Contact Information:** Enter valid phone number where the candidate can be reached during normal business hours, fax, email address, and website, if applicable.

The following are guidelines to complete the required fields of occupation, occupational background, educational background, and prior governmental experience on the candidate filing forms. These fields are required and information provided must be accurate. Not every occupational, educational, or prior governmental experience is required to be provided. If the candidate has no relevant experience, "none" or other equivalent must be entered.


## Occupation and Occupational Background

- **Occupation (present employment – paid or unpaid):** The current full- or part-time employment or other line of work, business, craft, or professional information (not required to indicate whether paid or not paid). If not employed, enter "Not Employed".
- **Occupational Background (previous employment – paid or unpaid):** Previous full- or part-time employment or other line of work, business, craft or professional information (not required to indicate whether paid or not paid).

## Educational Background

→ **Educational Background (schools attended):** This may include schools attended by the candidate, including the last grade level completed, whether a diploma, degree or certificate was received, and the course of study. It is not required that every educational experience be listed, but what is listed must be accurate.

→ **Educational Background (other):** Other educational experiences of the candidate.

 A degree indicates a college, university or professional school has awarded a title upon the person for completion of a program of study. For this purpose, honorary degrees or degrees from "degree mills" should not be included under this requirement.

## Prior Governmental Experience

→ **Prior Governmental Experience (elected or appointed):** The current or previous governmental experience, which refers to a person's involvement in governmental activities, such as appointed boards and commissions, elected boards other elected or appointed public offices or organizations that are recognized by a governmental body. Full- or part-time, paid or unpaid, or volunteer experience may be included (not required to indicate whether paid or not paid). If the candidate has no prior governmental experience, enter "None" or other equivalent.

## Candidate Signature and Date Signed

### Additional Information Required

The following instructions are for fields on specific forms that are unique to that form.

## SEL 101 Candidate Filing – Major Political Party or Nonpartisan

### Filing Method

Complete the following information.

- **Fee:** If paying a fee, check this box.
- **Prospective Petition:** If collecting signatures in lieu of paying the filing fee, check this box.
- **Some circulators may be paid:** When collecting signatures, if circulators may be paid to gather the sufficient number of signatures, mark "Yes." If circulators are volunteering their time to help collect signatures, mark "No."

### Office Information


Complete the following information.

- **Filing for Office of:** Indicate the office the candidate is filing for.
- **District, Position or County:** Indicate the district, position or county of the office the candidate is filing for.
- **Party Affiliation:** Select the candidate's party affiliation. If entering your candidacy online, "Nonpartisan" will automatically populate if the office indicated is nonpartisan.
- **Incumbent Judge:** If filing for a state judge position, indicate if the candidate is the incumbent judge by selecting "Yes" or "No."

## SEL 110 Candidate Filing – Minor Political Party

### Nomination Information

- **Party nomination you are accepting with this filing:** Check the box for the party that is nominating you and whose nomination you are accepting.
- **Order of parties on ballot:** Indicate whether the order of the parties will be in default order or in a specified order. If marking Specified, specify the order in the space provided.

 If you have previously filed a candidacy filing with the filing officer for the current election cycle, skip to the Candidate Nomination Certificate and Candidate Attestation on the form. If you have **not** previously filed a candidacy filing with the filing officer for the current election cycle, fill out all remaining fields.

### Candidate Nomination Certificate

Candidate filings by a minor party must be notarized prior to submission. The following fields must be completed.

- **Name of Minor Political Party:** Include the name of the Minor Party nominating the candidate.
- **Signature of the Officer of Minor Political Party:** Include the signature of one of the officers listed on the by-laws of the minor political party.
- **Date Signed:** Include the date the officer of the political party signed the candidate filing form.
- **Printed Name of the Officer of Minor Political Party:** Include the clearly printed name of the officer that signed the candidate filing form.

### The following fields are completed by a Judge or Notary Public.

- **State of Oregon, County of:** Include the name of the county in which the Judge or Notary Public is signing the candidate filing form.
- **Signed before me on:** Include the date the Judge or Notary Public witnessed the Minor Political Party officer sign the candidate filing form.
- **By:** Include the name of the Judge or the Notary Public
- **Judge or Notary Public-State of Oregon:** Include the signature of the Judge or Notary Public

## SEL 114 Candidate Filing – Individual Electors

- **Name of Chief Sponsor:** Include the name of the candidate or other person interested in placing the candidate name on the ballot. This can be the candidate.

## SEL 115 Candidate Filing – Assembly of Electors

### Assembly of Electors fields to complete.

- **Name of Person Submitting Certificate of Nomination:** Include the name of candidate or a person designated as the presiding officer.
- **Address of Person Submitting Certificate of Nomination:** Include the address of the candidate or the presiding officer named in the above field.



- **Signature of Presiding Officer:** Include the signature of the candidate or the signature of the presiding officer of the assembly.
- **Printed Name of Presiding Officer:** Include the clearly printed name of the presiding officer.
- **Signature of the Secretary:** Include the signature of the candidate or the secretary of the assembly.
- **Printed Name of the Secretary:** Include the signature of the candidate or the signature of the secretary of the assembly.

**The following fields are completed by a Judge or Notary Public.**

- **State of Oregon, County of:** Include the name of the county in which the Judge or Notary Public is signing the candidate filing form.
- **Signed before me on:** Include the date the Judge or Notary Public witnessed the Minor Political Party officer sign the candidate filing form.
- **By:** Include the name of the Judge or the Notary Public.
- **Judge or Notary Public-State of Oregon:** Include the signature of the Judge or Notary Public.

## SEL 141 Candidate Filing – Write-In Acceptance

### Nomination or Election

Indicate whether you are accepting a nomination or if you have won the election for this office.


### Office Information

Complete the following information.

- **Filing for Office of:** Indicate the office for which you are accepting the nomination.
- **District, Position or County:** If the office has a district number and/or a position number or the office covers an entire county, indicate that information in this field.

### Nomination Information

- **Party nomination(s) you are accepting:** Check the box for the party or parties that nominated you by write-in at the Primary election and whose nomination you are accepting.
- **Order of parties on ballot:** Indicate whether the order of the parties will be in default order or in a specified order. If marking Specified, specify the order in the space provided.

 If you have previously filed a candidacy filing with the filing officer for the current election cycle, skip to the signature line on the form. If you have **not** previously filed a candidacy filing with the filing officer for the current election cycle, fill out the remaining fields.

## SEL 150 Candidate Filing – Withdrawal

### Withdrawal from Candidacy or Nomination for Office Information

- **Office of:** Indicate the office for which you originally filed.
- **District, Position or County:** Indicate the applicable district, position number, or county of the office for which you filed.
- Check the box to indicate if you were a Candidate for Nomination or if you were running for office by political party.
- **Withdrawal Reason:** In the box, indicate why you are withdrawing your candidacy.

## SEL 190 Candidate Filing - District

---

### Office Information

Complete the following information

- **Filing for Office of:** Select the office for which the candidate is filing.
- **District, Position or County:** Select the district, position, or county of the office for which the candidate is filing.

### Filing Information

Please check the method used to file a completed form.

- Filing with the required \$10.00 fee or
- Prospective Petition, see the District Candidate section of this manual for the requirements for a candidate filing by petition.

## Other Forms

**Additional forms that may be necessary to file.**

### SEL 220 Statement of Organization for a Candidate Committee

---

Please refer to the Campaign Finance Manual for further information about the SEL 220.

### PC 7 Certificate of Limited contributions and Expenditures

---

Please refer to the Campaign Finance Manual for further information about the PC 7.

### SEL 338 Petition Submission

---

Form submitted that provides the number of signatures submitted for verification by completing and filing candidacy by petition.



## List of Forms

**SEL 101**

Candidate Filing – Major Political Party or Nonpartisan

**SEL 102**

Candidate Signature Sheet – Major Party

**SEL 105**

Candidate Filing – Precinct Committeeperson

**SEL 105D**

Write-In Declaration – Precinct Committeeperson

**SEL 105N**

Write-in Nomination – Precinct Committeeperson

**SEL 110**

Candidate Filing – Minor Political Party

**SEL 114**

Candidate Filing – Individual Electors

**SEL 115**

Candidate Filing – Assembly of Electors

**SEL 116**

Candidate Signature Sheet – Assembly of Electors

**SEL 116**

Candidate Signature Sheet – Assembly of Electors

**SEL 180**

Residence Address Exemption Request

**SEL 121**

Candidate Signature Sheet – Nonpartisan

**SEL 122**

Candidate Signature Sheet – Individual Electors

**SEL 141**

Write-In Candidate Acceptance Form

**SEL 150**

Withdrawal – Candidacy or Nomination

**SEL 190**

Candidate Filing – District

**SEL 220**

Statement of Organization for a Candidate Committee

**SEL 338**

Petition Submission – Candidate Voters' Pamphlet

**PC 7**

Certificate of Limited Contributions and Expenditures

# Campaign Finance Manual

*Published by*

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Salem, OR 97310-0722



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*Adopted by*

Oregon Administrative Rule No. 165-012-0005



**Secretary of State**

**Elections Division** Rev. 02/2024

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## Icons

The following icons are used in this manual to emphasize information:

**alert icon**

indicates alert; warning; attention needed

**info icon**

indicates additional information

**deadline icon**

indicates a deadline

**search icon**

indicates information located elsewhere

**example icon**

indicates a detailed example of a concept, process or form

**form icon**

indicates a reference to a form

## Assistance

If you have any questions about the material covered in this manual or need further assistance, please contact:


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se habla español

**tty 1 800 735 2900**  
for the hearing impaired

# Getting Started

## Using the Campaign Finance Manual

---

The 2024 Campaign Finance Manual is intended to provide committees and persons required to file independent expenditures with information about the legal and procedural requirements of campaign finance reporting.

ORS chapter 260, “Campaign Finance Regulation; Election Offenses,” requires disclosure of contributions and expenditures related to any candidate, measure, or political party active in any election including initiative, referendum, and recall petition drives. Persons making independent expenditures related to an election may also be required to disclose those expenditures. It also requires the electronic filing of campaign finance transactions using ORESTAR.

This manual only covers Oregon state campaign finance law. It should not be construed as guidance or interpretations of federal laws and regulations, or laws from local jurisdictions that may have adopted their own campaign finance reporting requirements.



The Campaign Finance Manual and associated forms are adopted by Oregon Administrative Rule No. 165-012-0005.



See page 96, [Information Sources](#), for contact information on other regulatory organizations.

## Using the ORESTAR User’s Manuals and Video Tutorials

---

The system developed by the Secretary of State to disclose campaign finance activity is called the Oregon Elections System for Tracking and Reporting (ORESTAR). ORESTAR is used to file campaign finance transactions electronically.

Each committee and independent expenditure filer with reporting obligations should have an account in ORESTAR. Only the candidate, treasurer, and other authorized users designated by the candidate or treasurer of a committee, and the individual designated as the independent expenditure filer have access to the account.

Two manuals and several [video tutorials](#) have been developed to help a user navigate through ORESTAR committee registration and campaign finance reporting:

- The [ORESTAR User’s Manual: Statement of Organization](#) explains how to electronically file a Statement of Organization.
- The [ORESTAR User’s Manual: Transaction Filing](#) explains how to electronically file campaign finance transactions.

These manuals are available at [www.oregonvotes.gov](http://www.oregonvotes.gov)

# Creating a Committee

## Candidate Committees


---

“Candidate” includes any of the following:

- an individual whose name is printed on a ballot, for whom a declaration of candidacy, nominating petition, or certificate of nomination to public office has been filed, or whose name is expected to be or has been presented, with the individual’s consent, for nomination or election to public office;
- an individual who has solicited or received and accepted a contribution, made an expenditure, or given consent to an individual, organization, political party or political committee to solicit or receive and accept a contribution or make an expenditure on the individual’s behalf to secure nomination or election to any public office at any time, whether or not the office for which the individual will seek nomination or election is known when the solicitation is made, the contribution is received and retained, or the expenditure is made, and whether or not the name of the individual is printed on a ballot;

or

- a public office holder against whom a recall petition has been completed and filed.

 A candidate for federal office or the office of precinct committee person does not file a Statement of Organization or file contribution and expenditure transactions with the Elections Division.

Each candidate must establish a campaign account and file a Statement of Organization designating a candidate committee unless the candidate meets the exception described below.

## When to Create a Candidate Committee

A candidate must file a Statement of Organization not later than three business days after first receiving a contribution or making an expenditure or not later than the deadline for filing a nominating petition, declaration of candidacy, or certificate of nomination, whichever occurs first.


## Exception to Creating a Candidate Committee

A candidate is not required to form a candidate committee if the candidate meets all three of the following conditions:

- The candidate serves as the candidate’s own treasurer;
- The candidate does not have an existing candidate committee;

and

- The candidate does not expect to receive or spend more than \$750 during a calendar year.

 A candidate that has an existing candidate committee but meets the other two conditions may discontinue the candidate committee and close the bank account in order to meet the statutory exception.

The \$750 includes personal funds spent for any campaign-related costs, such as the candidacy filing fee; however, state or county voters’ pamphlet filing fees and *de minimis* costs associated with printing and circulating a petition in lieu of paying a fee for inclusion in a voters’ pamphlet, are not included when calculating contribution or expenditure totals. In general, the use of pens, paper, clipboards, and printer ink from existing household supplies qualifies as *de minimis* costs if the total combined value of using the items is less than \$50. Items purchased specifically for the petition circulation effort do not qualify as *de minimis* costs.



If at any time during a calendar year the candidate exceeds \$750 in either contributions or expenditures, the candidate must establish a campaign account and file a candidate committee not later than three business days after exceeding the \$750 threshold. Further, the candidate must also either file a Certificate of Limited Contributions and Expenditures (if eligible) or file all transactions not later than seven calendar days after the \$750 threshold is exceeded.

## Responsibilities and Liability

The candidate may serve as the committee's treasurer or appoint a separate treasurer. The treasurer of a candidate committee must be an Oregon elector.

The candidate and/or treasurer of a candidate committee is legally responsible for:

- establishing and maintaining a dedicated campaign account in an Oregon financial institution for depositing contributions and making expenditures;
  - signing and filing a Statement of Organization;
  - attesting to and filing transactions;
  - keeping detailed financial records current to within seven business days after the date of receiving a contribution or making an expenditure;
- and**
- preserving records as described in "Retention of Records."

The candidate is personally liable if the appointed treasurer fails to perform any of the required duties.

## Political Action Committees

---

A political action committee is a combination of two or more individuals, or a person other than an individual, that receives a contribution or makes an expenditure for the purpose of supporting or opposing a candidate, measure, or political party. Each political action committee must establish a campaign account at an Oregon financial institution and file a Statement of Organization.

### When to Create a Political Action Committee

The treasurer of a political action committee must file a Statement of Organization not later than three business days after first receiving a contribution or making an expenditure.

### Exceptions to Creating a Political Action Committee

- a person who solicits and receives contributions designated to an identified candidate or political committee which are forwarded to a committee within seven business days of receipt;
  - a person who makes a contribution to a candidate or committee that is required to disclose the receipt of the contribution or has filed a Certificate of Limited Contributions and Expenditures;
- or**
- a group or organization formed to support or oppose a petition that is not certified to the ballot because it has not qualified as a measure or the governing body has not filed the Notice of Measure Election with the local filing officer.

However, a group or organization that intends to support or oppose a measure or petition is required to file as a political action committee when the petition is certified as a measure. If a group or organization is soliciting contributions and making expenditures prior to forming a political action committee, it must keep track of all activity so that it can report all initial assets when the committee is filed. See "[Initial Assets](#)" on page 20 for more information.

## Responsibilities and Liability

The treasurer of a political action committee must be an Oregon elector.

The treasurer of a political action committee is legally responsible for all of the following:

- establishing and maintaining a dedicated campaign account in an Oregon financial institution for depositing contributions and making expenditures;
- signing and filing a Statement of Organization;
- attesting to and filing transactions;
- keeping detailed financial records current to within seven business days after the date of receiving a contribution or making an expenditure;

**and**

- preserving records as described in “Retention of Records.”

The treasurer of a political action committee is personally responsible for carrying out their duties and is personally liable should they fail to perform any required duties. The treasurer of record (i.e., the treasurer listed on the Statement of Organization at the time a transaction is due) is legally responsible for these duties until an amended Statement of Organization is filed appointing a new treasurer.

A political action committee may also have a Civil Penalty Designee that assumes liability for any penalty imposed for late or insufficient transactions. A Civil Penalty Designee must be named on the Statement of Organization and agree to be legally responsible for any penalty imposed for late or insufficient transactions by signing the Statement of Organization. The Civil Penalty Designee of record (i.e. the Civil Penalty Designee listed on the Statement of Organization at the time a transaction is due) must be an Oregon elector and is legally responsible for paying civil penalties until an amended Statement of Organization is filed removing the Civil Penalty Designee or appointing a new one.

## Petition Committees

A petition committee is a committee formed by the chief petitioners of an initiative, referendum, or recall petition. A petition committee must be designated to support only one initiative, referendum, or recall petition. The appointed treasurer of the petition committee must file a Statement of Organization and establish a campaign account at an Oregon financial institution.




Cover and signature sheets will not be approved for circulation until a petition committee is established.

## When to Create a Petition Committee

The treasurer of an initiative, referendum, or recall petition committee must file a Statement of Organization not later than three business days after first receiving a contribution or making an expenditure after filing a prospective petition with the appropriate filing officer or not later than the date the petition is approved for circulation, whichever occurs first.

## Exceptions to Creating a Petition Committee

- the chief petitioner(s) of a district formation;
- The chief petitioner(s) of a disincorporation;
- or**
- the chief sponsor of a minor political party formation.

 If the initiative, referendum, recall, district formation, disincorporation petition or minor political party subsequently qualifies, and the chief petitioner(s) intend to support the measure, minor political party or recall, the chief petitioner(s) must form a political action committee and file campaign finance activity.

## Responsibilities and Liability

The treasurer of a petition committee must be an Oregon elector.

The treasurer of a petition committee is legally responsible for all of the following:

- establishing and maintaining a dedicated campaign account in an Oregon financial institution for depositing contributions and making expenditures;
- signing and filing a Statement of Organization;
- attesting to and filing transactions;
- keeping detailed financial records current to within seven business days after the date of receiving a contribution or making an expenditure;

**and**

- preserving records as described in “Retention of Records.”

The treasurer of a petition committee is personally responsible for carrying out their duties and is personally liable should they fail to perform any required duties. The treasurer of record (i.e., the treasurer listed on the Statement of Organization at the time a transaction is due) is legally responsible for these duties until an amended Statement of Organization is filed appointing a new treasurer.

A petition committee may also have a Civil Penalty Designee that assumes liability for any penalty imposed for late or insufficient transactions. A Civil Penalty Designee must be named on the Statement of Organization and agree to be legally responsible for any penalty imposed for late or insufficient transaction by signing the Statement of Organization. The Civil Penalty Designee of record (i.e. the Civil Penalty Designee listed on the Statement of Organization at the time a transaction is due) must be an Oregon Elector and is legally responsible for paying civil penalties until an amended Statement of Organization is filed removing the Civil Penalty Designee or appointing a new one.

## Campaign Bank Account Information

All committees are required to establish a dedicated campaign bank account. This applies to an original filing and any amended filing changing the treasurer or adding a new signer on the account.

If the committee is filing an original Statement of Organization and the campaign account has not been established at the designated financial institution, the campaign account must be established within five business days of the filing. If the name of the financial institution changes, the committee must file an amended Statement of Organization within five business days of the original filing to disclose the updated campaign account information. Campaign account information provided is exempt from public disclosure.

The following rules apply to setting up and maintaining the campaign account:

- The account must be established in a financial institution located in Oregon.
- The account must be maintained in the name of the committee.
- For a candidate committee, the account holder must include the candidate or the name of the candidate committee. For a political action or petition committee, the account holder must include the treasurer or the name of the committee or the affiliated organization that administers the account. Other individuals may also be listed as account holders, as long as they also have signature authority.
- All expenditures made by the committee must be drawn from the campaign account and issued on a check or paid using a debit card or other form of electronic transmission. The treasurer, and candidate, if applicable, must be signers on the campaign account.
- Each contribution must be deposited into the campaign account not later than seven business days after the date the contribution is received.
- The campaign account must not include any moneys other than contributions or other receipts received by the committee.



Petty cash funds are not permitted.

## Where to File a Statement of Organization

All Statements of Organization and campaign finance transactions must be filed with the Elections Division.

A local jurisdiction (e.g., a city or county) may adopt ordinances that require a committee to also file campaign finance information with the local jurisdiction.



Electronic signatures on Statements of Organization, Certificates of Limited Contributions and Expenditures, and transactions filed using ORESTAR are executed by attaching the filer's username. Do not share your username or password. Do not log in using the username or password of another individual. The attestation and signature(s) on a Statement of Organization or on a Certificate of Limited Contributions and Expenditures filed using the paper forms will be converted to electronic documents and are the official record.

## Filing a Statement of Organization

---

A committee may file the Statement of Organization electronically using ORESTAR or by completing the appropriate paper form and submitting it to the Elections Division by:

- scanning and emailing the forms to [orestar-support.sos@sos.oregon.gov](mailto:orestar-support.sos@sos.oregon.gov)
  - mailing or hand delivering to Public Service Building, 255 Capitol St. NE, Suite 126, Salem, OR 97310.
- or**
- faxing to (503) 373-7414

Refer to the [ORESTAR User's Manual: Statement of Organization](#) to file the Statement of Organization electronically.

A political action committee or petition committee that has a Civil Penalty Designee cannot currently file a Statement of Organization electronically and must file by completing the paper form.

All forms and instructions may be downloaded from the Elections Division's website: [www.oregonvotes.gov](http://www.oregonvotes.gov).



See "Instructions for Completing Forms" on pages 87 - 95.

If filing the Statement of Organization by completing the paper form one of the following three forms must be submitted:

- Candidate Committee: Form [SEL 220: Statement of Organization for Candidate Committee](#);
  - Political Action Committee: Form [SEL 221: Statement of Organization for Political Action Committee](#);
- or**
- Petition Committee: Form [SEL 222: Statement of Organization for Petition Committee](#).

## Amending Statement of Organization Information

---

If any of the information on the Statement of Organization changes, the change must be reported not later than the 10<sup>th</sup> calendar day after the change of information occurs. The amendment can be filed electronically using ORESTAR or by completing the appropriate paper form. A change in information on a Statement of Organization includes a change to any field of information on the filing. This includes changes in election activity to indicate that the committee is active in an election.



If a candidate is nominated at the primary election they must file an amended Statement of Organization to indicate that they will be active at the general election.

If an existing political action committee is supporting or opposing a measure they must file an amended Statement of Organization to indicate that they will be active at the election.

When filing an amendment using the paper form, complete the entire form, not just the updated information. The amended form must be signed by the treasurer, candidate, and civil penalty designee, if applicable, and will supersede all previous filings.

## Discontinuing a Committee


---

A committee may discontinue when it:

- no longer intends to receive contributions or make expenditures;
- has achieved a zero balance;
- has no outstanding debts or obligations;

**and**

- the campaign bank account has been closed.

 A petition committee may not discontinue unless the petition has been withdrawn, the deadline to submit signatures for verification has passed, or the petition has been certified as a measure, whichever is earlier.

Any committee that has filed a Certificate of Limited Contributions and Expenditures for every calendar year since its original Statement of Organization was filed is not required to file contribution and expenditure transactions to discontinue, but it must achieve a zero balance and have no outstanding debts or obligations.

A committee with outstanding debts can achieve a zero balance by repaying or forgiving all debts (outstanding loans, personal expenditures, and accounts payable).




**Warning:** committee funds and assets must not be converted to personal use by any person.

Any remaining funds in the committee's campaign account may be:

- used to defray any expenses incurred in connection with the candidate's duties as a public office holder;
- contributed to another committee;
- contributed to any organization described in section 170(c) of Title 26 of the Internal Revenue Code or to any charitable organization defined in ORS 128.620;

**or**

- used for any other lawful purpose.

 A user retains access to the committee's Private Workshop in ORESTAR for one year after the committee's discontinuation date.

# Independent Expenditure Filers

An independent expenditure is an expenditure or account payable that is not made with the cooperation or prior consent of, or in consultation with, or at the request or suggestion of, a candidate, agent, authorized committee of the candidate, any political committee, or agent of a political committee supporting or opposing a measure. A person must register as an independent expenditure filer if any of the following are true:

- A. a person makes independent expenditures of more than \$250 in a calendar year for a communication to support or oppose any candidate or measure;
- B. a person makes independent expenditures of \$250 or more for a communication that refers to a clearly identified candidate or measure that will appear on the ballot and the communication is published and disseminated to the relevant electorate within 60 calendar days before the primary election, 120 calendar days before the general election, or 90 calendar days before any other election; or
- C. a person makes independent expenditures more than \$250 for a communication that refers to a political party and the communication is published and disseminated to the relevant electorate within 60 calendar days before the primary election, 120 calendar days before the general election, or 90 calendar days before any other election.

Independent expenditure filers must register and disclose the independent expenditures using ORESTAR. The \$250 includes all political expenditures, not just expenditures for a single candidate, measure, or political party. The Filer is not a political action committee.

## Standards for Category A - Advocacy for “Support” or “Opposition”

The following information applies if a person makes independent expenditures of more than \$250 for a communication to support or oppose any candidate or measure (see A above):

- the communication clearly identifies the candidate or measure;
- when taken as a whole and with limited reference to external events, such as the proximity to the election, the communication could only be interpreted by a reasonable person as containing advocacy for the election or defeat of the candidate, passage or defeat of the measure;

**and**

- the communication is unmistakable, unambiguous and suggestive of only one meaning.

The above standards do not apply to communications referenced under B and C above.

**An independent expenditure is not:**

- a contribution made directly to a committee and reported by the committee
- or**
- an expenditure reported as an in-kind contribution by a committee.

## Exceptions to Category B and C – Nonpartisan Communications

A nonpartisan communication does not constitute an independent expenditure in the following situations:

- publication of a nonpartisan voters' guide that is:
  - permitted to be published by a nonprofit, 501(c)(3), entity or
  - includes or offers all major political party candidates for the state office referenced a reasonable opportunity to be included;
- a commercial communication that depicts a candidate's name, image, likeness, or voice only in the candidate's capacity as owner, operator, or employee of a business that existed prior to the candidate's declaration of candidacy;
- official publications produced or distributed by public employees while on the job during working hours;  
**or**
- a communication by a labor union, membership organization, or corporation only to its members, stockholders or executive or administrative personnel.

## Independent Expenditure Filer Registration Information

A person making independent expenditures may register prior to exceeding the threshold and enter the transactions in the person's Private Workshop so ORESTAR can calculate expenditure totals to determine when the \$250 threshold has been exceeded. When the threshold is exceeded, an email will be sent notifying the person that the \$250 threshold has been exceeded and that the expenditures must be filed not later than seven calendar days after exceeding the \$250 threshold.

Any additional expenditures made after exceeding the threshold are required to be filed not later than the applicable deadline: either seven or 30 calendar days after the date of the expenditure, depending on the proximity to the election. Independent expenditure filers are subject to the 7-day reporting deadlines for every election. See [Schedule of Transaction Deadlines for Independent Expenditure Filers](#) on pages 25 - 26.

Contact the Elections Division if you have questions regarding whether a particular expenditure is an independent expenditure.

## Independent Expenditure Filer Responsibilities

An independent expenditure filer is not required to be an Oregon elector. The Filer of Independent Expenditures is legally responsible for attesting to and filing transactions. The individual designated as the Independent expenditure filer can never be amended, nor can they designate an alternate transaction filer.

## Liability

The individual designated as the independent expenditure filer is personally liable for any penalties assessed for late and insufficient filings.



# Campaign Finance Transactions


This section outlines the deadlines and requirements for filing contribution and expenditure transactions. Oregon election law requires complete, accurate, and timely disclosure of contributions and expenditures by committees and independent expenditure filers.


Reporting deadlines are set by statute and penalties may be imposed for late or insufficient transaction reporting. After a transaction is saved in ORESTAR, you must also validate and file the transaction. Refer to the [ORESTAR User's Manual: Transaction Filing](#) for instructions on filing transactions using ORESTAR.

## Filing Campaign Finance Transactions

A committee must maintain detailed records of all contributions and expenditures. If a committee expects to receive a total of more than \$3,500 or spend a total of more than \$3,500 for a calendar year, the committee must file all transactions electronically using ORESTAR.

If a committee does not expect to receive a total of more than \$3,500 or spend a total of more than \$3,500 in a calendar year, the committee may file a Certificate of Limited Contributions and Expenditures. The committee may file a Certificate electronically using ORESTAR or may file the paper form [PC 7](#).

 If a committee has already filed transactions electronically in the calendar year, a Certificate cannot be filed for that year; a Certificate must be filed prior to filing any transactions in ORESTAR. If a committee has entered but not filed transactions for the calendar year, the unfilled transactions may be deleted in order to file a Certificate.


 A committee must file either detailed transactions or a Certificate, whichever is applicable. An independent expenditure filer is not eligible to file a Certificate and must file all expenditures after exceeding the \$250 threshold. Civil penalties may be imposed for failing to file a transaction or Certificate by the deadline.

## Filing a Certificate of Limited Contributions and Expenditures

A committee must be established in order to file a Certificate. A committee that has filed a Certificate is encouraged to enter its transactions into the committee's Private Workshop in ORESTAR so the system can calculate transaction totals to determine when it has exceeded the \$3,500 threshold. If the threshold is exceeded, an email will be sent notifying the committee that the Certificate threshold has been exceeded (i.e., that the Certificate has expired) and that all transactions that have occurred in that calendar year must be filed not later than seven calendar days after exceeding the threshold. It is important for the transactions to be entered in date order so ORESTAR can correctly calculate the date the threshold is exceeded and notify the committee appropriately.

## When to File a Certificate

A Certificate must be filed not later than seven calendar days after receiving the first contribution or making the first expenditure in a calendar year. If a committee has already filed transactions in ORESTAR in the calendar year, a Certificate cannot be filed for that year.

 A certificate must be filed each calendar year if the committee believes they are eligible and chooses not to file detailed transactions. If a committee filed a certificate for the previous calendar year and does not believe they will maintain eligibility the following year, they should contact the Elections Division to update their balance as of December 31 of the previous year.

## What if a Committee Exceeds the \$3,500 Certificate Threshold?

A committee must continuously maintain detailed records of all contributions received and expenditures made even if it files a Certificate. If at any time during the calendar year either the total contributions or total expenditures exceed \$3,500, the committee must file all transactions electronically using ORESTAR. The deadline for filing all transactions occurring during that calendar year is seven calendar days after the date of the transaction that causes the committee to exceed the threshold.

## Reporting Detailed Transactions

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For each transaction, detailed information about the contributor or payee must be disclosed to the public if the aggregate (total amount received from the same contributor or paid to the same payee) has exceeded \$100 in a calendar year.

The aggregate for a contributor includes transaction subtypes cash contribution, in-kind contribution, and non-exempt loan. The aggregate for a payee includes transaction subtypes account payable, cash expenditure, non-exempt loan payment, and personal expenditure for reimbursement. If the aggregate is not exceeded, the transaction is disclosed to the public as a miscellaneous transaction but no information about the contributor or payee is disclosed.

## Committee Reporting Deadlines

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The statutes designate specific deadlines for submitting transactions based on the date of an election and the date of the transaction; penalties may be imposed for late or insufficient reporting. If a committee is not eligible to file a Certificate of Limited Contributions and Expenditures, all transactions must be reported on a continuous basis, with each transaction having its own filing deadline. Continuous reporting also applies to independent expenditure filers.

ORESTAR automatically calculates transaction due dates based on the transaction dates entered by the committee. A transaction is due not later than 11:59:00 pm on the day of the deadline to file the transaction. If the deadline falls on a weekend or holiday, the transaction is due not later than 11:59:00 pm on the next business day. Generally, a transaction is due not later than 30 calendar days after the date of the transaction, but there are some circumstances when a transaction is due not later than seven calendar days after the date of the transaction.

For committees active in an election, transactions that occur between the 42<sup>nd</sup> day before the election and Election Day are due not later than seven calendar days after the date of the transaction. A transaction that occurs prior to the 42<sup>nd</sup> day before the election and has not been filed by the 43<sup>rd</sup> day before the election, is due not later than 30 calendar days after the date of the transaction or by the 35<sup>th</sup> day before the election, whichever date occurs first.

Refer to [Schedule of Transaction Deadlines](#) on pages 21 - 25 for Candidate, Political Action Committees and Petition Committees.

Additionally, there are specific reporting deadlines for contributions received during a legislative session, for recall and referendum petition committee transactions and for a committee that reports initial assets; see [pages 18 - 20](#) for an explanation of those deadlines.

## Independent Expenditure Filer Reporting Deadlines

An independent expenditure filer is required to file all expenditures made on or after January 1 of a calendar year electronically using ORESTAR not later than seven calendar days after exceeding the \$250 expenditure threshold. Any additional expenditure that is made after exceeding the threshold is also required to be filed. Independent expenditure filers are subject to the 7-day reporting deadlines for every election. See [pages 25 - 26](#) for independent expenditure filer transaction deadlines.

## Special Election Reporting Deadlines

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If a special election is held on an election date not regularly scheduled, any political action committee or independent expenditure filer active at the special election is subject to reporting deadlines for the special election. Except as otherwise provided in the 2024 and 2025 [Schedule of Transaction Deadlines](#) on pages 21 - 25, transactions related to any special election shall be filed according to the deadlines set forth below.

- a transaction that occurs on or before the 73<sup>rd</sup> day before the date of the special election is required to be filed not later than 30 calendar days after the date of the transaction;
- a transaction that occurs prior to the 42<sup>nd</sup> day before the date of the special election and has not been filed by the 43<sup>rd</sup> day before the special election is due not later than 30 calendar days after the date of the transaction or by the 35<sup>th</sup> day before the special election, whichever date occurs first; and
- a transaction that occurs on the 42<sup>nd</sup> day through the date of the special election is required to be filed not later than 7 calendar days after the date of the transaction.

## Active in an Election

Being active in an election means that the political committee or independent expenditure filer is subject to shorter transaction filing windows leading up to the election. Transactions that occur between the 42<sup>nd</sup> day before the election and Election Day are due no later than seven calendar days after the date of the transaction. Transactions that occur prior to the 42<sup>nd</sup> day before the election and has not been filed by the 43<sup>rd</sup> day before the election is due not later than 30 calendar days after the date of the transaction or by the 35<sup>th</sup> day before the election, whichever date occurs first.

All candidate and political action committees are presumed to be active at each primary and general election and will be subject to shorter transaction filing windows unless they are eligible to inactivate themselves for the election and affirmatively take steps to do so by opting out of seven-day reporting.

A candidate committee or political action committee is active in an election and cannot inactive themselves and opt-out of seven-day reporting when it solicits contributions or makes expenditures to support or oppose a candidate or measure at the election or files a Statement of Organization designating activity at the election. This includes a candidate committee even if the candidate's name is not printed on the ballot.

Additionally, if a candidate or measure committee reports the receipt of a contribution from another committee and the recipient candidate or measure committee's current Statement of Organization indicates activity at an election, the contributing committee is considered active at the election.

Further, candidate committees and political action committees are active if they engage in any of the following activity:

- makes an expenditure to a measure committee and the recipient measure committee's current Statement of Organization indicates that it is supporting or opposing a measure;
- makes an expenditure to a candidate committee and the recipient candidate committee's current Statement of Organization designates activity at the election;
- makes an expenditure that is identified as an in-kind contribution benefiting a candidate or measure committee, and the candidate or measure committee's current Statement of Organization designates activity at the election;

or

- makes an expenditure and identifies it as an independent expenditure supporting or opposing a candidate or measure active at the election.



A candidate who is automatically nominated to the general election is not eligible to opt out of seven-day reporting for the primary election.



A petition committee is subject to seven-day reporting for primary and general elections and cannot opt-out. An independent expenditure filer is subject to seven-day reporting for every election and cannot opt-out of any election.



A committee that determines they are active in a special election and is not otherwise activated by ORESTAR based on the criteria above must contact the Elections Division to activate themselves for the election.

## How does a committee inactivate themselves and opt-out of seven-day reporting at the primary or general election?

The committee must access the Election Activity Log in the committee's Private Workshop in ORESTAR and indicate the committee is not active. See the [ORESTAR User's Manual: Statement of Organization](#) for instructions on inactivating a committee for an election.

## Reporting Contributions Received During Legislative Session

Oregon election law does not prohibit receiving contributions during a legislative session, but there is a separate and distinct deadline to file any contribution (cash, in-kind, or non-exempt loan of any amount), received from January 1 to adjournment of an annual legislative session or during a special legislative session, by:

- a legislative official, or a candidate for a legislative office at a future election;
- a statewide official, a statewide official-elect, or a candidate for a statewide office at a future election;
- the Governor, Governor-elect, and any candidate for Governor at a future election;

or

- a controlled committee (controlled by an individual subject to legislative reporting), or a legislative caucus committee.



"Statewide official" includes Secretary of State or Secretary of State-elect, State Treasurer or State Treasurer-elect, Attorney General or Attorney General-elect, and the Commissioner of the Bureau of Labor and Industries or the Commissioner-elect of the Bureau of Labor and Industries.

Contributions that are returned to the contributor within two business days, without being deposited into the campaign account, are not required to be reported.

## Legislative Session Reporting Deadlines

Contributions received from January 1 to adjournment (*Sine Die*) during an annual session, and during any special session of the Legislative Assembly must be filed not later than the reporting deadlines set forth below.



### Annual Legislative Session

Contributions received January 1 through the day before the annual legislative session begins are due not later than 11:59:00 pm of the second business day after the first day of the session. Contributions received on or after the first day of session are due not later than the second business day following the date the contribution is received.



### Special Legislative Session

Contributions received during any special session of the Legislative Assembly are due no later than 11:59:00 pm of the second business day following the date the contribution is received.



For the Governor, Governor-elect, or any candidate for Governor at a future election, the two-day reporting schedule does not end at *Sine Die*; two-day reporting continues until 30 business days after adjournment of an annual legislative session. This extension does not apply to a special legislative session.

## Petition Committee Transaction Filing Deadlines

This section describes the transaction filing deadlines for initiative, recall, and referendum petition committees and Statement of Organization filing requirements if the petition qualifies to the ballot. A petition committee may file a Certificate of Limited Contributions and Expenditures if it does not expect to receive or spend more than \$3,500 in a calendar year.

## Initiative Petition Committee Transaction Filing Deadlines

Generally, a transaction is due not later than 30 calendar days after the date of the transaction. However, in an even-numbered year, a transaction is due not later than 11:59:00 pm seven calendar days after the date of the transaction during three specific time frames:

- the 42nd day before the date of the primary election and ending on the date of the primary election;
- the 42nd day before the date that is four months prior to the general election and ending on the date four months before the general election;
- the 42nd day before the date of the general election and ending on the date of the general election.

A transaction that occurs prior to the 42<sup>nd</sup> day before the date that is four months before the general election and has not been filed by the 43<sup>rd</sup> day before the date that is four months before the general election, is due not later than 30 calendar days after the date of the transaction or by the 35<sup>th</sup> day before the date that is four months before the general election, whichever date occurs first.

A transaction that occurs prior to the 42<sup>nd</sup> day before the election and has not been filed by the 43<sup>rd</sup> day before the election, is due not later than 30 calendar days after the date of the transaction or by the 35<sup>th</sup> day before the election, whichever date occurs first.



See the “[Schedule of Transaction Deadlines](#)” for Initiative Petition Committees on pages 23 - 24

## Recall Petition Committee Transaction Filing Deadlines

For a recall petition committee, a transaction is due not later than seven calendar days after the date of the transaction beginning on the date the completed prospective petition is filed with the filing officer and ending on the deadline for submitting signatures for verification.

Beginning on the day after the deadline for submitting signatures, a transaction is due not later than 30 calendar days after the date of the transaction. All transactions must be filed electronically and are due no later than 11:59:00 pm on the deadline for filing the transaction.

## Referendum Petition Committee Transaction Filing Deadlines

For a referendum petition committee, a transaction is due not later than seven calendar days after the date of the transaction beginning on the date the petition committee timely files its Statement of Organization with the Elections Division and ending on the deadline for submitting signatures for verification.

Beginning on the day after the deadline for submitting signatures, a transaction is due not later than 30 calendar days after its occurrence. All transactions must be filed electronically and are due not later than 11:59:00 pm on the deadline for filing the transaction.

## Filing Requirements if a Petition Qualifies to the Ballot


If the filing officer determines that a sufficient number of signatures have been submitted to qualify the petition to the ballot, and the petitioner intends to be active at the election, a political action committee must be formed not later than three business days after receiving a contribution or making an expenditure. If the petitioners are soliciting contributions and making expenditures using an existing miscellaneous or measure political action committee, the treasurer of the committee must amend the Statement of Organization not later than ten calendar days after the measure is certified to the ballot to indicate they will be active at the election.

To determine transaction filing deadlines if an initiative or referendum petition qualifies to the ballot, refer to the appropriate election date in the [Schedule of Transaction Deadlines](#) on pages 21 - 25.


If a recall committee is formed to support or oppose a candidate subject to the recall, transactions are due not later than the 7 calendar days after the date of the transaction through the date of the recall election.

## Initial Assets

A committee is considered to have “initial assets” if it has money on hand at the time it files its original Statement of Organization. Generally, an individual, a combination of individuals, or a person other than an individual, may not receive a contribution or make an expenditure for the purpose of supporting or opposing a candidate, petition, or measure until filing a Statement of Organization. Therefore, a newly-formed committee will ordinarily have no initial assets.

 When reporting eligible transactions in ORESTAR, committees should include “Initial Assets” in the transaction description to ensure the transaction is not incorrectly identified as late.

However, some groups are not prohibited from receiving contributions or making expenditures before filing an original Statement of Organization. Such groups must keep records of all transactions occurring prior to the filing of the Statement of Organization and either be prepared to file those transactions or if eligible, file a Certificate of Limited Contributions and Expenditures. Initial asset transactions include all transaction types including any accounts payable that are still outstanding at the time the Statement of Organization is filed.

 The deadline to file initial asset transactions is the same as the deadline to file the transaction that triggers the establishment of a Statement of Organization. Refer to the appropriate Schedule of Transaction Filing Deadlines or contact the Elections Division to determine the deadline for filing initial asset transactions.

The following four groups may receive contributions or make expenditures (initial asset transactions) prior to filing a Statement of Organization, however any transactions that occur prior to the Statement of Organization being filed must be filed in ORESTAR if the committee is required to be established:


- 1 A chief petitioner of an initiative, referendum, or recall petition that has not filed the prospective petition. The treasurer must file the Statement of Organization to create a petition committee not later than three business days after receiving the first contribution or making the first expenditure after the prospective petition is filed or no later than the date the petition is approved for circulation, whichever occurs first.
- 2 Persons other than a chief petitioner, supporting or opposing a petition. If the petition qualifies as a measure and is certified to the ballot, the treasurer must file a Statement of Organization not later than three business days after receiving the first contribution or making the first expenditure after the petition was certified to the ballot.
- 3 Persons supporting or opposing a measure that has been referred by a governing body, but the notice of measure election has not been filed with the county or a recall petition that has not qualified to the ballot. The treasurer must file the Statement of Organization not later than three business days after receiving the first contribution or making the first expenditure after the measure or recall is certified to the ballot.
- 4 Chief petitioners of a minor political party that has not been qualified. The treasurer must file the Statement of Organization not later than three business days after receiving the first contribution or making the first expenditure after the minor political party has qualified.

# Schedule of Transaction Deadlines

## Candidate and Political Action Committees for 2024 Elections

March 12 Election		May 21 Primary Election	
transaction occurs:	deadline to file:	transaction occurs:	deadline to file:
on or before January 7	30th day after date of transaction	on or before March 17	30th day after date of transaction
January 8 to January 29	February 6	March 18 to April 8	April 16
January 30 to March 12	7th day after date of transaction	April 9 to May 21	7th day after date of transaction
August 27 Election		November 5 General Election	
transaction occurs:	deadline to file:	transaction occurs:	deadline to file:
on or before June 23	30th day after date of transaction	on or before September 1	30th day after date of transaction
June 24 to July 15	July 23	September 2 to September 23	October 1
July 16 to August 27	7th day after date of transaction	September 24 to November 5	7th day after date of transaction

- All dates are 2024 unless otherwise noted. Due dates for an individual election apply when the committee is active in that election.
- Generally, a transaction is due not later than 30 calendar days after the date of the transaction.
- For committees active in an election, transactions that occur between the 42<sup>nd</sup> day before the election and Election Day are due no later than seven calendar days after the date of the transaction. A transaction that occurs prior to the 42<sup>nd</sup> day before the election and has not been filed by the 43<sup>rd</sup> day before the election is due not later than 30 calendar days after the date of the transaction or by the 35<sup>th</sup> day before the election, whichever date occurs first.
- The deadline for filing transactions is not later than 11:59:00 pm on the day the transaction is due. If the deadline falls on a weekend or holiday, the transaction is due not later than 11:59:00 pm on the next business day.

 See [page 5](#) for information on calculating the deadline for filing a Certificate of Limited Contributions and Expenditures or detailed transactions if a candidate is exempt from filing a candidate committee but then exceeds the \$750 threshold of campaign finance activity.

See “[Filing a Certificate of Limited Contributions and Expenditures](#)” on [page 14](#) for information on calculating the deadline for filing transactions if a committee has exceeded the \$3,500 threshold after filing a Certificate of Limited Contributions and Expenditures for a calendar year.

See [page 18](#) for the deadlines to report contributions received during a legislative session, and who is subject to those deadlines.

 All committees are considered active at the Primary and General Elections. See [pages 17](#) to determine if a committee is eligible to opt out of seven-day reporting for those elections.




# Schedule of Transaction Deadlines

## Candidate and Political Action Committees for 2025 Elections

March 11 Election		May 20 Election	
transaction occurs:	deadline to file:	transaction occurs:	deadline to file:
on or before January 5	30th day after date of transaction	on or before March 16	30th day after date of transaction
January 6 to January 27	February 4	March 17 to April 7	April 15
January 28 to March 11	7th day after date of transaction	April 8 to May 20	7th day after date of transaction
August 26 Election		November 4 Election	
transaction occurs:	deadline to file:	transaction occurs:	deadline to file:
on or before June 22	30th day after date of transaction	on or before August 31	30th day after date of transaction
June 23 to July 14	July 22	September 1 to September 22	September 30
July 15 to August 26	7th day after date of transaction	September 23 to November 4	7th day after date of transaction

- All dates are 2025 unless otherwise noted. Due dates for an individual election apply when the committee is active in that election.
- Generally, a transaction is due no later than 30 calendar days after the date of the transaction.
- For committees active in an election, transactions that occur between the 42<sup>nd</sup> day before the election and Election Day are due not later than seven calendar days after the date of the transaction. A transaction that occurs prior to the 42<sup>nd</sup> day before the election and has not been filed by the 43<sup>rd</sup> day before the election, is due not later than 30 calendar days after the date of the transaction or by the 35<sup>th</sup> day before the election, whichever date occurs first.
- The deadline for filing transactions is not later than 11:59:00 pm on the day the transaction is due. If the deadline falls on a weekend or holiday, the transaction is due not later than 11:59:00 pm on the next business day.

 See [page 5](#) for information on calculating the deadline for filing a Certificate of Limited Contributions and Expenditures or detailed transactions if a candidate is exempt from filing a candidate committee but then exceeds the \$750 threshold of campaign finance activity.

See “[Filing a Certificate of Limited Contributions and Expenditures](#)” on [page 14](#) for information on calculating the deadline for filing transactions if a committee has exceeded the \$3,500 threshold after filing a Certificate of Limited Contributions and Expenditures for a calendar year.

See [page 18](#) for the deadlines to report contributions received during a legislative session, and who is subject to those deadlines.

# Schedule of Transaction Deadlines

## Initiative Petition Committees for Calendar Year 2024

<b>May 21 Primary Election</b>	
transaction occurs:	deadline to file:
on or before March 17	30th day after date of transaction
March 18 to April 8	April 16
April 9 to May 21	7th day after date of transaction
<b>July 5 Signature Submission Deadline</b>	
transaction occurs:	deadline to file:
May 22 to May 23	May 31
May 24 to July 5	7th day after date of transaction
<b>November 5 General Election</b>	
transaction occurs:	deadline to file:
July 6 to September 1	30th day after date of transaction
September 2 to September 23	October 1
September 24 to November 5	7th day after date of transaction
November 6 to December 31	30th day after date of transaction

- All dates are 2024 unless otherwise noted.
- Generally, a transaction is due not later than 30 calendar days after the date of the transaction.
- Transactions that occur between the 42<sup>nd</sup> day before the election and Election Day are due no later than seven calendar days after the date of the transaction. A transaction that occurs prior to the 42<sup>nd</sup> day before the election and has not been filed by the 43<sup>rd</sup> day before the election, is due not later than 30 calendar days after the date of the transaction or by the 35<sup>th</sup> day before the election, whichever date occurs first.
- Transactions that occur prior the 42<sup>nd</sup> day before the date that is four months before the general election and ending on the date that is four months before the general election are due no later than seven calendar days after the date of the transaction.
- Transactions that occur prior to the 42<sup>nd</sup> day before the date that is four months before the general election and have not been filed by the 43<sup>rd</sup> day before the date that is four months before the general election, are due not later than 30 calendar days after the date of the transaction or by the 35<sup>th</sup> day before the date that is four months before the general election, whichever date occurs first.
- The deadline for filing transactions is not later than 11:59:00 pm on the day the transaction is due. If the deadline falls on a weekend or holiday, the transaction is due not later than 11:59:00 pm on the next business day.



See [“Petition Committee Transaction Filing Deadlines”](#) on page 18 for transaction deadline information for referendum and recall petition committees.





See [“Filing a Certificate of Limited Contributions and Expenditures”](#) on page 14 for information on calculating the deadline for filing transactions if a committee has exceeded the \$3,500 threshold after filing a Certificate of Limited Contributions and Expenditures for a calendar year.

# Schedule of Transaction Deadlines

## Initiative Petition Committees for Calendar Year 2025

transaction occurs:	deadline to file:
January 1 to December 31	30th day after date of transaction

- All dates are 2025 unless otherwise noted.
- The deadline for filing transactions is not later than 11:59:00 pm on the day the transaction is due. If the deadline falls on a weekend or holiday, the transaction is due not later than 11:59:00 pm on the next business day.

-  See “[Petition Committee Transaction Filing Deadlines](#)” on page 18 for transaction deadline information for referendum and recall petition committees.
-  See “[Filing a Certificate of Limited Contributions and Expenditures](#)” on page 14 for information on calculating the deadline for filing transactions if a committee has exceeded the \$3,500 threshold after filing a Certificate of Limited Contributions and Expenditures for a calendar year.

# Schedule of Transaction Deadlines

## Independent Expenditure Filer for Calendar Year 2024

transaction occurs:	deadline to file:
January 1 – January 7	30th day after date of transaction
January 8 – January 29	February 6
January 30 – March 12	7th day after date of transaction
March 13 – March 17	30th day after date of transaction
March 18 – April 8	April 16
April 9 – May 21	7th day after date of transaction
May 22 – June 23	30th day after date of transaction
June 24 – July 15	July 23
July 16 – August 27	7th day after date of transaction
August 28 – September 1	30th day after date of transaction
September 2 – September 23	October 1
September 24 – November 5	7th day after date of transaction
November 6 – December 31	30th day after date of transaction

Not later than seven calendar days after exceeding the \$250 threshold in a calendar year, an independent expenditure filer is required to disclose all independent expenditures made on or after January 1 in that calendar year. Any subsequent independent expenditure made after the initial filings are required to be filed according to the 2024 schedule above. An independent expenditure filer is considered active at all elections and cannot opt out of seven-day reporting.

- The deadline for filing transactions is not later than 11:59:00 pm on the day the transaction is due. If the deadline falls on a weekend or holiday, the transaction is due not later than 11:59:00 pm on the next business day.
- All dates are 2024.

# Schedule of Transaction Deadlines

## Independent Expenditure Filer for Calendar Year 2025

transaction occurs:	deadline to file:
January 1 – January 5	30th day after date of transaction
January 6 – January 27	February 4
January 28 – March 11	7th day after date of transaction
March 12 – March 16	30th day after date of transaction
March 17 – April 7	April 15
April 8 – May 20	7th day after date of transaction
May 21 – June 22	30th day after date of transaction
June 23 – July 14	July 22
July 15 – August 26	7th day after date of transaction
August 27 – August 31	30th day after date of transaction
September 1 – September 22	September 20
September 23 – November 4	7th day after date of transaction
November 5 – December 31	30th day after date of transaction


Not later than seven calendar days after exceeding the \$250 threshold in a calendar year, an independent expenditure filer is required to disclose all independent expenditures made on or after January 1 in that calendar year. Any subsequent independent expenditure made after the initial filings are required to be filed according to the 2025 schedule above. An independent expenditure filer is considered active at all elections and cannot opt out of seven-day reporting.

- The deadline for filing transactions is not later than 11:59:00 pm on the day the transaction is due. If the deadline falls on a weekend or holiday, the transaction is due not later than 11:59:00 pm on the next business day.
- All dates are 2025.

## Transaction Types and Subtypes

A committee must choose a transaction type when creating each transaction. The transaction subtype choices that display in ORESTAR when creating a transaction are based on the transaction type that has been selected.

Of the six transaction types, the only one that is used by an independent expenditure filer is Expenditure.

 Each transaction type description below begins with information common to all subtypes. Each subtype then provides a list of required information and details specific to that subtype.

### Filing Transactions

After a transaction is entered and saved, you must also take steps to validate and file the transaction.

Refer to the [ORESTAR User's Manual: Transaction Filing](#) for instructions on validating and filing transactions after they have been entered and saved in the committee's Private Workshop.

Transaction Type	Available Transaction Subtypes
<a href="#">Contributions</a> (page 27)	<a href="#">Cash Contribution</a> <a href="#">In-Kind Contribution</a> <a href="#">In-Kind/Forgiven Account Payable</a> <a href="#">In-Kind/Forgiven Personal Expenditures</a> <a href="#">Loan Received (Non-Exempt)</a>
<a href="#">Expenditure</a> (page 35)	<a href="#">Account Payable</a> <a href="#">Cash Expenditure</a> <a href="#">Loan Payment (Non-Exempt)</a> <a href="#">Personal Expenditure for Reimbursement</a>
<a href="#">Other Transactions</a> (page 41)	<a href="#">Account Payable Rescinded</a> <a href="#">Cash Balance Adjustment</a> <a href="#">Loan Forgiven (Non-Exempt)</a> <a href="#">Personal Expenditure Balance Adjustment</a>
<a href="#">Other Account Receivable</a> (page 44)	<a href="#">Miscellaneous Account Receivable</a>
<a href="#">Other Disbursements</a> (page 45)	<a href="#">Loan Payment (Exempt)</a> <a href="#">Miscellaneous Other Disbursement</a> <a href="#">Nonpartisan Activity</a> <a href="#">Return or Refund of Contribution</a>
<a href="#">Other Receipts</a> (page 48)	<a href="#">Interest/Investment Income</a> <a href="#">Items Sold at Fair Market Value</a> <a href="#">Loan Received (Exempt)</a> <a href="#">Lost or Returned Check</a> <a href="#">Miscellaneous Other Receipt</a> <a href="#">Refunds and Rebates</a>

### Contributions

This section generally describes the term “contribution” under Oregon election law. Some moneys received by committees are not considered contributions.

Each cash contribution or loan received by a committee must be deposited into the committee's campaign account not later than seven business days after the date the money is received.

## Definition of Contribution

A contribution includes:

- the payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compensation or consideration, of money, services other than personal services for which no compensation is asked or given, supplies, equipment, or any other thing of value:
  - ✓ for the purpose of influencing an election for public office or an election on a measure, or of reducing the debt of a candidate for nomination or election to public office or the debt of a political committee, or
  - ✓ to or on behalf of a candidate, political committee, or measure.

If a contribution is made for compensation or consideration of less than equivalent value (e.g., the contributor receives something of value such as a t-shirt, dinner, or auction item), only the amount in excess value of the good or service is a contribution.



See [Fundraising Activities](#) page 62 for more information.

## Contributions Received by an Entity Other Than the Committee

If an individual or organization collects contributions on behalf of a candidate or committee, the contributions must be reported as being received from the person giving the contribution, not the collecting individual or organization that forwards the contributions. Violations may result in criminal penalties for making contributions in a false name. Any “person” engaging in this type of activity must deliver each contribution to the committee not later than seven business days after the contribution is received.



Contributions collected by an entity other than a committee, including connected organizations such as unions, associations, or online contribution services, are considered received by the committee once the contributions are in the physical custody of the committee or are electronically deposited in the committee’s campaign account, whichever is sooner.



Failure to deliver the contribution within the required seven business day deadline may result in the collecting individual or organization meeting the definition of a political committee, which would require the formation of a political committee and the filing of all campaign finance transactions in ORESTAR.

## Contribution of Stock

If a person contributes stock to a committee, the contributor is the person that is giving the stock to the committee. The contribution amount is the market value of the stock the day it is received.

If the stock is sold for more than the amount originally reported as a contribution, the difference is reported as an Other Receipt using subtype Interest/Investment Income. If it is sold for less than the amount originally reported the difference is reported as an Other Disbursement using subtype Investment Lost.

## Prohibited Contributions

### Anonymous Contributions



Warning: No committee or person associated with a committee shall accept anonymous contributions. This includes “passing a hat,” a “collection plate,” or setting out a “jar” to collect contributions.

If a committee receives a contribution and cannot identify the contributor, the contribution must be donated to an organization that can accept anonymous contributions. A committee is not required to report the receipt of the contribution if the committee has not deposited the contribution into the campaign account, and the contribution is disbursed within seven calendar days of receipt.

If the committee has kept the anonymous contribution for more than seven calendar days or has deposited it in the campaign account, the committee must disclose the receipt of the anonymous contribution as a cash contribution. When the committee donates the anonymous contribution, it should report the donation as a cash expenditure and include the transaction ID number of the previously reported anonymous contribution in the Description field.



See the [ORESTAR User’s Manual: Transaction Filing](#) for information on how to report an anonymous contribution.

### Cryptocurrency

A person may not make a contribution to a political candidate, a political committee or a petition committee using cryptocurrency. “Cryptocurrency” means digital or virtual currency that relies on cryptography to effect transfers and a decentralized network to record transactions.

### Contributions in a False Name

It is a criminal offense to make a contribution or donation or to directly or indirectly reimburse a person for making a contribution or donation relating to a candidate, measure, political committee, or petition committee in any name other than the person that provides the contribution (i.e., a contribution in a false name). Likewise, it is illegal to knowingly receive a contribution or donation in a false name or enter it into a committee’s account.



Warning: Making a contribution or donation in a false name is a class C felony, punishable by up to five years imprisonment and/or a \$125,000 fine.

### Foreign Nationals

Foreign nationals are prohibited by federal law from making political contributions to influence the election of any candidate. Only exclusive ballot measure committees may accept contributions from foreign nationals.

Foreign nationals include:

- individuals with foreign citizenship;
- immigrants not possessing a “green card”;
- foreign governments;
- foreign political parties;
- foreign corporations;
- foreign associations;
- and**
- foreign partnerships.



## Contributor Information

The Contributor field discloses the person who is the source of the contribution. The information that populates this field is based on the Address Book entry for the transaction.



See “[ORESTAR Address Book](#)” on pages 73 - 74 of this manual and the [ORESTAR User’s Manual: Transaction Filing](#) for the instructions for completing an Address Book entry.

The person signing the check is considered the contributor unless the signer is the trustee of a trust, or is the accountant for, or is otherwise exercising power of attorney for, the actual contributor.

However, if contributors specify that one check represents two or more contributions from a jointly-held checking account (e.g., in the memo bar of the check, verbal affirmation or by letter), a separate transaction is entered for each contributor. Contributors cannot be reported jointly (i.e., John and Jane Doe).

## Contributor Name Information

The name for an Address Book record is the full name of the person making the contribution. “Person” includes an individual, corporation, limited liability company, labor organization, association, firm, partnership, joint stock company, club, organization, or other combination of individuals having collective capacity.



Generally, do not use acronyms or initials in place of the full name of the contributor unless the acronym or initials are the full name or registered business name of the contributor.

## Contributor Address

The address includes the street number and street name or post office box, along with the city, state, and zip code. For individual contributors, “address” means the place where the individual receives correspondence (e.g., personal residence, post office box, or place of employment). For a contributor with a foreign address the address must include the street address, city/province/region, country, and postal code.

Do not list an address that is exempt from public disclosure. If the contributor’s address is exempt from public disclosure; use another address where the contributor receives correspondence.

## Occupational Information

Oregon election law requires occupational information for each individual contributor. If the individual is employed, the employer (name, city, and state where located) must also be provided. If the individual is self-employed, indicate “Self-Employed.” If the contributor is not employed, such as a homemaker, student, retired person, or a volunteer, indicate “Not Employed.”

To be considered sufficient, the occupational information must include enough information for an average member of the voting public to understand the nature of the contributor’s primary job or the nature of their business. The Elections Division considers the information provided in the Occupation and Employer Information fields collectively and in context when determining whether the information provided is sufficient.

### **Occupation**


Occupation is the nature of the individual’s primary job if employed or nature of the individual’s business if self-employed (e.g., real estate broker, restaurant owner, campaign consultant, radio station owner, etc.). Titles, industry names, or other generic descriptors (e.g., business, business owner, company owner, owner, self-employed, small business owner) that do not convey the nature of the business or work performed are not sufficient when a contributor is self-employed.

### *Employer's Name and Address*

Employer's name and address are the company's legal name and the city and state where the company is physically located. Do not use an acronym unless the registered name of the employer includes the acronym. Employer information is not entered for an individual who is self-employed or not employed.

## Occupation Letter Date

If a committee receives a contribution from an individual that does not identify both components of the contributor's occupational information, the committee must send a letter or email to the contributor within seven calendar days after receiving the contribution asking the contributor to provide occupational information.

-  A separate letter or email must be sent for each contribution transaction in which the occupational information is not submitted.

If a contribution transaction must be filed before the occupational information is received, documentation showing the occupational information was requested within seven calendar days of receipt of the contribution is required. Documentation consists of both of the following:

- reporting the date the letter was mailed or emailed to the contributor
- and**
- retaining a copy of the dated letter addressed or email sent to the contributor as part of the committee's records.

-  See [Retention of Records](#) on page 75.

## Calendar Year Aggregate


This field is required if a committee has opted out of the ORESTAR system-calculated aggregate function and applies only to transaction types Contribution and Expenditure.


-  See [Calculating a Transaction's Calendar Year Aggregate](#) on page 72 for more information.


## Additional Data Fields Required for Contributions Based on Subtype

### Cash Contribution

A cash contribution includes cash, checks, or any legal instrument redeemable as currency, transmitted via physical or electronic means.

-  A candidate, political committee or a petition committee may not accept aggregate contributions from a single source of more than \$100 per calendar year in the form of physical currency of the United States or of any other country.

-  Within one calendar year, a committee may accept up to the equivalent of one \$100 bill in paper money and coins from a single source.

-  If a contribution is from an out-of-state contributor, that transaction will be highlighted in the color red when it is filed in ORESTAR.

### *Date of a Cash Contribution*

The date the contribution or loan was received in the committee's physical custody.

If the contribution or loan is received by Electronic Funds Transfer (EFT), the transaction date is the date the contribution is credited to the committee's campaign account.

If the contribution or loan is received via an online merchant account, the transaction date is the date the committee can access the funds to facilitate the transfer of the money from the merchant account to the committee's bank account.

If the contribution or loan is collected by credit card, the transaction date is the date the committee processed the credit card, not the date the credit card information is received.

If stock is contributed, the transaction date is when the committee receives notice either of the authorization or of the completion of the transfer, whichever notification occurs first.



It is not the date the check was written, the postmark on the envelope, the date the contribution was placed in the recipient's post office box, or the date the contribution was deposited in the committee's campaign account.

### **Contributor**

See [Contributor Information](#) above.

### **Amount**

Use the full amount contributed.

### **Description and/or Purpose**

These fields are not required for Cash Contribution transactions.

### **Occupation Letter Date**

This field is only required if sufficient occupational information is not included in the contributor's address book entry. See [Occupation Letter Date](#) on page 31 for additional information.

### **Notes**

This field is not required for Cash Contribution transactions.

## **In-Kind Contribution**

An in-kind contribution is a good or service, other than money, having monetary value. The value is based on the fair market value of the good or service. Fair market value is the dollar amount a consumer would expect to pay for the good or service.

### **Date of an In-Kind Contribution**

The date the candidate, treasurer or any agent of the committee has knowledge of the in-kind contribution and the goods or services have been purchased or provided, the date the account payable is forgiven, or the date the personal expenditure is forgiven.



The date written notification of the in-kind contribution from another political or petition committee is received is not the date of the in-kind contribution **if the candidate, treasurer or any agent of the committee had knowledge of the in-kind contribution and received the goods or services prior to receiving the written notification.** See [In-Kind Expenditure Notification Requirement](#) on page 37 for more information about the in-kind contribution written notification requirement.

### **Contributor**

See [Contributor Information](#) above.

***Amount***

Use the fair market value of the contribution.

***Description and/or Purpose***

See [Transaction Description, Purpose, and Notes](#) section on page 53 for additional information.

***Occupation Letter Date***

This field is only required when sufficient occupational information is not included in the contributor's address book entry. See [Occupation Letter Date](#) on page 31 for additional information.

***Notes***

This field is not required for In-Kind Contribution transactions. See page 53 for more information.

## **In-Kind/Forgiven Account Payable**

This transaction subtype is used when a previously reported account payable is forgiven by the creditor.

***Date of an In-Kind/Forgiven Account Payable***

Use the date the account payable was forgiven.

***Contributor***

See [Contributor Information](#) above.

***Amount***

Use the amount of the account payable that was forgiven.

***Description and/or Purpose***

These fields are not required for Cash Contribution transactions.

***Occupation Letter Date***

This field is only required if sufficient occupational information is not included in the contributor's address book entry. See [Occupation Letter Date](#) on page 31 for additional information.

***Notes***

This field is not required for In-Kind/Forgiven Account Payable transactions. See page 53 for more information.

***Transaction Association***

See [Transaction Association](#) page 55 and the [ORESTAR User's Manual: Transaction Filing](#) for information on completing the Transaction Association information Associate: partial amount is forgiven

Associate: partial amount is forgiven

Complete: full amount is forgiven

## **In-Kind/Forgiven Personal Expenditures**

This transaction subtype is used when previously reported personal expenditures for reimbursement are forgiven by the person who made the personal expenditures.

***Date of In-Kind/Forgiven Personal Expenditures***

Use the date the personal expenditure was forgiven.

***Contributor***

See [Contributor Information](#) above.

***Amount***

Use the amount of personal expenditures forgiven by the person.

***Description and/or Purpose***

These fields are not required for In-Kind/Forgiven Personal Expenditures transactions.

***Occupation Letter Date***

This field is only required if sufficient occupational information is not included in the contributor's address book entry. See [Occupation Letter Date](#) on page 31 for additional information.

***Notes***

This field is not required for In-Kind/Forgiven Personal Expenditures transactions. See page 53 for more information.

***Transaction Association***

Do not associate this transaction to the previously reported Personal Expenditure transaction(s).

**Loan Received (Non-Exempt)**

A non-exempt loan is generally from a source other than a financial institution. All non-exempt loans received must be itemized, regardless of the amount. A committee must obtain the name and address of the lender holding the loan and the total amount of the loan; the terms of the loan, including the interest rate and repayment schedule must be disclosed when filing the transaction.



It is permissible to receive loans with an interest rate of zero and repayment schedule of "payable when funds available." Loan agreements must be preserved in writing for at least two years after the loan transaction is filed, or until the loan is repaid, whichever is later.

Outstanding loans may not be transferred to another committee.

Each endorser or guarantor of an exempt or non-exempt loan received is considered a contributor and must be reported unless the endorser or guarantor is the candidate's spouse.

***Date of a Loan Received (Non-Exempt)***

The date the loan was received in the committee's physical custody.

If the loan is received by Electronic Funds Transfer (EFT), the transaction date is the date the loan is credited to the committee's campaign account.

If the loan is received via an online merchant account, the transaction date is the date the committee can access the funds to facilitate the transfer of the money from the merchant account to the committee's bank account.

If the loan is collected by credit card, the transaction date is the date the committee processed the credit card, not the date the credit card information is received.



It is not the date the check was written, the postmark on the envelope, the date the contribution was placed in the recipient's post office box, or the date the contribution was deposited in the committee's campaign account.

***Contributor***

See [Contributor Information](#) above.

***Amount***

Use the loan amount.

***Interest Rate***

Enter the interest rate for the loan. If there is no interest rate attached to the loan, enter "0" (zero).

***Repayment Schedule***

If there is no repayment schedule, indicate "payable when funds available."

***Description and/or Purpose***

See [Transaction Description, Purpose, and Notes](#) section on page 53 for additional information.

***Occupation Letter Date***

This field is only required if sufficient occupational information is not included in the contributor's address book entry. See [Occupation Letter Date](#) on page 31 for additional information.

***Notes***

This field is not required for Loan Received (Non-Exempt) transactions. See page 53 for more information.

## Expenditure

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This section generally describes the term "expenditure" under Oregon election law. Some payments made by committees are not considered expenditures. These are [Other Disbursements](#) and are discussed on page 45.

### Definition of Expenditure

An expenditure includes:

- payment or furnishing of money or any other thing of value;
  - incurring or repayment of indebtedness or obligation by or on behalf of a candidate, committee, or person in consideration for any services, supplies, or equipment;
  - any other thing of value performed or furnished for any reason, including support of or opposition to a candidate, committee, or measure;
  - reducing the debt of a candidate for nomination or election to public office;
- or
- contributions made by a candidate or committee to or on behalf of any other candidate or committee.

All expenditures made by a committee must be drawn from the campaign account and either issued on a check signed by the candidate or treasurer of the committee or by any other individual designated as a signer on the account or paid using a committee credit card, debit card, or other form of electronic transmission. This does not prohibit a person from making a personal expenditure on behalf of the committee and receiving reimbursement from the campaign account.



Funds that are still part of the committee's assets, such as funds transferred between checking and savings accounts or funds held for change at a fundraiser, are not expenditures and should not be reported.



A committee must not maintain a petty cash fund for making incidental expenditures. Expenditures in the form of currency are prohibited under ORS 260.054.

## Payee Information

This field discloses the person who is the source of the goods, or services received by the committee, or to whom the committee is making an expenditure. The information that populates this field is based on the Address Book entry for the transaction.

### Payee Name Information

Use the name to whom payment is made or owed.

The name for an Address Book record is the full name of the person associated to the address book entry. Person includes an individual, corporation, limited liability company, labor organization, association, firm, partnership, joint stock company, club, organization, or other combination of individuals having collective capacity.



Generally, do not use acronyms or initials in place of the full name of the payee unless the acronym or initials are the full name or registered business name of the payee.



See "[ORESTAR Address Book](#)" on pages [73](#) - [74](#) of this manual and the [ORESTAR User's Manual: Transaction Filing](#) for the instructions for completing an Address Book entry.

If the committee uses a credit or debit card issued in the committee name, the payee is the business or individual accepting the card as payment.



See page [62](#) "[Reporting Credit/Debit Card Transactions](#)."

If a committee uses a payroll processing company to process its payroll, the committee reports the name of the payroll company as the payee unless the payroll processing company issues a check or payment directly from the committee's account, in which case the payee is who the check is made payable to.


## Address for a Payee

The payee's address is the city and state where the payee is located, or county if the payee is not located in a city. For payee in a foreign country, the address is the city/province/region, and country. A corporate address is acceptable. Do not list a payee address that is exempt from public disclosure. Contributors must provide a disclosable address.

## How to Report In-Kind or Independent Expenditure Information

### In-Kind Expenditure Information


If a committee makes an expenditure for a good or service, and the expenditure is an in-kind contribution to another committee, the expenditure transaction must disclose In-Kind Expenditure Information identifying the committee(s) that received the in-kind contribution and the amount of the in-kind contribution.

 If an expenditure transaction is identified as an in-kind contribution to another committee, that transaction will be highlighted in the color green when it is filed in ORESTAR.

### In-Kind Expenditure Notification Requirement

The committee making the expenditure is required to notify the candidate or committee via letter or email of the in-kind contribution; notification must be made not later than 48 hours after the expenditure has been filed in ORESTAR. Failure to notify the candidate or committee within the time frame specified may result in a civil penalty.

### In-Kind Expenditure Benefitting Multiple Committees: Reporting Requirement

 Jane Doe is a candidate for state senate and is holding a fundraiser for herself. Featured guests at the fundraiser are the two house candidates in her senate district from the same political party, Tom Jones and Fred Brown. Jane mails an invitational flyer to a district-wide list of potential supporters at a cost of \$500. Because both Tom and Fred are also on the ballot, Jane's invitation benefits their candidacies as well. Her \$500 expenditure is reported for each candidate which includes the committee name and amount apportioned to each candidate. In this example the amount apportioned to each candidate is \$125, as each of their districts is one-half the size of Jane's.

Each candidate reports an in-kind contribution of \$125 from Jane's committee.

### Independent Expenditure Information

If a committee or independent expenditure filer makes an independent expenditure (e.g., the expenditure is NOT coordinated with any agent of the candidate or committee), the independent expenditure must disclose Independent Expenditure information identifying the candidate, measure or political party, indicate support or opposition and the amount apportioned to the candidate, measure or political party.

### Calendar Year Aggregate

This field is required if a committee has opted out of the ORESTAR system-calculated aggregate function and applies only to transaction types Contribution and Expenditure.


 See [Calculating a Transaction's Calendar Year Aggregate](#) on page 72 for more information.



## Additional Data Fields Required for Expenditures Based on Subtype

### Account Payable

An account payable is an amount owed by the committee to a creditor for the purchase of goods or services. There is an exception to the requirement of reporting an account payable. If the committee makes the expenditure to pay the account payable before the due date for filing the account payable transaction, the Account Payable is not required to be reported.

-  If a committee active at the 2024 Primary Election incurs an account payable on April 23, 2024, and the payable is paid on or before April 30, 2024 (the deadline to file the transaction), the committee is not required to file the account payable. However, if the payable is not paid by April 30, 2024, the committee is required to file the payable no later than April 30, 2024, 11:59:00 pm and then must file a separate cash expenditure transaction when the payable is paid.

#### *Date of Account Payable*

Use the date an order is placed for goods or services and payment is not made when the order is placed. It is not the date of the invoice or the date the committee receives the invoice.

#### *Payee*

See [Payee Information](#) above.

#### *Amount*

The amount for an Account Payable transaction can be an estimate or “price quote.” If the committee is not provided an estimate of the cost of the goods or services, they may use their own estimate of the cost for reporting purposes. Do not amend the amount of the account payable transaction if the final amount billed or invoiced is different from the amount originally reported. Do not enter a dollar sign when entering the amount.

#### *Description and/or Purpose*

See [Transaction Description, Purpose, and Notes](#) section on page 53 for additional information.

#### *Notes*

This field is not required for Account Payable transactions. See page 53 for more information.

#### *In-Kind or Independent Expenditure Information*

In-kind or Independent Expenditure Information must be completed for a transaction if:

- the account payable is an in-kind contribution to another candidate or committee;
- the account payable is an independent expenditure for a communication supporting or opposing a candidate or measure; or
- the account payable is an independent expenditure that is a communication that refers to a candidate or political party and is disseminated to the relevant electorate 30 days before the primary election or 60 days before the general election.

The transaction must:

- be identified as either an in-kind expenditure or independent expenditure;
- identify the candidate(s), committee(s), or measure(s) supported or opposed by the expenditure;
- include the amount apportioned to each candidate, committee or measure(s); and
- identify “support” or “oppose” if it is an independent expenditure.



See the [ORESTAR User’s Manual: Transaction Filing](#) for detailed instructions about completing the in-kind or independent expenditure information.

## Cash Expenditure

Cash expenditures are expenditures drawn from the committee's account in the form of check, credit card, debit card, or other electronic transmission.

### *Date of Cash Expenditure*

Use the date written on the check, the date an electronic check is issued, for an online bill pay system the date the funds are withdrawn from the account, or the date the committee's credit or debit card is used.



It is not the date of the credit card statement or the date of payment to the credit card company.

Bank Service Charge: the transaction date is the date the committee receives the statement reporting the service charge amount.

Electronic Funds Transfer (EFT): the transaction date is the date the expenditure is withdrawn from the committee's account.



It is not the date the committee receives the bank statement that reports the amount of the electronic funds transfer.

### *Payee*

See [Payee Information](#) above. When reporting an expenditure from committee funds to reimburse a person for reported personal expenditures for reimbursement, the payee is the person receiving reimbursement (who the check is made payable to).

### *Payment Method*

Indicate whether the expenditure is being made by Check, Credit Card, Debit Card, Electronic Check, or Electronic Funds Transfer.

### *Check Number*

This field is only required if the Payment Method is "check." Use the number of the check issued by the committee. Do not enter a check number unless the payment method is Check or Electronic Check. Do not report voided checks. If a check does not have a printed or hand-written check number (such as a counter check or money order) enter "counter check" or "money order" in the Description field.

### *Amount*

Use the transaction amount. Do not enter a dollar sign when entering the amount.

### *Description and/or Purpose*

See [Transaction Description, Purpose, and Notes](#) section on page 53 for additional information.

### *Notes*

This field is not required for Cash Expenditure transactions. See page 53 for more information.

### *Transaction Association*

This transaction subtype requires an "association" if the expenditure is to pay a previously reported account payable transaction.

See [Transaction Association](#) page 55 and the [ORESTAR User's Manual: Transaction Filing](#) for information on how to complete a transaction association when using transaction subtype Account Payable.

Associate: partial amount is paid

Complete: full account payable is paid. It is possible that the amount for the expenditure(s) will not match the amount of the account payable. This is allowed and marking the account payable as “complete” will ensure the accuracy of the ORESTAR account summary.

### ***In-Kind or Independent Expenditure Information***

In-kind or Independent Expenditure Information must be completed for a transaction if:

- a cash expenditure is an in-kind contribution to another candidate or committee;
- a cash expenditure is an independent expenditure for a communication supporting or opposing a candidate or measure; or
- a cash expenditure is an independent expenditure that is a communication that refers to a candidate or political party and is disseminated to the relevant electorate 30 days before the primary election or 60 days before the general election.

The transaction must:

- be identified as either an in-kind expenditure or independent expenditure;
- identify the candidate(s), committee(s), or measure(s) supported or opposed by the expenditure;
- include the amount apportioned to each candidate, committee or measure(s); and
- identify “support” or “oppose” if it is an independent expenditure.



See the [ORESTAR User's Manual: Transaction Filing](#) for detailed instructions about completing the in-kind or independent expenditure information.

## **Loan Payment (Non-Exempt)**

A non-exempt loan payment is an expenditure made to reduce an outstanding non-exempt loan balance. Each non-exempt loan payment must be itemized regardless of the amount.

### ***Date of Loan Payment (Non-Exempt)***

Use the date written on the check, the date an electronic check is issued, for an online bill pay system the date the funds are withdrawn from the account, or the date the committee's credit or debit card is used.



It is not the date of the credit card statement or the date of payment to the credit card company.

Electronic Funds Transfer (EFT): the transaction date is the date the payment is withdrawn from the committee's account.



It is not the date the committee receives the bank statement that reports the amount of the electronic funds transfer.

### ***Payee***

See [Payee Information](#) above.

### ***Payment Method***

Indicate whether the expenditure is being made by Check, Credit Card, Debit Card, Electronic Check, and Electronic Funds Transfer.

### ***Check Number***

This field is only required if the Payment Method is “check.” Use the number of the check issued by the committee. Do not enter a check number unless the payment method is Check or Electronic Check. Do

not report voided checks. If a check does not have a printed or hand-written check number (such as a counter check or money order) enter “counter check” or “money order” in the Description field.

***Amount***

Use the loan payment amount.

***Description and/or Purpose***

See [Transaction Description, Purpose, and Notes](#) section on page 53 for additional information.

***Notes***

This field is not required for Loan Received (Non-Exempt) transactions. See page 53 for more information.

***Transaction Association***

This transaction subtype requires an “association” to the previously reported loan received (non-exempt) transaction.

See [Transaction Association](#) page 55 and the [ORESTAR User’s Manual: Transaction Filing](#) for information on how to complete a transaction association when using transaction subtype loan received (non-exempt).

Associate: the payment partially satisfies the loan

Complete: the payment fully satisfies the loan. This is the last payment.

## **Personal Expenditure for Reimbursement**

An expenditure by a person, including a political or petition committee, from the person’s funds, made on behalf of a committee, is a personal expenditure for reimbursement if the person expects to be reimbursed from committee funds. If the person does not want reimbursement, then an in-kind contribution transaction (from the person) must be reported.

The expenditure made by the person is required to be reported, in addition to the transaction made to reimburse the person who made the personal expenditure. The name of the person making the personal expenditure (Payer of Personal Expenditure) and where the person spent their money (Payee) is required to be disclosed when reporting a personal expenditure for reimbursement. See [Personal Expenditures](#) page 58 - 61 for an example of how to report this kind of transaction.

***Date of Personal Expenditure for Reimbursement***

Use the date a person makes an expenditure (by cash, check, credit card, debit card, etc.) from personal funds on behalf of the committee and expects repayment.

***Payer of Personal Expenditure***

The name of the person that makes an expenditure from the person’s funds on behalf of the committee and wants reimbursement.

***Payee***

See [Payee Information](#) above. The name of the person or business receiving the personal funds.

***Amount***

Use the transaction amount.

***Description and/or Purpose***

See [Transaction Description, Purpose, and Notes](#) section on page 53 for additional information.

**Notes**

This field is not required for Personal Expenditure for Reimbursement transactions. See page 53 for more information.

## Other Transactions

### Definition of Other Transactions

A committee uses transaction type Other when an account payable is no longer owed, a non-exempt loan is forgiven, the outstanding personal expenditure balance on the committee's account summary cannot be reconciled, or if the committee's campaign account balance does not match the cash balance reported in ORESTAR.

### Additional Data Fields for Other Transactions Based on Subtype

#### Account Payable Rescinded

This subtype is used if a previously reported account payable is no longer owed because the payable is disputed or if it is later determined that the payable invoice was sent in error and the committee is not obligated to pay the account payable that was previously reported.

***Date of Account Payable Rescinded***

Use the date the committee determines that the payable is disputed and no longer owed or the date a contract is cancelled.

***Payee***

This field discloses the person rescinding the account payable. The information that populates this field is based on the Address Book entry for the transaction.



See “[ORESTAR Address Book](#)” on pages 73 - 74 of this manual and the [ORESTAR User's Manual: Transaction Filing](#) for the instructions for completing an Address Book entry.

***Amount***

Use the amount rescinded.

***Description and/or Purpose***

See [Transaction Description, Purpose, and Notes](#) section on page 53 for additional information.

***Notes***

This field is not required for Account Payable Rescinded transactions. See page 53 for more information.

***Transaction Association***

Associate the transaction to the previously reported Account Payable.

See [Transaction Association](#) page 55 and the [ORESTAR User's Manual: Transaction Filing](#) for information on how to complete a transaction association when using transaction subtype Account Payable.

Associate: partial amount is rescinded

Complete: full amount is rescinded

## Cash Balance Adjustment

This subtype is used to make an adjustment to the committee's cash balance on its Account Summary to match the balance in the committee's campaign account. This transaction should be filed only if the committee has exhausted all efforts to determine why there is a discrepancy between the Account Summary cash balance and the cash balance in the committee's campaign account.

### *Date of Cash Balance Adjustment*

Use the date the committee determines that it cannot reconcile the committee's campaign account balance to match the cash balance as reported on the committee's Account Summary in ORESTAR.

### *Amount*

Use the amount the balance should be adjusted by. To subtract amount from balance, enter a negative sign in front of the amount or use parenthesis.

### *Description*

Enter "To match bank balance."

### *Notes*

This field is not required for Cash Balance Adjustment transactions. See page 53 for more information.



Filing a Cash Balance Adjustment may result in a civil penalty.

## Loan Forgiven (Non-Exempt)

This subtype is used if a previously reported non-exempt loan received is forgiven by the lender.

### *Date of Loan Forgiven (Non-Exempt)*

Use the date the loan is forgiven or paid by another person.

### *Payee*

This field discloses the person who is forgiving a non-exempt loan. The information that populates this field is based on the Address Book entry for the transaction.



See "ORESTAR Address Book" on pages 73 - 74 of this manual and the [ORESTAR User's Manual: Transaction Filing](#) for the instructions for completing an Address Book entry.

### *Amount*

Use the amount forgiven.

### *Description and/or Purpose*

These fields are not required for Loan Forgiven (Non-Exempt) transactions.

### *Notes*

This field is not required for Loan Forgiven (Non-Exempt) transactions. See page 53 for more information.

### *Transaction Association*

Associate to the previously reported Loan Received (Non-Exempt).

See [Transaction Association](#) page 55 and the [ORESTAR User's Manual: Transaction Filing](#) for information on how to complete a transaction association when using transaction subtype Loan Forgiven (Exempt).

Associate: partial amount is forgiven

Complete: full amount is forgiven

## Personal Expenditure Balance Adjustment

This subtype is used to make an adjustment to the committee's outstanding personal expenditure balance on its Account Summary. This transaction should be filed only if the committee has exhausted all efforts to determine why there is a discrepancy between the Account Summary Outstanding Personal Expenditure Balance and what the committee believes the balance should be.

### *Date of Personal Expenditure Balance Adjustment*

Use the date the committee determines the committee's outstanding personal expenditure balance is not accurate on the committee's Account Summary in ORESTAR.



Filing a Personal Expenditure Balance Adjustment may result in a civil penalty.

### *Amount*

Use the amount the balance should be adjusted by. To subtract amount from balance, enter a negative sign in front of the amount or use parenthesis.

### *Description*

Enter "To match committee records."

### *Notes*

This field is not required for Personal Expenditure Balance Adjustment transactions. See page 53 for more information.

## Other Account Receivable

This section generally describes the term "other account receivable" under Oregon election law.

### Definition of Other Account Receivable

Other Account Receivable is money that the committee expects to receive that is exempt from being considered a contribution.

## Data Fields Required for Other Account Receivable Based on Subtype

### Miscellaneous Account Receivable

This is the only subtype used to report an Other Account Receivable. This subtype includes the receivable associated with a loan extended by a committee, or to report the fair market value of auction/fundraising proceeds that have not been collected.

### *Date of Miscellaneous Account Receivable*

The date the committee makes an expenditure for a loan, or the date of the auction to report the fair market value of auction/fundraising proceeds that have not yet been collected, or the date the committee makes an expenditure for a deposit. All of these actions require the committee to file a

miscellaneous account receivable transaction to reflect the committee is expecting to receive money from some source.

### ***Contributor/Payee***

This field discloses the person from whom the committee expects to receive money. The information that populates this field is based on the Address Book entry for the transaction.



See “ORESTAR Address Book” on pages 73 - 74 of this manual and the [ORESTAR User’s Manual: Transaction Filing](#) for the instructions for completing an Address Book entry.

### ***Amount***

Use the transaction amount.

### ***Description and/or Purpose***

See [Transaction Description, Purpose, and Notes](#) section on page 53 for additional information.

### ***Notes***

This field is not required for Miscellaneous Account Receivable transactions. See page 53 for more information.

## **Other Disbursements**

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This section generally describes the term “other disbursements.” Some expenditures made by committees are reportable but not considered an “expenditure” for reporting purposes.

## **Data Fields Required for Other Disbursements Based on Subtype**

### **Loan Payment (Exempt)**

This subtype is used to report a payment on the principal of an exempt loan. Any interest payment on an exempt loan is reported as a cash expenditure.

#### ***Date of Loan Payment (Exempt)***

The transaction date for an Other Disbursement is the date written on the check, the date the committee’s credit or debit card is used, or the date of the EFT.

#### ***Payee***

This field discloses the person to whom the loan payment is made. The information that populates this field is based on the Address Book entry for the transaction.



See “ORESTAR Address Book” on pages 73 - 74 of this manual and the [ORESTAR User’s Manual: Transaction Filing](#) for the instructions for completing an Address Book entry.

#### ***Payment method***

This field is not required for Loan Payment (Exempt) transactions.

#### ***Amount***

Use the amount of the loan payment.

#### ***Description and/or Purpose***

These fields are not required for Loan Payment (Exempt) transactions.

#### ***Notes***

This field is not required for Loan Payment (Exempt) transactions. See page 53 for more information.



### ***Transaction Association***

Associate to the previously reported Loan Received (Exempt).

See [Transaction Association](#) page 55 and the [ORESTAR User's Manual: Transaction Filing](#) for information on how to complete a transaction association when using transaction subtype Loan Forgiven (Exempt).

Associate: the loan payment does not fully satisfy the loan

Complete: the loan payment fully satisfies the loan. This is the last payment.



## **Miscellaneous Other Disbursement**

This subtype is used when the committee needs to report a loss on an investment or expenses for the preparation and distribution of slate cards and sample ballots by state or local political party committees that meet the criteria set forth below, or if the committee makes an expenditure for a purpose that is not political and therefore does not meet the definition of an expenditure.

A slate card or sample ballot must meet both of the following criteria to qualify as a Miscellaneous Other Disbursement:

- contains the names of at least three candidates running for election to any public office within the state;  
**and**
- is not distributed through public advertising such as broadcast media, newspapers, magazines, or billboards.

If the above criteria are not met, the committee will report the transactions associated with the preparation and distribution of the sample ballot or slate card as expenditures.

-  If any committee other than a political party committee or an independent expenditure filer makes expenditures to produce slate cards and sample ballots, those transactions are reported as cash expenditures.
-  Using this subtype requires information in the Description field of the transaction to explain the purpose of the disbursement.


### ***Date of Miscellaneous Other Disbursement***

The transaction date for an Other Disbursement is the date written on the check, the date the committee's credit or debit card is used, or the date of the EFT.

The date for reporting a loss on an investment is the date the committee receives the statement reporting the loss.

### ***Payee***

This field discloses the person to whom the Miscellaneous Other Disbursement is made. The information that populates this field is based on the Address Book entry for the transaction.

-  See "ORESTAR Address Book" on pages 73 - 74 of this manual and the [ORESTAR User's Manual: Transaction Filing](#) for the instructions for completing an Address Book entry.

### ***Payment method***

This field is not required for Miscellaneous Other Disbursement transactions.

### ***Amount***

Use the transaction amount.

***Description and/or Purpose***

See [Transaction Description, Purpose, and Notes](#) section on page 53 for additional information.

***Notes***

This field is not required for Miscellaneous Other Disbursement transactions. See page 53 for more information.

**Nonpartisan Activity**

This subtype is used to report activity designed to encourage individuals to vote or to register to vote, regardless of party affiliation.

***Date of Nonpartisan Activity***

The transaction date for Nonpartisan Activity is the date written on the check, the date the committee's credit or debit card is used, or the date of the EFT.

***Contributor/Payee***

This field is not required for Nonpartisan Activity transactions.

***Payment method***

This field is not required for Nonpartisan Activity transactions.

***Amount***

Use the transaction amount.

***Description and/or Purpose***


These fields are not required for Nonpartisan Activity transactions.

***Notes***

This field is not required for Nonpartisan Activity transactions. See page 53 for more information.

**Return or Refund of Contribution**

This subtype is used if a contribution is returned more than seven calendar days after receipt or is deposited in the campaign account prior to the refund being issued, or if a reported contribution is returned by the financial institution for insufficient funds.

 Contributions received by the committee and returned to the contributor within seven calendar days of receipt without being deposited in the campaign account are not reportable.

A contribution received by a committee subject to reporting contributions received during a legislative session that is returned within two business days of receipt without being deposited in the campaign account is also not reportable.

***Date of Return or Refund of Contribution***

The transaction date Return or Refund of Contribution is the date written on the check, the date the committee's credit or debit card is used, or the date of the EFT.

***Payee***

This field discloses the person to whom the contribution is returned or refunded. The information that populates this field is based on the Address Book entry for the transaction.



See “ORESTAR Address Book” on pages 73 - 74 of this manual and the [ORESTAR User’s Manual: Transaction Filing](#) for the instructions for completing an Address Book entry.

#### ***Payment method***

This field is not required for Return or Refund of Contribution transactions.

#### ***Amount***

Use the amount returned or refunded.

#### ***Description and/or Purpose***

These fields are not required for Return or Refund of Contribution transactions.

#### ***Notes***

This field is not required for Return or Refund of Contribution transactions. See page 53 for more information.

#### ***Transaction Association***

Associate with the previously reported contribution.

See [Transaction Association](#) page 55 and the [ORESTAR User’s Manual: Transaction Filing](#) for information on how to complete a transaction association when using transaction subtype Loan Forgiven (Exempt).

Associate: returning or refunding a portion of the contribution

Complete: returning or refunding the full contribution

## **Other Receipts**

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This section generally describes the term “other receipts.”

### **Definition of Other Receipt**

An “other receipt” is money received by a committee that does not meet the definition of contribution but still is reportable.

### **Data Fields Required for Other Receipt Based on Subtype**

#### **Interest/Investment Income**

This subtype includes interest earned from bank accounts, certificates of deposit, proceeds earned from invested funds, and dividends earned on securities.

##### ***Date of Interest/Investment Income***

The date that the committee receives the statement reporting the amount of interest earned or investment income. If a committee liquidates stock and the value has increased after reporting the receipt of the original contribution, the date for reporting the investment income is the date the stock is liquidated.

##### ***Contributor***

This field is not required for Interest/Investment Income transactions.

**Amount**

Use the amount of interest or investment income.

**Description and/or Purpose**

These fields are not required for Interest/Investment Income transactions.

**Notes**

This field is not required for Interest/Investment Income transactions. See page 53 for more information.

## Items Sold at Fair Market Value

When a contributor receives a good or service in return for a portion of a contribution, such as dinner or a t-shirt, only the amount in excess of the fair market value of the item or service received is a contribution. The fair market value amount is a reportable other receipt. Moneys received on a single day which qualifies as Items Sold at Fair Market Value may be totaled and reported as one transaction.



Fair market value is the dollar amount a consumer would expect to pay for the good or service. See pages 62- 66 for more information on reporting Fundraising Activities.

**Date of Items Sold at Fair Market Value**

The date funds are received for the item sold at fair market value.

**Contributor**

This field is not required for Items Sold at Fair Market Value transactions.

**Amount**

Use the transaction amount.

**Description and/or Purpose**

These fields are not required for Items Sold at Fair Market Value transactions.

**Notes**

This field is not required for Items Sold at Fair Market Value transactions. See page 53 for more information.

**Transaction Association**

If this transaction applies to a previously reported Miscellaneous Account Receivable, the two transactions should be associated. Otherwise, an association is not required.

See [Transaction Association](#) page 55 and the [ORESTAR User's Manual: Transaction Filing](#) for information on how to complete a transaction association when using transaction subtype Miscellaneous Account Receivable.

Associate: the sale does not fully satisfy the receivable.


Complete: the sale fully satisfies the receivable. This is the last payment.

## Loan Received (Exempt)

Loans received (including a line of credit) from a financial institution are exempt if the loan meets all of the following conditions:

→ bears the institution's usual and customary interest rate for the category of loan involved;

- is made on a basis that ensures repayment;
- is evidenced by a written instrument; **and**
- is subject to a due date or amortization schedule.

 Loan agreements must be preserved in writing for at least two years after the loan transaction is filed, or until the loan is repaid, whichever is later.

The terms of the loan, including the interest rate and repayment schedule, must be disclosed. If a loan fails to meet all of the above conditions, it is a non-exempt loan and is reported as a contribution from the lending institution.

 See “[Loan Received \(Non-Exempt\)](#)” on page 34.

### Methods of Ensuring Repayment

A committee may use the following traditional methods of securing the loan:


- Collateral: A loan may be secured using assets of the candidate or committee, such as real estate, personal property, cash on deposit, certificates of deposit, or stocks. The fair market value of the assets must, on the date of the loan, equal or exceed the amount of the loan and any senior liens. The committee must ensure that the financial institution has established a “perfected security interest” in the collateral (i.e., the committee has taken steps to legally protect the institution’s interest in the collateral in the event that the committee defaults on the loan);
- or
- Endorsements or Guarantees: An endorser or guarantor of an exempt loan is considered a contributor. However, if the committee receiving the loan is a candidate committee and the guarantor is the candidate’s spouse, the spouse is not reported as a contributor.

#### ***Date of Loan Received (Exempt)***

The date the loan is received in the committee’s physical custody.

#### ***Contributor/Payee***

This field discloses the institution/person providing the loan. The information that populates this field is based on the Address Book entry for the transaction.

 See “[ORESTAR Address Book](#)” on pages 73 - 74 of this manual and the [ORESTAR User’s Manual: Transaction Filing](#) for the instructions for completing an Address Book entry.

#### ***Amount***

Use the loan amount.

#### ***Interest Rate***

This field is required when disclosing a Loan Received (Exempt).

#### ***Repayment Schedule***

This field is required when disclosing a Loan Received (Exempt).

#### ***Description and/or Purpose***

These fields are not required for Loan Received (Exempt) transactions.

#### ***Notes***

This field is not required for Loan Received (Exempt) transactions. See page 53 for more information.

### ***Co-Signer Obligation***

This field is only required if the loan has a cosigner. Each endorser or guarantor of an exempt or non-exempt loan received is considered a contributor and must be reported, unless the guarantor is the candidate's spouse.



See the [ORESTAR User's Manual: Transaction Filing](#) for detailed instructions about completing the co-signer obligation information when entering a transaction.

## **Lost or Returned Check**

This subtype is used when a check issued by the committee has not been cashed, the committee no longer expects it to be cashed, the check is returned for insufficient funds, a stop payment is ordered on a check which was issued, or when a portion or the full amount of a contribution is returned to a committee (previously reported as an expenditure by the committee.)



If the committee issues a replacement check for one that has been lost or returned or for insufficient funds, the committee reports the replacement check as a cash expenditure.

### ***Date of Lost or Returned Check***

The date the committee orders a stop payment on the check, the date the committee reissues a replacement check, the date the committee no longer expects the check to be cashed, or the date the committee is notified that a check is returned for insufficient funds, whichever occurs first.

### ***Contributor/Payee***

This field discloses the person who wrote the check that has been returned. The information that populates this field is based on the Address Book entry for the transaction.



See "[ORESTAR Address Book](#)" on pages 73 - 74 of this manual and the [ORESTAR User's Manual: Transaction Filing](#) for the instructions for completing an Address Book entry.

### ***Amount***

Use the amount of the lost or returned check.

### ***Description and/or Purpose***

These fields are not required for Lost or Returned Check transactions.

### ***Notes***

This field is not required for Lost or Returned Check transactions. See page 53 for more information.

### ***Transaction Association***

Associate the transaction to the previously reported expenditure.

See [Transaction Association](#) page 55 and the [ORESTAR User's Manual: Transaction Filing](#) for information on how to complete a transaction association when using transaction subtype Lost or Returned Check.

Associate: a portion of the check is returned.

Complete: the full check amount was lost or returned.

## **Miscellaneous Other Receipt**

Miscellaneous other receipts include the receipt of payments to reduce a loan extended by the committee and moneys received that do not meet the definition of contribution. This subtype is also used to report the receipt of money related to an over-reimbursement of personal expenditures.



If using this subtype to report the receipt of money because a person was over-reimbursed for personal expenditures, the transaction must be associated to the cash expenditure transaction that reimbursed the person.

#### ***Date of Miscellaneous Other Receipt***

The date the miscellaneous other receipt is received in the committee's physical custody.

#### ***Contributor/Payee***

This field discloses the institution/person providing the miscellaneous other receipt. The information that populates this field is based on the Address Book entry for the transaction.



See "ORESTAR Address Book" on pages 73 - 74 of this manual and the [ORESTAR User's Manual: Transaction Filing](#) for the instructions for completing an Address Book entry.

#### ***Amount***

Use the transaction amount.

#### ***Description and/or Purpose***

See [Transaction Description, Purpose, and Notes](#) section on page 53 for additional information.

#### ***Notes***

This field is not required for Miscellaneous Other Receipt transactions. See page 53 for more information.

#### ***Transaction Association***

If this transaction applies to a previously reported Miscellaneous Account Receivable, the two transactions should be associated. Otherwise, an association is not required.

See [Transaction Association](#) page 55 and the [ORESTAR User's Manual: Transaction Filing](#) for information on how to complete a transaction association when using transaction subtype Miscellaneous Account Receivable.

Associate: the receipt does not fully satisfy the receivable

Complete: the receipt fully satisfies the receivable. This is the last payment.

## **Refunds and Rebates**

This subtype includes a refund of a deposit, a rebate from a vendor, or a return of overpayment from a vendor. Refunds and rebates to committees must be offered in the ordinary course of business and on the same terms and conditions as those offered to nonpolitical entities.

#### ***Date of Refunds and Rebates***

The date the refund or rebate is received in the committee's physical custody.

#### ***Contributor/Payee***

This field discloses the institution/person providing the miscellaneous other receipt. The information that populates this field is based on the Address Book entry for the transaction.



See "ORESTAR Address Book" on pages 73 - 74 of this manual and the [ORESTAR User's Manual: Transaction Filing](#) for the instructions for completing an Address Book entry.

#### ***Amount***

Use the transaction amount.

#### ***Description and/or Purpose***

These fields are not required for Refunds and Rebates transactions.

### Notes

This field is not required for Refunds and Rebates transactions. See page 53 for more information.

## Transaction Description, Purpose, and Notes

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The transaction description, purpose and notes fields work together to provide context for a transaction. Some transactions require a purpose/description. All transactions allow them. The Notes field is only visible to the committee and the Elections Division. Except for the purpose “Reimbursement for Personal Expenditures” the committee may use either the Purpose or Description field (or both) to provide sufficient context for a transaction.

### Description

This field is used to enter a detailed description of a transaction’s purpose. It may be completed in lieu of selecting one of the pre-defined ORESTAR purposes with the exception of using Reimbursement for Personal Expenditures when writing a check to reimburse a person for previously reported personal expenditures.

It must be completed if any of the following pre-defined transaction purposes are used: General Operational Expenses, Public Office Holder Expenses, or Travel Expenses.

It also must be completed when reporting a transaction with subtype Miscellaneous Other Disbursement, Cash Balance Adjustment or Personal Expenditure Adjustment.

### Notes

This field is used to record additional information about a transaction. Do not use this field for information that is required to be in the Description field. It is also used to document why an in-kind contribution (from another committee) amount is amended after the due date for the transaction.

### Transaction Purpose(s)

Each Expenditure transaction type and In-Kind Contribution transaction subtype must have a Transaction Purpose, unless a purpose is provided in the Description field. Multiple transaction purposes may be used except when reimbursing a person for personal expenditures. The following transaction purposes are available:

#### Broadcast Advertising

Use for expenditures for radio or television advertising.

#### Cash Contribution

Use for a contribution given to another committee or organization.

#### Fundraising Event Expenses

Use for expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers, and speakers.

#### General Operational Expenses

Use for general campaign operating expenses, including filing fees, bank service charges, purchase or rental of office equipment and furniture for the campaign, and office supplies. When this purpose is used, additional information is required to be entered in the Description field (e.g., office supplies, furniture).



## **Interest Payment**

Use for interest paid to a financial institution or other lender for a loan made to the committee.

## **Literature, Brochures, Printing**

Use for expenditures for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing, and reproduction.

## **Loan Extended**

Use for an expenditure made by a committee that is a loan to another committee or organization. The committee must create and file a Miscellaneous Account Receivable transaction for the outstanding loan amount.

## **Management Services**

Use for fees and commissions paid to campaign management companies, agents, and campaign consultants.

## **Newspaper and Other Periodical Advertising**

Use for expenditures for advertising in newspapers, periodicals, and other publication

## **Online and Social Media Advertising**

Use for expenditures related to the production and purchase of websites, online content, social media, phone apps, etc. and all related advertising.

## **Other Advertising**

Use for expenditures related to the production and purchase of advertising , billboards, yard signs, voters' pamphlet statements and arguments, and campaign paraphernalia such as buttons, bumper stickers, t-shirts, etc.

## **Petition Circulators**

Use for payments made to individuals for collection of signatures on a petition or to a company that pays petition circulators.

## **Postage**

Use for expenditures for stamps, postage, and direct mail services.

## **Preparation and Production of Advertising**


Use for payments related to the preparation or production of broadcast, newspaper or other periodical advertising.


## **Public Office Holder Expenses**

Use for expenditures related to public office holder expenses such as gifts of nominal value, conference registration fees, membership dues, constituent communications, staff wages, office rent, mileage, gas, and travel. Additional information is required to be entered in the Description field (e.g., conference registration fee, staff wages, office rent, etc.).

## Reimbursement for Personal Expenditures


Use for payments made to a person for reimbursement of a personal expenditure made on behalf of the committee. The personal expenditure made by the person must be reported as a separate transaction.

 See [Personal Expenditures](#) on pages 58 - 61 for information on how to report personal expenditures and reimbursement from committee funds.

 When using the Reimbursement for Personal Expenditure purpose, the entire amount of the transaction is subtracted from the committee's Outstanding Personal Expenditure balance on the Account Summary. If a check represents more than just a reimbursement for personal expenditures, you must enter and file two separate transactions.

## Surveys and Polls

Use for expenditures related to surveys and polls, reports on election trends, voter surveys, telemarketing, and telephone banks, etc.

 See [OAR 165-012-0050](#) for calculating the value of the poll results if the results are shared with any Oregon political or petition committee.

## Travel Expenses

Use for expenditures related to travel. Additional information is required to be entered in the Description field (e.g., lodging, airfare, meals, gas, mileage, etc.).

## Utilities

Use for expenditures for utilities (e.g., telephone, internet access, electricity, etc.)

## Wages, Salaries, Benefits

Use for expenditures related to campaign staff payroll, including wages, employment taxes, insurance, and payments to temporary employment agencies, etc.

## Transaction Association

An associated transaction is a transaction that is connected to, or dependent upon, another transaction that has previously been entered in ORESTAR. For example, a cash expenditure that is a partial or full payment of a previously entered account payable transaction must be associated to reduce the outstanding account payable balance on the committee's Account Summary.

# Prohibited Use of a Committee's Campaign Funds

## Prohibited Personal Use

All committees are prohibited from using campaign funds (any amounts received as contributions) for any person's personal use. "Personal use" means any use of a committee's funds to fulfill a personal commitment, obligation, or expense that would exist irrespective of the committee's business, the campaign or duties as a public office holder. This prohibition applies to all three types of committees (candidate, political action committee, and petition committee). Contact the Elections Division if you need guidance on what constitutes "prohibited personal use."


- ex** Examples of prohibited personal use include, but are not limited to:
- the purchase of household food items or supplies;
  - clothing other than items of de minimis value used in the campaign
  - mortgage, rent, or utility payments for real or personal property that is owned by any individual and used for campaign purposes, to the extent the payments exceed the fair market value of the property usage;
  - expenses made in connection a public office holder's unexcused absence from performing their duties;
  - admission to a sporting event, concert, theater, or other form of entertainment, unless part of a specific campaign or office holder activity;
  - dues, fees, or gratuities at a country club, health club, recreational facility, or vacation property, unless they are part of the costs of a specific fundraising event that takes place on the club's or facility's premises;
  - dues to professional or civic organizations in which the membership is not integrally related to the candidate's election or duties as a public office holder or an individual's duties related to a political committee or petition committee;
  - loans made to any individual for the individual's personal use;
  - salary to a person, unless the person is providing bona fide services to the committee or the public office holder;
  - any judgment awarded under ORS 18.005, or any civil penalty imposed by an agency as defined in ORS 183.310, or imposed by a local government as defined in ORS 174.116; or


## Exceptions to the Personal Use Prohibition

Campaign funds may be used for expenses incurred as a public office holder if directly related to an office holder's official duties, or for expenses incurred by a candidate committee, political action committee or petition committee if the expenses are related to the business of the committee. Examples include:

- mileage for use of a personal vehicle (not exceeding current federal rate);
  - service and fuel for a leased or purchased vehicle;
- i** When reporting expenditures relating to vehicle usage, a claim may be made for either payment of mileage or expenses related to use of the vehicle (e.g., gas, maintenance), but not both.
- the purchase or lease of office equipment or supplies;
  - room rental for public meetings;
  - lodging and food;

- convention or conference fees;
- telephone expenses;
- salary or expenses associated with employees performing official business;
- a campaign party or thank you party for volunteers and supporters;
- occasional childcare expenses incurred by the candidate or public office holder that are a direct result of performing their duties; reasonable recognition for campaign volunteers and employees in proportion to the amount of bona fide services provided during the campaign, unless made to a member of the candidate's family; **or**
- gifts of nominal value and donations of a nominal amount made on a significant event such as a holiday, graduation, marriage, retirement, or death, unless made to a member of the candidate's family.

 If a governmental body or any other person later reimburses a campaign for a specific expenditure made from campaign funds, or for personal expenditures made by a person, the reimbursement must be deposited into the campaign account and reported as a miscellaneous other receipt.

 The committee must be reimbursed for any committee assets (e.g., computer, furniture, etc.) converted to personal use.


## Expenditures for Professional Services Rendered by Candidate

A candidate or principal campaign committee of a candidate may not use campaign funds to make an expenditure to pay the candidate a salary or otherwise compensate themselves for lost income or for professional services rendered to their committee. Contact the Elections Division if you need guidance on what constitutes "professional services."

## Common Campaign Activities

### Receiving Contributions Online

A committee may use a web-based company to receive contributions. Each contribution must be deposited in the committee's account within seven business days of its collection. The committee reports the entire amount contributed even if the company retains a percentage of the contribution for processing fees. Any amount retained for processing fees is a reportable expenditure. The sum total of the processing fees retained on a single day may be entered and filed as one expenditure.

 The committee receives a \$200 contribution and a \$100 contribution electronically via PayPal on January 5, 2024. PayPal retains \$5 for processing the \$200 contribution and \$2.50 for processing the \$100 contribution. Even though only \$292.50 is deposited into the campaign account, the committee reports the full amount of each contribution (each as a separate transaction) and reports a \$7.50 expenditure transaction (the total processing fee retained on January 5) reporting PayPal as the payee.

## Legal Expenses

In general, any committee may use amounts received as contributions to pay legal expenses incurred when seeking legal advice when:

- no legal proceeding or investigation related to the duties of the respective treasurer, director, chief petitioner, candidate, or public official has been initiated;
- and**
- the legal expenses do not constitute Prohibited Personal Use defined on page 56.



“Amounts received as contributions” under ORS 260.407 include all types of contributions. An in-kind contribution of legal expenses to a candidate, political committee, or petition committee constitutes payment of such legal expenses incurred by the respective treasurer, director, chief petitioner, candidate, or public official for purposes of ORS 260.407.

If a legal proceeding or investigation has been initiated, the committee may not use amounts received as contributions to pay legal expenses unless:

- the legal proceeding was brought under ORS chapters 246 to 260, excluding legal proceedings brought under ORS 260.407 or ORS 260.409;
- or
- the legal proceeding or investigation does not arise from the course and scope of the duties of:
  - the candidate or public official, for Candidate Committees;
  - the treasurer or director, for Political Action Committees;
  - the chief petitioner(s) or treasurer, for Petition Committees.



If either of the criteria immediately above apply, legal expenses related to such legal proceeding or investigations must not constitute Prohibited Personal Use defined on page 56.



Under certain circumstances, Legal and Accounting Services may be non-reportable activities. See page 68 for additional information

## Personal Expenditures

A personal expenditure occurs when a person spends money on behalf of a committee and expects to be reimbursed by the committee. This includes charges on a personal credit or debit card. Two transactions must be filed to disclose personal expenditures and the subsequent reimbursement.

The first transaction discloses who made the personal expenditure, as well as when and where the money was spent. The transaction type is Expenditure and the transaction subtype is Personal Expenditure for Reimbursement. The Payer of Personal Expenditure is the person that used their money to make the expenditure and the Contributor/Payee is the name of the entity where the person spent the money.

The second transaction discloses the reimbursement to the person from committee funds. The transaction type is Expenditure and the transaction subtype is Cash Expenditure. The transaction purpose of this transaction must always be Reimbursement for Personal Expenditures which is available in the ORESTAR Transaction Purpose dropdown list. The payee for this transaction is the name of the person, even if the check is written directly to a credit card company.



There is a different reporting requirement when a political committee makes personal expenditures on behalf of another political committee or is sharing expenses with other committees; see pages 60- 61 for an example of the reporting requirements.



“Person” includes an individual, corporation, limited liability company, labor organization, association, firm, partnership, joint stock company, club, organization, or other combination of individuals having collective capacity. This includes political committees and petition committees.

## How to Report Personal Expenditures Made by a Person That is Not a Political Committee

- ex** Jane Smith goes to Costco on March 1, 2024, and writes a personal check for \$212.00 to purchase items for the committee's fundraiser. The committee writes check #200 from the campaign account to pay Jane back on March 10, 2024. There are two transactions to report:

**Jane's personal expenditure is reported as follows:**

Transaction Date: **3/1/2024**

Transaction Type: **Expenditure**

Transaction Subtype: **Personal Expenditure for Reimbursement**

Payer of Personal Expenditure: **Jane Smith**

Contributor/Payee: **Costco**

Amount: **\$212.00**

Transaction Purpose(s): **Fundraising Event Expenses**

**The committee's expenditure to reimburse Jane is reported as follows:**

Transaction Date: **3/10/2024**

Transaction Type: **Expenditure**

Transaction Subtype: **Cash Expenditure**

Contributor/Payee: **Jane Smith**

Payment Method: **Check**

Check Number: **200**

Amount: **\$212.00**

Transaction Purpose: **Reimbursement for Personal Expenditure**

- i** If a person is not reimbursed for reported personal expenditures and decides to "forgive" the amount owed, the committee must report a transaction disclosing the "forgiveness." The transaction type is Contribution, the transaction subtype is In-Kind/ Forgiven Personal Expenditures, and the Contributor is the name of the person forgiving the money owed.

It is important to review the committee's Outstanding Personal Expenditure Balance on the ORESTAR Account Summary to ensure that the total is correct. Generally, if there is a "negative" outstanding amount that means that the committee has reported reimbursements exceeding the amount of reported personal expenditures.

## How to Report Personal Expenditures Made by a Political Committee

- ex** ABC PAC uses committee funds to pay the wages (\$500) of Sally Smith on March 10, 2024, who is an employee working for Committee to Elect Jane Doe. ABC PAC expects reimbursement from the candidate committee. Committee to Elect Jane Doe reimburses ABC PAC on March 15, 2024; ABC PAC receives the reimbursement check on March 20, 2024. In this example there are four transactions that must be disclosed.

**ABC PAC's payment to Sally Smith on behalf of Committee to Elect Jane Doe:**

Transaction Date: **3/10/2024**

Transaction Type: **Other Disbursement**

Transaction Subtype: **Miscellaneous Other Disbursement**

Contributor/Payee: **Sally Smith**

Payment Method: **Check**

Check Number: **200**

Amount: **\$500.00**

Transaction Purpose(s): **Wages, Salaries, Benefits**

**Committee to Elect Jane Doe reports the personal expenditure made by ABC PAC:**

Transaction Date: **3/10/2024**

Transaction Type: **Expenditure**

Transaction Subtype: **Personal Expenditure for Reimbursement**

Payer of Personal Expenditure: **ABC PAC**

Contributor/Payee: **Sally Smith**

Amount: **\$500.00**

Transaction Purpose(s): **Wages, Salaries, Benefits**

**Committee to Elect Jane Doe reports the expenditure to reimburse ABC PAC:**

Transaction Date: **3/15/2024**

Transaction Type: **Expenditure**

Transaction Subtype: **Cash Expenditure**

Contributor/Payee: **ABC PAC**

Payment Method: **Check**

Check Number: **1001**

Amount: **\$500.00**

Transaction Purpose: **Reimbursement for Personal Expenditure**

**ABC PAC receives the reimbursement from Committee to Elect Jane Doe:**Transaction Date: **3/20/2024**Transaction Type: **Other Receipt**Transaction Subtype: **Miscellaneous Other Receipt**Contributor/Payee: **Committee to Elect Jane Doe**Amount: **\$500.00**Description: **Reimbursement for personal expenditure**

In some instances, a committee may make expenditure to its affiliated organization without it being considered a personal expenditure. For example, if the affiliated organization of a committee has supplies on hand (not specifically purchased for a campaign) the committee may purchase the supplies from the affiliated organization without reporting a personal expenditure. This may also apply to occasional staff time the affiliated organization may provide to the committee and merchant fees associated with credit card processing. However, these must still be reported as cash expenditures.

## Candidates Running as a Slate

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Each candidate running for public office must establish their own Candidate Committee if they do not meet the [Exception to Creating a Candidate Committee](#) on page 5. A candidate may designate only one political committee as the candidate's principal campaign committee. A political committee may not be designated as the principal campaign committee of more than one candidate. A group of candidates running together as a slate or as a ticket may not establish a Political Action Committee to support their slate or ticket in lieu of establishing separate Candidate Committees.


Though running as a slate or ticket is not prohibited by Oregon election law, candidates should be aware of the complexities this type of campaign can create for campaign finance reporting purposes. To ensure transparency, the Elections Division recommends the following to candidates running as a slate or ticket:

- Solicit contributions to each candidate instead of as a slate or ticket.
- When soliciting contributions on behalf of other candidates be aware of the laws and rules for correct reporting. See page 28 "[Contributions Received by an Entity Other Than the Committee](#)"
- Each candidate should pay vendors directly for their portion of costs and if required, report Account Payable transactions for orders placed.

## Mileage

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Expenditures made to pay a person for mileage are reported as transaction type Expenditure, subtype Cash Expenditure and transaction purpose Travel Expenses. The transaction is required to include "Mileage" in the Description field. **Mileage is not reported as a personal expenditure for reimbursement.**

 When using campaign funds to pay an individual for use of the individual's vehicle, the individual may be paid for either mileage or expenses related to use of the vehicle (e.g., gas, maintenance), but not both.


There are some exceptions for reporting travel expenses incurred by someone other than the committee; see [Unreimbursed Travel Expenses](#) on page 68 for more information.



## Reporting Credit/Debit Card Transactions

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If a committee uses a credit or debit card issued to the committee for any expenditure, the committee must report the charge as transaction type Expenditure and subtype Cash Expenditure. The payee is the entity paid with the credit/debit card, not the credit card company. The date of the transaction is the date the credit/debit card was used, not the date of the credit card or debit card statement or the date payment is made to the credit card company.

 The committee does not report any payments made directly to the credit card company except for payment for interest, credit card fees or late payment penalties.

## Fair Booths


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If a committee rents a fair booth to distribute political material and the material is provided by another committee or campaign, there is no reportable in-kind contribution for the distribution of the material or the fair booth rental. However, if campaign material is produced by someone other than the committee or campaign providing the material there may be a reportable in-kind contribution.

## Fundraising Activities

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If a contributor buys a ticket to attend a fundraising event and receives goods or services such as a dinner or a round of golf, only the amount in excess of the fair market value of the goods or services is reported as a contribution. The committee must determine the fair market value of the goods or services received by the contributor and report that amount as transaction type Other Receipt and subtype Items Sold at Fair Market Value.

 Moneys received on a single day which qualify as Items Sold at Fair Market Value receipts may be totaled and reported as one transaction.

The amount in excess of the fair market value is considered a contribution and is reported as subtype Cash Contribution. The committee shall inform the contributor of the amount considered a cash contribution for Oregon income tax credit purposes.

All expenses associated with the fundraising event are also required to be reported as cash expenditures, in-kind contributions or personal expenditures for reimbursement, whichever is applicable.


## Fundraising Dinners

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A committee may organize a fundraising dinner with an established cost per person.

Money received to attend the dinner (up to the fair market value) is reported as transaction type Other Receipt, subtype Items Sold at Fair Market Value. Any amount paid that exceeds the fair market value of the dinner is reported as a Cash Contribution.

If the cost of the dinner is paid by the committee, the expenditures are reported as transaction subtype Cash Expenditure. If the dinner is donated to the committee at no cost, the cost of the dinner is reported as transaction subtype In-Kind Contribution. If the dinner is paid for by a person making personal expenditures that wants reimbursement, those transactions are reported as transaction subtype Personal Expenditure for Reimbursement.

 If a contributor pays \$50 to attend a fundraising dinner and the value of the dinner is \$20, only \$30 of the payment for the dinner is reported as a contribution. The \$20 for the dinner is reported as transaction type Other Receipt because it is not considered a contribution.

## Fundraiser When Tickets are Sold through a Third Party

A committee may sell tickets to a fundraising event utilizing a business vendor. If the cost of the ticket is more than the fair market value of the event, the committee must ensure that contributor information is collected. If the aggregate amount of contributions from the contributor exceeds \$100 for the calendar year, the contributor information (name, address, and occupational information for an individual) must be disclosed. Any fee or commission retained by the vendor is reported as transaction subtype Expenditure.

**ex** A committee holds a concert as a fundraising event. The ticket cost is \$250; the fair market value is \$100. The vendor retains a 5% handling fee (\$12.50).

**There are three transactions to report:**

→ Transaction Type: **Contribution**

Transaction Subtype: **Cash Contribution**

Amount: **\$150.00**

→ Transaction Type: **Other Receipt**

Transaction Subtype: **Items Sold at Fair Market Value**

Amount: **\$100.00**

→ Transaction Type: **Expenditure**

Transaction Subtype: **Cash Expenditure**

Amount: **\$12.50**

**i** Moneys received on a single day which qualifies as Items Sold at Fair Market Value receipts may be totaled and reported as one transaction.

Expenditures made on a single day for the handling fee may be totaled and reported as one transaction.

## Raffles

The Department of Justice regulates licensing for raffles. For licensing requirements and procedures, contact the Department of Justice, Charitable Activities Section.

**Q** See [Information Sources](#) on pages [96-97](#) for contact information for the Charitable Activities Section.

Money collected from the sale of raffle tickets is reported as transaction type Other Receipt and subtype Items Sold at Fair Market Value, assuming that each raffle ticket is sold for the fair market value of the prize or less. Any amount paid for a raffle ticket that exceeds the prize's fair market value is reported as transaction type Contribution, subtype Cash Contribution.

If the raffle prize is donated to the campaign, the prize is reported as an In-Kind Contribution. If the prize is purchased with committee funds, the purchase of the prize is reported as transaction type Expenditure, subtype Cash Expenditure.

## Auctions

A committee may conduct an auction as a fundraising activity. Items or services donated for the auction are reported as in-kind contributions. The amount of the in-kind is based on the fair market value of the goods or services. The amount of the winning bid, up to the fair market value, is reported as transaction type Other Receipt and subtype Items Sold at Fair Market Value. The amount paid in excess of the fair market value of the auction item is reported as a Cash Contribution.

**ex** On February 2, 2024, Jane Smith donates three nights at her beach house to the committee's silent auction. The fair market value is \$450.00.

**The In-Kind Contribution transaction is reported as follows:**

Transaction Date: **2/2/2024**

Transaction Type: **Contribution**

Transaction Subtype: **In-Kind Contribution**

Contributor/Payee: **Jane Smith** (address and occupational information is required because the aggregate contributions from Jane have exceeded \$100 in 2024)

Amount: **\$450.00**

Transaction Purpose(s): **Fundraising Event Expenses**

Tom Johnson's winning bid of \$750 is reported by creating two transactions: the Cash Contribution transaction in the amount of \$300 and the Items Sold at Fair Market Value transaction in the amount of \$450.

**The Cash Contribution transaction is reported as follows:**

Transaction Date: **The date the committee receives the money from Tom, typically the date of the auction**

Transaction Type: **Contribution**

Transaction Subtype: **Cash Contribution**

Contributor/Payee: **Tom Johnson** (address and occupational information is required because the aggregate contributions from Tom have exceeded \$100 in 2024)

Amount: **\$300.00**

**The Items Sold at Fair Market Value transaction is reported as follows:**

Transaction Date: **The date the committee receives the money from Tom, typically the date of the auction**

Transaction Type: **Other Receipt**

Transaction Subtype: **Items Sold at Fair Market Value**

Contributor/Payee: **This is not a required field when reporting Items Sold at Fair Market Value**

Amount: **\$450.00**

## Fundraising Cautions

### Giving Something of Value

With some exceptions, Oregon election law prohibits giving away a thing of value with the intent to influence how a person votes or to influence how they engage in certain other political activities. Campaign buttons, bumper stickers, posters, brochures, doorknob hangers and campaign literature have no use or value independent of a political campaign and may be given away at no charge.

There are three elements that must be present for giving away a thing of value to constitute undue influence:

- The item must be an item of value (see lists below);
- The item must be advertised or otherwise promoted as available as an inducement; and
- The inducement must be to get a person to take an action restricted by statute. See ORS 260.665 for a full list of actions this applies to.

Therefore, political groups may sometimes give away a thing of value. To avoid undue influence, committees should not advertise or promote giveaways. Another way to avoid undue influence is to make the item available to everyone regardless of their support or opposition of the political issue.

**ex** Committees may give away t-shirts if the give-away is not advertised in any way, or if individuals are eligible to receive a t-shirt regardless of whether they choose to register to vote at the table.

**ex** At a fundraising dinner where each guest is charged \$50 to enter, the campaign may include on the invitation a notice that all attendees will receive a t-shirt included in the purchase price.

**ex** It is allowable to provide door prizes at a fundraiser as long as the door prizes are not advertised as an inducement to attend the fundraiser.

Items of nominal value include **very inexpensive** (i.e. fair market value of approximately \$1.00 or less) types of:

balloons	flags (novelty with campaign information)	small candy
bookmarks	ink pens	refrigerator magnets or “mini-magnets”
calendars	key chains	return envelope*
eye-glass repair kits (of low value)	litterbags (paper or plastic)	rulers (small – wood or plastic)
emery boards	matchbooks	shopping bags (paper or plastic)
fans (paper or plastic)	pencils	bottled water

\*Loose postage stamps **may not** be given away for free in a campaign context. Also, envelopes that are stamped but are blank as to a return mailing address **may not** be given away for free. This is because this would make the envelope something of value, as it could be used for other purposes by the recipient, whereas a pre-stamped and addressed envelope would merely facilitate the return of the envelope to the campaign with no independent value.

The distribution of these types of items is not “undue influence,” inducing the recipient to take a certain political action in violation of election law, if the committee ensures:

- only very small quantities of an item are given to any one person;
- the distribution of the item is incidental to the political activity that occurs during the distribution ; and
- the item does not also contain another connected offering for something of value (for example, the back of a fan should not contain a coupon for \$3.00 off a pizza).

Items that **should not** be used as an inducement (advertised as available for free in connection with a political issue covered by ORS 260.665):

- calculators;
- flashlights;
- frisbees;
- hats;
- postage stamps;
- toys;
- t-shirts; or
- anything with a fair market value of approximately \$1.00 or more.

If a committee advertises and gives away items of value, then the campaign must charge at least the cost of the item. The money spent to purchase the items and the money received in payment for the items must be reported in compliance with campaign finance regulations.

## Providing Food and Refreshments at a Political Gathering

A common political practice is to have a “meet the candidate” neighborhood event at which incidental refreshments such as coffee, tea and cookies may be served at no charge. Refreshments may be provided at a political gathering for no charge if they are incidental to the event. Food or refreshments, at no charge, **cannot be the featured attraction** to induce people to attend a political event (e.g., an advertisement that announces “Join John Doe at a free spaghetti feed”).

If more food is served than what would be conservatively defined as incidental to the event, there must be a charge for at least the actual cost of the food or refreshments if the food and refreshments are advertised.

The host may either: 1) charge for the cost of the food only (example A), or 2) charge a per plate/per person cost in excess of the value of the food (example B). In the latter case, the amount collected in excess is considered a campaign contribution.

**ex** **Example A:** “Join John Doe for spaghetti dinner, cost \$3.50 per person.” (\$3.50 is the actual cost of the dinner.)

**ex** **Example B:** “Join John Doe for spaghetti dinner, cost \$25 per person,” (\$3.50 is the actual cost of the dinner). Report each person as contributing the difference of \$21.50.

Another related, frequently asked question is whether it is allowable to hold a “thank you/appreciation” event **after** the election to honor political campaign volunteers, at which food and beverages will be provided and small prizes may be awarded. This type of “thank you/appreciation event” is allowable and would not be considered a violation of the “undue influence” law **if** the event is not used as an inducement for new volunteers **before** the election to get the attendees to provide services or otherwise contribute to the campaign. Therefore, the event **must not** be advertised or announced in any way **before** the election.

Additionally, at the event the attendees **must not** be induced by the food, prizes, etc. to provide any further services or make contributions to the campaign. In these specific, limited circumstances, the food served may go beyond the “refreshment” category into pizza and such and the prizes may be of a bit more value than the above listed nominal value items.

If the party is held prior to the election, caution must be taken to **not** include information about the refreshments and possible prizes to induce a person to volunteer for the campaign. Contact the Elections Division if you have questions about what may or may not be given away at a campaign event.

## Non-Reportable Activities

There are some activities that are exempt from the definitions of contribution and expenditure and are not required to be reported.

### Publications and Television or Radio Commentaries

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News stories, letters to the editor, commentaries, and editorials distributed through the facilities of a broadcasting station, newspaper, magazine, or other periodical publication are not considered contributions unless the facility is owned by a political committee. A publication must be published at regular intervals with consistent circulation.

However, if a special publication is produced by a committee and the purpose is to support or oppose a candidate, measure, political party, political action committee, or petition committee, any expenses associated with the publication must be reported. This includes payment to an entity for the publication that is then inserted into another publication for dissemination to the public, either for purchase or given away free of charge.

If a person, other than a political committee, makes political expenditures that are “independent”, those expenses may need to be reported. See pages [12- 13 Independent Expenditure Filers’](#) reporting requirements.

### Volunteer Activities

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Generally, volunteer activities are non-reportable. An individual may volunteer personal services to a committee without making an in-kind contribution as long as the individual is not paid by anyone for performing the services.

### Corporate, Labor and Membership Organization Communications

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Corporations, labor organizations, and membership organizations may communicate only with members, shareholders, or employees without such activity being considered a contribution, as long as the labor or membership organization or corporation is not organized primarily for the purpose of influencing an election. A political committee is not considered a membership organization. Communication must be reported if the method of communication does not guarantee that named members, shareholders, or employees will be the only recipients of the communication. For example, communications, such as billboards, cable TV ads, targeted digital ads, robocalls to household numbers, or a double-sided postcard must still be reported.

### Receptions

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An individual may volunteer to hold a reception or provide coffee for a political committee. Costs incurred by the individual who is using his or her residence, including a community room associated with the residence, for invitations, food, and beverages provided at the reception are not reportable expenses.

If more food is being served than what would be defined as incidental, there must be a charge equivalent to at least the actual cost of the food or refreshments. Free food or refreshments cannot be the featured attraction to induce people to attend the reception.

## Legal and Accounting Services


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Legal and accounting services provided free to a political committee are not reportable if:

→ the services are provided solely for the purpose of helping the campaign comply with ORS Chapter 260 (Campaign Finance Regulations, Election Offenses);

**and**

→ the person paying the individual performing the service is the regular employer of the individual performing the service.

 Legal representation in a lawsuit, in court, or in an administrative proceeding must be reported as it is not for the purpose of ensuring compliance.

## Unreimbursed Travel Expenses

---

Unreimbursed travel expenses incurred by an individual, including a candidate, made on behalf of a political committee are not reportable. An individual working on a political committee's campaign (including a candidate, a paid staff member, or a volunteer) may voluntarily use the individual's own funds to pay for transportation expenses without making a contribution. This exception does not apply to lodging.

## Vendor Discounts on Food and Beverages

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A vendor of food or beverages may sell food or beverages to a committee at a discounted rate. The discount is not a reportable in-kind contribution as long as the amount charged is at least equal to the vendor's cost for the food or beverage.

## Use of Internet Services

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Generally, electronic transmissions have no intrinsic monetary value. Sending email messages or adding links on an existing webpage are not considered in-kind contributions or independent expenditures by a person performing the email distributions or working on the websites. Further, if an existing email list is ordinarily given away for free, then there is no in-kind contribution made by the entity giving away the list. But if there is normally a fee charged to obtain the list, there is a reportable in-kind contribution.

Therefore, if the effort to produce a website, or to transmit an email, even to a large list of recipients, is provided by an unpaid volunteer, and no money is spent to add hardware, software, hosting fees, domain registration or internet access, or to acquire an email list, there is no reportable contribution.

If, however, a person or committee makes expenditures to provide the service (e.g., produce a website or distribute an email), including wages or other payment to an individual or firm, those costs are reportable in-kind contributions or personal expenditures. If a person or committee makes expenditures to produce a website, boost a post on a social media platform, or transmit an email, those are reportable expenditures.

## Transfer of Funds to Earn Interest

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Transfers of funds between checking and savings accounts or for investment purposes are non-reportable because the funds remain part of the committee's assets.

 See [Other Disbursements](#) page 45 and [Other Receipts](#) page 48 for information on how to report a loss or gain on an investment.

## Return or Refund of Contributions

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Contributions received by the committee and returned to the contributor within seven calendar days of receipt without being deposited in the campaign account are non-reportable.

A contribution received by a committee subject to reporting contributions received during a legislative session that is returned within two business days of receipt without being deposited in the campaign account also is non-reportable.

## Change for a Fundraiser

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The withdrawal of money and the deposit of the money back to the committee's account for the purpose of making change at a fundraiser are non-reportable.

## Debates

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A candidate debate or forum for a state office, or a communication publicizing a candidate debate or forum for a state office, is not a reportable in-kind contribution if candidates for the state office have been invited to participate in the candidate debate or forum based on neutral criteria that are publicized in advance of the invitation.

Any expenditures made by a broadcasting station, newspaper, magazine, or other periodical publication to facilitate a debate or forum are not considered a contribution.



# ORESTAR Account Summary

When a user accesses the campaign finance section of the committee's Private Workshop, the first page that displays is the committee's Account Summary for the current year. The Account Summary represents the total activity reported and filed by a committee in a calendar year. The figures on the Summary update with every transaction filing. The Account Summary should be reviewed when a user logs into their Private Workshop to affirm the line item totals are accurate. A description of certain line items and what the totals represent is found below.

## Contributions

### Cash Contributions:

The total amount of cash contribution transactions filed in a calendar year.

### Loans Received (non-exempt):

The total amount of loans received (non-exempt) transactions filed in a calendar year.

### In-Kind:

The total amount of in-kind contributions filed in a calendar year.

## Expenditures

### Cash Expenditures:

The total amount of cash expenditure transactions filed in a calendar year.

### Loan Payments (non-exempt):

The total amount of loan payment (non-exempt) transactions filed in a calendar year.

### In-Kind:

This field does not indicate in-kind expenditure totals. Rather, it mirrors the amount listed as an in-kind contribution to allow the Ending Cash Balance to calculate correctly.

## Cash Balance

### Other Receipts:

The total amount of other receipt transactions filed in a calendar year.

### Loans Received (exempt):

The total amount of loans received (exempt) transactions filed in a calendar year.

### Other Disbursements:

The total of other disbursement transactions filed in a calendar year.

### Loan Payments (exempt):


The total amount of loan payment (exempt) transactions filed in a calendar year.

### Balance Adjustments:

The total amount of cash balance adjustment and personal expenditure balance adjustment transactions filed in a calendar year.

## Ending Cash Balance:

The ending cash balance amount should match the committee's campaign bank account balance if all of the transactions have been filed in ORESTAR and all contributions have been deposited and reported expenditures have cleared the financial institution.

 This amount, in most cases, should not be a negative amount. A negative amount is an indication that transactions have not been filed by the committee or that the committee's bank account balance is overdrawn.

## Financial Status

### Accounts Receivable:


The total amount of outstanding miscellaneous account receivable transactions filed. This amount includes proceeds that have not been but are expected to be collected by the committee. The balance will carry forward to the next calendar year until the committee files transactions to resolve the balance.

### Total Outstanding Loans:

The total amount of outstanding loans (exempt and non-exempt) filed. The balance will carry forward to the next calendar year until the committee files transactions to resolve the outstanding balance.

### Outstanding Personal Expenditures:

The total amount of outstanding personal expenditures. The amount is based on the total reported personal expenditures for reimbursement and the total reported cash expenditures made from committee funds to reimburse the person that made the personal expenditures. The balance will carry forward to the next calendar year until the committee files transactions to resolve the outstanding balance.

 This amount should not be a negative amount. A negative amount may possibly be an indication that personal expenditures for reimbursement have not been correctly reported. See [pages 38 - 41](#) for an example of how to report personal expenditures.

### Accounts Payable:

The total amount of accounts payable transactions. The balance will carry forward to the next calendar year until the committee files transactions to resolve the outstanding balance.

### Balance Deficit:

The amount is calculated by taking the cash balance amount, adding the account receivable amount, then subtracting the outstanding loans, outstanding personal expenditures and account payable amounts.

# ORESTAR Aggregates

## Calculating a Transaction's Calendar Year Aggregate

The calendar year aggregate is the total amount of contributions received from one contributor or the total amount of expenditures paid to the same payee during a calendar year (January 1 – December 31). When the calendar year aggregate for a contributor or payee exceeds \$100, the committee must disclose at least the name, address, and occupational information (if any) for contributors or, for payees, the name and city and state where the payee is located. The Elections Division encourages committees to collect occupational information for a contributor regardless of the amount of the contribution.

Committees that allow ORESTAR to track and calculate the calendar year aggregate totals for contributors and payees must enter every contribution and expenditure. ORESTAR determines whether the contribution or expenditure detail should be disclosed or included in the appropriate “miscellaneous \$100 and under” category. It automatically populates the calendar year aggregate for the contributor or payee on each transaction.

## Opting Out of the System Calculated Aggregate

A committee can opt out of the system-calculated aggregates, but if a committee chooses to opt out, the committee is required to enter a calendar year aggregate amount for each transaction if the calendar year aggregate for that contributor/payee exceeds \$100.

The calendar year aggregate for a contributor includes cash contributions, non-exempt loans received, co-signer obligations (except obligations of the candidate's spouse), and in-kind contributions. The calendar year aggregate does not include outstanding loans carried over from a prior calendar year. The amount of a non-exempt loan received or co-signer obligation is part of the contributor's calendar year aggregate until the loan is repaid in full.

The calendar year aggregate for a payee must include accounts payable, cash expenditures, non-exempt loan payments, and personal expenditures for reimbursement.

Detailed contributor or payee information is not disclosed until the aggregate contributions from a single contributor or aggregate expenditures to a single payee exceed \$100 in a calendar year. If a committee “opts out” of the system-calculated aggregate for a calendar year, it may not “opt in” until the next calendar year. If a committee chooses to opt back in to the system the following year, it must do so prior to entering any transactions in ORESTAR for the new calendar year.



See the [ORESTAR User's Manual: Transaction Filing](#) for information on opting out of the system-calculated aggregate.

A committee that “opts out” of the ORESTAR system-calculated aggregate or uses software other than ORESTAR to generate and upload transactions must ensure that the data accurately reports all contributor/payee information for:

- Any contribution over \$100. Also, for those contributors whose aggregate contributions have exceeded \$100 in the calendar year, the committee must disclose in detail (i.e., name, address, and occupational information) all contributions (including those of \$100 or less) from that date forward;
  - Any expenditure over \$100. Also, for those payees whose aggregate expenditures have exceeded \$100 in the calendar year, the committee must disclose in detail (i.e., name, address) all expenditures (including those of \$100 or less) from that date forward;
- and**
- Any non-exempt loan received or non-exempt loan payment, regardless of the amount.

All contributions from contributors and expenditures made to payees whose aggregate has not exceeded \$100 for the calendar year must be combined and listed in the appropriate miscellaneous category, based on the transaction subtype and transaction date. Miscellaneous contribution and expenditure category totals must be calculated on a daily basis.

**ex** **Calculating Expenditure Aggregates**

On January 8, 2024, the committee makes a \$50 cash expenditure to the payee, making the payee's calendar year aggregate \$50.

The \$50 will be included in "miscellaneous cash expenditures \$100 and under" amount for January 8, 2024.

On February 23, 2024, the committee makes another \$100 cash expenditure to the same payee, making the payee's calendar year aggregate \$150. The second expenditure transaction will be disclosed in detail because the aggregate for the payee has exceeded \$100 in the calendar year and will display an aggregate of \$150.

The first transaction will remain in the "miscellaneous cash expenditures \$100 and under" category.

**ex** **Calculating Contribution Aggregates**

On January 8, 2024, an individual makes a \$75 in-kind contribution to a committee making the contributor's calendar year aggregate \$75.

The \$75 will be included in "miscellaneous in-kind contributions \$100 and under" amount for January 8, 2024.

On February 23, 2024, the individual makes a \$50 cash contribution to the same committee, making the contributor's calendar year aggregate \$125. The second contribution transaction will be disclosed in detail because the aggregate for the contributor has exceeded \$100 in the calendar year.

The first transaction will remain in the "miscellaneous in-kind contributions \$100 and under" category.

## ORESTAR Address Book

ORESTAR has an Address Book which stores information about each contributor and payee associated with a committee. The committee must create only one Address Book entry for each person. The entry includes the person's name and address. Do not list an address that is exempt from public disclosure. If the contributor's address is exempt from public disclosure; use another address where the contributor receives correspondence. Occupational information is also required if the entry is associated with an individual.

Political committees or petition committees registered with the Oregon Elections Division are automatically available to be added in each committee's Address Book. To add registered committees into the committee's Address Book, start typing any part of a committee's name in the Committee Name/ID field and a list will display with possible matches. After a selection has been made the address of the committee will automatically populate.

An Address Book record is required for each transaction subtype, with the exception of transaction subtypes Interest/Investment Income, Items Sold at Fair Market Value, Nonpartisan Activity, Cash Balance Adjustment, or Personal Expenditure Adjustment.

**i** A committee must create only one entry in the committee's ORESTAR Address Book even if a person is both a contributor and payee.

**q** See the [ORESTAR User's Manual: Transaction Filing](#) for instructions in creating, saving, editing, and deleting Address Book entries.

## Address Book Type

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For each Address Book entry, a type must be selected. The following address book types are available for selection:

### Business Entity

This includes for-profit and professional corporations, cooperatives, partnerships, limited liability companies, and sole proprietorships, etc.

### Candidate & Immediate Family

This includes the candidate, the candidate's spouse and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons, but does not include family members of the candidate's spouse.

### Individual

### Labor Organization

### Other

This includes clubs, associations, nonprofit corporations, tribal organizations, post office, governmental entities and trusts.

### Political Committee

This includes committees filed in the State of Oregon or any other jurisdiction, including candidate committees, petition committees, and political action committees (e.g., miscellaneous committee, measure committee, recall committee, and caucus committee).

### Political Party Committee

This includes a committee established by a major or minor political party in Oregon, including county central committees. This does not include a caucus committee.

### Unregistered Committee

This includes a committee that is not registered with the Oregon State Elections Division. This includes out-of-state committees and federal committees.

## Enforcement Procedures and Civil Penalties

The following are enforcement actions for transactions that are not submitted by the deadline or for certain campaign finance activities that do not comply with ORS Chapter 260.



Criminal penalties may apply if a transaction verified as true by the treasurer or candidate is knowingly submitted with false information. See ORS 260.715(1) for additional information.

## Inspection of Accounts and Retention of Records

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[ORS 260.055 and 260.200](#)

## Inspection of Accounts of Contributions and Expenditures

Accounts kept by a committee or independent expenditure filer may be inspected under reasonable circumstances at any time before the election to which the accounts refer or during the period of retention by any candidate or treasurer of any committee active in the same electoral contest. The right of inspection may be enforced by writ of mandamus issued by any court of competent jurisdiction. The Elections Division and other elections filing officers have no role in these requests made by candidates or treasurers.



Oregon election law requires all accounts of contributions and expenditures to be current not later than seven business days after the contribution is received or expenditure is made. Failure to do so may subject the committee to civil penalties.

## Retention of Records

Committees and independent expenditure filers must preserve and retain supporting documentation for each transaction required to be filed or for transactions occurring when a committee has filed a Certificate of Limited Contributions and Expenditures. Documentation must be kept for at least two years after the date the transaction is filed, or if a committee has filed a Certificate, two years after the date of the transaction. This records retention requirement also applies to a candidate that is exempt from forming a candidate committee; a record must also be retained for two years after the date the record was created. Documentation consists of:

- copies of all contribution checks, money orders, credit card, and electronic transfers (including the use of online or web-based collection of contributions), and all documentation regarding contributors;
- copies of all correspondence relating to the campaign's financial activity;
- currency and coin count sheets or copies of bank deposit tickets which show cash deposits;
- original receipts and invoices for all expenditures, including personal expenditures for reimbursement;
- copies of all checks issued on the committee's dedicated campaign account, including cancelled and voided checks;
- statements and records of all investments and investment accounts held by the committee;
- payroll records and tax reports;
- electronic transaction documents;
- and**
- a copy of any letter or email sent to a contributor requesting occupational information.

### Additionally:

- Bank statements must be retained for at least two years after the date the statement is issued by the financial institution.
- A written loan agreement must be retained for at least two years after the loan transaction is filed or until the loan is repaid, whichever is later.



In addition to the records mentioned above, the chief petitioners of any state initiative or referendum petition who compensate petition circulators, either directly or indirectly (through an agent), are also required to maintain detailed accounts. See [OAR 165-014-0100](#) for additional information.

Any information relating to a committee's dedicated campaign account, such as the name of the financial institution, the account number and any other personal identification printed on a financial institution statement (e.g., social security number, taxpayer identification number or employee identification number) are exempt from public disclosure.

## Examination of Transactions by the Elections Division

### ORS 260.205

After the deadline for filing a transaction or after a transaction is filed, whichever is later, the Elections Division has 10 business days to review the transaction and determine whether the transaction includes all of the required information required by law. If the Elections Division determines that a transaction is missing required information, the filer is notified of the insufficiency in an Exam letter sent via email which provides a deadline to correct the identified insufficiencies. If the filer determines that a transaction needs to be corrected, the filer must take action to amend the transaction.

The treasurer, candidate, alternate transaction filer, correspondence recipient, and independent expenditure filer are sent an Exam letter via email that either indicates the transaction is sufficient or identifies any of the transaction's insufficiencies that need to be corrected. An Exam letter must be completed and emailed not later than the 10 business day review deadline. The Exam letter includes a deadline for providing amendments to correct any insufficient information. The deadline is 14 business days from the date of the Exam letter, or the due date for a transaction, whichever is later. Persons associated with a committee and an independent expenditure filer should check their email or the ORESTAR Documents tab for Exam letters on a regular basis.

## Amending Transactions

A transaction may be amended by filing an amendment to the transaction in ORESTAR. An amended transaction may be filed at any time. An amended transaction must be filed if some element of the previously filed transaction is inaccurate or identified as insufficient.

If the filer is notified on an Exam letter that a transaction is insufficient, the filer must file an amended transaction to correct any identified insufficiency. If the amended transaction is filed by the deadline provided in the Exam letter, and the insufficiency is corrected, the transaction will be considered sufficient and no penalty is assessed.

If the filer believes that the transaction is sufficient the Elections Division should be contacted via a phone call or email explaining why the transaction is sufficient. See [ORESTAR User's Manual: Transaction Filing](#) for instructions on how to file amended transactions.



If the candidate, treasurer, or independent expenditure filer fails to provide the information requested in the Exam letter by the amendment deadline, they or the civil penalty designee may be subject to a civil penalty.

Not later than 90 calendar days after an amended transaction is filed, the Elections Division will examine the amended transaction and send an Amendment Review Notification letter to the candidate, treasurer, alternate transaction filer, correspondence recipient, and independent expenditure filer. If an amended transaction is insufficient, that transaction may be subject to a civil penalty.

Exam and Amendment Review Notification letters are sent using the email addresses provided by the candidate, treasurer, alternate transaction filer, and correspondence recipient on the committee's current Statement of Organization and to the email address provided in independent expenditure filer's user profile.



If the email (with the attached Exam or Amendment Review Notification letter) is returned as undeliverable for any reason, such as the email address has not been updated in the Statement of Organization, or the user has a spam blocker protecting the address which results in non-delivery of the email, or any other reason outside of the Elections Division's control, the committee may be found in violation for filing an insufficient transaction.

## Complaints Regarding Late or Insufficient Transactions

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### ORS 260.205

Any elector may file a written complaint with the Elections Division alleging that a transaction is insufficient or that a person has failed to file a transaction. The complaint should state the reasons for believing that a transaction is late or insufficient and include documentation or evidence to support the allegation. The complaint must be in writing, must be signed, and filed no later than 90 calendar days after the date the relevant transaction is filed or should have been filed, whichever is later. A complaint may be filed electronically at [sos.oregon.gov/investigation](https://sos.oregon.gov/investigation). Anonymous complaints will not be investigated.

## Subpoena Authority

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### ORS 260.218

The Elections Division, in reviewing contribution and expenditure transactions, may issue subpoenas to compel the committee to produce records, documents, books, papers, memoranda, or other information necessary to determine the sufficiency of transactions filed.

If a person fails to comply with a subpoena, a judge of the circuit court of any county shall, on application of the Elections Division, compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the circuit court.

## Court Proceedings to Compel Filing of Correct Statements

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### ORS 260.225

The Secretary of State, an elections filing officer, or an elector may file a petition in the circuit court to compel committees to file contribution and expenditure transactions. The petition must be filed in the circuit court for the county in which the principal office of the appropriate elections filing officer is located.

If the court determines that the petition filed is frivolous or the court does not compel the filing of any transaction, the candidate, treasurer, or person against whom the petition was filed is entitled to recover reasonable attorney fees for trial and appeal expenses.

## Civil Penalties for Failure to File Timely or Sufficient Transactions

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### ORS 260.232

The Secretary of State may impose civil penalties for failure to file a timely or sufficient transactions or a Certificate of Limited Contributions and Expenditures. See [Payment Liability for Civil Penalties](#) on page 86 for who is responsible for payment of a civil penalty that has been imposed for any late or insufficient filing.

The maximum penalty that may be imposed by statute is 10% of the amount of each late or insufficient transaction. The Secretary of State has established penalty matrices that are used to calculate penalties for late and insufficient transactions. The penalty calculation is based on the amount of the transaction and the number of business days the transaction is submitted late. See the [Penalty Matrix: Late Filings](#), pages 80 - 81 and [Penalty Matrix: Insufficient Filings](#) pages 82 - 83



## Complaints Regarding Other Election Law Violations

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### ORS 260.345

Any elector may file a written complaint with the Elections Division alleging that a violation of an election law or rule adopted by the Secretary of State has occurred. The complaint should state the reasons for believing that the violation occurred and include documentation or evidence to support the allegation. The complaint must be in writing, must be signed, and filed no later than 90 calendar days after the election at which the violation is alleged to have occurred or 90 calendar days after the violation itself is alleged to have occurred, whichever is later. A complaint may be filed electronically at [sos.oregon.gov/investigation](https://sos.oregon.gov/investigation). Anonymous complaints will not be investigated.

## Contributions in False Name

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### ORS 260.402

It is a criminal offense to make a contribution relating to a candidate, measure, political committee, or petition committee in any name other than the person who provides the contribution (i.e., a contribution in a false name). Likewise, it is illegal to knowingly receive a contribution in a false name or enter it into a committee's account.



A violation of contribution in a false name is a class C felony, punishable by up to five years imprisonment and/or a \$125,000 fine.

## Prohibited Personal Use of Campaign Funds

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### ORS 260.407

Campaign funds may not be converted to any person's personal use. The Secretary of State may impose a penalty of \$1,000 for each violation of personal use, plus the amount converted to personal use. Campaign funds may not be used to pay any penalty imposed for a violation of ORS 260.407; the penalty must be paid from the personal funds of the person found in violation per ORS 260.995(9). See page 56 for information on what constitutes [Prohibited Use of a Committee's Campaign Funds](#).

## Campaign Funds May Not be Used to Pay a Candidate for Professional Services

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### ORS 260.409

A candidate committee may not use campaign funds to make expenditures to or on behalf of a candidate for the rendering of professional services by the candidate. The Secretary of State may impose a penalty under OAR 165-013-0010 if a candidate is found in violation of this statute. The penalty for a violation of ORS 260.409 may be paid from any source **except** the candidate's committee funds.

## Civil Penalties for Other Campaign Finance Violations

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### [ORS 260.995](#)


The Secretary of State may impose civil penalties for certain campaign finance violations in addition to late or insufficient transactions. Other campaign finance violations include:

- failure to file a Statement of Organization not later than three business days after receiving a contribution or making an expenditure;
- failure to file an amended Statement of Organization not later than 10 calendar days after a change in information;

**and**

- failure to establish a dedicated campaign account not later than three business days after receiving a contribution or making an expenditure.

The maximum penalty for each violation of these offenses is \$1,000, except for personal use of campaign funds by a person which carries a penalty of \$1,000, plus the amount of funds wrongfully converted. Campaign funds may not be used to pay any penalty assessed for a violation of personal use of campaign funds or a violation for using campaign funds to pay a candidate for professional services.

 Refer to OAR 165-013-0010 for specific penalties and procedures.

## Legislative Assembly Not Subject to Civil Process During Session

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### [Article IV, §9, Oregon Constitution](#)

Article IV, Section 9 of the Oregon Constitution provides that State Senators and State Representatives shall not be subject to any civil process during any session of the Legislative Assembly. Therefore, members of the Legislative Assembly will not be subject to the civil penalty process during a legislative session. The civil penalty process, if any, will resume after final adjournment (*Sine Die*).

# Penalty Matrix: Late Filings

## Late Filing Defined

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Penalties may be assessed for:

- a contribution or expenditure transaction that is filed after its due date; or
- a Certificate of Limited Contributions and Expenditures (PC 7) filed after its due date.

A transaction is considered late in any of the following circumstances:

- A transaction is not filed by the due date for the transaction.
- A change is made to the name of the contributor or payee after the transaction due date, resulting in a different contributor or payee being associated with the transaction. The transaction is considered late from the transaction due date to the date the amended transaction changing the contributor or payee is filed.
- A change is made to the date of the transaction resulting in a due date that is prior to the date the transaction was originally filed. The transaction is considered late from the date the transaction should have been filed to the date the transaction was originally filed.
- A change (increase or decrease) is made to the amount of a previously filed transaction after the transaction due date. The amount of the change is late from the transaction due date to the date the amended transaction changing the amount is filed.
- A previously reported transaction is deleted after the transaction due date. The transaction is considered late from the transaction due date to the date the transaction deletion is filed.
- A cash balance adjustment transaction is filed because the committee is unable to reconcile the calculated cash balance based on transactions filed with the Secretary of State with the committee's bank balance.
- A personal expenditure balance adjustment transaction is filed because the committee is unable to reconcile the calculated outstanding personal expenditure balance based on the transactions filed with the Secretary of State.
- The transaction type is amended from any transaction type other than a contribution or expenditure to a contribution or expenditure, and the original transaction was filed after the deadline. The transaction is considered late from the transaction due date to the date the original transaction is filed.

## Exceptions to What Constitutes a Late Filing

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If a candidate committee, political action committee, or petition committee receives updated information that an in-kind contribution received from another committee and reported in a transaction is inaccurate or otherwise insufficient, the committee that received the in-kind contribution must file an amended transaction.

The amended transaction may be filed without penalty if it is filed not later than the date that the transaction is required to be filed, or if the filing deadline has passed, not later than 30 calendar days after the committee received the updated information. This applies only to an in-kind contribution that needs to be deleted, or to a change to the date, amount, or contributor name associated with the transaction. If an amendment to the in-kind contribution transaction must be filed, the committee must detail the reason for the changes in the Notes field of the transaction.

This exception does not apply to a candidate committee, political action committee, or petition committee that knew, or reasonably should have known, that the information reported in the transaction was inaccurate or insufficient at the time of filing. The exception also does not apply:

- to an original in-kind contribution transaction that is filed late;
- to an amended in-kind contribution transaction which results in an insufficiency of the transaction;
- if the in-kind contributor name is amended from a committee to a person;
- or
- if the in-kind contributor name is amended from a person to a committee.



Warning: Criminal penalties may apply if transactions verified as true by the candidate or treasurer are knowingly submitted with false information.

## Penalties

The penalty for a late transaction is  $\frac{1}{2}\%$  of the amount of the transaction or  $\frac{1}{2}\%$  of the amount of the change (for an increase or decrease in transaction amount) multiplied by the number of business days the transaction is filed late.

**ex**  $\$1,000.00 \times \frac{1}{2}\% \times 16 \text{ business days} = \$80.00$

The penalty for a late [Certificate of Limited Contributions and Expenditures](#) is \$17.50 for each business day the Certificate is filed late.

The penalty for a cash balance adjustment transaction or personal expenditure balance adjustment transaction is 10% of the amount of the transaction.

If, after receiving the proposed penalty notice, the committee or independent expenditure filer determines that a transaction date was incorrectly reported thereby reducing the number of business days the transaction is filed late, there may be a reduction in the proposed civil penalty if the transaction is amended to correct the date. In order to qualify for a reduction in the civil penalty, the person must file the amended transaction no later than the deadline to request a hearing. If a hearing is requested, the amendment may be submitted up to the date of the hearing.

If the recalculated penalty reduces the penalty to less than \$75, no penalty will be imposed and no violation found.

## Maximum Penalties

The maximum penalty for each late transaction, except for a change in transaction amount, is 10% of the amount of the transaction. The maximum penalty for a change in transaction amount is 10% of the net change or 10% of the current transaction amount, whichever is less.

The maximum penalty for a late Certificate of Limited Contributions and Expenditures is \$350.

## Waiver of Penalty and Violation

If a transaction is late as a direct result of an error by the Elections Division, the violation is waived and no penalty is assessed. For example, if an error by the Elections Division resulted in a three day delay but the transaction was filed five days late, only the last two days would be enforced as a violation.

For any committee subject to reporting contributions during a legislative session, if a transaction is late and should have been filed during the three business day grace period for filing an original Statement of Organization, the violation is waived and no penalty is assessed, as long as the transaction is filed within five business days from receiving the contribution.

# Penalty Matrix: Insufficient Filings

## Insufficient Filings Defined

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A transaction is insufficient when a contribution (cash, in-kind, or loan received) or expenditure (cash expenditure, loan payment, personal expenditure, or account payable) is missing one or more of the following items of required information or an item of information provided is not sufficient:

- contributor's name;
- contributor's address (not including zip code);
- contributor's occupational information;
- name of payee;
- payee's address (city and state);
- purpose of expenditure;
- or
- terms of loan made or received.

After the deadline for filing a transaction or after a transaction is filed, whichever is later, the Elections Division has 10 business days to review the transaction and determine whether the transaction includes all of the information required by law.

The treasurer, candidate, alternate transaction filer, correspondence recipient, and independent expenditure filer are sent an Exam letter via email that either indicates the transaction is sufficient or identifies any of the transaction's insufficiencies that need to be corrected. The letter includes a deadline for providing amendments to correct any insufficient information.



See [Amending Transactions](#) on page 76.



The deadline to amend an insufficient transaction is 14 business days from the date of the Exam letter, or 14 business days from the due date for a transaction, whichever is later.

If the requested information is filed by the amendment deadline provided in the Exam letter and is deemed sufficient, there is no penalty for insufficiency. If the candidate, treasurer or independent expenditure filer fails to provide the information requested in the Exam letter by the amendment deadline, the person required to correct the insufficiency will be subject to a penalty.

Not later than 90 calendar days after an amended transaction is filed, the Elections Division will examine the amended transaction and send an Amendment Review Notification letter to the committee. If an amended transaction is filed and is insufficient, that transaction may result in a civil penalty.

## Penalties

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The penalty is \$10 per item for all missing or insufficient items, except for the failure to provide the terms of a loan made or received, which is 1% of the loan amount.

Omitted or insufficient information submitted after the amendment deadline but prior to the deadline for a candidate, treasurer, or independent expenditure filer to request a hearing will result in a 50% per item reduction of the penalty, if the information is deemed sufficient. If a hearing is requested, the omitted or insufficient information may be submitted up to the date of the hearing, and if deemed sufficient, will result in a 50% per item reduction of the penalty.

### Maximum Penalties

The maximum penalty for each insufficient transaction is 10% of the amount of the transaction or \$10, whichever is less.

### Waiver of Penalty and Violation

If an insufficiency is the direct result of an error by the Elections Division, the violation is waived and no penalty is assessed.

If the total penalty for a case is less than \$75, a proposed penalty notice will not be issued and there will be no violation found.

## Contested Case Procedures

### ORS 260.232

Late and insufficient violations are processed by calendar month. Each case for a given month will include any transactions that are filed late and/or any insufficient transactions that are not sufficiently corrected by the exam response due date in that particular month. Laws, administrative rules, and the campaign finance manual in effect at the time the transaction is filed or, if the transaction is insufficient, in effect on the deadline to respond to the insufficiency will be enforced and govern campaign finance reporting requirements. Generally, cases for a particular month are reviewed and generated approximately three months after the end of a month. If the total calculated penalty for a case is less than \$75, a proposed penalty notice will not be issued.


### Issuance of Proposed Penalty Notice

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If the Secretary of State determines that a committee or independent expenditure filer is in violation of Oregon election law because late and/or insufficient transactions were filed or a Certificate of Limited Contributions and Expenditures is filed late, and the total calculated penalty is \$75 or more, the Elections Division will create a case and deliver by first class mail or by email a Notice of Proposed Civil Penalty (proposed penalty notice) to the individual who is liable for the violations. The notice is sent to:

- the treasurer of a political action committee or petition committee, or if applicable, the civil penalty designee;
- the candidate of a candidate committee and the designated treasurer of a candidate committee; or
- an independent expenditure filer.

The notice informs the liable individual of the potential penalty and provides an opportunity to request a hearing if there is a mitigating circumstance that directly caused the late or insufficient filing.


 A hearing request can be filed only by the person subject to the civil penalty, or an attorney representing the person.

## Mitigating Circumstances


The Elections Division will consider mitigating circumstances claimed by a committee. If the mitigating circumstances are presented with a hearing request, the Elections Division will consider them and will refer the case to the Office of Administrative Hearings if the Division does not agree. If received after 20 days, but before 30 days after the service date of the notice of proposed civil penalty, the Division will still consider the circumstances, but the committee will no longer be eligible for a hearing. If the Division determines that the committee has presented valid mitigating circumstances, the penalties at issue will be waived or reduced without a hearing before an Administrative Law Judge.

The only mitigating circumstances that may be considered in a late or insufficient filing case are:

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


 If the criminal or civil action in a court of law results in a monetary judgment (including restitution) in favor of the candidate or committee treasurer, the Elections Division civil penalty must be paid if the judgment is collected.

- The lateness or insufficiency of a transaction is the direct result of fire, flood, utility failure, or other calamitous event, resulting in physical destruction of, or inaccessibility to campaign finance records.

 “Calamitous event” means a phenomenon of an exceptional character, the effects of which could not have been reasonably prevented or avoided by the exercise of due care or foresight.


- The lateness or insufficiency of a transaction is the direct result of failure of a professional delivery service to deliver documents in the time guaranteed for delivery by written receipt of the service provider. This does not include delivery by fax.

- The lateness or insufficiency of a transaction is the direct result of an error by the elections filing officer.

 The “elections filing officer” means the Secretary of State, Elections Division.

One additional circumstance that will only be considered in a late filing case is:

- The lateness of a transaction is the direct result of a valid personal emergency of the candidate, treasurer, alternate transaction filer, or independent expenditure filer. In this case, independent written verification must be provided.

 A valid personal emergency is an emergency, such as a serious personal illness or death in the immediate family of the candidate, treasurer, alternate transaction filer, or independent expenditure filer which caused the transaction to be late. Personal emergency does not include a common cold or flu, or a long-term illness where other arrangements could have been made.

Only the circumstances listed above, if proven, may be considered in reducing a penalty. When mitigating circumstances are applied, they apply only to transactions where the specific circumstance(s) directly caused the lateness or insufficiency. Committees must identify all transactions affected within 30 days.

## Waiver of Penalty and Violation

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If a transaction is late or insufficient as the direct result of an error by the elections filing officer, the violation is waived and no penalty is assessed.

## Responding to Proposed Penalty Notice

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When an individual receives a proposed penalty notice, they can either:

- choose to pay the penalty;
- wait until the Election Division issues a default final order assessing the civil penalty;
- claim an applicable mitigating circumstance as defined in this manual;

or

- contest the charges by either submitting notarized testimony, or requesting an in-person or telephone hearing with an administrative law judge.



A hearing request can be filed only by the person subject to the civil penalty, or an attorney representing the person.

## Paying the Civil Penalty

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If the person chooses to pay the penalty:

- Payment may be submitted by check made payable to the Secretary of State;
- Payment may be made by credit card over the phone;
- Payment may be mailed to the Elections Division, at any time after the proposed penalty notice is issued, but must be received not later than 70 calendar days after the service date of the default final order;

or

- If necessary, the person may contact the Elections Division to discuss payment plan options.

## Contest the Charges by Requesting a Hearing

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To contest the charges, the person must submit a signed Hearing Request Form (SEL 851) and an answer to the violations pursuant to applicable Oregon administrative rules and/or Oregon Revised Statutes; the request and answer must be received by the Elections Division not later than 20 calendar days after the service date on the proposed penalty notice.

If the Elections Division receives the signed and sufficient Hearing Request Form, the case will be referred to the Office of Administrative Hearings. The process outlined in the applicable Oregon administrative rules and/or Oregon Revised Statutes will be followed to conduct the hearing.

## Final Orders

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Final orders are issued after the deadline to request a hearing has passed or, if the charges were contested and a hearing was conducted, after the administrative law judge issues a proposed order. If the final order assesses a civil penalty, the liable party has 70 calendar days to pay the penalty. After the issuance of a final order the liable party is entitled to judicial review of the order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 calendar days of the service date of the order.



## Payment Liability for Civil Penalties

For political action committees or petition committees, the treasurer or civil penalty designee is personally liable for penalties imposed for late or insufficient filings of contribution and expenditure transactions. For candidate committees, the candidate is liable for penalties imposed. The independent expenditure filer is liable for penalties imposed. While the persons named above are personally responsible for payment of any penalty imposed, there is nothing that prohibits a penalty from being paid using committee funds or any other source.

Uncontested civil penalties may be paid at any time after receiving the proposed penalty notice, but are due no later than 70 calendar days after the service date of a default final order or final order, unless an appeal is filed. Payment is made to the Secretary of State. Payment may be made using a credit card by contacting the Elections Division. Civil penalties are paid into the State Treasury and credited to the General Fund.



Penalties (for all violations other than prohibited personal use of committee funds) may be paid from any source. A penalty paid from committee funds must be reported as an expenditure.

### Payment Liability for Penalty Imposed for Late Transactions or a Late Certificate

For a **political action committee or petition committee**, the treasurer responsible for any late filing penalty is the treasurer or the civil penalty designee (if applicable) of record (i.e., listed on the Statement of Organization at the time the transaction is due).

For a **candidate committee**, the candidate is responsible for any late filing penalty, even if the late transaction or certificate is filed by the designated treasurer.

For a **filer of independent expenditures**, the individual registered as the filer is responsible for any late filing penalty.



The liability for the civil penalty remains with the treasurer or the civil penalty designee of a political action committee and petition committee, and the candidate for a candidate committee, even if the late transaction is filed by the designated alternate transaction filer.

### Payment Liability for Penalty Imposed for Insufficient Transactions

For a **political action committee or petition committee**, the treasurer responsible for an insufficient filing penalty is the treasurer who filed the transaction that was insufficient or the civil penalty designee applicable at the time the insufficient transaction was filed by the treasurer.

For a **candidate committee**, the candidate is responsible for any insufficient filing penalty, even if the insufficient transaction is filed by the designated treasurer.

For a **filer of independent expenditures**, the individual registered as the filer is responsible for any insufficient penalty.




The liability for the civil penalty remains with the treasurer or the civil penalty designee of a political action committee and petition committee, and the candidate for a candidate committee, even if the insufficient transaction is filed by the designated alternate transaction filer.

### Payment Liability for Penalty Imposed for Cash Balance Adjustment or Personal Expenditure Balance Adjustment Transactions

For a **political action committee or petition committee**, the treasurer responsible for a cash balance adjustment or personal expenditure balance adjustment penalty is the treasurer who filed the adjustment transaction or the civil penalty designee applicable at the time the balance adjustment transaction is filed.

For a **candidate committee**, the candidate is responsible for a cash balance adjustment penalty or personal expenditure balance adjustment even if the adjustment transaction is filed by the designated treasurer.

-  The liability for the civil penalty remains with the treasurer or civil penalty designee of a political action committee and petition committee, and the candidate for a candidate committee, even if the transaction is filed by the designated alternate transaction filer.




While the individuals named in the paragraphs above are personally liable for payment of any penalty imposed, the penalty may be paid from any source including committee funds.

## Instructions for Completing Forms

Most forms can be filed electronically or by paper. Paper filings will be converted to an electronic document and will become the official record.


### Completing the Statement of Organization (Original, Amendment, or Discontinuation)

This section explains the information required for each field of information on a Statement of Organization. Some fields included in this section only apply to paper filings. There are three types of Statements of Organization and they can be filed either online through ORESTAR or by using one of the following paper forms:

-  Form [SEL 220: Statement of Organization for Candidate Committee](#);
-  Form [SEL 221: Statement of Organization for Political Action Committee](#); and
-  Form [SEL 222: Statement of Organization for Petition Committee](#).

For steps on filing the Statement of Organization electronically, refer to the [ORESTAR User's Manual: Statement of Organization](#).

If any of the required information is incomplete or insufficient, the Elections Division will notify the committee by phone, or in writing, including by email, of the deficiencies on the forms. The filing will not be processed or considered filed until the required information is provided.

 The committee address must be publicly disclosed. Do not list an exempt address. Committees should not provide the address, phone number, or email address of a person who has obtained an exemption from disclosure as a public record to minimize the risk of inadvertent disclosure.

### Candidate Committee

**Filing Type:** Must indicate the filing type. To file a new committee, select Original. To make changes or update a filing, select Amendment. To close the committee, select Discontinuation.

**Name of Committee:** Must provide the name of the committee and it must match the name of the bank account.

**Committee Street Address:** Do not use a post office box number. Must provide the street address of a residence, office, headquarters, or similar location where the candidate or a responsible officer of the committee can be located. The address must be in Oregon and must be publicly disclosable. Do not list an exempt address.

**Campaign Phone Number:** May provide a phone number where a committee member can be reached. If provided, the number must be publicly disclosable. Do not list an exempt phone number.

**Name of Candidate:** Must include at least the first and last name.

**Candidate Address:** Do not use a post office box number. Must provide the street address of a residence, office, headquarters, or similar location where the candidate can conveniently be located.

**Candidate Mailing Address:** Must provide an address where the candidate wants to receive written correspondence from the Elections Division.

**Candidate's Occupational Information:** If not employed, a homemaker, retired, or a student, select Not Employed. No further occupational information is required.

If self-employed, select Self-Employed and must provide the nature of the primary job of the candidate in the **Occupation** field.

If employed by another person, must provide the nature of the primary job of the candidate in the **Occupation** field. Must also provide the **Employer's Name, City and State** in the appropriate fields.



See [Occupational Information](#) on page 30 for how the Elections Division defines occupation.

**Candidate Phone and Fax Numbers:** May provide a phone number where the candidate can be reached during normal business hours. May provide the candidate's fax number, if the candidate has one.

**Candidate Email Address:** Must provide an email address where the candidate can be reached.

**Name of Treasurer:** Must include at least the first and last name. The treasurer must be an Oregon elector.

**Treasurer Mailing Address:** Must provide an address where the treasurer wants to receive written correspondence from the Elections Division.

**Treasurer Phone and Fax Numbers:** May provide a phone number where the treasurer can be reached during normal business hours. May provide the treasurer's fax number, if the treasurer has one.

**Treasurer Email Address:** Must provide an email address where the treasurer can be reached.

**Election Information:** Designate the specific election in which the individual will be a candidate. A candidate nominated at the primary election must amend the Statement of Organization to indicate participation in the general election.

List the office sought by the candidate. Include the county, district, position, department, or zone number, if applicable. If the office is unknown, indicate "unknown office".

**Party Affiliation:** Must select the political party that indicates the candidate's party affiliation even if the candidate has been nominated by multiple political parties. A candidate running for a nonpartisan office should not complete this section.

**Committee Director:** A committee director is any person who directly and substantially participates in decision-making on behalf of the committee concerning the solicitation or expenditure of funds. If any person meets the definition of a director they must be designated on the Statement of Organization. **A candidate committee is not required to have committee directors.** The candidate is assumed to directly and substantially participate in decision making on behalf of the committee and does not need to be designated as a director.

If two or more of the directors are also directors of another political committee, list the names of those directors and the name and address of the other political committee.

**Name of Director:** If a director is designated, must include at least the first and last name.

**Director Address:** Must provide the address of a residence, office, headquarters, post office box or similar location where the director can conveniently be reached.

**Director's Occupational Information:** If not employed, homemaker, retired, or a student, select Not Employed. No further occupational information is required.

If self-employed, select Self-Employed and must provide the nature of the primary job of the director in the **Occupation** field.

If employed by another person, must provide the nature of the primary job of the director in the **Occupation** field. Must also provide the **Employer's Name, City and State** in the appropriate fields.



See [Occupational Information](#) on page 30 for how the Elections Division defines occupation.

**Director Phone:** May provide a phone number where the director can be reached during normal business hours.

**Name of Alternate Transaction Filer:** Designating an alternate transaction filer is optional. If an alternate transaction filer is designated, must include at least the first and last name. This is an individual designated to file transactions but who does not have liability for late or insufficient transactions. If designated, this individual must be someone other than the candidate or treasurer.

**Alternate Transaction Filer Mailing Address:** Must provide an address where the alternate transaction filer wants to receive written correspondence from the Elections Division.

**Alternate Transaction Filer Email Address:** Must provide an email address where the alternate transaction filer can be reached.

**Alternate Transaction Filer Phone:** May provide a phone number where the alternate transaction filer can be reached during normal business hours.

**Name of Correspondence Recipient:** Designating an individual as the correspondence recipient is optional. If a correspondence recipient is designated, must include at least the first and last name. The individual designated will receive notices and other correspondence issued by the Elections Division. If designated, this individual must be someone other than the candidate or treasurer.

**Correspondence Recipient Mailing Address:** Must provide an address where the correspondence recipient wants to receive written correspondence from the Elections Division.

**Correspondence Recipient Email Address:** Must provide an email address where the correspondence recipient can be reached.

**Correspondence Recipient Phone:** May provide a phone number where the correspondence recipient can be reached during normal business hours.

**Other Election Activity:** If the candidate is active at an election in which her or his name is not on the ballot, indicate the type of activity.



See [Active in an Election](#) on page 17 for more information.

**Name of Oregon Financial Institution:** Must include the name of the Oregon financial institution where the committee has established or expects to establish the committee bank account.

**Name of Account:** This must be identical to the official name of the committee.

**Name of Account Holder:** Must include the name of the candidate or the name of the committee. If the candidate is an account holder, other individuals may also be listed as account holders, as long as they have signature authority.

**Names of Persons Who Have Signature Authority:** The candidate and treasurer must be signers on the campaign account. Other signatories may also be designated.

**Signatures of Candidate and Treasurer:** A candidate and treasurer (if applicable) must sign and date each Statement of Organization filed. In signing the Statement of Organization, the candidate and treasurer are attesting they understand the potential liability of being a candidate or treasurer and that the information provided is true and correct.

## Political Action Committee

**Filing Type:** Must indicate the filing type. To file a new committee, select Original. To make changes or update a filing, select Amendment. To close the committee, select Discontinuation.

**Name of Committee:** Must provide the name of the committee and it must match the name of the bank account.

**Committee Acronym:** May provide an acronym of the committee's name.

**Committee Street Address:** Do not use a post office box number. Must provide the street address of a residence, office, headquarters, or similar location where the candidate or a responsible officer of the committee can be located. The address must be in Oregon and must be publicly disclosable. Do not list an exempt address.

**Campaign Phone Number:** May provide a phone number where a committee member can be reached. If provided, the number must be publicly disclosable. Do not list an exempt phone number.

**Name of Treasurer:** Must include at least the first and last name. The treasurer must be an Oregon elector.

**Treasurer Mailing Address:** Must provide an address where the treasurer wants to receive written correspondence from the Elections Division.

**Treasurer Phone and Fax Numbers:** May provide a phone number where the treasurer can be reached during normal business hours. May provide the treasurer's fax number, if the treasurer has one.

**Treasurer Email Address:** Must provide an email address where the treasurer can be reached.

**Committee Director:** A committee director is any person who directly and substantially participates in decision-making on behalf of the committee concerning the solicitation or expenditure of funds. If any person meets the definition of a director they must be designated on the Statement of Organization. The treasurer of a political action committee may also be listed as a director but must list at least one other director who is not the treasurer. The officers of a political party shall be considered the directors of any political party committee of that party and must be designated on the Statement of Organization, unless otherwise provided in the party's bylaws.

If two or more of the directors are also directors of another political committee, list the names of those directors and the name and address of the other political committee.

**Name of Director:** Must include at least the first and last name.

**Director Address:** Must provide the address of a residence, office, headquarters, post office box or similar location where the director can conveniently be reached.

**Director's Occupational Information:** If not employed, homemaker, retired, or a student, select Not Employed. No further occupational information is required.

If self-employed, select Self-Employed and must provide the nature of the primary job of the director in the **Occupation** field.

If employed by another person, must provide the nature of the primary job of the director in the **Occupation** field. Must also provide the **Employer's Name, City and State** in the appropriate fields.



See [Occupational Information](#) on page 30 for how the Elections Division defines occupation.

**Director Phone:** May provide a phone number where the director can be reached during normal business hours.

**Name of Alternate Transaction Filer:** Designating an alternate transaction filer is optional. If an alternate transaction filer is designated, must include at least the first and last name. This is an individual designated to file transactions but who does not have liability for late or insufficient transactions. If designated, this individual must be someone other than the treasurer. The individual may also be a director or civil penalty designee.

**Alternate Transaction Filer Mailing Address:** Must provide an address where the alternate transaction filer wants to receive written correspondence from the Elections Division.

**Alternate Transaction Filer Email Address:** Must provide an email address where the alternate transaction filer can be reached.

**Alternate Transaction Filer Phone:** May provide a phone number where the alternate transaction filer can be reached during normal business hours.

**Name of Correspondence Recipient:** Designating an individual as the correspondence recipient is optional. If a correspondence recipient is designated, must include at least the first and last name. The individual designated will receive notices and other correspondence issued by the Elections Division. If designated, this individual must be someone other than the treasurer. The individual may also be a director or civil penalty designee.

**Correspondence Recipient Mailing Address:** Must provide an address where the correspondence recipient wants to receive written correspondence from the Elections Division.

**Correspondence Recipient Email Address:** Must provide an email address where the correspondence recipient can be reached.

**Correspondence Recipient Phone:** May provide a phone number where the correspondence recipient can be reached during normal business hours.

**Name of Civil Penalty Designee:** Designating an individual as the civil penalty designee is optional. If a civil penalty designee is designated, must include at least the first and last name. This individual must be an Oregon elector and is liable for any civil penalty imposed for late or insufficient transactions. This individual must be someone other than the treasurer and must agree to serve as civil penalty designee by signing a paper Statement of Organization.

A Statement of Organization that has a civil penalty designee must be filed using the paper forms. The completed forms can be printed, signed, and filed with the Elections Division. The forms may be mailed, faxed, scanned and emailed to [orestar-support.sos@sos.oregon.gov](mailto:orestar-support.sos@sos.oregon.gov) or hand delivered.

**Civil Penalty Designee's Mailing Address:** Must provide an address where the civil penalty designee wants to receive written correspondence from the Elections Division.

**Civil Penalty Designee's Email:** Must provide an email address where the civil penalty designee can be reached.

**Civil Penalty Designee's Phone:** May provide a phone number where the civil penalty designee can be reached during normal business hours.

**Nature of Political Action Committee:** Must provide a description of the general nature of the committee.

**Example**

"Support all candidates and measures advocating health care for all."

"Supports candidates that oppose tax increases."

**Controlled Committee Information:** Must answer yes or no to the question. If yes, must identify the candidate(s) that control the committee.

All caucus committees are controlled committees. A "controlled committee" is a political action committee that, in connection with the making of contributions or expenditures:

→ is controlled directly or indirectly by a candidate or by another controlled committee;

or

→ acts jointly with a candidate or another controlled committee.

A candidate controls a political action committee if:

→ the candidate, the candidate's agent, a member of the candidate's immediate family, or any other political committee that the candidate controls has a significant influence on the actions or decisions of the political action committee;

or

→ the candidate's committee and the political action committee both have the candidate or a member of the candidate's immediate family as a treasurer or director.

**Type of Political Action Committee:** Must identify the type of committee.

A "miscellaneous committee" is a committee that supports or opposes one or more of the following:

→ specific candidate(s);

→ entire ticket of a political party;

or

→ candidate(s) and measure(s).

A "caucus committee" is a committee affiliated with a caucus in either chamber of Oregon's Legislative Assembly.

A "recall committee" is a committee supporting or opposing a person subject to a recall election. A recall committee cannot be formed until a recall election is certified to the ballot.

A "measure committee" is a committee that exclusively supports or opposes one or more measures that are certified to the ballot. A measure committee must not contribute to candidates, miscellaneous committees, political parties, caucus committees, recall committees, or fund independent expenditures in support of or in opposition to candidates. If a measure committee wishes to make such expenditures, it must amend its Statement of Organization to become a miscellaneous committee.

A "political party committee" is a major or minor political party qualified under ORS Chapter 248 or a committee established by a major or minor party under party bylaws (e.g., county central committees).

**Party Affiliation for Political Party Committees:** Political party committees must identify the party the committee is affiliated with.

**Measure Information:** If supporting or opposing a measure(s), must provide the measure number, indicate support or opposition, and list the election at which the measure(s) will be voted on.

**Recall Information:** If supporting or opposing a recall(s), must provide the date of the special recall election, indicate support or opposition of the recall, and identify the candidate(s) by listing their name, the name of the office, and district or position number, if applicable.

"Support" means the committee supports the recall of the candidate and "oppose" means the committee opposes the recall of the candidate (i.e., wants the candidate to remain in office).

**Name of Oregon Financial Institution:** Must include the name of the Oregon financial institution where the committee has established or expects to establish the committee bank account.


**Name of Account:** This must be identical to the official name of the committee.

**Name of Account Holder:** For a political action committee, the account holder must include the treasurer, or the name of the committee or the affiliated organization that administers the account. If the treasurer is an account holder, other individuals may also be listed as account holders, as long as they have signature authority.

**Names of Persons Who Have Signature Authority:** The treasurer must be a signer on the campaign account. Other signatories may also be designated.



**Signatures of Treasurer and Civil Penalty Designee:** A treasurer must sign and date each Statement of Organization filed. In signing the Statement of Organization, the treasurer is attesting they understand the potential liability of being a treasurer and that the information provided is true and correct.

 If a political action committee also has a civil penalty designee, an individual that accepts liability for any penalty assessed for a late or insufficient transaction, that individual must also sign and date the Statement of Organization.

## Petition Committee

**Filing Type:** Must indicate the filing type. To file a new committee, select Original. To make changes or update a filing, select Amendment. To close the committee, select Discontinuation.

**Name of Committee:** Must provide the name of the committee and it must match the name of the bank account.

**Committee Acronym:** May provide an acronym of the committee's name.

**Committee Street Address:** Do not use a post office box number. Must provide the street address of a residence, office, headquarters, or similar location where the candidate or a responsible officer of the committee can be located. The address must be in Oregon and must be publicly disclosable. Do not list an exempt address.

**Campaign Phone Number:** May provide a phone number where a committee member can be reached. If provided, the number must be publicly disclosable. Do not list an exempt phone number.

**Name of Treasurer:** Must include at least the first and last name. The treasurer must be an Oregon elector.

**Treasurer Mailing Address:** Must provide an address where the treasurer wants to receive written correspondence from the Elections Division.

**Treasurer Phone and Fax Numbers:** May provide a phone number where the treasurer can be reached during normal business hours. Provide the treasurer's fax number, if the treasurer has one.

**Treasurer Email Address:** Must provide an email address where the treasurer can be reached.

**Name of Chief Petitioner(s):** Must provide at least the first and last name of the chief petitioner(s). A recall committee may only have one chief petitioner. The names must match the names listed on the prospective petition.

**Chief Petitioner(s) Address:** Must provide the address of a residence, office, headquarters, post office box or similar location where the chief petitioner can conveniently be reached.

**Chief Petitioner(s) Phone Number:** May provide a phone number where the chief petitioner(s) can be reached during normal business hours.

**Name of Alternate Transaction Filer:** Designating an alternate transaction filer is optional. If an alternate transaction filer is designated, must include at least the first and last name. This is an individual designated to file transactions but who does not have liability for late or insufficient transactions. If designated, this individual must be someone other than the treasurer. The individual may also be a director or civil penalty designee.

**Alternate Transaction Filer Mailing Address:** Must provide an address where the alternate transaction filer wants to receive written correspondence from the Elections Division.

**Alternate Transaction Filer Email Address:** Must provide an email address where the alternate transaction filer can be reached.

**Alternate Transaction Filer Phone:** May provide a phone number where the alternate transaction filer can be reached during normal business hours.



**Name of Civil Penalty Designee:** Designating an individual as the civil penalty designee is optional. If a civil penalty designee is designated, must include at least the first and last name. This individual must be an Oregon elector and is liable for any civil penalty imposed for late or insufficient transactions. This individual must be someone other than the treasurer and must agree to serve as civil penalty designee by signing a paper Statement of Organization.

A Statement of Organization that has a civil penalty designee must be filed using the paper forms. The completed forms can be printed, signed, and filed with the Elections Division. The forms may be mailed, faxed, scanned and emailed to [orestar-support.sos@sos.oregon.gov](mailto:orestar-support.sos@sos.oregon.gov) or hand delivered.

**Civil Penalty Designee's Mailing Address:** Must provide an address where the civil penalty designee wants to receive written correspondence from the Elections Division.

**Civil Penalty Designee's Email:** Must provide an email address where the civil penalty designee can be reached.

**Civil Penalty Designee's Phone:** May provide a phone number where the civil penalty designee can be reached during normal business hours.

**Jurisdiction:** Must indicate the jurisdiction where the prospective petition was filed.

**Petition Information:** Identify the type of petition (initiative, referendum, or recall) the committee is sponsoring.

For an initiative or referendum petition, must indicate the petition ID number assigned by the filing officer.

For a recall petition, must indicate the name of the office holder against whom the recall petition has been filed and the name of the office, and district or position number, if applicable.


**Name of Oregon Financial Institution:** Must include the name of the Oregon financial institution where the committee has established or expects to establish the committee bank account.

**Name of Account:** This must be identical to the official name of the committee.

**Name of Account Holder:** For a petition committee, the account holder must include the treasurer, or the name of the committee or the affiliated organization that administers the account. If the treasurer is an account holder, other individuals may also be listed as account holders, as long as they have signature authority.

**Names of Persons Who Have Signature Authority:** The treasurer must be a signer on the campaign account. Other signatories may also be designated.

**Signatures of Treasurer and Civil Penalty Designee:** A treasurer must sign and date each Statement of Organization filed. In signing the Statement of Organization, the treasurer is attesting they understand the potential liability of being a treasurer and that the information provided is true and correct.

 If a petition committee also has a civil penalty designee, an individual that accepts liability for any penalty assessed for a late or insufficient transaction, that individual must also sign and date the Statement of Organization.

## Completing the Certificate of Limited Contributions and Expenditures

This section explains the information required for each field of information on a Certificate of Limited Contributions and Expenditures (form PC 7). The certificate form can be filed either online through ORESTAR or by using the following paper form:

 [Form PC 7: Certificate of Limited Contributions and Expenditures.](#)

For steps on filing the certificate electronically, refer to the [ORESTAR User's Manual: Transaction Filing](#).

If any of the required information is incomplete or insufficient, the Elections Division will notify the committee by phone, or in writing, including by email, of the deficiencies on the forms. The filing will not be processed or considered filed until the required information is provided.

**Year Filing Certificate:** Must indicate the year the Certificate is being filed for.

**Cash Balance as of January 1:** Must indicate the cash balance in the committee's bank account as of January 1 of the calendar year. If the committee didn't have a bank account on January 1, this field should reflect a zero balance.

**Committee Name:** Must provide the name of the committee.

**Committee ID:** If available, provide the unique committee ID number assigned by the Elections Division.

**Candidate Name:** Include the name of the candidate. Not required for Political Action or Petition Committees.

**Treasurer Information:** Include the name of the treasurer. This field is not required if the candidate is also the treasurer.

**Signature of Candidate or Treasurer:** The candidate or treasurer must sign and date the Certificate. In signing, the individual is attesting the information is true and correct, and may be liable for penalties imposed, among other requirements.

## Forms That Must Be Filed Using Paper

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The following forms cannot be filed electronically in ORESTAR and must be filed using the PDF fillable forms available online at [www.oregonvotes.gov](http://www.oregonvotes.gov). The two forms listed below are filed only by a corporation when the major source of revenue for the corporation is paid-in-capital and the primary purpose of the corporation is to support or oppose a candidate, measure, or political party, and the corporation has made a contribution or an expenditure for that purpose. Further, the SEL 221 (Statement of Organization for Political Action Committee) and SEL 222 (Statement of Organization for Petition Committee) must be filed using the paper if the committee has a Civil Penalty Designee.



Form [PC 3: Cash Expenditures and Loan Payments Form](#)



Form [PC 12: Statement of Corporate Paid-In-Capital](#)

Depending on the type of organization and the organization's activities, the corporation may also be required to file a [Statement of Organization for Political Action Committee form \(SEL 221\)](#).

# Information Sources

## Business Registration

For information about business registration and business regulations contact:

Corporations Division

Public Service Building

255 Capitol Street NE, Suite 151

Salem, OR 97310-1327

☎ 503 986 2200

✉ [corporationdivision.sos@sos.oregon.gov](mailto:corporationdivision.sos@sos.oregon.gov)

📌 [sos.oregon.gov/business](http://sos.oregon.gov/business)

## Campaign Finance Reporting

For questions regarding Oregon's campaign finance reporting requirements contact:

Secretary of State

Elections Division

255 Capitol Street NE, Suite 126

Salem, OR 97310-0722

☎ 866 673 8683 or 503 986 1518

fax 503 373 7414

✉ [orestar-support.sos@sos.oregon.gov](mailto:orestar-support.sos@sos.oregon.gov)

📌 [www.oregonvotes.gov](http://www.oregonvotes.gov)

## Federal Elections

For questions regarding federal candidates or committees or federal election regulations contact:

Federal Election Commission

999 E Street NW

Washington, DC 20463

☎ 800 424 9530

📌 [www.fec.gov](http://www.fec.gov)

## Federal Communications

For questions regarding federal regulations on radio and television broadcasts contact:

Federal Communications Commission

445 12th Street SW

Washington, DC 20554

☎ 888 225 5322

fax 866 418 0232

📌 [www.fcc.gov](http://www.fcc.gov)

## IRS Reporting Requirements

For questions regarding IRS reporting requirements for political committees contact:

Internal Revenue Service

☎ 800 829 1040

📌 [www.irs.gov/charities-non-profits/political-organizations](http://www.irs.gov/charities-non-profits/political-organizations)

## Oregon Department of Revenue (Tax Credits)

For information about income tax credits for political contributions contact:

Revenue Building

955 Center Street NE

Salem, OR 97301-2555

☎ 800 356 4222 or 503 378 4988

📍 [www.oregon.gov/DOR](http://www.oregon.gov/DOR)

## Oregon Government Ethics

For questions regarding enforcement of Oregon's government ethics and lobbyist registration laws contact:

Oregon Government Ethics Commission

3218 Pringle Road SE, Suite 220

Salem, OR 97302-1544

☎ 503 378 5105

fax 503 373 1456

📍 [www.oregon.gov/ogec](http://www.oregon.gov/ogec)



The ethics laws cover such matters as disclosure of conflicts of interest, use of public office for personal gain, and statements of economic interest. The lobby regulation laws provide guidelines and specify certain requirements for lobbyists.

## Political Signs

For questions regarding political signs contact the elections filing officer for the jurisdiction where the signs are located.

For questions regarding political signs that are visible from state highways contact:

Oregon Department of Transportation

355 Capitol Street NE, MS 11

Salem, OR 97301-3871

☎ 888 275 6368

fax 503 986 3432

📍 [www.oregon.gov/ODOT](http://www.oregon.gov/ODOT)

## Raffle License

For questions regarding applying for a raffle license or status as a nonprofit entity contact:

Department of Justice Charitable Activities Section

100 SW Market Street

Portland, OR 97201

☎ 971 673 1880

fax 971 673 1882

✉ [charitable.activities@doj.state.or.us](mailto:charitable.activities@doj.state.or.us)

📍 [www.doj.state.or.us/charitable-activities](http://www.doj.state.or.us/charitable-activities)

## Definitions

As used in this manual, unless the context requires otherwise, the following terms mean:

### Account Payable

An amount owed to a creditor for goods or services.

### Address

Includes street number and name, rural route number or post office box, city, state, and zip code. For individual contributors, address means that place where the individual receives personal financial correspondence: personal residence, post office box, or place of employment. For payees, address is the city and state where the payee is located, or county if the payee is not located in a city.

### Agent

Any person who has:

- actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate or on behalf of a political committee supporting or opposing a measure;
- or**
- been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities the person may authorize expenditures.

### Aggregate

The total amount of contributions, including cash contributions, non-exempt loans received, co-signer obligations (except obligations of the candidate's spouse), and in-kind contributions received from the same contributor in a calendar year.

The total amount of expenditures, including accounts payable, cash, personal expenditures for reimbursement, and non-exempt loan payments made to the same payee in a calendar year.

### Amendment

An addition, correction, or deletion of information to a transaction or Statement of Organization that has already been filed.

### Business Days

Calendar days excluding weekends and legal holidays as provided in ORS 187.010 and 187.020.

### Calendar Year

January 1 - December 31.

### Candidate

"Candidate" includes any of the following:

- an individual whose name is printed on a ballot, for whom a declaration of candidacy, nominating petition or certificate of nomination to public office has been filed, or whose name is expected to be or has been presented, with the individual's consent, for nomination or election to public office;
- an individual who has solicited or received and accepted a contribution, made an expenditure, or given consent to an individual, organization, political party or political committee to solicit or receive and accept a contribution or make an expenditure on the individual's behalf to secure nomination or election to any public office at any time, whether or not the office for which the individual will seek nomination or election is known when the solicitation is made, the contribution is received and retained or the expenditure is made, and whether or not the name of the individual is printed on a ballot;
- or**
- a public office holder against whom a recall petition has been completed and filed.

### Civil Penalty Designee

A person designated on the Statement of Organization for a Political Action Committee or Petition Committee that is personally liable for any penalty imposed for a late or insufficient transaction.

## City Offices

The elected public offices of a city. City offices typically include a Mayor, City Councilors, a municipal Judge, and other officers the city council considers necessary for the conduct of business. The offices may vary depending upon the city's charter and ordinances. Contact the city elections filing officer for any questions regarding city offices.

## Committee Director

Any person who directly and substantially participates in decision-making on behalf of a political committee concerning the solicitation or expenditure of funds and the support of or opposition to candidates or measures. The officers of a political party are considered the directors of any political party committee of that party, unless otherwise provided in the party's bylaws.

## Committee Identification Number

The number assigned to Oregon committees registered with the Elections Division.

## Contribution

A contribution includes:

the payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compensation or consideration, of money, services other than personal services for which no compensation is asked or given, supplies, equipment, or any other thing of value:

- for the purpose of influencing an election for public office or an election on a measure, or of reducing the debt of a candidate for nomination or election to public office or the debt of a political committee, or
- to or on behalf of a candidate, political committee, or measure.

If a contribution is made for compensation or consideration of less than equivalent value, only the excess value of it is a contribution.

## Controlled Committee

A political action committee that, in connection with the making of contributions or expenditures:

- is controlled directly or indirectly by a candidate or another controlled committee;

or

- acts jointly with a candidate or another controlled committee.

A candidate controls a political action committee if:

- the candidate, the candidate's agent, a member of the candidate's immediate family, or any other political action committee that the candidate controls has a significant influence on the actions or decisions of the political action committee;

or

- the candidate's committee and the political action committee both have the candidate or a member of the candidate's immediate family as a treasurer or director.

## Corporation

Includes for-profit, nonprofit, and professional corporations.

## County Offices

The elected public offices of a county. County offices typically include County Commissioners, County Assessor, County Clerk, County Sheriff, and County Treasurer.

The offices may vary depending upon the county's charter and ordinances. Contact the county elections filing officer for any questions regarding county offices.

## District Offices

The elected public offices of a special district (such as a school or water district) which may be voted on only by the registered voters of the special district. District offices typically include a board of directors.

The offices may vary depending upon the district's statutory requirements. Contact the county elections filing officer for any questions about district offices.

## Elections Division

The term “Elections Division” refers to the Oregon Secretary of State’s Office, Elections Division.

## Electoral District

An area within the state, county, city, or district that is designated to be governed or represented by a particular elected public office.

## Elector

A registered voter in the State of Oregon.

## Exempt Loan

Any loan of money made by a financial institution, other than any overdraft made with respect to a checking or savings account, if the loan:

- bears the institution’s usual and customary interest rate for the category of loan involved;
- is made on a basis which assures repayment;
- is evidenced by a written instrument;
- and**
- is subject to a due date or amortization schedule.

## Expenditure

An expenditure includes:

- payment or furnishing of money or furnishing of any other thing of value;
- incurring or repayment of indebtedness or obligation by or on behalf of a candidate, committee or person in consideration for any services, supplies, or equipment;
- any other thing of value performed or furnished for any reason, including support of or opposition to a candidate, committee, or measure;
- reducing the debt of a candidate for nomination or election to public office;
- or**
- contributions made by a candidate or committee to or on behalf of any other candidate or committee.

## Fair Market Value

Fair market value is the dollar amount a consumer would expect to pay for goods or services.

## Federal Offices

President, Vice President, United States Senator, and United States Representative.

## Financial Institution

A financial institution conducting business in Oregon.

## Forgiven Loan

A loan which a lender determines need not be repaid.

## General Election

The first Tuesday after the first Monday in November of each even-numbered year.

## Independent Expenditure Filer

A person, other than a political committee or petition committee that is required to disclose expenditures made independently for a communication in support of or in opposition to a candidate, political party, or measure.

## Initiative Petition

A petition by electors to initiate a measure for approval or rejection.

## In-Kind

A good or service, other than money, having monetary value.

## Initial Assets

Contributions received or expenditures made by a committee prior to establishing the committee.

## Legislative Official

Any member or member-elect of the Legislative Assembly.

## Loan Co-Signer or Guarantor

A person who guarantees a loan of monetary value for a candidate or a committee.

## Local Initiative or Referendum

Any initiative or referendum filed with a county, city, or special district elections office.

## Local Office or Measure

Any office or measure to be voted upon by the registered voters of a county, city, or special district.

## Measure

Includes any of the following submitted to the people for their approval or rejection at an election:

- an Act or part of an Act of the Legislative Assembly;
- a county, city, or special district legislation;
- a proposed law;
- a proposition or question; or
- a proposed revision or amendment to the Oregon Constitution.

## Measure Committee

A political action committee organized exclusively to support or oppose one or more measures certified to a ballot in Oregon.

## Membership Organization

A trade association, cooperative, corporation without capital stock, or a local, national, or international labor organization that:

- is composed of members who have the choice whether to join the organization and some or all members are vested with the power and authority to operate or administer the organization, pursuant to the organization's articles, bylaws, constitution, or other formal organizational documents;
- expressly states the qualifications and requirements for membership in its articles, bylaws, constitution, or other formal organizational documents;
- makes its articles, bylaws, constitution, or other formal organizational documents available to its members upon request;
- expressly solicits persons to become members;
- expressly acknowledges the acceptance of membership, such as by sending a membership

card or including the member's name on a membership newsletter list;

- is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to public office;

and

- is not a political committee.

## Non-Exempt Loan

A loan that is generally from a source other than a financial institution.

## Nonaffiliated Candidate

A candidate filing for a partisan office by Assembly of Electors or Individual Electors and who is not affiliated with any party.

## Nonpartisan Activity

Activity designed to encourage individuals to vote or to register to vote, regardless of party affiliation.

## Nonpartisan Office

An office for which the candidate does not run under the name of any political party. Nonpartisan offices include: Judge (Supreme Court, Court of Appeals, Tax Court, Circuit Court, and County Judge who exercises judicial functions), Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS Chapter 268, Justice of the Peace, County Clerk, County Assessor, County Treasurer, Sheriff, District Attorney, and any office designated nonpartisan by a home rule charter. Special District offices are also nonpartisan.

## OAR

Oregon Administrative Rules.

## Occupational Information

The nature of an individual's primary job or business and if the individual is employed by another person, the employer's name and city and state.

## ORESTAR

Oregon Elections System for Tracking and Reporting (ORESTAR) is the Elections Division web-based campaign finance reporting system.



## ORS

Oregon Revised Statutes.

## Other Disbursements

Moneys disbursed by the candidate or committee that do not meet the definition of “expenditure.”

## Other Receipts

Moneys received by a candidate or committee that do not meet the definition of “contribution.”

## Partisan Office

An office for which the candidate may be nominated by a major or minor political party, or as a nonaffiliated candidate.

## Person

An individual, corporation, limited liability company, labor organization, association, firm, partnership, joint stock company, club, organization, or other combination of individuals having collective capacity.

## Petition Committee

A petition committee is a committee formed by the chief petitioner(s) of an initiative, referendum, or recall petition during the signature gathering phase.

## Physical Currency

Coins or paper notes, or any combination thereof, that are issued by United States Federal Reserve Banks or by equivalent institutions in another country, or that are recognized as legal tender by any government.

## Political Action Committee

Includes miscellaneous, political party, caucus, recall, and measure committees. This term does not include a candidate committee or a petition committee.

## Political Committee

Defined by statute as a combination of two or more individuals, or a person other than an individual, that has received a contribution or made an expenditure for the purpose of supporting or opposing a candidate, measure, or political party. Expenditure does not include a contribution to a candidate or political committee required to report the contribution or an independent expenditure that is required to be reported. Political committee also includes an individual that solicits and receives a contribution, unless all contributions received by the individual are designated to a committee and forwarded to that committee within seven business days of receipt.

Unless otherwise specified, the term “political committee” refers to all candidate committees, measure committees, political party committees, caucus committees, recall committees, and miscellaneous committees. This term does not include a petition committee.

## Political Party Committee

A political committee organized by a political party which has appropriately filed its organizational documents with the Secretary of State under ORS 248.007 or 248.008. Includes county central committee.

## Primary Election

The third Tuesday in May of each even-numbered year.

## Professional Delivery Service

Includes common carriers such as the United States Postal Service, Federal Express, and UPS. Other businesses that in the course of their work may be responsible for delivering documents, such as accounting or contribution and expenditure transaction preparation services, are not considered professional delivery services.

## Prospective Petition

**Candidate:**

The information and filing forms, except signatures and other identification of petition signers, required to be contained in a completed petition.

**Local (City, County, and District):**

The information and filing forms, except signatures and other identification of petition signers, required to be contained in a completed petition.

**Statewide:**

A prospective initiative, referendum, or recall petition, which has been filed and accepted by the Elections Division's office, but has not received written approval to circulate from the Elections Division.

## Public Office

Any national, state, county, city, or district office or position, except a political party office, filled by an elector.

## Recall Petition

A petition by electors to place a question on a special recall election ballot regarding whether a specified public officer should be removed from office.

## Referendum Petition

A petition by electors to approve or reject legislation adopted by the Oregon Legislature or the governing body of a county, city, or district.

## State Measure

A measure to be voted on by the electors of the entire state.

## State Offices

Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Judge (Supreme Court, Court of Appeals, Tax Court, Circuit Court, and any County Judge who exercises judicial functions), State Senator, State Representative, or District Attorney.

## Transactions

Contributions, expenditures, other receipts and disbursements, and all other committee and independent expenditure filer financial activities that are required to be reported under Oregon campaign finance law.

## Treasurer

A person appointed by a political committee or petition committee to manage and report the contributions and expenditures of the committee.

## Undue Influence

Application of force, violence, restraint, or the threat of it, inflicting injury, damage, harm, loss of employment, or other loss or threat of it, or giving or promising to give money, employment, or other thing of value, done with the intent to induce a person to engage or refrain from engaging in specific kinds of political activity listed in ORS 260.665(2). Depending on the conduct the person applying undue influence intends to induce, a violation of ORS 260.665 is punishable by imposition of a civil penalty or as a class C felony.

# List of Forms

**SEL 220**

Statement of Organization for Candidate Committee

**SEL 221**

Statement of Organization for Political Action Committee

**SEL 222**

Statement of Organization for Petition Committee

**PC 3**

Cash Expenditures and Loan Payments

**PC 7**

Certificate of Limited Contributions and Expenditures

**PC 12**

Statement of Corporate Paid-in-Capital

## Oregon Administrative Rules (OAR)

**OAR 165-001-0005 through OAR 165-001-0080**

Administrative rules outlining contested case procedures

**OAR 165-012-0005**

Designating the Campaign Finance Manual and Forms

**OAR 165-012-0050**

Contribution of Polls, Allocation of Polling Expenses

**OAR 165-012-0240**

Administrative Discontinuation of a Political Committee

**OARs 165-012-0505, 165-012-0510, 165-012-0515, 165-012-0520, 165-012-0530**

Covered Organizations

**OAR 165-012-0525**

Campaign Advertising Disclosures

**OAR 165-013-0010**

Penalty Matrix for Other Campaign Finance Violations

# OREGON GOVERNMENT ETHICS LAW

## A GUIDE FOR PUBLIC OFFICIALS



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## **DISCLAIMER**

This guide has been approved by the Oregon Government Ethics Commission pursuant to ORS 244.320. ORS 244.320 requires this publication to explain in understandable terms the requirements of Oregon Government Ethics law and the Oregon Government Ethics Commission's interpretation of those requirements. Toward that end, statutes and rules have been summarized and paraphrased in this guide. The discussion in this guide should not be used as a substitute for a review of the specific statutes and rules.

There may be other laws or regulations not within the jurisdiction of the Commission that apply to actions or transactions described in this guide.

A penalty may not be imposed under ORS Chapter 244 for any good faith action taken in reliance on the advice in this guide. "In reliance on" the advice in this guide means that the fact circumstances of the action taken are the same fact circumstances that serve as the basis for advice in this guide.

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## INTRODUCTION

In 1974, voters approved a statewide ballot measure to create the Oregon Government Ethics Commission (Commission). The measure established laws that are contained in Chapter 244 of the Oregon Revised Statutes (ORS).

When the Commission was established, it was given jurisdiction to implement and enforce the provisions in ORS Chapter 244 related to the conduct of public officials. In addition, the Commission has jurisdiction for ORS 171.725 to 171.785 and 171.992, related to lobbying regulations, and ORS 192.660 and 192.685, the executive session provisions of Oregon Public Meetings law.

This Guide for Public Officials includes a discussion of some provisions that may also apply to lobbying activities. This is especially true when a lobbying activity involves paying the expenses for meals, lodging, travel, entertainment or other financial benefits of a legislative or executive official. Under specific circumstances, ORS Chapter 244 allows the payment of such expenses, but the public official may have a reporting requirement under ORS Chapter 244 and the source of the payment may be required to register as a lobbyist or report the expenditure. The Commission publishes a guide for lobbyists and clients or employers of lobbyists regulated under provisions in ORS Chapter 171. If you have questions regarding registering as a lobbyist, lobbying activity or reports for lobbying expenditures, please refer to our Guide to Lobbying in Oregon, which is available on our website.

ORS 192.660 lists the specific criteria a governing body must use when convening an executive session. Under this statutory authority, executive sessions are limited to discussion of specific matters. This guide does not discuss that portion of the Oregon Public Meetings law, but there is a detailed discussion of executive sessions, as set out in ORS 192.660, in the Attorney General's Public Records and Meetings Manual, available on-line at <https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/>

This guide will discuss how the provisions in ORS Chapter 244 apply to public officials and will summarize Commission procedures. It should be used in conjunction with applicable statutes and rules, but should not be used as a substitute for a review of the statutes and rules. It is intended to be a useful discussion, in understandable terms, of topics and issues that are often the focus of inquiries the Commission receives from public officials and citizens.

You will find links to ORS Chapter 244, ORS Chapter 171.725 to 171.785 and 171.992, ORS 192.660 and ORS 192.685, relevant Oregon Administrative Rules (OAR), and other publications referenced in this guide on the Commission's website at <https://www.oregon.gov/ogec/Pages/default.aspx>. Questions or comments may be submitted to the Commission by email at [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov), by telephone to 503-378-5105, or by fax to 503-373-1456.

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## JURISDICTION

The jurisdiction of the Oregon Government Ethics Commission is limited to provisions in ORS Chapter 244, ORS 171.725 to 171.785 and 171.992, and ORS 192.660 and 192.685. Other Oregon statutes may also regulate the activities of elected officials and public employees. Some examples are:



- The Elections Division of the Secretary of State's Office regulates campaign finance and campaign activities.
- Federal, state, or local law enforcement has jurisdiction over alleged criminal activity.
- The Oregon Bureau of Labor and Industries investigates cases involving employment-related sexual harassment or discrimination on the basis of race, religion, disability or gender.
- The initial enforcement of the Public Records law lies with County District Attorneys and the Department of Justice.
- Enforcement of the Oregon Public Meetings law lies with the Oregon Circuit Courts, except that the Commission also has jurisdiction over the execution session provisions in ORS 192.660 and 192.685.

There are occasions when a public official engages in conduct that may be viewed as "unethical," but that conduct may not be governed by Oregon Government Ethics law. The following are some examples of conduct by public officials that may not be within the authority of the Commission to address:

An elected official making promises or claims that are not acted upon.

Public officials mismanaging or exercising poor judgment when administering public money.

Public officials being rude or unmannerly.

A person's private behavior unrelated to their actions as a public official.

While the conduct described above may not be addressed in Oregon Government Ethics law, other statutes and public agency policies may prohibit or redress the behavior. Please contact the Commission staff if you need further clarification regarding how the Oregon Government Ethics law may apply to circumstances you may encounter.

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## **PUBLIC OFFICIAL: AN OVERVIEW**

The provisions in Oregon Government Ethics law restrict some choices, decisions or actions of a public official. The restrictions placed on public officials are different than those placed on private citizens because service in a public office is a public trust and the provisions in ORS Chapter 244 were enacted to provide one safeguard for that trust.

Public officials must know that they are held personally responsible for complying with the provisions in Oregon Government Ethics law. This means that each public official must make a personal judgment in deciding such matters as the use of official position for financial gain, what gifts are appropriate to accept, when to disclose the nature of conflicts of interest, and the employment of relatives or household members. If a public official fails to comply with the operative statutes, a violation cannot be dismissed by placing the blame on the public official's government employer or the governing body represented by the public official.

One provision, which is the cornerstone of Oregon Government Ethics law, prohibits public officials from using or attempting to use their official positions or offices to obtain a financial benefit for themselves, relatives or businesses with which they are associated if that financial benefit or opportunity for financial gain would not otherwise be available but for the position or office held.

Oregon Government Ethics law limits and restricts public officials and their relatives as to gifts they may solicit or accept. Under specific circumstances, public officials may accept certain gifts. This guide will discuss those provisions. Public officials are allowed to receive salary and reimbursed expenses from their own government agencies.

Another provision that frequently applies to public officials when engaged in official actions is the requirement to disclose the nature of conflicts of interest. This guide will discuss the definition of a conflict of interest, the distinction between actual and potential conflicts of interest, and describe how a public official must disclose and dispose of a conflict of interest.

For some public officials who are elected to offices or hold other select positions, there is a requirement to file an Annual Verified Statement of Economic Interest. This guide will discuss that filing requirement.

It is important for both public officials and members of the general public served by public officials to know that the provisions in Oregon Government Ethics law apply to the actions and conduct of individual public officials and not to the actions of state and local governing bodies or government agencies. Each individual public official is personally responsible for complying with provisions in ORS Chapter 244. Before taking official action, making a decision, participating in an event, or accepting a gift that may raise potential ethics law violations, each public official must make a personal judgment. The Commission staff is available to discuss the issues and offer guidance in making such judgments.

The statutes and rules discussed or illustrated in this guide do not and cannot address every set of circumstances a public official may encounter. Since compliance is the personal responsibility of each public official, public officials need to familiarize themselves with the wide variety of resources that offer information or training on the provisions in Oregon Government Ethics law.

In addition to the statutes in ORS Chapter 244 and the Oregon Administrative Rules (OAR) in Chapter 199, see <https://www.oregon.gov/ogec/Pages/default.aspx>, the Commission's website, which offers information, training and links to this guide, ORS Chapter 244 and OAR Chapter 199. The Commission offers a variety of free training resources and many government agencies also offer internal training to their employees or the agencies may request training from the Commission's trainers. There are a number of membership organizations, such as The League of Oregon Cities, Association of Oregon Counties, Oregon School Boards Association and the Special Districts Association of Oregon, that provide training to public officials. It is imperative for government agencies or organizations that employ or represent public officials to ensure their public officials receive training in Oregon Government Ethics law. Those that fail to provide this training do a disservice to the public officials who they employ or who represent them.

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## A PUBLIC OFFICIAL

### Are you a public official?

“Public official” is defined in ORS 244.020 as the First Partner and any person who, when an alleged violation of ORS Chapter 244 occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.

There are approximately 200,000 public officials in Oregon. You are a public official if you are:

- The First Partner, defined as the spouse, domestic partner or an individual who primarily has a personal relationship with the Governor.
- Elected or appointed to an office or position with a state, county, regional, or city government.
- Elected or appointed to an office or position with a special district.
- An employee of a state, county, city, intergovernmental agency or special district.
- An unpaid volunteer for a state, county, regional, city, intergovernmental agency, or special district.
- An agent of the State of Oregon or any of its political subdivisions.

The Commission has adopted, by rule, additional language used to clarify the use of “agent” in the definition of “public official.” The following clarification is in OAR 199-005-0035(7):

As defined in ORS 244.020(15), a public official includes the First Person and anyone serving the State of Oregon or any of its political subdivisions or any other public body in any of the listed capacities, including as an “agent.” An “agent” means any individual performing governmental functions. Governmental functions are services provided on behalf of the government as distinguished from services provided to the government. This may include private contractors and volunteers, depending on the circumstances. This term shall be interpreted to be consistent with Attorney General Opinion No. 8214 (1990).

## **If I am a volunteer, does that make me a public official?**

The Commission recognizes that there are those who volunteer to work without compensation for many state and local government agencies, boards, commissions and special districts. Volunteers may be elected, appointed or selected by the government agency or public body to hold a position or office or to provide services. Among the public officials who volunteer, there are elected or appointed members of state boards or commissions, city councils, planning commissions, fire district boards, school district boards, and many others. There are also many who apply and are selected to perform duties for a government agency, board or commission without compensation, such as firefighters, reserve law enforcement officers, and parks or recreation staff members.

If the position for which you have volunteered serves the State of Oregon or any of its political subdivisions or any other public body, irrespective of whether you are compensated, you are a public official.

## **How are relatives and household members of public officials affected by Oregon Government Ethics law?**

Public officials must always comply with state law when participating in official actions that could result in personal financial benefits and also when participating in official actions that could result in financial benefits for a relative or household member. Public officials should also know there may be limits and restrictions on gifts their relatives or household members may accept when offered.

There are provisions in ORS Chapter 244 that restrict or prohibit a public official from using or attempting to use official actions of the position held to benefit a relative or household member, limit the value of financial benefits accepted by a relative or household member of the public official, or require the public official to disclose the nature of a conflict of interest when a relative may receive a financial benefit. There are provisions that place restrictions on a public official regarding the employment or supervision of a relative or household member. These provisions are discussed more comprehensively in the use of position or office section starting on page 17, the gifts section starting on page 26, the conflicts of interest section starting on page 11, and the nepotism section starting on page 35.

## **Who is a relative?**

Public officials need to know how Oregon Government Ethics law defines a “relative.” In everyday conversation the term “relative” is applied to a spectrum of individuals with “family ties” broader than those defined as relatives in ORS 244.020(16). When a provision in ORS Chapter 244 refers to “relative,” it means one of the following:

- The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate;
- The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of

- the spouse of the public official or candidate;
- Any Individual for whom the public official or candidate has a legal support obligation
- Any Individual for whom the public official provides benefits arising from the public official's public employment
- Any Individual from whom the public official or candidate receives benefits arising from the individual's employment.

For purposes of the last two bulleted items, examples of benefits may include, but is not limited to, elements of an official compensation package such as insurance, tuition or retirement benefits.

### **Who is a “member of the household”?**

Public officials need to know how Oregon Government Ethics law defines “member of the household” because there are provisions in ORS Chapter 244 that prohibit a public official from using or attempting to use their official position to financially benefit a member of their household.

A “member of the household” is any person who resides with the public official or candidate. [ORS 244.020] This definition includes any individual who resides in the same dwelling as the public official, regardless of whether that individual pays rent or not, and regardless of whether that individual is a relative or not.

### **What is a business with which a person is associated?**

There are provisions in ORS Chapter 244 that restrict or prohibit a public official from using their position to benefit a business with which the public official or the public official's relative or household member is associated. Other provisions also require the public official to disclose the nature of a conflict of interest when their official actions would or could financially impact a business with which the official or their relative is associated.

As with the definition of relative, public officials need to know how Oregon Government Ethics law defines what a “business” is and how it defines a “business with which the person is associated.” The same sound judgment a public official exercises when participating in actions that could result in a financial benefit to the public official or a relative of the public official should be used when participating in actions that could result in a financial impact to a business with which the public official or the official's relative is associated.

ORS 244.020(2) provides the definition of a “**business**” for the purposes of the application of Oregon Government Ethics law. A “business” is a self-employed individual and any legal entity that has been formed for the purpose of producing economic gain.

- Excluded from this definition are income-producing corporations that are not-for-profit and tax exempt under section 501(c) of the Internal Revenue Code, if a public

official or a relative is associated only as a member, as a member of the board of directors, or in another unpaid position.

Example: An elected County Commissioner is a member of a credit union that operates without profit and is tax exempt under section 501(c) of the Internal Revenue Code. Because the public official is associated with the credit union only as a member, the credit union is not considered a “business” under the definition in Oregon Government Ethics law.

Example: The son of an elected city councilor is a teller employed by a credit union that operates without profit and is tax exempt under section 501(c) of the Internal Revenue Code. Because the public official’s relative is a paid employee of the credit union, the city councilor’s association with the credit union does not meet the exclusion above, and the credit union would be considered a “business” under the definition in Oregon Government Ethics law.

- Also excluded from the definition of business are entities, such as state and local governments or special districts, which are not formed for the purpose of producing income.

Example: An advisory board for the Department of Education awards grants to county, city or other local government entities. The advisory board’s members include public officials who are employed by a city police department and by a local fire district. These public officials would not have conflicts of interest when awarding grants to the city or to the fire district, because these government entities do not meet the statutory definition of a “business.”

Once a public official determines that an entity qualifies as a “business,” the public official must also determine if it is a “business with which the person is associated.” In accordance with ORS 244.020(3), a business is a **“business with which the person is associated”** for a public official or the relative or household member of the public official in any of the following circumstances:

- When a person, or their relative is a director, officer, owner, employee or agent of a private business or a closely held corporation.

Example: The Eugene City Recorder is a public official and her daughter is the president and owner of a private landscaping business. That business would be “a business with which the City Recorder’s relative is associated.”

- When a person or their relative currently holds, or held during the preceding calendar year, stock, stock options, an equity interest or debt instrument worth \$1,000 or more in a **private business or closely held corporation**.

Example: The Mayor of Seaside's brother currently holds an equity interest of more than \$1,000 in a private business owned by a college friend. This would be a "business with which the Mayor's relative is associated."

- When a person or their relative currently owns, or has owned during the preceding calendar year, stock, stock options, an equity interest, or debt instruments of \$100,000 or more in a **publicly held corporation**.

Example: The procurement officer for the City of Portland recently inherited stock worth \$110,000 in Nike, which is a publicly held corporation. Nike is a "business with which the procurement officer is associated."

- When a person or their relative is a director or officer of a **publicly held corporation**.

Example: A Planning Commissioner for Washington County is the son of a member of the Board of Directors for Intel, a publicly held corporation. Intel is a "business with which the Planning Commissioner's relative is associated."

- When a public official is required by ORS 244.050 to file an Annual Verified Statement of Economic Interest and the business is required to be listed as a source of household income, per ORS 244.060.

Example: A Bend city councilor is required to file an Annual Verified Statement of Economic Interest (SEI). A member of the city councilor's household, not a relative, is a paid employee of a private business. The private business which employs the household member would be a "business with which the city councilor is associated" if it provides 10% or more of the councilor's annual household income.

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## CONFLICTS OF INTEREST

**How does a public official know when they are met with a conflict of interest and, if met with one, what must they do?**

Oregon Government Ethics law identifies and defines two types of conflicts of interest. An **actual conflict of interest** is defined in ORS 244.020(1) and a **potential conflict of interest** is defined in ORS 244.020(13). In brief, a public official is met with a conflict of interest when participating in official action which would or could result in a financial benefit or detriment to the public official, a relative of the public official or a business with which either is associated.



The difference between an actual conflict of interest and a potential conflict of interest is determined by the words “**would**” and “**could**.” A public official is met with an **actual** conflict of interest when the public official participates in an official action, decision, or recommendation that **would** affect the financial interest of the official, their relative, or a business with which they or their relative is associated. A public official is met with a **potential** conflict of interest when the public official participates in an official action, decision, or recommendation that **could** affect the financial interest of the official, their relative, or a business with which they or their relative is associated. The following hypothetical circumstances are offered to illustrate the difference between actual and potential conflicts of interest and what is not a conflict of interest:

- **POTENTIAL CONFLICT OF INTEREST:** A school district has decided to construct a new elementary school and the school board is at the stage of developing criteria for the construction bid process. A recently elected school board member’s son owns a construction company in town. The school board member would be met with a potential conflict of interest when participating in official actions to develop the bid criteria, because the official actions she takes **could** financially impact her son’s construction company, a business with which her relative is associated.
- **ACTUAL CONFLICT OF INTEREST:** A school district is soliciting bids for the construction of a new elementary school. The bid deadline was last week and the district Superintendent has notified the school board that there are four qualified bids and the school board will be awarding the bid to one of the four bidders at their upcoming meeting. One of the qualified bids was submitted by the construction company owned by a school board member’s son. The school board member would be met with an actual conflict of interest when awarding this bid because the effect of her decision **would** have a financial impact (either positive or negative) on her son’s construction company, a business with which her relative is associated.



- **NO CONFLICT OF INTEREST:** A school district is soliciting bids for the construction of a new elementary school. One of the qualified bids was submitted by a construction company owned by a board member's best friend but neither the board member nor any relative are associated with the construction company. The school board member would **not** be met with a conflict of interest when awarding this bid because the effect of her official decision **would not or could not** have a financial impact on herself, a relative, or a business with which she or her relative is associated.

### **What if I am met with a conflict of interest?**

A public official must announce or disclose the nature of a conflict of interest. The way the disclosure is made depends on the position held. The following public officials must use the methods described below:

#### **Legislative Assembly:**

Members must announce the nature of the conflict of interest in a manner pursuant to the rules of the house in which they serve. The Oregon Attorney General has determined that only the Legislative Assembly may investigate and sanction its members for violations of conflict of interest disclosure rules in ORS 244.120. [49 Op. Atty. Gen. 167 (1999) issued on February 24, 1999]

#### **Judges:**

Judges must remove themselves from cases giving rise to the conflict of interest or advise the parties of the nature of the conflict of interest. [ORS 244.120(1)(b)]

#### **Public Employees:**

Public officials who are hired as public employees, agents, or who volunteer with their public bodies must provide **written notice** to the person who appointed or employed them (their "appointing authority"). The notice must describe the nature of the conflict of interest with which they are met and request that their appointing authority dispose of the conflict. This written disclosure to the appointing authority satisfies the requirements of ORS 244.120 for the employee. The appointing authority must then designate an alternate person to handle the matter or direct the public official in how to dispose of the matter. [ORS 244.120(1)(c)]

**Example of Disclosure and Disposal:** A County employee's job includes issuing building permits. An application concerns property owned by the employee's stepfather. The employee would be met with a conflict of interest and would need to make a written disclosure of his conflict to his appointing authority, in this case his department supervisor, and ask that the supervisor dispose of the conflict. Once the employee makes the written disclosure, he has complied with the conflict of interest statute. Upon receipt of a written disclosure from an employee, the supervisor must respond by either delegating an alternative person to handle the matter or directing the public official in how to dispose of the matter. **Note:** If the supervisor directs the public official to dispose of the conflict by handling his

relative's permit the same as any other permit, the supervisor could be asking an employee to take official actions that may violate the prohibited use of position statute, ORS 244.040(1). See page 17.

### **Elected Officials or Appointed Members of Boards and Commissions:**

Elected officials (other than legislators) and those appointed to Boards and Commissions must publicly announce the nature of the conflict of interest before participating in any allowable official action on the issue giving rise to the conflict of interest. [ORS 244.120(2)(a) and ORS 244.120(2)(b)] The announcement must be made in a public meeting, or if no public meeting is available, by other means reasonably determined to notify members of the public of the public official's disclosure. For elected officials who do not hold regular public meetings, such as a Sheriff, District Attorney, or the Secretary of State, other means of compliance could be through a press release or by posting the disclosure on the public body's website.

- **Potential Conflict of Interest:** Following the public announcement of the nature of a potential conflict of interest, elected officials (other than legislators) and those appointed to Boards and Commissions, may participate in official action on the issue that gave rise to the conflict of interest.

**Example:** A city has decided to solicit bids to develop a new computer system and the city councilors are developing criteria for the bid process. A city councilor's brother works for an IT firm in town. The councilor would be met with a **potential** conflict of interest when participating in official actions to develop the bid criteria, because the official actions she takes **could** financially impact her brother's employer, a business with which her relative is associated. The councilor should publicly disclose the nature of her conflict of interest at the council meeting when the development of bid criteria comes up for consideration. Following the public disclosure, she may continue to participate in discussions and votes on the issue.

- **Actual Conflict of Interest:** Following the public announcement of the nature of an actual conflict of interest, the public official must ordinarily refrain from further participation in official action on the issue that gives rise to the conflict of interest. [ORS 244.120(2)(b)(A)]

**Example:** The city council is meeting to award a bid for a new IT project. Qualified bidders include a company that employs a city councilor's brother. The city councilor has an **actual** conflict of interest because the effect of her decision **would** have a financial affect, whether positive or negative, on a business with which her brother is associated. The city councilor must publicly announce the nature of her conflict of interest at the meeting and then refrain from any discussion or vote on the matter.

**Exception:** If a public official is met with an actual conflict of interest and the public official's vote is necessary to meet the minimum number of votes required for official action, the public official may vote. The public official must make the required announcement of their conflict of interest and refrain from any discussion or debate, but may participate in the vote required for official action by the governing body. [ORS 244.120(2)(b)(B)]

**Example:** In the scenario above, the city councilor would be met with an actual conflict of interest. The city council has 5 members and it takes 3 votes for board action. At the time of this meeting, one seat is vacant, another member is absent, and the member with the actual conflict is present, but conflicted, leaving the city council without the requisite 3 votes to take action. In this instance, following her public disclosure, the conflicted city councilor must refrain from any discussion or debate on the issue, but she may vote in order for the council to take action. Alternatively, the council may choose to delay the vote until a later meeting when more city councilors are present.

**The following circumstances may exempt a public official from the requirement to make a public announcement or give a written notice describing the nature of a conflict of interest:**

- If the conflict of interest arises from a membership or interest held in a particular business, industry, occupation or other class **and** that membership is a prerequisite for holding the public official position. [ORS 244.020(13)(a)]

**Example:** The Oregon Medical Board requires that one Board member must be a practicing physician, any official action taken by the physician board member that affects all physicians to the same degree would be exempt from the conflict of interest requirements. The physician Board member need not disclose a conflict of interest and may participate in taking official action on the issue.

- If the financial impact of the official action would impact the public official, their relative, or a business with which they or their relative is associated, to the same degree as other members of an identifiable group or "class." The Commission has the authority to identify a group or class and determine the minimum size of that "class." [ORS 244.020(13)(b) and ORS 244.290(3)(a)] The number of persons affected **to the same degree** as the public official will help to determine whether this exception applies.

Only the Commission may determine whether a "class" exemption exists. A written request must be made to the Commission to make that determination in advance. If a public official determines that a "class" exception applies in their situation, without benefit of Commission advice, the Commission may later determine that a "class" exception does not apply to the situation, and could find a violation.

Example: A city council is considering a change to the local transient lodging tax collected and remitted to the city by hotels and motels. One of the city councilors owns a motel. The effect of official actions taken by the city councilor concerning this tax would impact all motel owners within the city. The Commission may determine that the city councilor is part of an identifiable group or “class” of 200 city motel/hotel owners, who would be affected to the same degree and thus exempt from the conflict of interest disclosure and participation restrictions.

Example: A city council is considering a change to the local transient lodging tax collected and remitted to the city by motels. One of the city councilors is a motel owner. The effect of official actions taken by the city councilor concerning this tax would impact all motel owners within the city. The Commission declined to find that the class exemption applies due to the size of the “class” because there are only 3 motels in the city, 2 of which are owned by the councilor. The class exemption would not apply in these circumstances and the councilor must comply with the conflict of interest disclosure and participation restrictions.

Example: A city council is considering a proposal to construct a by-pass route around the city’s business district. The city’s business district includes many businesses and restaurants, including a coffee shop owned by one of the city councilors and a drive-thru espresso stand owned by another resident. The effect of the by-pass would not affect all business owners in the city to the same degree. The class exemption would not apply in these circumstances and the councilor who owns the coffee shop must comply with the conflict of interest disclosure and participation restrictions.

- If the conflict of interest arises from a directorship on the board of, or membership in, a nonprofit corporation that is tax-exempt under 501(c) of the Internal Revenue Code. [ORS 244.020(13)(c)]

Example: A city councilor is also a board member of the local YMCA, a tax-exempt 501(c) organization. The decision, as a city councilor, to award a grant to that YMCA would be exempt from the conflict of interest disclosure and participation restrictions. [ORS 244.020(13)(c)]

### **How is the public announcement or written disclosure of the nature of a conflict of interest recorded?**

- The public body served by the public official is required to record the disclosure of the nature of the conflict of interest in the public body’s official records (e.g. personnel file, meeting minutes, audio/video recording). It is to the public official’s benefit to ensure their conflict disclosure is recorded in their public body’s records. [ORS 244.130(1)]

**Is a public official required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon?**

Each time a public official is met with a conflict of interest, the nature of the conflict must be disclosed.

- For example, an elected member of the city council when met with a conflict of interest would have to make the public announcement one time, but only one time, ***in each meeting*** of the city council when the matter was raised. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting.
- Public officials who are employees would need to submit separate written notices on each occasion when a conflict of interest arises. As an example, an employee in a city planning department would have to give a separate written notice before each occasion when they needed to take an official action involving property owned by a relative. [ORS 244.120(3)]

**If a public official failed to announce the nature of a conflict of interest and participated in official action, is the official action voided?**

- **No.** Any official action that is taken may not be voided by any court solely by reason of the failure of the public official to disclose an actual or potential conflict of interest. [ORS 244.130(2)] Even though the action may not be voided, the public official could face potential personal liability for the violation.



## USE OF POSITION OR OFFICE

**What are the provisions of law that prohibit a public official from using the position or office held for financial gain or avoidance of financial detriment?**

**ORS 244.040(1) prohibits every public official from using or attempting to use the position held as a public official to obtain a financial benefit, if the opportunity for the financial benefit would not otherwise be available but for the position held by the public official.** The prohibited financial benefit can be either an opportunity for personal financial gain or an opportunity to avoid incurring a personal expense.



Not only is a public official prohibited from using the position as a public official to receive personal financial benefits, but the public official is prohibited from using or attempting to use their position as a public official to obtain financial benefits for a relative or a member of the public official's household. Also prohibited is using or attempting to use the public official's position to obtain financial benefits for a business with which the public official, a relative, or a member of the public official's household is associated.

There are a variety of actions that a public official may take or participate in that could constitute the prohibited use or attempted use of the public official's position. The use of a position could be voting in a public meeting, placing a signature on a government agency's document, making a recommendation, making a purchase with government agency funds, or using a government agency's time or resources (computers, vehicles, machinery) to obtain a personal financial benefit or avoid a personal cost.

The following examples are offered to illustrate what may constitute prohibited use or attempted use of office or position. Please note that this is not an exhaustive list:

- The mayor of a city signs a contract obligating the city to pay for janitorial services provided by a business owned by the mayor's relative.
- An executive director of an agency is ordering 10 new laptops for the agency, which qualifies for a bulk purchase discount of \$150 per laptop. He adds 2 laptops for his family to the agency's order to personally take advantage of the discount, and then reimburses the agency for the discounted cost of his personal laptops.
- A city billing clerk alters water use records so that the amount billed to the clerk's parents will be less than the actual amount due.
- A volunteer firefighter borrows the fire district's power washer to prepare the exterior of the volunteer's personal residence for painting.
- A county public works employee stores a motor home that is owned by the employee's parents in a county building used for storing heavy equipment.
- An employee of a state agency has a private business and uses the agency's computer to conduct the activities of the private business.

- A county commissioner uses the county's pickup truck to haul his own personal boat to and from his vacation home.
- A school district superintendent hires her sister's consulting business to provide an in-service training to teachers in her district.
- A teacher solicits her students' parents to hire her for paid tutoring services.

**NOTE:** While these examples are offered to illustrate the use of a public official's position prohibited by ORS 244.040(1), the examples illustrate occasions where a public official may also be met with a conflict of interest as defined in ORS 244.020(1) and (13). The provisions in ORS 244.040 apply regardless of whether a public official has properly disclosed a conflict of interest. [ORS 244.040(7)]. For further information, refer to the detailed discussion of conflicts of interest starting on page 11.

There are some additional prohibitions on how current and even former public officials use their offices or positions.

- ORS 244.040(3) prohibits a public official from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the public official's vote, official action or judgment.
- Public officials often have access to or manage information that is confidential and not available to members of the general public. ORS 244.040(4) specifically prohibits public officials from using or attempting to use confidential information gained because of the position held to further their own personal gain.
- ORS 244.040(5) prohibits a **former** public official from attempting to use confidential information for **any** person's financial gain if that confidential information was obtained while holding the position as a public official, from which access to the confidential information was obtained.
- ORS 244.040(6) also has a single provision to address circumstances created when public officials, who are members of the governing body of a public body, own or are associated with a specific type of business. The type of business is one that may occasionally send a representative of the business to appear before the governing body on behalf of a client for a fee. Public officials who are members of governing bodies and who own or are employed by businesses, such as a law, engineering, or architectural firm, may encounter circumstances in which this provision may apply.

Example: A member of a city council is an architect. A client developer of the architect's firm has a proposed subdivision to be approved by the city council. The architect/councilor may not appear before the city council on behalf of the client developer. Another person from the architect's firm may represent the client developer before the city council, but not the architect/councilor.

**Aside from ORS 244.040, are there other prohibitions on public officials using their positions to avoid a personal financial detriment?**

**Yes.** ORS 244.049 prohibits a holder of public office or candidates for public office from using public moneys or moneys received from a third party to make payments in connection with a non-disclosure agreement relating to workplace harassment if the alleged harassment occurred when the holder of public office or candidate was acting in that capacity. This prohibition applies to a person holding, or a candidate for, any elected state, county, district, city office or position.

**Are there any circumstances in which a public official may use their position to accept financial benefits that would not otherwise be available but for holding the position as a public official?**

**Yes.** ORS 244.040(2) provides a list of financial benefits that would not otherwise be available to public officials but for holding the position as a public official. The following financial benefits are not prohibited and may be accepted by a public official, and some may also be accepted by a public official's relative or member of the public official's household:

**Not Prohibited:**

- **Official Compensation:** Public officials may accept any financial benefit that is identified by the public body they serve as part of the “official compensation package” of the public official. If the public body identifies such benefits as salary, health insurance or various paid allowances in the employment agreement or contract of a public official, those financial benefits are part of the “official compensation package.” [ORS 244.040(2)(a)]



OAR 199-005-0035(3) provides a definition of “official compensation package”: An “official compensation package” means the wages and other benefits provided to the public official. To be part of the public official's “official compensation package”, the wages and benefits must have been specifically approved by the public body in a formal manner, such as through a union contract, an employment contract, or other adopted personnel policies that apply generally to employees or other public officials. “Official compensation package” also includes the direct payment of a public official's expenses by the public body, in accordance with the public body's policies.

- **Reimbursement of Expenses:** A public official may accept payments from the public official's public body as reimbursement for expenses the public official has personally paid while conducting the public body's business. [ORS 244.040(2)(c)]





The “reimbursement of expenses” means the payment by a public body to a public official serving that public body, of expenses incurred in the conduct of official duties on behalf of the public body. Any such repayment must comply with any applicable laws and policies governing the eligibility of such repayment. [OAR 199-005-0035(4)]

If the payment of a public official’s personal expenses does not meet this definition, it may be a financial benefit prohibited or restricted by other provisions in ORS Chapter 244. There are occasions when someone will refer to the payment of a public official’s expenses by a person or entity other than the public official’s public body as a reimbursement of expenses. That is not the reimbursement of expenses as used in ORS 244.040(2)(c) and defined in OAR 199-005-0035(4).

- **Honoraria:** Most public officials are allowed to accept honoraria by ORS 244.040(2)(b) as defined in ORS 244.020(8). A public official must know how an honorarium is defined because there are many occasions when someone will offer them a financial benefit and call it an honorarium, but it does not meet the definition of honorarium in ORS 244.020(8).



For a payment to be defined as an honorarium, it must be made for a service, like a speech or other service rendered in connection with an event, for which no price is set and for which the public official required no fixed amount to be paid in return for providing the service. A payment or something of economic value given to a public official in exchange for services provided by the public official is an honorarium when the setting of the price has been prevented by custom or propriety.

A public official may not receive an honorarium when performing a service in the course of their duties as a public official. A public official may not accept honoraria if the value exceeds \$50, unless the honoraria is received for services performed in relation to the private profession, occupation, avocation, or expertise of the public official or candidate. [ORS 244.042(3)(a) and (b)].

Public officials must be sure, when they are offered a payment or something of economic value and it is referred to as an honorarium, that it does meet the definition in ORS 244.020(8). If it does not meet this definition, it may be a financial benefit prohibited or restricted by other provisions in ORS Chapter 244.

**NOTE:** The Governor, First Partner, Secretary of State, State Treasurer, Attorney General, and Commissioner of the Bureau of Labor and Industries are explicitly prohibited by ORS 244.042(4) from soliciting or receiving an honorarium, money or any other consideration for **any** speaking engagement or presentation.

- Awards for Professional Achievement: Public officials may accept an award, if the public official has not solicited the award, and the award is offered to recognize a professional achievement of the public official. [ORS 244.040(2)(d)]



Awards for professional achievement should not be confused with awards of appreciation, allowed by ORS 244.020(7)(b)(C), an honorarium allowed by ORS 244.040(2)(b), or gifts that are allowed or restricted by other provisions in ORS Chapter 244.

Awards for professional achievement are best illustrated by awards that denote national or international recognition of a public official's achievement, such as receipt of the Nobel Prize. These awards may also be offered by public or private organizations in the state that are meant to recognize a public official for a distinguished career, such as Oregon's Teacher of the Year award made by the Oregon Department of Education which includes a monetary prize and travel funds. Professional achievements recognized may be identified as a single accomplishment or an accomplishment achieved during a period of time, such as a calendar year or a public official's career upon retirement.

- Contributions to Legal Expense Trust Fund: There are provisions in ORS 244.209 that allow public officials to establish legal expense trust funds that are approved by the Commission. ORS 244.040(2)(h) allows a public official who has established this trust fund to solicit, accept and be the trustee for contributions to the established fund. This is discussed in a separate section of the Guide p.41.



- Certain Gifts: Public officials may accept some gifts without limitation on the quantity or aggregate value of gifts. Acceptance of these gifts does not constitute a prohibited use of office. See allowable gifts, page 33. [ORS 244.040(2)(e) to (g)]



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## PRIVATE EMPLOYMENT OF PUBLIC OFFICIAL

**Does Oregon Government Ethics law prohibit a public official from owning a private business or working for a private employer while continuing employment with or holding a position with a public body?**

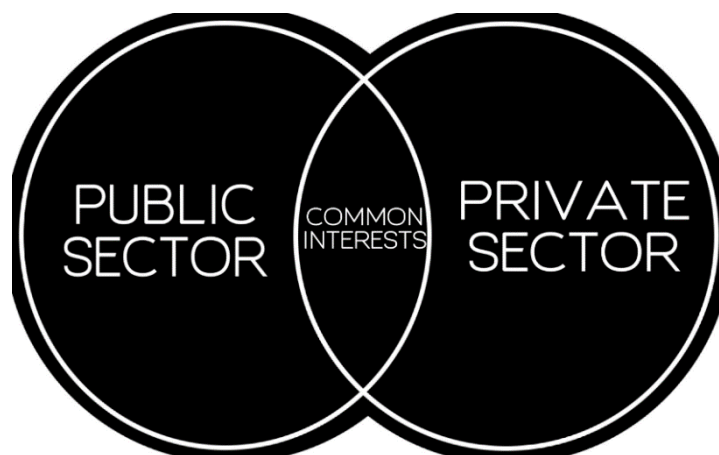
**No.** As mentioned earlier, many public officials are volunteers, meaning there is little or no compensation for the public position. Other public officials may receive compensation from their public bodies, but still choose to seek additional sources of income. Some work for a private business and others establish a private business of their own. **NOTE: This guide does not address other statutes or agency policies that may limit private employment for public officials.**

In general, public officials may obtain employment with a private employer or engage in private income producing activity of their own, but they must keep a separation between their public positions and their outside employment or private business interests. The Commission has created the following guidelines for public officials to follow in order to avoid violating Oregon Government Ethics law when engaged in private employment or a personally owned business.

### GUIDELINES FOR OUTSIDE EMPLOYMENT OF PUBLIC OFFICIALS

1. Public officials must not use their public position to create the opportunity for additional personal income.
2. Public officials may not use a government agency's supplies, facilities, equipment, employees, records or any other public resources to engage in their private employment or business interests.
3. Public officials are not to engage in private business interests or other employment activities on their government agency's time.
4. Confidential information gained as a public official is not to be used to obtain a financial benefit for the public official, a relative or member of the public official's household or a business with which any are associated.

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## EMPLOYMENT OF FORMER PUBLIC OFFICIALS

### What are the restrictions on employment after I resign, retire or leave my public official position?

- ORS 244.040(1) prohibits public officials from using their official positions or offices to create a new employment opportunity; otherwise, most former public officials may enter the private work force with few restrictions.
- ORS 244.040(5) prohibits a former public official from using or attempting to use confidential information for the personal gain of any person if the confidential information was obtained while holding the position as a public official.
- Oregon Government Ethics law restricts the subsequent employment of certain public officials. The restrictions apply to positions listed below:

#### ORS 244.045(1) State Agencies:

Director of the Department of Consumer and Business Services  
Administrator of the Division of Financial Regulation  
Administrator of the Oregon Liquor Control Commission  
Director of the Oregon State Lottery  
Public Utility Commissioner

1. One year restriction on accepting employment from or gaining financial benefits from a private employer in the activity, occupation or industry that was regulated by the agency for which the public official was the Director, Administrator or Commissioner.
2. Two year restriction on lobbying, appearing as a representative before the agency, or otherwise attempting to influence the agency for which the public official was the Director, Administrator or Commissioner.
3. Two year restriction on disclosing confidential information gained as the Director, Administrator or Commissioner for the agency.

#### ORS 244.045(2) Department of Justice:

Deputy Attorney Generals  
Assistant Attorney Generals

Two year restriction from lobbying or appearing before an agency that they represented while employed by the Department of Justice.

#### ORS 244.045(3) Office of the Treasurer:

State Treasurer  
Deputy State Treasurer

1. One year restriction from accepting employment from or being retained by a private entity with which there was negotiation or contract awarding \$25,000 in a single year by the office of the State Treasurer or Oregon Investment Council.
2. One year restriction from accepting employment from or being retained by a private entity with which there was investment of \$50,000 in one year by the office of the State Treasurer or Oregon Investment Council.
3. One year restriction from being a lobbyist for an investment institution, manager or consultant, or from representing an investment institution, manager, or consultant, before the office of State Treasurer or Oregon Investment Council.

ORS 244.045(4) Public Officials who invested public funds:

1. Two year restriction from being a lobbyist or appearing before the agency, board or commission for which public funds were invested.
2. Two year restriction from influencing or trying to influence the agency, board or commission.
3. Two year restriction from disclosing confidential information gained through employment.

ORS 244.045(5) Department of State Police:

Member of State Police who has been designated by law and was responsible for supervising, directing or administering programs related to Native American tribal gaming or the Oregon State Lottery

1. One year restriction from accepting employment from or gaining financial benefit related to gaming from the Lottery or a Native American Tribe.
2. One year restriction from gaining financial benefit from a private employer who sells gaming equipment or services.
3. One year restriction from trying to influence the Department of State Police or from disclosing confidential information.

Exceptions include subsequent employment with the state police, appointment as an Oregon State Lottery Commissioner, Tribal Gaming Commissioner or lottery game retailer, or personal gaming activities.

ORS 244.045(6) Legislative Assembly  
Representative  
Senator

A person who has been a member of the Legislative Assembly, may not, within one year after ceasing to be a member of the Legislative Assembly, receive money or other consideration for lobbying as defined in ORS 171.725.

**How would Oregon Government Ethics law apply when a former public official is employed by a business that has a contract with the public body previously represented by the former public official?**



In addition to the restrictions on specific positions identified above, the restriction in ORS 244.047 applies to all former public officials. After a public official ceases serving a public body or being employed in a position as a public official, that public official may not have a direct beneficial financial interest in a public contract for two years after the date the contract was authorized by the person acting in their capacity as a public official.

Whether a public official authorizes a contract individually as an employee of a public body, or participated in the authorization of a contract in their official capacity as a member of a board, commission, council, bureau, committee or other governing body, the person is restricted from financially benefiting from that public contract for two years after the date of authorization. [ORS 244.047]

“Authorized by” is defined in OAR 199-005-0035(6) as follows:

As used in ORS 244.047, a public contract is “authorized by” a public official if the public official performed a significant role in the selection of a contractor or the execution of the contract. A significant role can include recommending approval or signing of the contract, including serving on a selection committee or team, or having the final authorizing authority for the contract.

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## GIFTS

Oregon Government Ethics law establishes restrictions on the value of gifts that can be accepted by a public official. If the source of a gift to a public official has a legislative or administrative interest in the decisions or votes of the public official, the public official can only accept gifts from that source when the aggregate value of gifts from that source does not exceed \$50 in a calendar year. [ORS 244.025].



The following framework of conditions applies when public officials, their relatives, or members of their households are offered gifts. To decide if a gift, or “something of value,” can be accepted with or without restrictions, the public official must analyze the offer and the source of the offer. As will be apparent in the following discussion, the burden of any decision on accepting a gift rests solely with the individual public official.

### **What counts as a “gift”?**

When Oregon Government Ethics law uses the word “gift” it has the meaning in ORS 244.020(7)(a):

“Gift” means something of economic value given to a public official, a candidate or a relative or member of the household of the public official or candidate:

(A) Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or candidates or the relatives or members of the household of public officials or candidates on the same terms and conditions; or

(B) For valuable consideration less than that required from others who are not public officials or candidates.

In other words, a “gift” is something of economic value that is offered to:

- A public official or candidate or to relatives or members of the household of a public official or candidate,
- Without cost or at a discount or as a forgiven debt, and,
- The offer is not made or available to members of the general public who are not public officials, candidates, or their relatives or household members on the same terms and conditions.



Example: At a conference exclusively for city and county officials, a public official buys a raffle ticket and wins a big screen television. The television is a gift because the value of the television exceeds the cost of the raffle ticket and the opportunity to enter the raffle and win the television was not available to members of the general public on the same terms and conditions.

Example: Outside of a grocery store, a public official buys a raffle ticket from a local scout troop and wins a big screen television. The television is not a gift because, although the value of the television exceeds the cost of the raffle ticket, the opportunity to enter the raffle and win the television was available to members of the general public on the same terms and conditions.

Once a public official or candidate has determined that an offer is a gift, because it is something of economic value that is not offered to members of the general public who are not public officials or candidates on the same terms and conditions, the public official or candidate must then determine if the value of the gift, combined with any other gifts from the same source during the calendar year, exceeds \$50. If so, the public official must then determine if the source of the gift has a legislative or administrative interest.

Any discussion of gifts must begin with the reminder that if the source of a gift to a public official or candidate **does not** have a legislative or administrative interest in the decisions or votes of the public official or candidate if elected, the public official or candidate can accept unlimited gifts from that source. [ORS 244.040(2)(f)]

### What is a “Legislative or Administrative Interest”?



Whether there is a legislative or administrative interest is pivotal to any decision a public official or a candidate, if elected, makes on accepting gifts. It will mean the difference between being allowed to accept gifts without limits, accepting gifts with an annual limit of \$50 on the aggregate value, or accepting gifts which are specified exceptions under ORS 244.020(7).

The definition of a legislative or administrative interest is set forth in ORS 244.020(10):

“‘Legislative or administrative interest’ means an economic interest, distinct from that of the general public, in:

- (a) Any matter subject to the decision or vote of the public official acting in the public official’s capacity as a public official; or
- (b) Any matter that would be subject to the decision or vote of the candidate who, if elected, would be acting in the capacity of a public official.”



When analyzing a set of circumstances and applying “legislative or administrative interest,” there are several factors to consider:

Source: The Commission adopted a rule that identifies the source of a gift as the person or entity that makes the ultimate and final payment of the gift's expense. OAR 199-005-0030 places two burdens on a public official who accepts gifts. The public official must know the identity of the source and, if applicable, avoid exceeding the limit on the aggregate value of gifts accepted from that source. [OAR 199-005-0030(2)]

Distinct from that of the general public:

With regard to gifts, this phrase refers to a distinct economic interest held by the source of a gift. That economic interest is in the financial gain or loss that could result from any votes cast or decisions made by a public official. If the source of a gift would realize a financial gain or detriment from matters subject to the vote or decision of a public official, that source has an economic interest in that public official. That economic interest is “distinct from that of the general public” if the potential financial gain or detriment is distinct from the financial impact that would be realized by members of the general public from the matters subject to votes or decisions of that same public official.



There are decisions or votes that have an economic impact on single individuals or individuals from specific businesses or groups that are distinct from the economic impact on members of the general public. On the other hand, there are many votes or decisions made by public officials that have the same general economic impact on individuals, businesses, organizations and members of the general public. Some examples of decisions or votes that would likely have an economic impact on members of the general public would be those that change water usage rates for residential users, fees for pet licenses, or fines for parking violations.

To illustrate, private contractors have an economic interest in any public official who has the authority to decide or vote to award them contracts. The economic interest of these contractors is distinct from the economic interest held by members of the general public in those decisions or votes.

To further illustrate, real estate developers have an economic interest in any public official who has the authority to decide or vote to approve their land use applications or building permits. The economic interest of these developers is distinct from the economic interest held by members of the general public in those decisions or votes.

Vote: This has the common meaning of to vote as an elected member of a

governing body of a public body or as an appointed member of a committee, commission or board appointed by a governing body, Oregon Legislative Assembly, or the Office of the Governor.

**Decision:** A public official makes a decision when the public official exercises the authority given to the public official to commit the public body to a particular course of action. [OAR 199-005-0003(2)].



Whether to accept or reject the offer of a gift must be made individually by each public official. There will be some public officials who may accept unlimited gifts from a source and other public officials within the same public body that would have restrictions on gifts have the same authority, responsibilities or duties. Some may vote and make decisions, others may do one but not the other, and many will not vote or make decisions. This means that when gifts are offered to two or more public officials, one public official may be allowed to accept the gift without limits, and another public official may not be able to accept the gift at all, or may only be able to accept it with limits as to value or with other restrictions.

**Example:** A cellular service provider offers a discounted cell-phone plan for first responders. The discounted plan is available only to first responders who work for state or local governments. Because the discounted cell-phone plan is not available to members of the general public on the same terms and conditions, it is a gift subject to the restrictions and limitations in ORS 244.025. First responders who are in positions to make official decisions for their agencies that could financially affect the cellular service provider, such as Fire Chiefs or board members, could not accept the discounted cell-phone plan since the discount totals more than \$50 in a calendar year; however, first responders who are not in positions to make official decisions for their agencies that could financially affect the cellular service provider could accept the discounted cell-phone plan.

### **What obligations are placed on the giver of a gift?**

Sources who offer gifts or other financial benefits to public officials must also be aware of the provisions in ORS Chapter 244. While the specific gift of paid expenses may be allowed by ORS 244.020(7)(b)(F), ORS 244.100(1) requires the source of this gift, if over \$50, to notify the public official in writing of the aggregate value of the paid expenses. There is also a notice requirement in ORS 244.100(2) for the source of an honorarium when the value exceeds \$15. Lobbyists, clients or employers of lobbyists, and others who provide gifts or financial benefits to public officials should also familiarize themselves with the provisions in ORS 171.725 through ORS 171.992 and Divisions 5 and 10 of Chapter 199 in the Oregon Administrative Rules. The Commission has published a “Guide to Lobbying in Oregon” that provides a summary of these regulations and rules.

### **What gifts may a public official accept regardless of value?**

While gifts from a source with a legislative or administrative interest in the decisions or

votes of a public official may only be accepted up to the \$50 limit, there are some gifts that are excluded from the definition of a “gift,” when offered under specific conditions or when prerequisites are met. If the offer of a gift is excluded from the definition of a “gift,” the offer may be accepted by a public official, regardless of value.

The value of gifts that are allowed as exclusions does not have to be included when calculating the aggregate value of gifts received from that source in one calendar year. [ORS 244.020(7)(b)] Although some gifts are allowed by these exclusions, it should be remembered that a source may have a notice requirement or there may be reporting requirements for the public official or the source. If you are a public official accepting gifts or a source offering gifts, it is important that you become familiar with the requirements that may apply to you.

ORS 244.020(7)(b) provides a description of the **GIFTS THAT ARE ALLOWED** as exclusions to the definition of a “gift.” **NOTE:** Not all of these exclusions apply to gifts offered to candidates. These exclusions include:

- Campaign contributions as defined in ORS 260.005. [ORS 244.020(7)(b)(A)]
- Contributions to a legal expense trust fund established under ORS 244.209. [ORS 244.020(7)(b)(G)]
- Gifts from relatives or members of the household of public officials or candidates. [ORS 244.020(7)(b)(B)]
- Anything of economic value received by a public official or candidate, their relatives or members of their household when:

The receiving is part of the usual and customary practice of the person’s business, employment, or volunteer position with any non-profit or for-profit entity; [ORS 244.020(7)(b)(O)(i)] **and**

The receiving bears no relationship to the person’s holding the official position or public office. [ORS 244.020(7)(b)(O)(ii)]

- Unsolicited gifts with a resale value of less than \$25 and in the form of items similar to a token, plaque, trophy and desk or wall mementos. [ORS 244.020(7)(b)(C); OAR199-005-0010]
- Publications, subscriptions or other informational material related to the public official’s duties. [ORS 244.020(7)(b)(D)]
- Waivers or discounts for registration fees or materials related to continuing education or to satisfy a professional licensing requirement for a public official or candidate. [ORS 244.020(7)(b)(J)]

- Entertainment for a public official or candidate and their relatives or members of their households when the entertainment is incidental to the main purpose of the event. [ORS 244.020(7)(b)(M); OAR 199-005-0001; OAR 199-005-0025]
- Entertainment for a public official, a relative of the public official or a member of the public official's household when the public official is acting in an official capacity and representing a government agency for a ceremonial purpose. [ORS 244.020(7)(b)(N); OAR 199-005-0025(2)]
- Cost of admission or food and beverage consumed by the public official, a relative of the public official, a member of the public official's household or staff when they are accompanying the public official, who is representing a government agency, at a reception, meal or meeting held by an organization. [ORS 244.020(7)(b)(E); OAR 199-005-0015; OAR 199-005-0001]
- Food or beverage consumed by a public official or candidate at a reception where the food and beverage is an incidental part of the reception and there was no admission charged. [ORS 244.020(7)(b)(L); OAR 199-005-0001(3)]
- When public officials travel together inside the state to an event bearing a relationship to the office held and the public official appears in an official capacity, a public official may accept the travel related expenses paid by the accompanying public official. [ORS 244.020(7)(b)(K)]
- Payment of reasonable expenses if a public official is scheduled to speak, make a presentation, participate on a panel or represent a government agency at a convention, conference, fact-finding trip or other meeting. The paid expenses for this exception can only be accepted from another government agency, Native American Tribe, an organization to which a public body pays membership dues, or not-for-profit organizations that are tax exempt under 501(c)(3). [ORS 244.020(7)(b)(F); OAR 199-005-0020; OAR 199-005-0001]
- Payment of reasonable food, lodging or travel expenses for a public official, an accompanying relative, member of household, or staff, may be accepted when the public official is representing their government agency at one of the following: [ORS 244.020(7)(b)(H); OAR 199-005-0020; OAR 199-005-0001]
  - Officially sanctioned trade promotion or fact-finding mission; [ORS 244.020(7)(b)(H)(i)] **or**
  - Officially designated negotiation or economic development activity when receipt has been approved in advance. [ORS 244.020(7)(b)(H)(ii)]

**[NOTE:** Who may officially sanction and officially designate these events, and how to do so, is addressed in OAR 199-005-0020(3)(b).]

- Payment to a public school employee of reasonable expenses for accompanying students on an educational trip. [ORS 244.020(7)(b)(P)]
- Food and beverage when acting in an official capacity in the following circumstances: [ORS 244.020(7)(b)(I)]
  - In association with a financial transaction or business agreement between a government agency and another public body or a private entity, including such actions as a review, approval or execution of documents or closing a borrowing or investment transaction; [ORS 244.020(7)(b)(I)(i)]
  - When the office of the Treasurer is engaged in business related to proposed investment or borrowing; [ORS 244.020(7)(b)(I)(ii)]
  - When the office of the Treasurer is meeting with a governance, advisory or policy making body of an entity in which the Treasurer's office has invested money. [ORS 244.020(7)(b)(I)(iii)]

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## GIFTS AS AN EXCEPTION TO THE USE OF OFFICE PROHIBITION IN ORS 244.040

As covered in more detail in the discussion beginning on page 17, public officials are prohibited from using or attempting to use the position they hold to obtain a prohibited financial benefit. [ORS 244.040(1)] As covered in more detail in the discussion beginning on page 26, Oregon Government Ethics law does not prohibit public officials from accepting gifts, but it does place on each individual public official the personal responsibility to understand there are circumstances when the aggregate value of gifts may be restricted. [ORS 244.025] These provisions of Oregon Government Ethics law often converge and require analysis by public officials to determine whether the opportunity to obtain financial benefits represents the use of an official position prohibited by ORS 244.040(1) or a gift addressed with other provisions in ORS Chapter 244 [ORS 244.020(7), ORS 244.025 or ORS 244.040(2)(e),(f) and (g)].



ORS 244.040 was amended in 2007 to make the acceptance of gifts that comply with ORS 244.020(7) and ORS 244.025 exceptions to the prohibition on public officials' use or attempted use of an official position to gain financial benefits. [ORS 244.040(2)(e), (f) and (g)] If a public official, relative, or household member accepts a permissible gift or a financial benefit that qualifies as an exception to the definition of a gift, ORS 244.040(1) does **not** prohibit its acceptance. If a public official, relative, or household member accepts a gift that exceeds the restrictions or limitations set forth in ORS 244.025, then that gift would not qualify under the exceptions set forth in ORS 244.040(e), (f) and (g). Acceptance of that gift could constitute a violation of both ORS 244.025 and ORS 244.040(1).

When the Commission applies Oregon Government Ethics law to "something of economic value" offered to a public official that meets the definition of "gift," it will first be analyzed to determine whether it is a violation of ORS 244.025. If the Commission determines that acceptance of the gift constitutes a violation of ORS 244.025 (unlawful acceptance of a gift), it will then determine if it also constitutes a violation of ORS 244.040(1) (prohibited use of office).

The following are examples to illustrate the Commission's approach:

- The mayor of a town on the Oregon coast was a college roommate with Bob Smith, who now manages a company that owns many golf courses in Oregon and other states. One of the company's golf courses is in the mayor's town. The mayor and

Bob have remained friends ever since college. Recently, Bob invited the mayor to join him at the Masters' Tournament in Augusta, offering to fly him there on Bob's private jet, stay in Bob's condo, and host him at a private booth at the Tournament. The value of this trip exceeds \$50, and Bob has a legislative or administrative interest in the mayor's decisions as a public official, as one of Bob's golf courses is in the mayor's town. Since the value of the trip exceeds \$50, is not extended to others who are not public officials on the same terms and conditions, and is from a source with a legislative or administrative interest, it is a gift that the mayor cannot accept without violating ORS 244.025(1). It also does not qualify as an exception to ORS 244.040(1). [ORS 244.040(2)(e)]. Bob has been inviting his old college friend on this trip for at least 10 years, long before the friend was elected mayor recently. This and other evidence indicates that the mayor received this offer because he and Bob are friends, not because he is the town's mayor; therefore, the offer of this trip does not represent a financial gain that would not be available to the mayor but for his holding his public office. Thus, if the mayor accepted the gift of this trip, the mayor would violate ORS 244.025(1) (acceptance of an unlawful gift), but would not violate ORS 244.040(1) (prohibited use of office).

- A public works director for B City holds weekly breakfast meetings at a local diner. The public works director invites five main contractors in B City, all of whom do business with the city, to attend these meetings. The contractors take turns picking up the tab for the public works director's breakfast. Because the public works director has the authority to recommend the contractors for projects with the city, the contractors have economic interests distinct from that of the general public in the public works directors' decisions or recommendations. Over the course of a calendar year, each contractor pays for at least ten meals for the public works director, at a total aggregate cost exceeding \$50. These meals constitute unlawful gifts to the public works director, as their value exceeds \$50, they are not extended to others who are not public officials on the same terms and conditions, and they are from sources with distinct economic interests in the public works director's decisions or recommendations. The contractors would not pay for these meals if he were not the public works director. Thus, in addition to violating ORS 244.025(1), by accepting these meals the public works director also violates ORS 244.040(1).

The responsibility for judgments and decisions made in order to comply with the various provisions in Oregon Government Ethics law rests with the individual public official who faces the circumstances that require a judgment or decision. That is true of questions regarding gifts, use of an official position, announcing the nature of conflicts of interest and the many situations addressed in ORS Chapter 244.

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## NEPOTISM



**Does Oregon Government Ethics law prevent two or more relatives from being employees of the same public body?**

**No.** Public officials who are relatives can be employed by the same public body employer at the same time, or serve at the same time on the same governing body of a public body.

ORS Chapter 244 does, however, does address the issue of “nepotism.” The definitions of “member of household” and “relative” found in ORS Chapters 244.020(11) and 244.020(16) apply here: See page 7.

### **What are the provisions that address nepotism?**

Public officials are restricted from participating in personnel actions taken by the public agency that would impact the *paid employment* of a relative or member of the public official’s household. If a public official has a relative or household member who has applied to be or serves as an *unpaid volunteer*, the public official may participate in any personnel action that involves the relative or member of the household.

Personnel actions addressed by this statute include:

- Appointing, employing or promoting a relative or member of the public official’s household; or
- Discharging, firing or demoting a relative or member of the public official’s household.

ORS 244.177(1)(a) provides that a public official may not appoint, employ or promote (or discharge, fire or demote) a relative or member of their household from a position with the public body that the public official serves or over which the public official exercises jurisdiction or control, unless the public official complies with the conflict of interest requirements of ORS Chapter 244. Even if the public official discloses a conflict of interest, a public official who takes such a personnel action for a relative or member of their household could still be found in violation of the use of office provisions of ORS 244.040(1).

Separately, ORS 244.177(1)(b) directs that a public official may not participate in any interview, discussion or debate regarding such personnel actions involving a relative or member of the public official’s household.

A public official who is assigned duties that include performing “ministerial acts” related

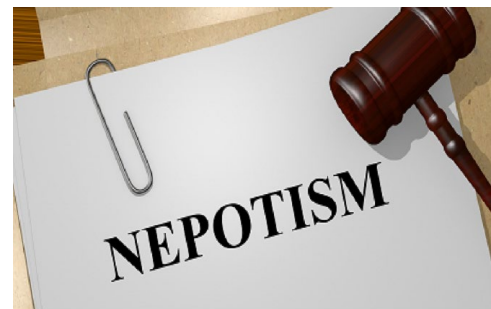


to any stage of a relative's employment is not prohibited from performing such acts. "Ministerial acts" would include mailing or filing forms or correspondence, taking and relaying messages, scheduling appointments or preparing documents and minutes for public meetings. A public official may serve as a reference or provide a recommendation for a relative who has applied for a position of employment, promotion, or is subject to any personnel action.

**Exception:** Public officials may not, however, participate in appointing a relative or member of the household to an unpaid position on the governing body of the public body that the public official serves or over which the public official exercises jurisdiction or control. [ORS 244.177(3)(a) and (b)]

### **Can public officials supervise their relatives or members of their households?**

Nepotism also applies to supervision of relatives or members of the public official's household. ORS 244.179(1) prohibits public officials from directly supervising relatives or members of their household in paid positions. The public official may supervise an unpaid volunteer serving the public body, unless the volunteer position is as a member of a governing body of the public body. [ORS 244.179(3)]



Policy Exception: ORS 244.179(4) permits a public body to adopt policies that specify when a public official, acting in an official capacity for the public body, may directly supervise a relative or member of the public official's household in a paid position. OAR 199-005-0080 provides guidance to public bodies in developing such policies. Absent such a policy, a public official may not directly supervise a remunerated person who is a relative or member of the public official's household. [ORS 244.179(1)]

Direct supervision of a paid relative or household member includes official actions that would financially impact their relative or household member, such as:

- Conducting performance reviews
- Approving leave or vacation time
- Recommending or approving pay changes
- Assigning shifts
- Approving overtime
- Authorizing or approving reimbursements or travel expenses
- Authorizing worksite assignments or teleworking

**Exception:** Public officials who are elected members of the Oregon Legislative Assembly are not prohibited from participating in employment actions, including supervision of their relatives or household members on their personal staff [ORS 244.177(2)].

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## ANNUAL VERIFIED STATEMENT OF ECONOMIC INTEREST



There are approximately 5,500 Oregon public officials who must file an **Annual Verified Statement of Economic Interest (SEI)** with the Oregon Government Ethics Commission **by April 15** of each calendar year. The SEIs are now filed electronically through the Commission's Electronic Filing System (EFS).

**ORS 244.050 identifies the public officials who are required to file SEIs.** Please refer to that statute to see if your specific office or position requires you to file an SEI. In general, public officials who hold the following positions are required to file:

- State public officials who hold elected or appointed executive, legislative or judicial positions. This includes those who have been appointed to positions on certain boards or commissions.
- In counties, all elected officials, such as commissioners, assessors, surveyors, treasurers and sheriffs must file. Planning commission members and the county's principal administrator must also file.
- In cities, all elected officials, the city manager or principal administrator, municipal judges and planning commission members must file.
- Administrative and financial officers in school districts, education service districts and community college districts must file.
- Some members of the board of directors for certain special districts must file.
- Candidates for some elected public offices are also required to file.

The Commission staff has identified by jurisdiction the public officials whose position requires them to file the SEI. Each jurisdiction (city, county, executive department, board or commission, etc.) has a person (jurisdictional contact) who acts as the Commission's point of contact for that jurisdiction. [OAR 199-020-0005(1)]

The **jurisdictional contact (JC)** for each jurisdiction has an important role as a liaison between the Commission and the SEI filers in their jurisdiction. It is through the JC that the Commission obtains the current name, address and email address of each public official who is required to file. When there is a change in who holds a position through resignation, appointment or election, the JC periodically updates their jurisdictional records and beginning in January of each year the JC is asked to update and verify the required filers in the EFS system. Any necessary changes or updates in EFS are due by February 15. [OAR 199-020-0005(2)]

As with other provisions in Oregon Government Ethics law, it is each public official's personal responsibility to ensure they comply with the requirement to complete and submit the SEI by April 15. Those public officials who must file an SEI are well served if the JC for their jurisdiction ensures that the Commission has the correct name and email address of the public official. The JC should ensure that each SEI filer has been advised of the reporting requirements. Each filer should also receive information as to the procedures the jurisdiction follows to assist the filer in meeting the SEI filing requirement.

Again, the requirement to file the SEI is the personal responsibility of each public official. Each public official should comply and file timely, as the civil penalties for late filing are \$10 for each of the first 14 days after the filing deadline and \$50 for each day thereafter until the aggregate penalty reaches the maximum of \$5,000. [ORS 244.350(4)(c)]

### SEI Filing

**NOTE: Only public officials who hold a position that is required to file, and who hold that position on April 15 of the year the SEI is due, must file an SEI.**

SEIs are filed online through the Commission's Electronic Filing System (EFS). Notifications and instructions for e-filing will be sent to SEI filers electronically via email addresses initially supplied in EFS by the JC and updated when necessary.

The following is a brief description of the information requested in the SEI electronic filing. The information needed to complete the filing pertains to the previous calendar year.

- Name, address and a brief description of each business in which a position as officer or director was held by the filer or household member. [ORS 244.060(1)]

Name, address and a brief description of each business through which the filer or household member did business. [ORS 244.060(2)]

Name, address, and brief **description** of the **sources** (*not amounts*) of income for the filer and household members that represent 10 percent or more of the annual household income. [ORS 244.060(3)]

**Example:** An SEI filer resides only with a spouse and their annual household income from the prior year is derived from the spouse's job at Walmart, the spouse's retirement, and the public official's salary as an employee at a public university. The respective "sources" would be: "Walmart", "Social Security" and "XX University"; respective "descriptions" would be "spouse's wages", "spouse's retirement" and "filer's salary".

- Ownership interests held by the filer or household members in real property, **except for their principal residence**, located within the geographic boundaries of the jurisdiction in which the filer holds the position or seeks to hold. [ORS 244.060(4)(a) and (b)] **NOTE: SEI filers who serve statewide and members of the Legislative**

**Assembly must report real property held within the entire state of Oregon. This applies to candidates for statewide office and the Legislative Assembly.**

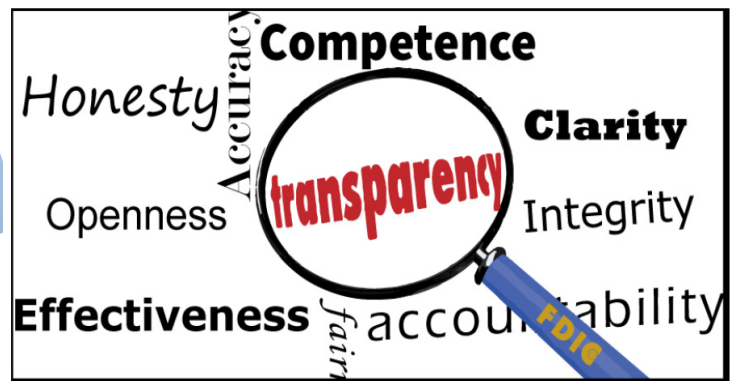
- Honoraria or other items allowed by ORS 244.042 that exceed \$15 in value given to the filer or household members. Include a description of the honoraria or item and the date and time of the event when the item was received. [ORS 244.060(7)] Remember that honorarium cannot exceed \$50. [ORS 244.042(3)(a)]
- Name of each lobbyist associated with any business with which the filer or household member is associated, unless the association is through stock held in publicly traded corporations. [ORS 244.090]
- If the public official received over \$50 from an entity when participating in a convention, fact-finding mission, trip, or other meeting as allowed by ORS 244.020(7)(b)(F), list the name and address of the entity that paid the expenses. Include the event date, aggregate expenses paid and the purpose for participation. [ORS 244.060(5) and ORS 244.100(1)] [Not required for candidates]
- If the public official received over \$50 from an entity when participating in a trade promotion, fact-finding mission, negotiations or economic development activities as allowed by ORS 244.020(7)(b)(H), list the name and address of the person that paid the expenses. Include the event date, aggregate expenses paid and nature of the event. [ORS 244.060(6)] [Not required for candidates]
  - **EXCEPTION:** Expenses paid by the public body to their own public officials need not be reported by the public official under ORS 244.060 [OAR 199-005-0035(4)].

The following is required if the information requested relates to an individual or business that has been doing, is doing or could reasonably be expected to do business with the filer's governmental jurisdiction, has a legislative or administrative interest in the filer's governmental jurisdiction, or over which the filer exercises any authority:

- Name, address and description of each source of income (taxable or not) that exceeds \$1,000 for the filer or a household member. [ORS 244.060(8)]
- Name of each person the filer or a household member owes or has owed \$1,000 or more in the previous calendar year. Include the date of the loan and the interest rate. Debts on retail contracts or with regulated financial institutions are excluded. [ORS 244.070(1)]
- Name, address and description of nature of each business in which filer or household member has beneficial interest over \$1,000 or investment held in stocks or securities over \$1,000. Exemptions include mutual funds, blind trusts, deposits in financial institutions, credit union shares and the cash value of life insurance policies. [ORS 244.070(2)]

- Name of each person from whom the filer received a fee of over \$1,000 for services, unless disclosure is prohibited by law or a professional code of ethics. [ORS 244.070(3)]

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## LEGAL EXPENSE TRUST FUND

The Oregon Government Ethics Commission can authorize a public official to establish a legal expense trust fund to be used to defray expenses incurred for a legal defense in any civil, criminal or other legal proceeding or investigation that relates to or arises from the course and scope of duties of the person as a public official. [ORS 244.205]

The provisions regarding the establishment of this fund are detailed in ORS 244.205 through ORS 244.221. If a public official is considering the need to establish a legal expense trust fund, these provisions should be reviewed. The Commission staff is available to provide guidance on the procedures. The following are some of the significant elements of a legal expense trust fund:

- A public official may only have one trust fund at any one time. [ORS 244.205(4)]
- The application to establish the fund must be submitted to the Commission for review and authorization. ORS 244.209 details what information and documents must accompany the application.
- The public official may act as the public official's fund trustee. [ORS 244.211(2)]
- Once authorized and established, any person may contribute to the fund. [ORS 244.213(1)]
- Contributions from a principal campaign committee are not allowed. [ORS 244.213(3)]
- Funds must be maintained in a single exclusive account [ORS 244.215].
- Quarterly reports of contributions and expenditures from the fund are required. [ORS 244.217]
- The fund may be terminated within six months after the legal proceeding for which the fund was established has been concluded. [ORS 244.219]
- When terminated, remaining funds must be returned to contributors on a pro rata basis. [ORS 244.221(1)]
- If the legal proceeding for which the fund was initiated resulted in any financial award or money judgment in favor of the public official, such moneys shall be distributed in the following order: outstanding legal expenses, to trust fund contributors on a pro rata basis, and to the public official or, if required by the trust agreement, to an organization exempt from taxation under section 501(c)(3) of the IRS Code. [ORS 244.221(2)]

**Once established, can the public official solicit funds in order to pay for the cost of a legal defense?**

**Yes.** An exception to the prohibited use of office provision explicitly allows a public official to solicit and accept funds for the official's legal expense trust fund. [ORS 244.040(2)(h)] Also, contributions to a legal expense trust fund are excluded from the definition of a "gift." [ORS 244.020(7)(b)(G)]

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## OREGON GOVERNMENT ETHICS COMMISSION

The Governor appoints all nine members of the Commission and each appointee is confirmed by the Senate. The commissioners are recommended as follows: [ORS 244.250]

- 2 Recommended by the Senate Democratic leadership
- 2 Recommended by the Senate Republican leadership
- 2 Recommended by the House Democratic leadership
- 2 Recommended by the House Republican leadership
- 1 Recommended by the Governor

The Commission members select a chairperson and vice chairperson annually. No more than three commissioners with the same political party affiliation may be appointed to the Commission to serve at the same time. The commissioners are limited to one four-year term, but if an appointee fills an unfinished term they can be reappointed to a subsequent four year term.

The Commission is administered by an executive director, who is selected by the Commission. Legal counsel is provided by the Oregon Department of Justice. Commission staff provide administration, training, guidance, issue written opinions and advice, and conduct investigations when complaints are filed with the Commission.

### Training:

The Commission has designated training as one of its highest priorities. It has two staff positions to provide free training to public officials and lobbyists on the laws and regulations under its jurisdiction. Training is provided through presentations at training events, web-based training, informational links on the website, topical handouts and guidance offered when inquiries are received. Contact the Commission to obtain free training through our website at <https://www.oregon.gov/ogec/training/Pages/default.aspx>



### Advice:



Questions regarding the Commission's laws, regulations and procedures are a welcome daily occurrence. Timely and accurate answers are a primary objective of the staff. All members of the Commission staff are cross-trained in the laws and regulations under the Commission's jurisdictions. Guidance and information is provided either informally, over the telephone at 503-378-5105, by e-mail at [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov), or in the following written formal advice and opinions:

- **Staff Advice:** ORS 244.284 provides for informal staff advice, which may be offered in several forms, such as in person, by telephone, e-mail or letter. In a letter of advice, the proposed, hypothetical or actual facts are restated as presented in



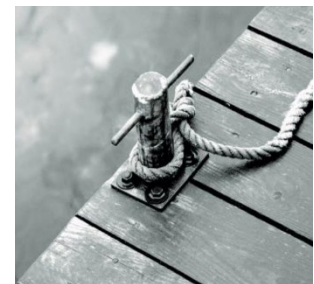
the request, along with the relevant statutes and administrative rules. The advice will discuss how the law applies to the questions asked or raised by the fact circumstances presented in the request.

- **Staff Advisory Opinion:** ORS 244.282 authorizes the executive director to issue a staff advisory opinion upon receipt of a written request. The Commission must respond to any request for a staff advisory opinion within 30 days, unless the executive director extends the deadline by an additional 30 days. The staff advisory opinion is issued in a letter that restates the proposed, hypothetical or actual facts presented in the written request and identifies the relevant statutes and administrative rules. The opinion will discuss how the law applies to the questions asked or raised by the fact circumstances presented in the request.
- **Commission Advisory Opinion:** ORS 244.280 authorizes the Commission to prepare and adopt by vote a Commission Advisory Opinion. Commission advisory opinions are reviewed by legal counsel before being adopted by the Commissioners. The opinion will identify the relevant statutes and administrative rules and will discuss how the law applies to the questions asked or raised by the fact circumstances provided in the request. The Commission must respond to any request for a Commission Advisory Opinion within 60 days, unless the Commission extends the deadline by an additional 60 days.

Public officials who request advice or formal opinions must describe the specific facts and circumstances that provide the basis for questions about how the Oregon Government Ethics law may apply. The facts and circumstances may be hypothetical or actual, but must be prospective, describing a proposed transaction or action, not one that has already occurred. If actual circumstances indicate that a violation may have already occurred, the staff cannot provide advice or an opinion because to do so could compromise the Commission's objectivity if a complaint were to be filed. As described below, whether a public official relied on Commission advice or opinions is relevant to sanctions, in the event a complaint is filed against the public official.

**If a person requests, receives or relies on any of the advice or opinions authorized by ORS 244.280 through ORS 244.284, does that person have what is referred to as “safe harbor”?**

There is no “safe harbor,” if the term is understood to mean that any person who relies on any advice or opinions offered by the Commission or the staff is protected from being a respondent to a complaint or from being found in violation of laws within the jurisdiction of the Commission.



There is, however, specific and conditional protection for any person who has requested and relied in good faith upon advice or an opinion from the Commission or its staff. The conditions and protection is as follows:



- The fact circumstances described in the request must not misrepresent, misstate or omit material facts.
- Reliance on the advice or opinion means that the action or transactions of the person were those described or suggested in the advice or opinion.
- The protection applies only during the penalty phase, after the Commission has determined that a violation has occurred. If there was reliance on staff advice or a Staff Advisory Opinion, the Commission may consider the reliance during the penalty phase. If reliance was on a Commission Advisory Opinion, the Commission may not impose a penalty.

The specific protections for the different forms of advice are as follows:

**Staff Advice:** If the Commission makes a finding that a public official violated provisions of law within its jurisdiction, and that public official acted in accordance with staff advice offered under the authority of ORS 244.284, the Commission may consider that information when sanctioning the violation. [ORS 244.284(2)] The Commission is not prevented from finding a violation, but the sanction imposed could be affected.

**Staff Advisory Opinion:** If the Commission determines that a public official violated provisions of law within its jurisdiction, and the public official acted in accordance with a staff advisory opinion under the authority of ORS 244.282, in sanctioning the violation, the Commission may consider whether the public official committed the violation when acting in reliance on the staff advisory opinion. [ORS 244.282(3)] The Commission is not prevented from finding a violation in these circumstances, but any sanction is limited to issuing a written letter of reprimand, explanation, or education, unless it finds that the person omitted or misstated material facts in the request for a staff advisory opinion.

**Commission Advisory Opinion:** The Commission may not impose a penalty on a person for any good faith action taken by the person while relying on a Commission Advisory Opinion, unless it is determined that the person who requested the opinion omitted or misstated material facts in the opinion request. [ORS 244.280(3)] For the Commission Advisory Opinion to be a factor in preventing the imposition of a penalty, it is important to understand that the circumstances described in the request must have been an accurate description of what occurred when the respondent committed the violation, and the actions of the respondent must have been those recommended or described in the Commission Advisory Opinion. The Commission is not prevented from finding a violation in these circumstances, but could be prevented from imposing a sanction.

Any person who has not requested advice or an opinion must be cautious when trying to apply advice or opinions offered to others. The advice and opinions given are based on and tailored to the specific fact circumstances presented in a request. Fact circumstances

vary from one situation to another and they vary from one public official to another. If a person reviews an opinion or advice issued to another for circumstances the person believes similar to those now met and relies on that advice, the person must ensure the similarity is sufficient for the application of law to be the same.

It is important to remember that the provisions of law apply to the individual actions of the person or public official. There are events or occasions when more than one public official may be present and participating in their official capacities. Depending on the circumstances and conditions for an event or transaction, the law may have a different application for one public official than for other public officials.

Published advice that the Commission has issued may be found at <https://www.oregon.gov/oec/public-records/Pages/Advice-and-Opinions.aspx>



#### Compliance:

The Commission has a program manager who oversees the management and administration of the various reports that are filed with the Commission. There are approximately 1,000 lobbyists who must file or renew their lobbying registrations every two years. These lobbyists, and their clients or employers, must also file lobbying activity expense reports every quarter. Additionally, there are approximately 5,500 public officials who must file the Annual Verified Statement of Economic Interest each April 15. The program manager and Commission staff are available by telephone or e-mail to provide assistance and answer questions about registration and filing requirements and procedures.

#### Complaint Review Procedures:

Investigations are initiated through a complaint procedure. [ORS 244.260 and ORS 171.778] Any person may file a signed, written complaint alleging that there may have been a violation of Oregon Government Ethics law, Lobbying Regulation or the executive session provisions of Oregon Public Meetings law. The complaint must identify the public official believed to have violated the law, and must state the person's reason for believing that a violation may have occurred and include any evidence that supports that belief. The complaint must identify and be signed by the person filing it. Anonymous complaints are not accepted. The executive director reviews the complaint for jurisdiction and sufficiency. If additional information is needed, the complainant is asked to provide that information.

Complaints are filed online via the “Complaint Form” found on the Commission’s website homepage at <https://www.oregon.gov/ogec/public-records/Pages/Complaints.aspx>. All complaints must be signed, either through an e-signature if submitted through the online complaint system, or an inked signature if filed by paper. NOTE: The name of the complainant is furnished to the subject of a complaint.

If there is reason to believe that a violation of laws within the jurisdiction of the Commission may have been committed, a case will be initiated upon receipt of a complaint. The Commission may also initiate a case on its own complaint by motion and vote. Before approving such a motion, the public official against whom the action may be taken is notified and given an opportunity to appear before the Commission at the meeting when the matter is discussed or acted upon.

When a case is initiated, the public official against whom the allegations are made is referred to as the respondent. The respondent is notified of the complaint and provided with the information received in the complaint and the identity of the complainant. Whether based on a complaint or a motion by the Commission, the initial stage of the case is called the preliminary review phase. The time allowed for this phase is limited to 30 days (135 days for lobby cases) and ends when the executive director finalizes the preliminary review report.

A court may enjoin the Commission from continuing its inquiry during the preliminary review phase. Also, if a complaint is made against a candidate within 61 days of an election, the candidate may make a written request for a delay. [ORS 244.260(4)(a)]

During the preliminary review phase, the Commissioners and staff can make no public comment on the matter other than to acknowledge receipt of the complaint. It is maintained as a confidential matter until the Commission meets in executive session to consider whether to dismiss the complaint or find cause to conduct an investigation. Following the Commission’s consideration of the preliminary review report in executive session, the case file is subject to public disclosure.

If the Commission votes to dismiss the complaint, the matter is concluded and both the respondent and complainant are notified. If cause is found to investigate, then an investigatory phase begins. The investigatory phase is limited to 180 days. The investigatory phase may be suspended during a pending criminal investigation if the Commission determines that its own investigation cannot be adequately completed until the criminal investigation is complete, or if a court enjoins the Commission from investigation.

During the investigatory phase, Commission investigators will solicit information and documents from the complainant, respondent, and other witnesses and sources that are identified. Before the end of the 180 day investigatory period, an investigation report will be prepared. The investigation report is reviewed by the Commission’s legal counsel before being finalized by the executive director. The investigation report is presented to the Commission in the public session portion of its meeting. The Commission will then

consider the results of the investigation and generally will vote to either dismiss the complaint or make a preliminary finding that a violation of law was committed by the respondent. The preliminary finding of a violation is based on what the Commission considers to be a preponderance of evidence sufficient to support such a finding.

If a preliminary finding of violation is made, the respondent will be offered the opportunity to request a contested case hearing. At any time, either during the investigative phase or after a preliminary finding of violation is made, the respondent is encouraged to negotiate a settlement with the executive director, who represents the Commission in such negotiations. Most cases before the Commission are resolved through a negotiated settlement, with the terms of the agreement set forth in a Stipulated Final Order.

The Commission has a variety of sanctions available after making a finding that a violation occurred. Sanctions range from letters of education, reprimand, or explanation, to civil penalties and forfeitures. The maximum civil penalty that can be imposed for each violation of Oregon Government Ethics law is \$5,000, except for violations of ORS 244.045 (regulation of subsequent employment) where the maximum penalty is \$25,000 and for “willful” violations of ORS 244.040 (the “prohibited use of position or office” provision) where the maximum penalty is \$10,000. An additional civil penalty may be assessed equal to twice the financial gain that a respondent realized from a violation. Each violation of the executive session provisions in ORS 192.660 is subject to a maximum fine of \$1,000. Any monetary sanctions paid are deposited into the State of Oregon General Fund.

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# **So, You Want to Run for Local Office...**

A Guide for Prospective  
City Elected Officials

Updated April 2020



# **So, You Want to Run for Local Office...**

## **A Guide for Prospective City Elected Officials**

What every person interested in becoming an elected official should know about roles, responsibilities, and representing their community and city government.

This guide is primarily intended for candidates for city council. It serves as a reference and deals with a variety of important topics. This guide is meant to serve as an orientation for those who wish to assume a leadership role at the local level. The guide will outline:

- How to file for elective office;
- What to expect once elected;
- Roles and responsibilities;
- The sources of local government law;
- Communications;
- Visioning and goal setting; and
- Resources.

This guide is not a substitute for legal advice. Candidates are encouraged to speak with their privately retained attorneys for specific legal advice.

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## Welcome Message from the 2020 LOC President

Welcome to the club! The number of people willing to run for elected local office is pretty small, and for good reason: it's not an easy job if you want to do it right. If you're just looking for a fancy title and all-expenses-paid junket to exotic locations, you're going to have a rough time of it, and you won't have much fun. But if you're looking for a way to use your knowledge, experience and wisdom to help make your community a better, more functional place, you may find that lending your hand to local government is one of the most rewarding endeavors you've ever undertaken.

If you haven't already gotten your feet wet by volunteering for your local planning commission, budget committee, or other municipal body, you should seriously consider doing so before you declare a candidacy. Having some experience doing "city stuff" is a good way to get a better idea about what you're likely to spend your time doing as a city councilor or mayor, and will better prepare you to answer the sorts of questions you're likely to get as a candidate.

If you haven't already started attending city council meetings, start doing so now. You're going to want to become as familiar as possible with both the issues in your city and the way the council conducts business before you're up there on the dais. If you're running because there's a single burning issue that's compelled you to run, remember that there are hundreds of other issues you're going to have to wrestle with during your term of office. If you want to do a good job, you'll want to know what those are, and tackle them with just as much energy and honest consideration as you would your pet issue.

Remember that your opponents (and your eventual fellow council members) are people too. Assume the best of them—that they're also running for office because of a genuine desire to help your community. The people you're meeting in this process tend to be good folks who remain involved with civic matters, so they're just not going to go away after the election (in fact, it's likely that you'll find yourself working with them in the not-so-distant future). So, feel free to explain why you disagree with their proposed policies, but resist any temptation to sling mud. Taking the high road is not only the right choice ethically, it's also likely to pay dividends later.

Once you've won the election and you're seated on the council, the work isn't over. Instead, that's when it begins in earnest, and the learning curve can be pretty steep. Luckily, the League of Oregon Cities has some fantastic training opportunities to help you be the best elected official you can be. Please don't hesitate to reach out, and we'll do our best to help you help your city.

– 2020 LOC President Jake Boone, Councilor, Cottage Grove

## Filing for Elective Office

Qualifications for various city offices differ. Before filing for candidacy, review the city charter and statutory requirements of the office for which you plan to declare your candidacy. Requirements for filing for city office are found under Oregon Revised Statutes (ORS) Chapters 221 and 249. The forms that you will need are available from the city's elections official and the Oregon Secretary of State's Office, Elections Division.

Every candidate and prospective candidate are required to establish a principal campaign committee within three business days of receiving or spending any money to support the candidacy. This includes expenditures of personal funds by the candidate. It also includes payment of the filing fee if the candidate files by declaration, any costs relating to circulating a nominating petition, or any voters' pamphlet costs. For more information on campaign finance reporting requirements please see the Secretary of State Elections Division Candidate Finance Reporting in Oregon Candidate "Quick Guide" available at:

<https://sos.oregon.gov/elections/Documents/candidatequickguide.pdf>.

## What to Expect

As a local elected official, you will have the opportunity to shape policy governing the future of your city. In addition to serving as a community leader, being a model of civility and cooperation, an educator and interpreter of public opinion – the role of an elected official will change the way you are viewed in your community. You'll rarely stop by the neighborhood coffee shop without someone complaining about roads or taxes. You may be cornered anywhere, at any time, on anything. Local elected leaders are in direct contact on a daily basis with the people they represent.

You will spend a lot of time attending meetings – not only city council meetings – but regional and statewide meetings as well. You will spend time preparing for meetings, reading any preparatory material in order to make informed decisions in the course of all meetings.

If elected, you will utilize the skills you already have, skills you never knew you had, and skills you wished you had. You may be called upon to facilitate meetings, speak to the press, respond to angry and sometimes hostile citizens, testify before legislative committees, and negotiate with contractors, bankers and engineers. You will make decisions on everything from who to hire as the next city manager, which bid to accept for paving the roads, how to pay for solid waste disposal, to joining with neighboring cities in a regional approach to providing dispatch services.

### SPOTLIGHT:

#### Policy Process Steps

1. Identification of problems or needs
2. Establishment of community goals
3. Determine objectives
4. Development/analysis of alternative solutions (including short-term and long-term implications)
5. Establishment of priorities
6. Development of programs and strategies
7. Implementation of programs and strategies
8. Monitoring and evaluation of programs or strategies
9. Feedback
10. Program or strategy improvement and modification

### SPOTLIGHT:

#### Basic City Services

The services provided by cities vary from community to community. However, some typical services include:

**Public Safety** – police, fire, and sometimes ambulance service

**Utilities** – water and sewer, trash collection, electricity, and natural gas

**Land Use** – planning, zoning, code enforcement, and other regulatory activities

**Transportation** – street construction and maintenance, traffic safety, and sometimes public transit

**Recreation and Cultural** – parks, recreation, libraries, and sometimes cultural facilities

**Legal** – ordinances protecting the public health, safety and welfare of the community

## Roles and Responsibilities

The specific roles and responsibilities of members of city leadership will vary from community to community. Each position plays a vital role in the governance of the city. The council serves as the city's legislative body by adopting a budget and adopting local laws – called ordinances – and regulations.

### Policy Role

The council is the highest authority within city government in deciding issues of policy. For a council to effectively assume a positive and active role in bringing issues forward for discussion in setting policy, councilors need a clear understanding of policy process and the stages at which council intervention is most effective.

### Administrative Role

The council, as a collective body, is responsible for the oversight of administration in every city, but the roles that the mayor and individual councilors play in city administration vary considerably, depending on city size and form of government. Typically, the only city staff overseen by the council is the city's chief executive and potentially a handful of department heads.

Council/Manager Form – The majority of Oregon cities follow this structure where the council is comprised of volunteers who decide the policy for the city, which is overseen by a paid city manager who serves as the chief executive. Approximately 55% of cities nationwide utilize this form of government, and it is most popular in the Southeast and Pacific Coast regions.

Strong Mayor Form – The only city in Oregon with a strong mayor structure is the city of Beaverton. Under this form of government, the mayor is elected but also serves as the city's chief executive. Approximately 34% of cities nationwide utilize this form of government and it is most popular in the Mid-Atlantic and Midwest regions.

Commission Form – The city of Portland is the state's only true commission form of government. In this form, elected commissioners serve as the administrative head of selected city departments as assigned by the mayor. While the commission is the oldest form of local government in the country, only 1% of cities nationwide utilize a commission form of government.

### The Mayor

The mayor's role varies from city to city, depending on charter requirements. The mayor serves as the public face of the community by representing the city at community events or government functions. The mayor also serves as the spokesperson for the council. During council meetings, the mayor typically serves as the presiding officer and sets the agenda for meetings. Often, the mayor appoints individuals to committees and work groups and signs ordinances and

#### SPOTLIGHT:

##### **Council-Manager Form of Government**

The chief characteristic of the council-manager form of government is that the council appoints a qualified professional person as city manager or administrator to take charge of the daily supervision of city affairs. The manager or administrator serves at the pleasure of the council – the council sets policy and the manager carries out that policy. While an absolute separation between policy and administration does not really exist, the council-manager form works best when the council exercises its responsibility for policy leadership and respects the manager's leadership role and responsibility for administration.

Council-manager charters commonly include specific provisions that prohibit individual councilors from giving orders to city employees and from attempting to influence or coerce the manager with respect to appointments, purchasing, or other matters. However, the charters do not prohibit, and may affirmatively provide for the council to discuss administrative matters with the manager in open meetings.



resolutions on behalf of the council. Most importantly, the mayor serves as the chief facilitator between the city manager and the city council.

### **Quasi-Judicial Role**

Council members may act in a quasi-judicial capacity when sitting on land use hearings and other type of appeals. When acting in a quasi-judicial role, the council is acting like a court of a judge – it is applying the law to a set of specific facts.

### **Council as “One Voice” and Balance**

The council acts as a centralized body with one voice and not as individuals. While individual council members may make motions, the motion is only passed when a majority of the council votes in favor of its passage. Newly elected and veteran elected officials may find this structure challenging as it may be difficult to pass policy based on individual platforms.

The single most difficult job of a city council is to balance diverse interests with common interests. A councilor may react to groups in isolation without considering the larger consequence of their actions. It is important to recognize and consider citizen input, but it is equally important to develop perspective. A council can seldom do everything that everyone wants.

### **Intergovernmental Relations**

Beyond the myriad of issues that are specific to city government, city officials will quickly find that they play a pivotal role in the intergovernmental arena with other cities, county government, special districts and public schools, as well as regional, state and federal governments. Understanding these relationships and their impact on a city government’s ability to provide responsible, efficient and effective governance and delivery of services is important, particularly when funding and staffing resources are limited. Exploring new and innovative ways of funding and providing public services is one of the challenging issues facing elected officials.

It is important to recognize that the reasons you are running for office will become part of a “full plate” of issues – many of which you are not yet familiar. Because of the urgency and the complexity of these issues, governments must work together to address them. Cities no longer do their government business in isolation. The key to success is cooperation and collaboration.

### **Sources of Law**

The main sources of law governing local government are the city charter and ordinances, the state constitution, state law and the decisions of state courts. Cities are also subject to federal laws and the United States Constitution. Local elected officials should be familiar with their city’s charter and ordinances, as well as the state laws regarding open meetings, public records, budgeting, public contracting, and ethics, some of which are described below.

### **Home Rule and Limitations of Power**

The term “home rule” refers to the authority of a city to set policy and manage its own affairs. Without charter home rule, state law controls the existence, form of organization, functions, powers and finances of

local government. Most home rule authority is conferred on a city by its charter. A charter can be thought of as the city's constitution and may be amended only by a vote of the citizens of that city.

Even in light of home rule, local governments are subject to statutory, constitutional, judicial and charter limitations. Under Oregon constitutional home rule provisions, the voters of the state have taken from the state Legislature, and reserved to the voters of cities, the power to adopt and amend their own city charters. Initiative and referendum powers are also reserved to the voters of the city under Oregon Constitution Article VI, section 10 and Article XI, section 2.

Article I, Oregon's Bill of Rights, also applies to local governments. Other constitutional limits and restrictions include property tax limitations, prohibitions against lending the credit of a city, and regulation of city elections.

### Government Ethics

Public official ethics are governed by various constitutional provisions, the common law, state statutes, and occasionally, charter or ordinance provisions.

Government ethics law is administered and enforced by the Oregon Government Ethics Commission. State law may require officials in your city to file a statement of economic interest each year with the Oregon Government Ethics Commission. State law also requires that public officials not use their official position or office to obtain financial gain other than their official salary, honorariums or reimbursements of expenses. The law limits the value of gifts that officials, candidates or members of their families may solicit or receive, or which any person may offer, and prohibits public officials from soliciting or receiving offers of future employment in return for their influence. The law prohibits public officials from furthering their personal gain by use of confidential information gained through their position with the city.

Public officials must also avoid a conflict of interest relating to taking official action that may or will result in financial benefit or detriment to the public official, the public official's relative, or a business with which the public official or their relative is associated. When a conflict of interest exists, the public official must take certain steps such as announcing the conflict and potentially recusing themselves from any participation in the discussion or vote on the issue.

### Public Meetings Law

The Oregon public meetings law that applies to public bodies is found in ORS 192.610 to 192.695. Under the public meetings law, a governing body's meetings are open to the public with certain exceptions. Meetings of other city bodies such as the planning commission, budget committee, library board, etc., are also open to the public. Except in emergencies, there must be reasonable notice of regular meetings and at

#### **RESOURCE:**

For a more in-depth explanation of Oregon Home Rule and Preemptions see [LOC's Guide to Statutory Preemption of Home Rule](#) and [White Paper on the Origins, Evolution and Future of Home Rule](#), available on LOC's online reference library accessible at:  
<https://www.orcities.org/resources/reference/reference-library>

#### **RESOURCE:**

##### **Oregon Government Ethics Commission Publications**

For more information and guidance on government ethics for public officials, see the Oregon Government Ethics Commission's [Guide for Public Officials](#), and related supplement available at:  
[https://www.oregon.gov/OGEC/Pages/forms\\_publications.aspx](https://www.oregon.gov/OGEC/Pages/forms_publications.aspx)



least 24-hour notice for special meetings. Minutes are required to be taken. Executive sessions – those meetings that may be closed to the general public – may be held for certain prescribed reasons, but the media must be allowed to attend these meetings and final decisions may not be made. All final decisions must be held in a public meeting.

### Public Records Law

The Oregon public records law applies to public bodies and is found in ORS 192.311 to 192.478. The public meetings law prescribes not only how local government officials and staff must handle public records, but also how the local government must respond to and handle requests for disclosure.

### Budget and Finance

Budgeting is an annual process by which cities identify the types and levels of services that can be provided within the constraints of available resources. The general budgeting process is prescribed by the Oregon local budget law found in ORS 294.305 to 294.565. The Oregon Department of Revenue's Finance and Taxation section administers and provides advice and assistance to cities regarding budget matters. The section publishes a local government budget manual that is the basic reference document for local budget procedures.

In its most basic form, the budget identifies city programs, services and activities. City budgets are organized and expenditures are accounted for by "funds" such as the general fund or street fund, etc. or "activities" such as law enforcement or transportation, in order to permit identification and handling of revenue earmarked for such purposes. Additional resources on local budgeting may be accessible on the Oregon Department of Revenue's website at: <https://www.oregon.gov/DOR/programs/property/Pages/local-budget.aspx>.

### Liabilities

To some extent, Oregon governments are liable for torts (wrongs to private parties) such as personal injury, property damage, wrongful entry, false arrest and detention, abuse of process, invasion of privacy, and interference with contractual relations. The Oregon Tort Claims Act places a financial limit on the extent of the government's liability for torts.

The personal liability of public officials is governed primarily by the provisions of the Oregon Tort Claims Act. Federal civil rights law, the common law of torts, and specific Oregon statutes also may impose personal liability. Some examples of personal liability are budget law violations, conflicts of interests, actions outside the scope of official duty, malfeasance in office, public contracting violations, and public meetings law and public records law violations.

The council should routinely consult with the city attorney in making decisions on city affairs. In addition to providing professional and technical services such as preparation of formal opinions and drafting of legal documents, the city attorney can supply advice regarding many other matters.

#### **RESOURCE:**

#### **Oregon Attorney General's Public Records and Meetings Manual**

Without doubt one of the most helpful resources on public meetings and records is the Attorney General's [Public Records and Meetings Manual](#). The Manual provides guidance and explanations to the various laws that govern Oregon public records and meetings. The Manual is available online free of charge at:

<https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/>

Some types of insurance are required by state law, and cities purchase other types for their own protection. Insurance policies are complex documents, and the advice of competent insurance advisors and the city's legal counsel should be sought to make certain that coverages are adequate for the exposures involved. For more information on risk management, contact Citycounty Insurance Services online at <https://www.cisoregon.org/Contact-CIS>.

## Communications – The Key to Success

Council effectiveness is dependent upon good group dynamics. Each new configuration of the council creates its own personality and style of operation. As with any group, each council must go through the usual evolution of forming, storming, norming, performing and, eventually, reforming. A number of city councils in Oregon have adopted internal rules of council procedure to promote effective governance and establish ground rules for working together.

### Elected Officials and the Public Spotlight

Becoming an elected official means living in the public spotlight 24 hours a day. Elected officials come to realize that this is simply a condition that accompanies the position – for better or worse. Don't be alarmed if your personal life becomes front page news and the "talk of the town." It's bound to happen sooner or later. Media relations is a skill that can work in the city's favor. It is wise to develop a respectful relationship with a local reporter and attempt to create a reciprocal relationship. Be sensitive of the reporter's job and their need to meet deadlines. At the same time, be careful and never speak "off the record." Expect anything you say or write to be used. Don't assume an interview is over until the reporter has left the scene. Also, before speaking with the press on a matter related to the city, make sure you and your council have identified any needed protocols for interactions with the media. Some cities have identified, through their council rules of procedure, how elected officials communicate with the press – identifying what a councilor or mayor can do when they "speak for" the city as opposed to when they are "speaking for" themselves.

### Representing the Public

Two of the most important tasks of local government officials are to discover citizen opinion and to ensure that citizens have sufficient information to form knowledgeable opinions. For these tasks to be carried out successfully, elected officials must solicit public input and encourage citizen participation and involvement.

Communication is important in achieving effective citizen participation in local government. Success depends on both the attitudes and interests of citizens and city officials. Citizens need to know their efforts are recognized and valued in the decision-making process. Public hearings, advisory committees, town hall meetings, televised council meetings, volunteer participation, public opinion polls, and interest groups are ways to connect citizens with city government in a significant way.

#### **RESOURCE:**

For sample rules of procedure, see LOC's [Model Rules of Procedure for Council Meetings](https://www.orcities.org/resources/reference/reference-library) available on LOC's online reference library accessible at: <https://www.orcities.org/resources/reference/reference-library>

#### **SPOTLIGHT:**

##### **Guidelines for Surviving Life in the "Public Fishbowl"**

- ✓ Be truthful.
- ✓ If you don't know the answer, say so.
- ✓ Anticipate all situations and questions.
- ✓ Be prepared.
- ✓ Be accountable and responsible for everything you do and say.

## Community Visioning and Goal Setting

City councils should develop community visioning and conduct annual goal setting processes in order to provide a roadmap for all city decisions.

### Visioning: Sustaining Quality of Life

City governance is an institution that enables a community of citizens, through their elected representatives, to maintain safety and a good quality of life, which is accomplished by developing policy, adopting implementing laws and ordinances, and planning for the delivery and financing of public services. Success is dependent upon the ability to stay in touch with the public's needs and desires, to understand the issues, and to balance the short and long term social, economic and environmental impacts. A vision statement provides a blueprint for the future and helps the council, staff and citizens to set priorities, goals, and make decisions to achieve desired outcomes.

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*"Every city has an unbelievable talent pool that can help change a city from average to outstanding. However, members of the community must realize how important their involvement can be. I truly believe that King City is a great example of what can happen when a diverse group of dedicated residents are committed to helping the city government represent the people, as city councilors. Progress in a city can only be made by the people who represent the people in the community in which they live and deeply care about."*

- Ken Gibson, Mayor, King City

### Setting City Goals

A clear set of goals provides the framework within which nearly all city activities can be accomplished. Goals provide direction, reduce crisis management environments, develop cohesiveness among council members, allow managers and staff to manage their time and activities effectively, and permit periodic evaluation of progress to manage any necessary mid-course corrections.

Without goals, a council cannot distinguish between movement and progress. Individuals and groups can spend tremendous effort and resources performing activities that, in retrospect, were not necessary. Often the reason for this wasted effort is the absence of a clear set of priorities and specific plans for accomplishing them.

Typically, council goals are developed for a one to two-year period. They are a tool for focusing the council's efforts; communicating priority issues to the community; and providing clear direction to city staff. Council goals should be articulated in such a way that they are specific, realistic, outcome-based, within the city's control, and measurable. Once goals have been set and adopted by the council, they can be used as a measure for evaluating staff performance, guiding budget decisions, and managing unanticipated issues that arise during the year.

## About the League of Oregon Cities

The LOC is the trusted, go-to resource that helps Oregon city staff and elected leaders serve their cities well and speak with one voice. The LOC is here to provide cities what they need to build thriving

communities, through advocacy, training, and information. Created in 1925 through an intergovernmental agreement of incorporated cities, the LOC is essentially an extended department of all 241 Oregon cities.

### **Resources and Recommended Reading**

The LOC provides numerous resource available online at [www.orcities.org](http://www.orcities.org). The public can access reference materials such as “Topics A-Z” and the Reference Library under the “Resources” tab. Resources include white papers, guides, model ordinances, and FAQs.