# Campaign Finance Manual

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# 2014

**Secretary of State**
Kate Brown

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# Using the Campaign Finance Manual

The 2014 Campaign Finance Manual includes information about Oregon campaign finance law. It is intended to provide committees and persons required to file independent expenditures with information about the requirements of campaign finance reporting.

This manual covers only campaign finance transaction requirements and related Oregon state election law. It should not be used to guide candidates or committees in federal laws and regulations, or laws from other local jurisdictions that may have adopted their own campaign finance reporting requirements. For information regarding candidates for federal office contact the Federal Elections Commission at 800 424 9530.

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. A person who contemplates any of the following should first study the information in this manual:

- → soliciting contributions or making expenditures in support of or opposition to a candidate, measure, or political party;
- → filing for candidacy;
- → serving as a treasurer for a committee;
- → making independent expenditures for a communication in support or opposition to a candidate or measure;

  or
- → filing an initiative, referendum, or recall petition.

See pages 72 - 73, "Information Sources," for contact information on other regulatory organizations.

## Defined terms

**Independent Expenditure Filer**
A person, other than a political or petition committee that is required to disclose independent expenditures for a communication in support of or in opposition to a candidate or measure.

**Person**
"Person" is defined as an individual, corporation, limited liability company, labor organization, association, firm, partnership, joint stock company, club, organization, or other combination of individuals having collective capacity.

**Political Committee**
Unless otherwise specified, the term "political committee" refers to all candidate committees, measure committees, political party committees, caucus committees, recall committees, and miscellaneous committees.

**Petition Committee**
The term "petition committee" refers to all initiative, referendum, and recall committees associated with a petition's signature gathering phase.

**Transactions**
The term "transactions" refers to 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.

**Elections Division**
The term "Elections Division" refers to the Oregon Secretary of State's Office, Elections Division.

## Using the ORESTAR User's Manuals

The system developed by the Secretary of State 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 has 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 have been developed to help a user navigate through ORESTAR committee organization 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**

The Elections Division encourages all persons subject to campaign finance reporting requirements to read these manuals for guidance.

> All campaign finance information filed with the Elections Division since January 1, 2007, is available in the ORESTAR searchable database at **www.oregonvotes.gov**

If you have questions about establishing a committee, registering as an independent expenditure filer or filing campaign finance transactions, you may call, e-mail, or visit the Elections Division in-person for assistance. The goal of the Elections Division is to assist everyone disclose campaign finance activity accurately and timely.

**For assistance, contact:**

Elections Division
255 Capitol St NE Suite 501
Salem OR 97310

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

**orestar-support.sos@state.or.us**
**www.oregonvotes.gov**

**1 866 673 VOTE/673 8683**
se habla español

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

## Icons used in this manual

**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

**search icon**
indicates information located elsewhere

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The 2014 Campaign Finance Manual and associated forms are adopted by Oregon Administrative Rule No. 165-012-0005.

# Introduction

## Who Must Create 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 committeeperson 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

### Possible Exception to Forming a Candidate Committee

A candidate is not required to form a committee if the candidate meets all of the three 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.

The $750 includes personal funds spent for any campaign-related costs, such as the candidate filing fee and voters' pamphlet filing fee. 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 form SEL 220 within three business days of exceeding the $750 threshold.

> All contributions received and expenditures made during the calendar year must be filed electronically not later than seven calendar days after the $750 threshold has been exceeded.

## 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 and file a Statement of Organization.

Who is not required to file as 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 a 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 a political action committee when the petition is certified as a measure or when the Notice of Measure Election is filed. 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 it files.

See ”Initial Assets” on page 16 for more information.

## Petition Committees

A petition committee is a committee formed by the chief petitioners of an initiative, referendum, or recall petition. A petition committee is not a political committee.

A petition committee must be designated to support only one initiative, referendum, or recall petition. The treasurer must keep accounts and file reports for that single and distinct committee separate from any other petition committee or any political committee.

Chief petitioners sponsoring an initiative, referendum, or recall petition, or an appointed treasurer, must file a Statement of Organization and establish a campaign account.

Who is not required to file a petition committee:

- → the chief petitioner(s) of a district formation;

  or

- → the chief sponsor of a minor political party formation.

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

## Independent Expenditure Filer Exception

A person who makes independent expenditures of more than $750 in a calendar year to support or oppose any candidate or measure must register as an Independent Expenditure Filer and disclose the independent expenditures using ORESTAR. The Filer is not a political action committee.

An independent expenditure is an expenditure or account payable that is incurred to make a communication in support of or in opposition to a clearly identified candidate or measure. The expenditure 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.

Words expressing advocacy, such as “vote for” or “defeat,” are not required to make a communication a reportable expenditure. Instead, the standard is whether the communication:

→ clearly identifies the candidate or measure;

→ taken in its context, clearly and unambiguously urges the election or defeat of the candidate or passage or defeat of the measure;

→ seeks action rather than simply conveying information as a whole;

and

→ is clear about what action the communication advocates.

Examples of independent expenditures include:

→ a person independently paying for an argument in a voters’ pamphlet;

or

→ a person independently purchasing a newspaper ad, poster, or other political material supporting or opposing a candidate or measure.

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.

### 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 $750 threshold has been exceeded. When the threshold is exceeded, an email will be sent notifying the person that the $750 threshold has been exceeded and that the expenditures must be filed not later than seven days after exceeding the $750 threshold.

Any additional expenditure that is made after exceeding the threshold is required to be filed not later than seven or 30 days after the date of the expenditure, depending on the proximity to the election. Independent expenditure filers are subject to the reporting deadlines for every primary, general, and special election. See Schedule of Transaction Deadlines for Independent Expenditure Filers on pages 22 - 23.

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

## Filer Responsibilities

The treasurer must be an Oregon elector. The designated treasurer must sign and file the Statement of Organization. An independent expenditure filer is not required to be an Oregon elector.

For a candidate committee, the candidate may serve as the committee's treasurer or appoint a separate treasurer.

A political action committee and petition committee must have a designated treasurer on the Statement of Organization. A chief petitioner may also serve as the treasurer of a petition committee.

### Duties

The candidate of a candidate committee and treasurer of a political action committee or petition committee are 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;
- → signing and filing transactions;
- → keeping detailed financial records current to within seven 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.

The treasurer of a political action committee or petition committee are personally responsible for carrying out their duties and are personally liable should they fail to perform any required duties.

The treasurer of record (i.e., the treasurer listed on the Statement of Organization) is legally responsible for these duties until an amended Statement of Organization is filed appointing a new treasurer.

The Filer of Independent Expenditures is legally responsible for signing and filing transactions.

The individual designated as the Independent Expenditure Filer can never be amended, nor can they designate an alternate transaction filer.

Signatures on Statements of Organization and transactions filed using ORESTAR are executed electronically. The attestation and signature(s) on a Statements of Organization or on a Certificate of Limited Contributions and Expenditures which are filed using the paper forms will be converted to electronic documents and is the official record.

### Liability

The candidate of a candidate committee, the treasurer of a political action or petition committee, and independent expenditure filer are personally responsible for carrying out their duties and are personally liable should they fail to fulfill them. Any person designated as the alternate transaction filer is not legally responsible for any of the above duties.

Oregon election law provides for civil penalties of up to 10% of the amount of each late or insufficient filing of a transaction.

See the penalty matrices for late and insufficient transaction filings on pages 60 - 62 for more information.

# When to Create a Committee

## Candidate Committee

A candidate committee must file a Statement of Organization within 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.

> There is an exception to this requirement; a candidate that does not have an open committee, serves as their own treasurer, and does not expect to receive or spend more than $750 in a calendar year is not required to create a candidate committee. See page 5 for more information.

## Political Action Committee

A political action committee must file a Statement of Organization within three business days of first receiving a contribution or making an expenditure.

## Petition Committee

An initiative, referendum, or recall petition committee must file a Statement of Organization within three business days of first receiving a contribution or making an expenditure after filing a prospective petition with the appropriate filing officer or no later than the date the petition is approved for circulation, whichever occurs first.

> This includes personal funds spent for any campaign-related costs, such as the candidate filing fee and voters' pamphlet filing fee.

# Where to File

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 transactions with the local jurisdiction.

Candidates for federal offices do not file Statements of Organization or campaign finance activity with the Elections Division. They may need to report campaign finance activity with the Federal Elections Commission.

# Filing an Original Statement of Organization

Refer to the ORESTAR User's Manual: Statement of Organization to file the Statement of Organization and campaign account information electronically.

Copies of the forms are included at the end of this manual. The forms and instructions may also be downloaded from the Elections Division's website.

**www.oregonvotes.gov**

See "Instructions for Completing Forms" on page 63.

The completed forms can be printed, signed, and mailed, faxed, or hand-delivered to the Elections Division. An original paper Statement of Organization consists of one of the following three forms:

- Form SEL 220: Statement of Organization for Candidate Committee
- Form SEL 221: Statement of Organization for Political Action Committee

  or

- Form SEL 222: Statement of Organization for Petition Committee

  and must include:

- Form SEL 223: Campaign Account Information

## Campaign Account Information

All committees must establish a dedicated campaign account. The information provided on the Campaign Account Information form (SEL 223) 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.
- → 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 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 allowed.

## Amending Statement of Organization Information

If any of the information on the Statement of Organization or any campaign account information changes, the change must be reported not later than the 10th calendar day after the change of information. The amendment can be filed electronically using ORESTAR or by completing the paper forms.

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, and candidate, if applicable, and supersedes all previous filings.

A candidate must file an amended Statement of Organization to indicate they will be active in an election. This means that if the candidate is nominated at the primary election, the amendment must designate activity at the general election because the candidate's name will be printed on the general election ballot.

## Discontinuing a Committee

A committee may discontinue when it determines that the committee no longer intends to receive contributions or make expenditures, a zero balance is achieved, and there are no outstanding debts or obligations.

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 when it is discontinued.

A committee with outstanding debts can achieve a zero balance by disclosing all debts (outstanding loans, personal expenditures, and accounts payable) as being repaid or forgiven.

Warning: Committee funds 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.

## Completing the Discontinuation

After a committee has achieved a zero balance, it may complete its discontinuation. This can be accomplished either by filing the discontinuation electronically using ORESTAR or by filing a paper Statement of Organization with the "Discontinuation" box selected.

See the ORESTAR User's Manual: Statement of Organization for more information

# Filing Campaign Finance Transactions

## General Information

This section discusses 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.

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 (e.g., January 1, 2014 – December 31, 2014), the committee must file all transactions electronically using ORESTAR.

See pages 40 - 45 for the discussion on the ORESTAR Data Fields for more information.

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 (e.g., January 1, 2014 – December 31, 2014), 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 entered or filed transactions electronically in the calendar year, a Certificate cannot be filed for that year; a Certificate must be filed prior to entering any transactions in ORESTAR.

A committee must file either detailed transactions or a Certificate whichever is applicable. Civil penalties may be imposed for the failure to file a transaction or Certificate by the deadline. An independent expenditure filer is not eligible to file a certificate and must detail all expenditures after exceeding the $750 threshold.

## Filing a Certificate of Limited Contributions and Expenditures (PC 7)

A committee that is eligible to file 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 the committee has exceeded the $3,500 threshold. If the threshold is exceeded, an e-mail will be sent notifying the committee that the Certificate threshold has been exceeded (i.e., the Certificate has expired) and that the all transactions occurring in that calendar year must be filed not later than seven days after exceeding the threshold.

### 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 entered or filed transactions electronically in the calendar year, a Certificate cannot be filed for that 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 exceeds the threshold.

## Reporting Detailed Transactions

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 (January 1 – December 31).

The aggregate for a contributor includes transaction subtypes cash contribution, in-kind contribution, and non-exempt loans. 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.

See pages 40 – 45, ORESTAR Data Fields, for more information on what data is needed for reporting purposes.

## Reporting Deadlines

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. A transaction is due no later than 11:59:00 pm on the day of the deadline to file a transaction.

Refer to pages 18 - 23 for the “Schedules of Transaction Deadlines.”

### Committee Deadlines

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.

### Independent Expenditure Filer Deadlines

Not later than seven days after exceeding the $750 threshold in a calendar year, the person is required to disclose all expenditures made on or after January 1 of that calendar year electronically using ORESTAR. Any additional expenditure that is made after exceeding the threshold is also required to be filed. The deadline for filing the transaction is based on the date of the transaction and the proximity of the election. Independent expenditure filers are subject to the reporting deadlines for every primary, general, and special election.

Additionally, there are specific reporting deadlines for contributions received during a legislative session, for petition committee transactions and for a committee that reports initial assets; see pages 15 – 16 for those deadlines.

Warning! 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 more information.

## Active in an Election

A political committee is active in an election when it solicits contributions or makes expenditures to support or oppose a candidate or measure printed on the ballot for that election or files a Statement of Organization designating activity at the election. This includes candidate committees where the candidate's name is not printed on the ballot.

> All committees are considered active for a primary or general election unless the committee indicates it will not be active at the election by opting out of seven day reporting.

For a special election, a committee must amend its Statement of Organization to indicate that it will be active at the election.

A political committee is considered active in an election if it:

- → 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.

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

For committees active in an election, transactions that occur between the 42nd day before the election through Election Day are due no later than seven calendar days after the date of the transaction. Transactions that occur prior to the 42nd day before the election are due 30 days after the transaction date. However, if a transaction occurs prior to the 42nd day before the election and has not been filed by the 43rd day before the election, the transaction is due by the 35th day before the election.

### How does a committee indicate that it is not active at the primary or general election?

If a committee is not active, 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.

> A candidate who is automatically nominated to the general election (i.e., their name is not printed on the primary election ballot because two or fewer candidates filed candidacy for the primary election) is not eligible to opt out of seven day reporting for the primary election. An independent expenditure filer cannot opt out of any election.

## Contributions Received During Legislative Session

There is a separate and distinct deadline to file any contribution (cash, in-kind, or non-exempt loan of any amount) received during a legislative session by:

- → a legislative or statewide official, or a candidate for a legislative or 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. This filing requirement also applies to the Governor, Governor-elect, and any candidate for Governor at a future election.

Contributions that are returned or refunded 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 according to the legislative session reporting deadlines.

**Annual Legislative Session**

Contributions received January 1 through the day before the annual legislative session begins are due no 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 no 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 Filing Deadlines

This section of the manual describes the transaction filing deadlines for initiative, recall, and referendum petition committees and Statement of Organization filing requirements if the petition qualifies for the ballot.

### Initiative Petition Committee Transaction Filing Deadlines

Generally, a transaction is due not later than 30 calendar days after its occurrence. However, in an even-numbered year, a transaction is due not later than 11:59:00 pm seven calendar days after the transaction's occurrence 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

If a transaction occurs prior to the 42nd day before the election and has not been filed by the 43rd day before the election, the transaction is due by the 35th day before the election.

See the "Schedule of Transaction Deadlines" for Initiative Petition Committees on pages 20 - 21.

### Recall and Referendum Petition Committee Transaction Filing Deadlines

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

For a referendum petition committee, a transaction is due not later than seven calendar days after its occurrence 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 no 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 for the ballot, and the petitioner intends to be active at the election, a political committee must be formed. The petitioner must complete paper forms Statement of Organization for Political Action Committee (SEL 221) and Campaign Account Information (SEL 223) or file the information electronically using ORESTAR.

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 20 - 21.

If a recall committee is formed to support or oppose a recall, a transaction is always due not later than the 7th calendar day after its occurrence through the date of the 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.

However, some groups are not prohibited from receiving contributions or making expenditures before filing an original Statement of Organization, as long as the group keeps records of all transactions occurring prior to the filing of the Statement of Organization and is prepared to file those transactions. Initial asset transactions are all types of transactions, 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 first transaction that occurs after the original Statement of Organization is filed, assuming that the Statement of Organization is filed timely. 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 prior to filing a Statement of Organization:

(1) A chief petitioner of an initiative, referendum, or recall petition that has not filed the prospective petition. The treasurer or chief petitioner 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. Any transactions that occurred before the Statement of Organization was filed must be filed in ORESTAR as initial assets.

(2) Persons, other than a chief petitioner, supporting or opposing petition drives. 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 qualifies as a measure and has been certified to the ballot. Any transactions that occurred before the Statement of Organization was filed must be filed in ORESTAR as initial assets.

(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 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. Any transactions that occurred before the Statement of Organization was filed must be filed in ORESTAR as initial assets.

(4) A candidate that does not expect to receive or spend more than $750 to support his or her candidacy in a calendar year. If the candidate exceeds the $750 threshold, he or she must file a Statement of Organization not later than three business days after exceeding the threshold. Any transactions that occurred before the Statement of Organization was filed must be filed in ORESTAR as initial assets.

**Example**
On February 3, 2014, a committee supporting a measure on the May 20, 2014 ballot files its Statement of Organization. March 8 is the 42nd day before this election. The measure was also certified on February 3, 2014.

At the time of filing the Statement of Organization, the committee had $500 on hand (initial assets). The first transaction that occurred after February 3 was a contribution received on February 5. Because the transaction date is on or before March 8, the February 3 contribution must be filed not later than 30 days after February 3, which in this example is March 5.

Because the committee had money on hand when it filed its original Statement of Organization it must file all its initial asset transactions, i.e., all transactions that occurred prior to February 3. All of the initial asset transactions must be filed no later than March 5, the same deadline for filing the first transaction that occurred after the original Statement of Organization.

# Schedule of Transaction Deadlines

## Candidate and Political Action Committees for 2014 Elections

→ All dates are 2014 unless otherwise noted.

→ 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 42nd 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 42nd day before the election and have not been reported by the 43rd day before the election are due by the 35th day before the election.

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

See "Certificate of Limited Contributions and Expenditures (PC 7)" on page 12 for information on how to calculate 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.

All committees are considered active at the Primary and General Elections. See page 14 to determine if a committee is eligible to opt out of seven day reporting for those elections.

| Election Day: March 11 | | Election Day: May 20 | |
|---|---|---|---|
| **transaction occurs:** | **deadline to file:** | **transaction occurs:** | **deadline to file:** |
| on or before December 28, 2013 | 30th day after date of transaction | on or before March 8 | 30th day after date of transaction |
| December 29, 2013 to January 27 | February 4 | March 9 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 |
| **Election Day: September 16** | | **Election Day: November 4** | |
| **transaction occurs:** | **deadline to file:** | **transaction occurs:** | **deadline to file:** |
| on or before July 5 | 30th day after date of transaction | on or before August 23 | 30th day after date of transaction |
| July 6 to August 4 | August 12 | August 24 to September 22 | September 30 |
| August 5 to September 16 | 7th day after date of transaction | September 23 to November 4 | 7th day after date of transaction |

# Schedule of Transaction Deadlines (cont.)

## Candidate and Political Action Committees for 2015 Elections

→ All dates are 2015 unless otherwise noted.

→ 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 42nd 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 42nd day before the election and have not been reported by the 43rd day before the election are due by the 35th day before the election.

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

See "Certificate of Limited Contributions and Expenditures (PC 7)" on page 12 for information on how to calculate 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.

| Election Day: March 10 | | Election Day: May 19 | |
|---|---|---|---|
| **transaction occurs:** | **deadline to file:** | **transaction occurs:** | **deadline to file:** |
| on or before December 27, 2014 | 30th day after date of transaction | on or before March 7 | 30th day after date of transaction |
| December 28, 2014 to January 26 | February 3 | March 8 to April 6 | April 14 |
| January 27 to March 10 | 7th day after date of transaction | April 7 to May 19 | 7th day after date of transaction |

| Election Day: September 15 | | Election Day: November 3 | |
|---|---|---|---|
| **transaction occurs:** | **deadline to file:** | **transaction occurs:** | **deadline to file:** |
| on or before July 4 | 30th day after date of transaction | on or before August 22 | 30th day after date of transaction |
| July 5 to August 3 | August 11 | August 23 to September 21 | September 29 |
| August 4 to September 15 | 7th day after date of transaction | September 22 to November 3 | 7th day after date of transaction |

# Schedule of Transaction Deadlines (cont.)

## Initiative Petition Committees for Calendar Year 2014

### Election Day: May 20

| transaction occurs: | deadline to file: |
|---|---|
| on or before March 8 | 30th day after date of transaction |
| March 9 to April 7 | April 15 |
| April 8 to May 20 | 7th day after date of transaction |

### July 4

| transaction occurs: | deadline to file: |
|---|---|
| May 21 to May 22 | May 30 |
| May 23 to July 4 | 7th day after date of transaction |

### Election Day: November 4

| transaction occurs: | deadline to file: |
|---|---|
| July 5 to August 23 | 30th day after date of transaction |
| August 24 to September 22 | September 30 |
| September 23 to November 4 | 7th day after date of transaction |
| November 5 to December 31 | 30th day after date of transaction |

All dates are 2014 unless otherwise noted.

- → Generally, a transaction is due no later than 30 calendar days after the date of the transaction.
- → Transactions that occur between the 42nd 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 42nd day before the election and have not been reported by the 43rd day before the election are due by the 35th day before the election.
- → Transactions that occur before the 42nd day before the date that is four months prior to the general election May 15, 2014 and ending on the date four months before the general election (July 4, 2014) are due no later than seven calendar days after the date of the transaction.
- → The deadline for filing transactions is not later than 11:59:00 pm of 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 Filing Deadlines” on page 16 for transaction deadline information for referendum and recall petition committees.

See “Certificate of Limited Contributions and Expenditures (PC 7)” on page 12 for information on how to calculate 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 (cont.)

## Initiative Petition Committees for Calendar Year 2015

| transaction occurs: | deadline to file: |
|---|---|
| January 1, 2015 to December 31, 2015 | 30th day after date of transaction |

→ All dates are 2015 unless otherwise noted.

→ The deadline for filing transactions is not later than 11:59:00 pm 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 Filing Deadlines" on page 16 for transaction deadline information for referendum and recall petition committees.

See "Certificate of Limited Contributions and Expenditures (PC 7)" on page 12 for information on how to calculate 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 (cont.)

## Independent Expenditure Filer for Calendar Year 2014

- → Not later than seven days after exceeding the $750 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 also required to be filed according to the 2014 schedule below.
- → Generally, a transaction is due no later than 30 calendar days after the date of the transaction.
- → Transactions that occur between the 42nd 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 42nd day before the election and have not been reported by the 43rd day before the election are due by the 35th day before the election.
- → The deadline for filing transactions is not later than 11:59:00pm of the day the transaction is due. If the deadline falls on a weekend or holiday, the transaction is due not later than 11:59:00pm on the next business day.
- → All dates are 2014 unless otherwise noted.

| **Election Day: March 11** | | **Election Day: May 20** | |
|---|---|---|---|
| **transaction occurs:** | **deadline to file:** | **transaction occurs:** | **deadline to file:** |
| on or before December 28, 2013 | 30th day after date of transaction | on or before March 8 | 30th day after date of transaction |
| December 29, 2013 to January 27 | February 4 | March 9 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 |
| **Election Day: September 16** | | **Election Day: November 4** | |
| **transaction occurs:** | **deadline to file:** | **transaction occurs:** | **deadline to file:** |
| on or before July 5 | 30th day after date of transaction | on or before August 23 | 30th day after date of transaction |
| July 6 to August 4 | August 12 | August 24 to September 22 | September 30 |
| August 5 to September 16 | 7th day after date of transaction | September 23 to November 4 | 7th day after date of transaction |

# Schedule of Transaction Deadlines

## Independent Expenditure Filer for Calendar Year 2015

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- → Transactions that occur between the 42nd 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 42nd day before the election and have not been reported by the 43rd day before the election are due by the 35th day before the election.
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- → All dates are 2015 unless otherwise noted.

| **Election Day: March 10** | | **Election Day: May 19** | |
|---|---|---|---|
| **transaction occurs:** | **deadline to file:** | **transaction occurs:** | **deadline to file:** |
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| December 28, 2014 to January 26 | February 3 | March 8 to April 6 | April 14 |
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| **Election Day: September 15** | | **Election Day: November 3** | |
| **transaction occurs:** | **deadline to file:** | **transaction occurs:** | **deadline to file:** |
| on or before July 4 | 30th day after date of transaction | on or before August 22 | 30th day after date of transaction |
| July 5 to August 3 | August 11 | August 23 to September 21 | September 29 |
| August 4 to September 15 | 7th day after date of transaction | September 22 to November 3 | 7th day after date of transaction |

## Transaction Review by Elections Division

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. 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 e-mail 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.

See “Examination of Transactions by the Elections Division (ORS 260.205)” on page 51.

## Transaction Types

There are six transaction types that must be disclosed under campaign finance reporting requirements. The most common transaction types reported by committees are: Contribution, Expenditure/Account Payable, Other Receipt, and Other Disbursement. There are also two other types, Other Account Receivable and Other, that may be used to report a transaction.

Of the six transaction types, the only one that is used by an Independent Expenditure Filer is Expenditure/Account.

See the ORESTAR User’s Manual: Transaction Filing for instructions on how to create, save, and file transactions in ORESTAR.

## Moneys Received

### Contribution

This section generally describes the term “contribution” under Oregon election law. Some moneys received by committees are not considered contributions. These are other receipts and are discussed in “Other Receipts” on pages 26 - 27.

Each cash contribution or loan received by a committee must be deposited into the committee’s campaign account not later than seven calendar 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” on page 35 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. 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.

### Collecting Contributions Online

A committee may use a web-based company to collect 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.

**Example**
The committee receives a $200 contribution electronically via PayPal. PayPal retains $5 for processing the contribution. Even though only $195 is deposited into the campaign account, the committee reports the $200 contribution transaction and reports a $5 expenditure transaction with PayPal as the payee.

## 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 the stock 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 the stock is sold for less than the amount originally reported the difference is reported as an Other Disbursement using subtype Investment Lost.

## Contribution Subtype Review

### Cash Contribution

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

### 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 one would expect to pay for the good or service.

When a previously reported account payable or personal expenditure for reimbursement is forgiven by the payee, a contribution transaction must be reported as an in-kind/forgiven account payable or in-kind/forgiven personal expenditure.

### 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."

A non-exempt loan must be documented by written agreement. Outstanding loans must 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.

## Prohibited Contributions

### Anonymous Contributions

Warning: No committee shall accept anonymous contributions.

If a committee cannot identify a 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 days of receipt.

If the committee has kept the anonymous contribution for more than seven days or has deposited it in the campaign account, the committee must disclose the receipt of the anonymous contribution as a cash contribution and report the donation of the contribution as a cash expenditure.

See the ORESTAR User's Manual: Transaction Filing for information on how to report an anonymous contribution.

### Contributions in a False Name

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.

Warning: 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.

### 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.

Contact the Federal Elections Commission for more information. 800 424 9530 www.fec.gov

# 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.

## Other Receipt Subtype Review

### Interest/Investment Income

This subtype includes interest earned from bank accounts, proceeds earned from invested funds, and dividends earned on securities.

### 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.

Fair market value is the dollar amount one would expect to pay for the good or service.

### 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 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 any 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 25.

### 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 is a candidate committee and the guarantor is the candidate's spouse, the spouse is not reported as a contributor.

### 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, or the check is returned for insufficient funds.

If the committee issues a replacement check for one that has been lost or returned or for insufficient funds and the original check was disclosed using ORESTAR, the committee reports the replacement check as a cash expenditure.

### Miscellaneous Other Receipts

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.

### 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.

## Other Account Receivable

### Definition of Other Account Receivable

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

# Moneys Disbursed

## Expenditure/Account Payable

This section generally describes the term "expenditure" under Oregon election law. Some payments made by committees are not considered expenditures. These are other disbursements.

See "Other Disbursements" on page 32.

### 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.

## Expenditure/Account Payable Subtype Review

### 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 payable prior to the deadline to file the payable, the account payable is not required to be reported.

**Example**
If a committee active at the 2014 Primary Election incurs an account payable on April 25, 2014, and the payable is paid on or before May 2, 2014 (the deadline to file the transaction), the committee is not required to file the payable and is only required to file the cash expenditure transaction. However, if the payable is not paid by May 2, 2014, the committee is required to file the payable no later than May 2, 2014, 11:59:00 pm and then must file a separate cash expenditure transaction when the payable is paid.

### 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.

### Loan Payment (Non-Exempt)

Non-exempt loan payments are any expenditures made to reduce an outstanding non-exempt loan balance. All non-exempt loan payments must be itemized regardless of the amount.

### Personal Expenditure for Reimbursement

An expenditure by a person from the person's funds, made on behalf of a committee, is a personal expenditure for reimbursement if the person expects to be reimbursed. 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 is required to be disclosed when reporting a personal expenditure for reimbursement.

## How to Report In-Kind or Independent Expenditures

### In-Kind Expenditure Reporting

If a committee makes an expenditure for a communication that is in support of a candidate or committee, and the expenditure is coordinated with any agent of the candidate or committee, the expenditure is reported as an in-kind contribution by the recipient candidate or committee. The expenditure made by the committee must disclose In-Kind Expenditure Information identifying the committee that benefited from the expenditure.

> If an expenditure/account payable transaction is identified as an in-kind contribution to another committee, that transaction will be highlighted in the color green.

### 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.

**Example: Booth at the Fair**

A county central committee rents a booth at the county fair for $120. During the fair, the committee distributes campaign materials for six candidates. The cost of the booth is reported by the central committee as subtype cash expenditure in the amount of $120 to the county fair, with the in-kind expenditure information for each candidate, which includes the committee name and the amount apportioned to each candidate. In this example the amount apportioned to each candidate is one-sixth of the total cost. Each candidate reports an in-kind contribution of $20 from the central committee.

**Example: Fundraising Dinner**

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 Reporting by a Committee or by an Independent Expenditure Filer (non-committee)

If a committee or person makes an expenditure for a communication that is in support or opposition to a candidate or committee and the expenditure is NOT coordinated with any agent of the candidate or committee, the independent expenditure will disclose Independent Expenditure Information identifying the candidate or committee and the amount apportioned to the candidate or committee.

See "in-Kind or Independent Expenditure Information" on page 45 for additional information.

## 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" means any use of a committee's funds to fulfill a personal commitment, obligation, or expense that would exist irrespective of the campaign or duties as a public office holder, or duties involved with a political or petition committee.

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 (e.g., t-shirts or baseball caps with campaign logos on them);
- 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;
- 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 or petition committee;
- loans made to any individual for the individual's personal use.
- any legal expense incurred in any civil, criminal or other legal proceeding or investigation that relates to, or arises from, the course and scope of the duties of a person as a candidate, public official, treasurer, chief petitioner, or director;
- 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
- salary to a person, unless the person is providing bona fide services to the committee or the candidate's public office.

See "Allowable Legal Expenses" on page 31 for when it is acceptable to use committee funds to pay legal expenses and judgments.

### 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

## Exceptions to the Personal Use Prohibition

### Public Office Holder Expenses

A candidate who is an office holder may use campaign funds for expenses incurred as an office holder if directly related to an office holder's official duties, including:

- mileage for the office holder's personal vehicle (not exceeding current federal rate);
- service and fuel for a leased or purchased vehicle;

  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, supplies, or vehicles;
- room rental for public meetings;
- telephone expenses;
- salary or expenses associated with employees performing official business;
- a campaign party or thank you party for volunteers and supporters;
- 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;

  or
- any other expenses incurred to perform the office holder's official duties. 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.

See "Miscellaneous Other Receipts" on page 27.

The committee must be reimbursed for any committee assets (e.g., computer, furniture, etc.) converted to personal use.

### Allowable Legal Expenses

Committee funds may be used for legal expenses relating to a public official, a candidate for public office, the director or treasurer of any political committee, or the treasurer or chief petitioner of any petition committee in the following circumstances:

- legal expenses in connection with a legal proceeding under ORS Chapter 260 (Campaign Finance Regulation; Elections Offenses), except for a legal proceeding brought under ORS 260.407 and 260.409;

  or
- payment for any civil penalty imposed under ORS Chapter 260 (Campaign Finance Regulation; Elections Offenses), except for any penalty imposed for a violation of ORS 260.407 or 260.409.

## Other Disbursements

### Definition of Other Disbursement

An “other disbursement” is money spent by a committee that does not meet the definition of expenditure but is still reportable.

## Other Disbursement Subtype Review

### 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.

### Nonpartisan Activity

This subtype is used to report activity designed to encourage individuals to vote or to register to vote, regardless of party affiliation.

### Return or Refund of Contribution

This subtype is used if a contribution is returned more than seven days after receipt or is deposited in the campaign account prior to the refund being issued.

> Contributions received by the committee and returned to the contributor within seven 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 days of receipt without being deposited in the campaign account is also non-reportable.

### Miscellaneous Other Disbursement

This subtype is used when the committee needs to record a transaction for either of the reasons listed below, or if the committee makes expenditures using campaign funds for a purpose that is not political and does not meet the definition of an expenditure.

### Investment Loss

Miscellaneous Other Disbursement is used to report a loss on an investment.

### Slate Cards and Sample Ballots

A state or local political party committee may prepare and distribute a slate card, sample ballot, or other printed list naming candidates for any public office.

> If any committee other than a political party committee makes expenditures to produce slate cards and sample ballots, those transactions are reported as cash expenditures.

The preparation and distribution costs are reported as a Miscellaneous Other Disbursement by the political party committee if the list of candidates meets both of the following criteria:

- → 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 candidate list as expenditures.

## 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. Some of these transactions may require an association.

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

See the ORESTAR User's Manual: Transaction Filing for instructions on associating transactions.

## Other Transactions Subtype Review

### Account Payable Rescinded

A previously reported account payable that is no longer owed because the payable is disputed.

### Cash Balance Adjustment

A transaction adjusting the committee's cash balance on its Account Summary.

### Loan Forgiven (Non-Exempt)

A previously reported non-exempt loan received that is forgiven by the lender.

### Outstanding Personal Expenditure Adjustment

A transaction adjusting the committee's outstanding personal expenditure balance on its Account Summary.

# Common Campaign Activities and Examples

## Personal Expenditures

Non-committee funds spent (including charges on a non-committee credit or debit card) on behalf of a committee are reportable.

→ If the person making the personal expenditure does not want reimbursement, the expenditure is reported as an in-kind contribution from the person.

or

→ If the person wants reimbursement for a personal expenditure two transactions must be filed:

The first transaction discloses who spent personal funds, as well as where and when the funds were spent. The transaction type is Expenditure/Account Payable and the transaction subtype is Personal Expenditure for Reimbursement.

The second transaction discloses the reimbursement to the person from committee funds. The transaction type is Expenditure/Account Payable and the transaction subtype is Cash Expenditure. The purpose of this transaction must always be the ORESTAR purpose Reimbursement for Personal Expenditure. The payee for this transaction is the name of the person, even if the check is written directly to a credit card company.

**Example**
Jane Smith, who is a volunteer working with a committee, goes to Costco on March 1, 2014, 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, 2014.

**Jane's personal expenditure is reported as follows:**

Transaction Date: **3/1/2014**

Transaction Type: **Expenditure/Account Payable**

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: **3/10/2014**

Transaction Type: **Expenditure/Account Payable**

Transaction Subtype: **Cash Expenditure**

Contributor/Payee: **Jane Smith**

Payment Method: **Check**

Check Number: **200**

Amount: **$212.00**

Transaction Purpose(s): **Reimbursement for Personal Expenditure**

If a person is not reimbursed for reported personal expenditures and decides to "forgive" the amount owed, the transaction type is Contribution, and the transaction subtype is In-Kind/ Forgiven Personal Expenditures.

## Mileage

Expenditures made to pay a person for mileage are reported as subtype Cash Expenditure and transaction purpose Travel Expenses. The transaction is required to also include “Mileage” in the Description field. Mileage is not reported as a personal expenditure for reimbursement.

> 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.

If the expenses related to use of the vehicle are made from personal funds, and the person wants reimbursement, those transactions are reported as personal expenditures.

There are some exceptions for reporting travel expenses incurred by someone other than the committee; see Unreimbursed Travel Expenses on page 39 for more information.

## Reporting Credit/Debit Card Transactions

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/Account Payable and subtype Cash Expenditure. The payee is the business 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. Any interest, credit card fees or late payment penalties are reportable expenditure transactions.

# Fundraising Activities

If a contributor attends a fundraising event and receives goods or services, such as a dinner or a t-shirt, only the amount in excess of the fair market value is a contribution. The committee must determine the fair market value of the goods or services received by the contributor and report that amount as an Other Receipt.

> Moneys received on a single day which qualify as 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 reportable transaction subtypes Cash Expenditure, Personal Expenditure for Reimbursement, or Account Payable.

## Fundraising Dinners

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 costs are reported as transaction type Expenditure/ Account Payable, subtype Cash Expenditure. If the dinner is donated to the committee at no cost, the cost of the dinner is reported as transaction type Contribution/ Pledge, subtype In-Kind Contribution.

**Example**
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 such as Ticketmaster. If the cost of the ticket is more than the fair market value of the event, the committee must ensure that the 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 if an individual) must be disclosed. Any fee or commission retained by the vendor is a reportable expenditure.

**Example**
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/Account Payable

Transaction Subtype: Cash Expenditure

Amount: $12.50

## 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 item or service. 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. Any amount paid that exceeds the fair market value of the item is reported as a Cash Contribution.

**Example**
On February 2, 2014, 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: 2/2/2014

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 for 2014)

Amount: $450.00

Transaction Purpose(s): Fundraising Event Expenses

Tom Johnson's winning bid of $750 is reported by creating two transactions: a Cash Contribution transaction in the amount of $300 and an 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)

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

## Raffles

The Department of Justice regulates licensing for raffles. For licensing requirements and procedures, contact the Department of Justice, Charitable Activities Section.

See “Information Sources” on pages 72 - 73 for contact information.

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 campaign funds, the purchase of the prize is reported as transaction type Expenditure/Account Payable, subtype Cash Expenditure.

# Fundraising Cautions

Two common campaign activities that potentially involve “undue influence” and thus may violate election law (ORS 260.665) are:

→ giving something of value to a voter;

and

→ providing refreshments at a political gathering.

## Giving Something of Value

Oregon election law, with some exceptions, prohibits giving something of value for no charge with the intent of influencing how a person votes or other political activity. Campaign buttons, bumper stickers, posters, brochures, doorknob hangers, and campaign literature have no use or value independent of a political campaign. These items may be given away at no charge.

Items of very nominal value may be given away for free during a political campaign. The item must be customarily and readily available to the public without any charge by businesses in the electoral district in which the distribution is planned.

Generally, allowable items, clearly imprinted with the candidate or political committee name and campaign information, include very inexpensive types of:

balloons

bookmarks

calendars (such as plastic or magnetic)

emery boards

fans (paper or plastic)

flags (novelty with campaign information)

ink pens

litterbags (paper or plastic)

matchbooks

pencils

penny candy (such as that thrown at a parade)

refrigerator magnets or “mini-magnets”

rulers (small wood or plastic)

shopping bags (paper or plastic)

The distribution of these types of items is not undue influence, if the committee ensures:

→ very small quantities of an item are given to any one person;

→ the distribution of the item is incidental to the political activity;

→ the distribution is not publicized;

and

→ an item of minimal value does not contain a connected offering for something of value.

Contact the Elections Division prior to the free distribution of an item not noted above.

The following items are examples of what may not be given away for free:

calculators

flashlights

frisbees

hats

postage stamps

toys

t-shirts

If an item does not meet all the standards of the allowable items, the campaign must charge at least the cost of the item.

### Providing Refreshments at a Political Gathering

Incidental refreshments (e.g., coffee, tea, and cookies), may be served at a political gathering at no charge.

> **!** Free food or refreshments cannot be the featured attraction to induce people to attend a political event.

If more food is being served than what would be conservatively defined as incidental to the event, there must be a charge equivalent to at least the actual cost of the food or refreshments.

## Non-Reportable Activities

There are some activities that are exempt from the definitions of contribution and expenditure, and are not required to be reported. They are:

### Publications and Television or Radio Commentaries

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.

Any expenditures made by a broadcasting station, newspaper, magazine, or other periodical publication to facilitate a debate or forum where a candidate or committee representative is invited to be a participant are not reportable.

However, if a special publication is produced by a committee and the purpose is to support or oppose a candidate, measure, political party, political 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 page 7 for Independent Expenditure Filer reporting requirements.

### Volunteer Activities

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 and Labor Membership Organization Communications

Corporations, labor organizations, and membership organizations may communicate 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.

### Receptions

An individual may volunteer to hold a reception or 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

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.

## 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.

If a person provides travel services free of charge to a political committee and the person does not travel with or on behalf of the committee, the activity is reported as an in-kind contribution. If the person expects to be reimbursed, the activity is reported as a personal expenditure for reimbursement.

## Vendor Discounts on Food and Beverages

A vendor of food or beverages may sell food or beverages to a political committee campaign 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

Generally, electronic transmissions have no intrinsic monetary value. Sending e-mail messages, or adding links on an existing webpage are not considered in-kind contributions or independent expenditures by a person performing the e-mail distributions or working on the websites.

Therefore, if the effort to produce a website, or to transmit an e-mail, 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 e-mail list, there is no reportable contribution.

If, however, an unpaid volunteer makes expenditures to provide the service (e.g., produce a website or distribute an e-mail), including wages or other payment to an individual or firm, those costs are reportable in-kind contributions. If the committee makes expenditures to produce a website or transmit an e-mail, those are reportable expenditures.

## Transfer of Funds to Earn Interest

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 page 25 for information on how to report a gain or loss on an investment.

## Return or Refund of Contributions

Contributions received by the committee and returned to the contributor within seven 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 days of receipt without being deposited in the campaign account also is non-reportable.

## Change for a Fundraiser

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.

# ORESTAR Data Fields

The following describes and defines information that must be disclosed when adding a particular transaction type/subtype in ORESTAR.

Refer to the ORESTAR User's Manual: Transaction Filing for instructions on filing transactions.

For each transaction, the following fields are available for filing a transaction: Transaction Date, Transaction Type, Transaction Subtype, Payer of Personal Expenditure, Contributor/Payee, Payment Method, Check Number, Amount, Calendar Year Aggregate, Interest Rate, Repayment Schedule, Description, Occupation Letter Date, Notes, Transaction Purpose(s), Transaction Association, Co-signer Obligation, and In-Kind or Independent Expenditure Information.

## Transaction Date

The information below describes what date to report for a transaction, based on the transaction type or subtype.

### Contribution

**Cash Contribution or Loan Received (Non-Exempt)**

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

> 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.

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

**In-Kind Contribution**

The date the candidate, treasurer or any agent of the committee has knowledge of the in-kind contribution, the forgiven account payable, or the forgiven personal expenditure.

> 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 prior to receiving the written notification.

### Other Receipts

**Interest/Investment Income**

The date that the committee receives the statement reporting the amount of interest earned or investment income.

**Items Sold at Fair Market Value**

The date funds are received for the item sold at fair market value.

**Lost or Returned Check**

The date the committee orders a stop payment on the check, the date the committee reissues a replacement check, or the date the committee no longer expects the check to be cashed, whichever occurs first.

**Loan Received (Exempt)**

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

**Miscellaneous Other Receipt**

The date the miscellaneous other receipt is received in the committee's physical custody.

**Refunds and Rebates**

The date the refund of an expenditure or rebate is received in the committee's physical custody.

### Other Account Receivable

#### Miscellaneous Account Receivable

The date the committee makes an expenditure for a loan (requiring the filing of a miscellaneous account receipt transaction), or the date of the auction to report the fair market value of auction/fundraising proceeds that have not yet been collected.

### Expenditure/Account Payable

#### Cash Expenditure or Loan Payment (Non-Exempt)

The date written on the check, the date an electronic check is issued, 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): If the expenditure is made by 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.

#### Personal Expenditure for Reimbursement

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 in the future.

#### Account Payable

The date an order is placed for goods or services and payment is not made at time ordering. An estimate of the cost can be provided for reporting purposes. If an estimate is reported, do not amend the account payable transaction to report the actual cost.

> There is an exception to the requirement of reporting an account payable; see page 28.

### 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.

### Other Transaction Type

#### Account Payable Rescinded

The date the committee determines that the payable is disputed and no longer owed.

#### Loan Forgiven (Non-Exempt)

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

#### Cash Balance Adjustment

The date the committee determines the committee's campaign account balance does not match the cash balance as reported on the committee's Account Summary in ORESTAR.

#### Personal Expenditure Balance Adjustment

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

## Transaction Type

A committee must choose a transaction type when creating each transaction.

## Transaction Subtype

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

## 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.

## Contributor/Payee

This field discloses the person who is the source of money, goods, or services received by the committee, or to whom the committee is making an expenditure. This field is not required to be completed when reporting Interest/Investment Income, Items Sold at Fair Market Value, Nonpartisan Activity, Cash Balance Adjustment, or an Outstanding Personal Expenditure Balance Adjustment. The information that populates this field is based on the Address Book entry for the transaction.

See “ORESTAR Address Book” on page 48 and the ORESTAR User’s Manual: Transaction Filing for the instructions for completing an Address Book entry.

### Contribution

The full name of the person making the contribution to the committee.

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 or by separate letter), a separate transaction is entered for each contributor.

### Expenditure/Account Payable

The name to whom payment is made or owed.

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 “Reporting Credit/Debit Card Transactions” on page 35 for reporting credit or debit card purchases.

When reporting a personal expenditure for reimbursement, the payee is the business or individual receiving the personal funds.

When reporting the payment from committee funds to reimburse a person for personal expenditure the payee is the individual receiving reimbursement.

See “Personal Expenditures” on page 34 for more information.

If a committee uses a payroll processing business (e.g., Paychex) to process its payroll, the committee reports the name of the payroll company as the payee.

### Other Receipt

The name of the source of the Other Receipt is required for transaction subtypes Loan Received (Exempt), Miscellaneous Other Receipt, Lost or Returned Check, and Refunds and Rebates. It is optional for Interest/Investment Income and Items Sold at Fair Market Value.

### Other Disbursement

The name of the payee is required for transaction subtypes Loan Payment (Exempt), Miscellaneous Other Disbursement, or Return or Refund of Contribution. It is optional for Nonpartisan Activity.

### Other Accounts Receivable

The name of the person from whom the committee expects to receive money.

## Payment Method

A payment method must be indicated for transaction subtype Cash Expenditure and Loan Payment (Non-Exempt). The following payment methods are available: Check, Credit Card, Debit Card, Electronic Check, and Electronic Funds Transfer.

## Check Number

The number of the check issued by the committee. Do not enter a check number unless the payment method is Check or Electronic Check and the transaction subtype is Cash Expenditure or Loan Payment (Non-Exempt). Do not report voided checks.

## Amount

The amount of the transaction. The amount for an Account Payable transaction can be an estimate or "price quote." If the amount billed or invoiced is different from the amount reported as an account payable, do not amend the amount of the account payable transaction.

## 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/Account Payable.

See "Calculating a Transaction's Calendar Year Aggregate" on page 46 for more information.

## Interest Rate

This field is required when disclosing transaction subtypes Loan Received (Non-Exempt), Loan Received (Exempt), or Cash Expenditure when the transaction purpose is Loan Extended. If there is no interest rate attached to the loan, enter "0" (zero).

## Repayment Schedule

This field is required when disclosing transaction subtypes Loan Received (Non-Exempt), Loan Received (Exempt), or Cash Expenditure when the transaction purpose is Loan Extended. If there is no repayment schedule, indicate "payable when funds available."

## 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.

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 Cash Balance Adjustment or Outstanding Personal Expenditure Adjustment.

See "Transaction Purpose(s)" on pages 44 - 45 for more information.

## Occupation Letter Date

Complete this field if a letter or email is sent requesting a contributor's occupational information.

See "Address and Occupational Information for a Contribution" on page 49 for more information.

## 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.

If a committee amends an In-Kind Contribution received from another committee after the due date for the transaction, the recipient committee must include information in the transaction's Notes field to explain why the transaction is being amended.

## Transaction Purpose(s)

Each Expenditure/Account Payable 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 available are:

### Broadcast Advertising

Expenditures made to an agent or directly to a radio or TV station for advertising.

### Cash Contributions

Contributions made to other committees or organizations.

### Fundraising Event Expenses

Expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers, and speakers.

### General Operational Expenses

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, a committee must also provide additional purpose information in the Description field (e.g., office supplies, furniture).

### Interest Payment

Interest paid to a financial institution or other lender for a loan.

### Literature, Brochures, Printing

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

An expenditure made by a committee that is a loan to another individual, committee, or organization. The interest rate and repayment schedule must be disclosed.

### Management Services

Includes fees and commissions paid to campaign management companies, agents, and campaign consultants.

### Newspaper and Other Periodical Advertising

Expenditures made to an agent or directly to a newspaper or other periodical for advertising.

### Other Advertising

Expenditures associated with the production and purchase of advertising (e.g., billboards, yard signs, voters' pamphlets, websites, and campaign materials).

### Petition Circulators

Payments made to individuals for collection of signatures on a petition or to an agent that pays petition circulators.

### Postage

Expenditures for stamps, postage, United Parcel Service, Federal Express, and direct mail services.

### Preparation and Production of Advertising

Payments associated with the preparation or production of advertising.

### Public Office Holder Expense

Expenditures associated with allowable public office holder expenses such as gifts of nominal value, conference registration fees, membership dues, constituent services, staff wages, office rent, mileage, gas, and travel. When this purpose is used, a committee must also provide additional purpose information in the Description field.

### Reimbursement for Personal Expenditures

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 page 34 for more information.

### Surveys and Polls

Expenditures associated with surveys and polls, including reports on election trends, voter surveys, telemarketing, and telephone banks.

See OAR 165-012-0050 for reporting the contribution of poll results.

### Travel Expenses

Expenditures associated with travel. When this purpose is used, a committee must also provide additional purpose information in the Description field (e.g., lodging, airfare, meals, gas, mileage).

### Utilities

Expenditures for utilities (e.g., telephone, internet access, electricity).

### Wages, Salaries, Benefits

Expenditures associated with campaign staffing, including wages, employment taxes, insurance, and payments to temporary employment agencies.

## Transaction Association

An associated transaction is a transaction that is connected to, or dependent upon, another transaction that has previously been entered in ORESTAR.

**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.

See the ORESTAR User's Manual: Transaction Filing for detailed instructions about which transactions may need to be associated and how to complete a transaction association.

### Co-Signer Obligation

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.

## In-Kind or Independent Expenditure Information

An expenditure for a communication that is an in-kind contribution to another candidate or committee, or an independent expenditure supporting or opposing a candidate or measure, must:

- → be identified as either an in-kind expenditure or independent expenditure;

identify the candidate(s) or committee(s) supported or opposed by the expenditure;

- → include the amount apportioned to each candidate or committee;

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.

# 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.

## Calculating a Transaction's Calendar Year Aggregate

The calendar year aggregate is the total amount of contributions received from one contributor or the total 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 in detail the contributor (name, address, and occupational information) or payee information (e.g., name, address).

Committees that choose to 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 should be disclosed in detail 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 on each transaction if the 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 transactions must ensure that the data accurately report all contributor/payee information for:

- Any contribution over $100. Also, for those contributors whose aggregate contributions to the committee 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 received from the committee 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.

**Example: Calculating Expenditure Aggregates**
For a committee active in the 2014 Primary Election:

On January 8, 2014, the committee makes a $50 cash expenditure, and at the same time makes a credit card purchase for $25 to the same payee, making the payee's calendar year aggregate $75.

The $75 must be included in "miscellaneous cash expenditures $100 and under" amount for January 8, 2014.

On February 23, 2014, the committee makes another $50 cash expenditure to the same payee, making the payee's calendar year aggregate $125. This $50 expenditure transaction must be disclosed in detail (because the aggregate for the payee has exceeded $100 in the calendar year).

**Example: Calculating Contribution Aggregates**
For a committee active in the 2014 Primary Election:

On January 8, 2014, individual A makes a $50 cash contribution and at the same time makes an in-kind contribution valued at $25 to the same committee, making the contributor's calendar year aggregate $75.

The $50 must be included in "miscellaneous cash contributions $100 and under" amount and the $25 must be included in "miscellaneous in-kind contributions $100 and under" amount for January 8, 2014.

On February 23, 2014, individual A makes another $50 cash contribution to the same committee, making the contributor's calendar year aggregate $125. This $50 contribution transaction must be disclosed in detail (because the aggregate for the contributor has exceeded $100 in the calendar year).

## ORESTAR Address Book

ORESTAR has an Address Book which stores information about each contributor and payee associated with a committee. The committee must create a single Address Book entry for each person. Political or petition committees registered with the Oregon Elections Division are automatically populated in each committee's Address Book. The entry includes the person's name and address. The occupational information is also required if the entry is associated with an individual.

An Address Book type is required for each transaction, except for transaction subtypes Interest/Investment Income, Items Sold at Fair Market Value, Nonpartisan Activity, or Cash Balance Adjustment.

A committee must create only one entry in the committee's ORESTAR Address Book even if a person is both a contributor and payee.

See the ORESTAR User's Manual: Transaction Filing for detailed information in creating, saving and editing Address Book entries.

## Address Book Type

For each Address Book entry a type must be selected.

### Business Entity

Includes for-profit and professional corporations, cooperatives, partnerships, limited liability companies, and sole proprietorships.

### Candidate's Immediate Family

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

Includes clubs, associations, nonprofit corporations, tribal organizations, governmental entities and trusts.

### Political Committee

Committees filed in the State of Oregon or any other jurisdiction, including candidate committees, petition committees, and political action committees.

### Political Party Committee

A committee established by a major or minor political party in Oregon, including county central committees.

## Name Information

The name for an Address Book record is the name of the person associated to the address book entry.

See the ORESTAR User's Manual: Transaction Filing for specific instructions on how to select a committee name from the display list.

Do not use acronyms in place of the full name of the contributor or payee unless the acronym is the registered business name of the contributor or payee.

## Address and Occupational Information for a Contributor

### Address of Contributor

The address includes street number and name or post office box, 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.

### Occupation

Oregon election law requires occupational information for each individual contributor. Occupation is the nature of the individual's primary job or business. Indicate "Not-Employed" for individuals such as students, retired people, and volunteers. If the individual is self-employed, indicate "Self-Employed." The occupation must indicate the type of business (e.g., real estate broker, cosmetics salesperson). Titles, industry names, or other generic descriptors (e.g., owner or business owner) that do not convey the nature of the business or work performed are not sufficient.

### Employer

Employer's name and address are the company's legal name and the physical location address by city and state. Do not use acronyms unless the registered name of the employer includes the acronym. Employer information is not required for an individual who is self-employed or not employed.

### Obtaining Missing or Insufficient Occupational Information

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 e-mail to the contributor within seven days after receiving the contribution asking the contributor to provide this information.

> A separate letter or e-mail must be sent for each 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 days of receipt of the contribution is required. Documentation consists of both of the following:

→ reporting the date the letter was mailed or e-mailed to the contributor;

and

→ retaining a copy of the dated letter addressed or e-mail sent to the contributor as part of the committee's records.

See "Retention of Records" on page 50.

## 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.

## Enforcement Procedures and Civil Penalties

The following are enforcement actions for transactions that are not submitted by the deadline or for 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 (ORS 260.055)

Inspection of Accounts of Contributions and Expenditures

Accounts kept by a committee 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 the seventh day after the contribution is received or expenditure is made. Failure to do so may subject the committee to civil penalties.

### Retention of Records

Committees 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. 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 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 e-mail 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.

## Examination of Transactions by the Elections Division (ORS 260.205)

After the deadline for submitting 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 the information required by law.

The treasurer, candidate, alternate transaction filer, correspondence recipient, and independent expenditure filer are sent an Exam letter via e-mail 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 e-mailed 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. A committee and independent expenditure filer should check e-mail 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.

If the committee or independent expenditure 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 committee or independent expenditure filer believes that the transaction is sufficient the Elections Division should be contacted via a phone call or in writing 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 may be subject to a civil penalty.

Not later than 90 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 filed and is insufficient, that transaction may be subject to a civil penalty.

Exam and Amendment Review Notification letters are sent using the e-mail 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.

> **i** If the e-mail (with the attached Exam or Amendment Review Notification letter) is returned as undeliverable for any reason, such as the e-mail 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 e-mail, 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 (ORS 260.205)

Any elector may file with the Elections Division a complaint 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 any documentation to support the allegation. The complaint must be in writing and filed no later than 90 calendar days after the date the relevant transaction is filed or should have been filed, whichever is later. Anonymous complaints will not be investigated.

## Subpoena Authority (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 (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 (ORS 260.232)

The Secretary of State may impose civil penalties for failure to file a timely or sufficient transaction or a Certificate of Limited Contributions and Expenditures.

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 how many business days the transaction was submitted late. See the “Hearing Procedures” on pages 54 - 59 and “Penalty Matrix” on pages 60 - 62.

## Complaints Regarding Other Election Law Violations (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 reason for believing that the violation occurred and provide evidence relating to it. The complaint must be 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. Anonymous complaints will not be investigated.

## Contributions in False Name (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 (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 infraction of personal use, plus the amount converted to personal use. Campaign funds may not be used to pay any penalty imposed for personal use of campaign funds.

## Campaign Funds May Not be Used to Pay a Candidate for Professional Services (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.

## Civil Penalties for Other Campaign Finance Violations (ORS 260.995)

The Secretary of State may impose civil penalties for certain campaign finance offenses in addition to late or insufficient reports. Other campaign finance offenses include:

- → failure to file a Statement of Organization within three business days of receiving a contribution or making an expenditure;
- → failure to file an amended Statement of Organization within 10 days of a change in information;
- → failure to establish a dedicated campaign account within three business days of receiving a contribution or making an expenditure;
- → converting campaign funds to any person's personal use;

  and
- → using a candidate committee's campaign funds to compensate the candidate for professional services performed by the candidate.

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.

See "Prohibited Personal Use of a Committee's Campaign Funds" on page 30 for additional information.

Refer to OAR 165-013-0010 for specific penalties and procedures.

## Legislative Assembly Not Subject to Civil Process During Session (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 do not receive notices of proposed civil penalty during a legislative session. Notices are sent to legislators after final adjournment (Sine Die).

# Hearing Procedures

## Hearing Procedures for Penalty Cases (ORS 260.232)

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, the Elections Division will create a case and send 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 or petition committee,
- → the candidate of a candidate committee, or
- → an independent expenditure filer,

The notice informs the recipient 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. The notice is sent by regular mail.

> A copy of the notice will also be mailed to the treasurer of a candidate committee and any person designated as a correspondence recipient.

If the total calculated penalty for a case is less than $50, a proposed penalty notice will not be issued and there will be no violation found.

See “Mitigating Circumstances” on page 58 for a list of the mitigating circumstances that may be considered in reducing or waiving a civil penalty.

Late and insufficient violations will be processed by calendar month. Each case for a given month will include late violations (transactions that are filed late in that particular month) and insufficient violations (transactions that are not sufficiently corrected by the exam response due date in that particular month).

Generally, cases for a particular month are reviewed and generated approximately three months after the end of a month.

**Example**

A transaction is due on April 15, 2014. The transaction is not filed until May 1, 2014. This violation will be part of the May cases. A transaction is identified as insufficient on an Exam letter, with a response due date of May 10, 2014. The transaction is not corrected until June 15, 2014, this violation will also be part of the May cases.

**Example**

Late or insufficient transactions filed in the month of January 2014 would be processed in April 2014.

## Responding to Proposed Penalty Notice

When a person receives a proposed penalty notice, he or she can either:

- → choose to pay the penalty;

  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.

If the person does not contest the penalty, the Elections Division will issue a default final order imposing the civil penalty.

If the person chooses to pay the penalty:

- → Payment may be submitted by check made payable to the Secretary of State or paid 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 60 calendar days after the service date of the default final order is issued.
- → If necessary, the person may contact the Elections Division to discuss payment plan options.

To submit notarized testimony to contest the penalty the following must occur:

- → The person must submit a signed Hearing Request Form and an answer to the violations; 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.
- → The answer must include an admission or denial of each factual matter alleged in the proposed penalty notice.

  A worksheet is available on the back of the Hearing Request Form and may be used to complete the answer. You may make additional copies of the form if necessary.
- → The answer must identify any mitigating circumstance that applies and indicate specifically what facts or transactions the mitigating circumstance applies to.

  If the person has evidence of a mitigating circumstance, or other relevant evidence, this can be submitted with the answer as exhibits.

  Except for good cause shown to the administrative law judge, factual matters alleged in the proposed penalty notice and not denied in the answer will be deemed admitted by the party.
- → The answer and any additional response must be notarized by a commissioned Notary Public and constitutes notarized testimony.
- → The testimony may be mailed, faxed, or attached to an email to the Elections Division.

To request an in-person or telephone hearing to contest the penalty the following must occur:

- → The person must submit a signed Hearing Request Form and an answer to the violations; 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.
- → The person must choose whether they want the hearing by telephone or in-person on the Hearing Request Form, and sign where indicated.

  A worksheet is available on the back of the Hearing Request Form and may be used to complete the answer. You may make additional copies of the form if necessary.
- → The answer must include an admission or denial of each factual matter alleged in the proposed penalty notice.
- → The answer must identify any mitigating circumstance that applies and indicate specifically what facts or transactions the mitigating circumstance applies to.

  If the person has evidence of a mitigating circumstance, or other relevant evidence, this can be submitted with the answer as exhibits.

  Except for good cause shown to the administrative law judge, factual matters alleged in the penalty notice and not denied in the answer will be deemed admitted by the party.
- → The Hearing Request form and answer may be mailed, faxed or attached to an email to the Elections Division.

## Contested Case Process

If a person submits the Hearing Request Form and answer, the hearing will be conducted by an administrative law judge with the Office of Administrative Hearings by following the Notarized Testimony Process or the In-Person or Telephone Hearing Process.

## Notarized Testimony Process

If the person has timely submitted the signed Hearing Request Form designating the submission of notarized testimony, the Elections Division will refer the case and forward the person's notarized testimony to the Office of Administrative Hearings. If the person submits notarized testimony in lieu of requesting an in person or telephone hearing, the person is waiving their right to an in-person or telephone hearing.

### When the Elections Division Submits Testimony

The Elections Division may submit notarized testimony and any exhibits to the Office of Administrative Hearings and to the individual who submitted the notarized testimony. The Elections Division's notarized testimony will be sent via e-mail to the e-mail address provided on the Hearing Request Form. The Elections Division may mail its notarized testimony to the party's last known mailing address if the party's e-mail address is unknown or the e-mail is returned as undeliverable.

### Opportunity for Rebuttal Testimony

The person may, but is not required to, respond to the Elections Division's testimony by submitting notarized rebuttal testimony. The rebuttal testimony is limited to issues raised in the person's original testimony and the Elections Division's testimony. The rebuttal testimony must be received not later than five business days from the date of service of the Division's testimony (i.e., the date the testimony was e-mailed or mailed). The notarized testimony "hearing" is deemed closed the day after the deadline for the person to submit rebuttal testimony.

## In-Person or Telephone Hearing Process

If the person has timely submitted the signed Hearing Request Form designating an in-person or telephone hearing, the Elections Division will refer the hearing request, including the party's answer and Hearing Request Form, to the Office of Administrative Hearings.

### Scheduling a Hearing

The Office of Administrative Hearings will schedule a hearing not later than 45 calendar days after the deadline for requesting a hearing. A 15 calendar-day extension may be granted if requested in writing by the person subject to the civil penalty. The Office of Administrative Hearings will send a Notice of Hearing to the parties scheduling the hearing.

### Submitting Exhibits

Not less than five business days prior to the commencement of the hearing, each party, including the Elections Division, must deliver copies of the exhibits it intends to offer into evidence at the hearing. Exhibits must be delivered to the administrative law judge, all parties, and the Elections Division. Delivery of the exhibits may be accomplished by any of the following means, or by other means of similar nature: hand delivery, first class or certified mail, fax, professional delivery service, or e-mailed in a PDF format to elec-hearings@sos.state.or.us. Nothing precludes any party from seeking to introduce documentary evidence in addition to evidence described above during a telephone or in-person hearing. The administrative law judge shall receive such evidence, subject to the applicable rules of evidence, only if inclusion of the evidence in the record is necessary to conduct a full and fair hearing.

### Conduct of In-Person or Telephone Hearing

If the hearing is in-person, it will be held in a hearing room at the Office of Administrative Hearings in Salem. If the hearing is by telephone, the parties will call the phone number provided in the Notice of Hearing sent by the Office of Administrative Hearings. The hearing will be presided over by an administrative law judge. The administrative law judge will describe the hearing process at the beginning of each hearing. The parties will then be given the opportunity to give opening statements, present and examine witnesses, and give closing statements.

> If the party that requested the hearing does not appear within 15 minutes of the time set for a hearing, the administrative law judge will declare the party in default unless the party gives notice of a reason for the inability to appear at the designated time and requests and receives a continuance.

### Opportunity to Opt Out of In-Person or Telephone Hearing

A person that requests an in-person or telephone hearing may decide that he or she does not want to appear at the hearing, but still wants to contest the penalty. The person may submit notarized testimony and other evidence for entry into the hearing record before the administrative law judge in lieu of attending the in-person or telephone hearing. The Elections Division must receive the testimony no later than three business days before the day of the scheduled hearing.

The Elections Division may also submit notarized testimony. The Elections Division testimony must be received by the Office of Administrative Hearings not later than 5:00 pm on the scheduled date of the hearing. If the Elections Division fails to submit notarized testimony, the Elections Division exhibits become part of the case file and may establish the basis for liability.

This process is separate and distinct from the Notarized Testimony Process discussed above and applies only when a party requests an in-person or telephone hearing and later decides not to appear at the hearing and instead chooses to provide notarized testimony and evidence.

## Proposed and Final Orders

### Proposed Order

Not later than 30 calendar days after the hearing is closed, the Office of Administrative Hearings sends the administrative law judge's proposed order to the individual(s) that requested the hearing and to the Elections Division. The administrative law judge's proposed order will provide where and when written exceptions to the proposed order must be filed. If the Elections Division chooses to amend the proposed order issued by the administrative law judge, the Elections Division will send an amended proposed order to the individual(s) that requested the hearing, which will provide where and when written exceptions to the amended proposed order must be filed.

### Final Order

After reviewing and considering the written exceptions, if any, the Elections Division will issue a final order no later than 90 calendar days after the hearing is closed. If the final order imposes a civil penalty, the party has 60 calendar days to pay the penalty or file an appeal. If necessary, the person may contact the Elections Division to establish a payment plan.

## Judicial Review of a Final Order or Default Final Order

After the issuance of a final order or default final order, a candidate, treasurer, or independent expenditure filer 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.

## Mitigating Circumstances

If a hearing is requested and testimony is provided regarding mitigating circumstances that caused the late or insufficient filing, the administrative law judge and the Secretary of State may consider reducing, in whole or in part, the civil penalty, based on the facts presented by the testimony.

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, 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, 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, committee 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.

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, 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, 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.

## Responsibility for Penalty Payment

For political action committees or petition committees, the treasurer 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.

### Penalties for Late Transactions

For a political action or petition committee, the treasurer responsible for a late filing penalty is the treasurer of record (i.e., the treasurer 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 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 and the candidate, even if the late transaction is filed by the designated alternate transaction filer. An individual who files independent expenditures cannot designate an alternate transaction filer.

### Penalties for Insufficient Transactions

For a political action or petition committee, the treasurer responsible for an insufficient filing penalty is the treasurer who filed the transaction that was insufficient.

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 responsible for any insufficient penalty is the individual who filed the transaction that was insufficient.

The liability for the civil penalty remains with the treasurer and the candidate, even if the insufficient transaction is filed by the designated alternate transaction filer. An individual who files independent expenditures cannot designate an alternate transaction filer.

### Penalties for Cash Balance Adjustment or Outstanding Personal Expenditure Balance Adjustment Transactions

For a political action or petition committee, the treasurer responsible for a cash balance adjustment or outstanding personal expenditure balance adjustment penalty is the treasurer who filed the transaction.

For a candidate committee, the candidate is responsible for a cash balance adjustment penalty or outstanding personal expenditure balance adjustment even if the transaction is filed by the designated treasurer.

The liability for the civil penalty remains with the treasurer and the candidate, even if the transaction is filed by the designated alternate transaction filer.

### Payment for Violations of Prohibited Use of Committee Funds

The penalty for personal use of committee funds (ORS 260.407) must be paid from the personal funds of the person found in violation of the wrongful conversion.

The penalty for using a candidate's committee funds in consideration for the rendering of professional services by the candidate (ORS 260.409) may be paid from any source except the candidate's committee funds.

## Payment of Civil Penalties

Uncontested civil penalties may be paid at any time after receiving the proposed penalty notice, but are due no later than 60 days after a final order is mailed, unless an appeal is filed. Payment should be 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 use of committee funds) may be paid from any source. A penalty may be paid from committee funds and reported as an expenditure.

## Penalty Matrix: Late Filings

### Late Filing Defined

Penalties may be assessed for:

- contribution or expenditure transaction that is filed after its due date; or
- 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.
- An outstanding personal expenditure balance adjustment is filed because the committee is unable to reconcile the calculated outstanding personal expenditure balance in ORESTAR 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

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 is amended from a committee to a person;

  or
- if the in-kind contributor 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 ½% of the amount of the transaction or ½% 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.

The penalty for a late Certificate of Limited Contributions and Expenditures (PC 7) is $17.50 for each business day the Certificate is filed late.

The penalty for a cash balance adjustment or outstanding 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 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.

## 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 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.

If the total penalty for a case is less than $50, a proposed penalty notice will not be issued and there will be no violation found.

## Penalty Matrix: Insufficient Filings

### Insufficient Filings Defined

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;
- → the name of the candidate or measure supported or opposed by an independent 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 e-mail 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 51.

The deadline to amend an insufficient transaction is 14 business days from the date of the Exam letter or 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

The penalty is $10 per item for all missing or insufficient items, except for the failure to provide the terms of a loan, 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.

### 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 $50, a proposed penalty notice will not be issued and there will be no violation found.

# Instructions for Completing Forms

Forms that are filed by paper must be typed or printed in ink. The Elections Division provides PDF fillable forms online.

**www.oregonvotes.gov**

Forms can be completed by tabbing through the form and entering the required information. The completed forms can be printed, signed, and filed with the Elections Division. The original form may be mailed, faxed, or hand-delivered. A fax copy is acceptable as long as it is legible, in which case the original does not need to be filed. The paper forms are included in this manual.

## Completing the Statement of Organization (Original, Amendment, or Discontinuation)

This section explains how to complete each field of information on a Statement of Organization when the paper form is submitted. There are three types of Statements of Organization:

- Form SEL 220: Statement of Organization for Candidate Committee
- Form SEL 221: Statement of Organization for Political Action Committee
- Form SEL 222: Statement of Organization for Petition Committee

Refer to the ORESTAR User's Manual: Statement of Organization if you choose to file a Statement of Organization electronically.

A committee must also establish a dedicated campaign account in order to have a complete filing, whether the filing is via paper or electronically using ORESTAR.

See "Completing the Campaign Account Information" (SEL 223) on pages 67 - 68, and the ORESTAR User's Manual: Statement of Organization for instructions on filing campaign account information.

These instructions use icons to identify the committee type(s) to which a field of information applies. The icons are:

- Candidate Committee
- Political Action Committee
- Petition Committee

If any of the required information on the forms is incomplete, the Elections Division will notify the committee by phone, e-mail, or in writing of the deficiencies on the forms. The forms will not be processed or considered filed until the required information is provided.

> Do not include on a Statement of Organization the address, phone number, or email address of a person who has obtained an exemption from disclosure as a public record.

**Type of Filing**

When filing a Statement of Organization to create a new committee, mark the Original box. When updating information on the Statement of Organization mark the Amendment box. When discontinuing the committee mark the Discontinuation box.

**Name of Committee**

**Abbreviation or Acronym**

Any abbreviated name or acronym the committee uses to identify itself.

**Committee Address**

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. Do not use a post office box number.

**Campaign Phone Number**

**Name of Candidate**

**Candidate Address**

Provide the street address of a residence, office, headquarters, or similar location where the candidate can conveniently be located. Do not use a post office box number. Do not disclose the address of a person who has obtained an exemption from public disclosure.

**Candidate Mailing Address**

Provide an address where the candidate wishes to receive written correspondence from the Elections Division. This is the address the Elections Division will use unless an amended Statement of Organization is filed.

**Candidate Phone and Fax Numbers**

Provide work and home phone numbers for the candidate. The work number is the number where the candidate can be reached during normal business hours. Provide the candidate's fax number, if the candidate has one. Do not disclose the phone number of a person who has obtained an exemption from public disclosure.

**Candidate E-mail Address**

A candidate e-mail address is required, and will be used by the Elections Division to communicate with the candidate. Do not disclose the email address of a person who has obtained an exemption from public disclosure.

**Occupation of Candidate**

Provide the nature of the primary occupation of the candidate.

See "Occupation" on page 49 for how the Elections Division defines occupation.

**Employer's Name and Address**

If the candidate is not self-employed, provide the business name and address (city and state), of the employer.

If the candidate is self-employed, check the "Self-Employed" box and in the occupation field indicate the type of business. The occupation field must indicate the type of business (e.g., real estate broker, cosmetics salesperson). Titles, industry names, or other generic descriptors (e.g., owner or business owner) that do not convey the nature of the business or work performed are not sufficient.

If the candidate is not employed (e.g., retired, student, or volunteer), check the "Not Employed" box.

**Name of Office Sought**

List the office sought by the candidate. Include the county, district, position, department or zone number, if applicable.

**Candidate Election Activity**

Designate the specific election in which the candidate will participate. A candidate nominated at the primary election must amend the Statement of Organization to indicate participation in the general election.

**Political Party Affiliation**

Check the box that indicates the candidate's party affiliation. A candidate running for a nonpartisan office should not complete this section.

**Other Election Activity**

If the candidate is active at an election in which her or his name is not on the ballot, an amended Statement of Organization must be filed to designate the election date, and whether the candidate committee opposes or supports a specific measure or candidate.

See "Active in an Election" on page 14 for more information.

**Name of Treasurer**

The treasurer must be an Oregon elector. A candidate or chief petitioner may serve as the committee's treasurer.

**Treasurer Mailing Address**

Provide an address where the treasurer wishes to receive written correspondence from the Elections Division. This is the address the Elections Division will use unless an amended Statement of Organization is filed.

**Treasurer Phone and Fax Numbers**

Provide work and home phone numbers for the treasurer. The work number is the number where the treasurer can be reached during normal business hours. Provide the treasurer's fax number, if the treasurer has one.

**Treasurer E-mail Address**

This is required, and will be used by the Elections Division to communicate with the treasurer.

**Name of Alternate Transaction Filer**

Designating an individual as the alternate transaction filer is optional. This is an individual designated to file transactions but who does not have liability for late or insufficient transactions. This individual must be someone other than the candidate or treasurer.

**Mailing and E-mail Address for Alternate Transaction Filer**

This is required if an alternate transaction filer has been designated.

**Name of Individual Designated as Correspondence Recipient**

Designating an individual as the correspondence recipient is optional. The individual designated will receive notices and other correspondence provided by the Elections Division. This individual must be someone other than the candidate or treasurer.

**Mailing and E-mail Address of Correspondence Recipient**

This is required if a correspondence recipient has been designated.

**Committee Directors**

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. The officers of a political party shall be considered the directors of any political party committee of that party, unless otherwise provided in the party's bylaws. If any individual meets the definition of director, that person must be designated as a director on the Statement of Organization.

A candidate committee is not required to have committee directors. A candidate may not be designated as a director. A political action committee must designate at least one director, other than the treasurer, on its Statement of Organization.

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**

**Director Address**

Provide the street address of a residence, office, headquarters, or similar location where the director can conveniently be located.

**Director Phone**

Provide a phone number where the director can be reached during normal business hours.

**Occupation of Director**

Provide the nature of the primary occupation of the director.

See "Occupation" on page 49 for how the Elections Division defines occupation.

**Employer's Name and Address**

If the director is not self-employed, provide the business name and address (city and state), of the employer.

If the director is self-employed, check the "Self-Employed" box and in the occupation field indicate the type of business. The occupation field must indicate the type of business (e.g., real estate broker, cosmetics salesperson). Titles, industry names, or other generic descriptors (e.g., owner or business owner) that do not convey the nature of the business or work performed are not sufficient.

If the director is not employed (including retired, student, or volunteer), check the "Not Employed" box.

**Type of Political Action Committee**

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 “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 money 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).

A “caucus committee” is a committee affiliated with 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.

**Election Activity**

If the committee is supporting or opposing a measure, candidate, or recall candidate, designate the specific election in which the committee will participate. Otherwise, leave blank.

**Political Party Name/Title or Number of Measure/Recall Candidate’s Name**

List the name of the political party, the measure number or title of the measure, or the name of the recall candidate the committee intends to support or oppose. For a recall committee, “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).

**Type of Petition Committee**

Identify the type of petition (initiative, referendum, or recall) the committee is sponsoring. Include the jurisdiction.

**Date Prospective Petition Filed**

A committee sponsoring a local petition must indicate the date the completed prospective petition was filed.

**Date of Election**

A committee sponsoring a state initiative or referendum petition must identify the election in which the measure will appear if the petition is successful.

**Subject or Ballot Title of Petition/Name of Public Official for Recall**

Provide information identifying the specific petition the committee is sponsoring. For a recall petition, also include the office holder’s name, office, position number, if applicable, and the city, county, or district.

**Chief Petitioners**

Provide the name, address, and phone number for each chief petitioner. A petition committee must have at least one chief petitioner but may have up to three chief petitioners. However, for a recall petition, there must be only one chief petitioner.

**Nature of Political Action Committee**

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**

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.

Answer yes or no to the question, "Is this committee a controlled committee?" and if yes, identify the federal, state, or local candidate or candidates who control the committee.

**Signatures of Candidate and Treasurer**

A candidate and treasurer 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.

Signatures on a Statement of Organization that are filed using the paper forms will be converted to an electronic document and will become the official record.

## Completing Form SEL 223: Campaign Account Information

Instructions for completing each item of information on SEL 223 appear below. This form is part of the Statement of Organization and must be filed with the original Statement of Organization.

The SEL 223 and any information it contains is exempt from public records disclosure and shall be kept confidential by the Elections Division.

For instructions on filing the Campaign Account Information form electronically, refer to the ORESTAR User's Manual: Statement of Organization.

**Name of Committee**

**Name of Oregon Financial Institution**

**Name of Account**

This must be identical to the official name of the committee identified on the Statement of Organization.

**Name of Account Holder**

For a candidate committee, the account holder must include the candidate or the name of the candidate committee. If the candidate is an account holder, other individuals may also be listed as account holders, as long as they have signature authority.

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. 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 candidate and treasurer must be signers on the campaign account. Other signatories may also be designated.

**Signatures of Candidate and Treasurer**

A treasurer and candidate, if applicable, must sign and date each Campaign Account Information form filed, including amendments. In signing the form, the candidate and treasurer are attesting the information provided is true and correct.

Signatures on a Campaign Account Information form that are filed using the paper form will be converted to an electronic document and will become the official record.

## Forms That Must Be Filed Using Paper

The following forms cannot be filed electronically in ORESTAR and must be filed using the paper forms available online at

**www.oregonvotes.gov**

Copies of the forms also are included in this manual.

**Form PC 3: Cash Expenditures and Loan Payments Form**

This form must be completed and filed if a corporation's major source of revenue is paid-in-capital and the primary purpose of the corporation is to support or oppose a candidate, measure, or political party. It is filed with form PC 12. Instructions for completing form PC 3 are printed on the back of the form.

**Form PC 12: Statement of Corporate Paid-In-Capital**

A corporation must file a PC 12 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.

Both of the following shall be filed by the corporation:

Form PC 12: Statement of Corporate Paid-In-Capital

and

Form PC 3: Cash Expenditures and Loan Payments

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) and Campaign Account Information form (SEL 223).

# OAR 165-012

## Notice

This reprint of OAR 165-012-0050 and 165-012-0240 is not adopted as part of OAR 165-012-0005, the 2014 Campaign Finance Manual, but is reprinted here to assist readers of the manual. The Elections Division, in reprinting these rules, endeavors to provide the most up-to-date versions of the rules. Rules, however, may change during the period that the Campaign Finance Manual will be in effect. Before relying on any specific rule, contact the Elections Division to determine if that version is still correct.

## OAR 165-012-0050 Contribution of Polls, Allocation of Polling Expenses

(1) The purpose of this rule is to establish procedures for reporting the contribution of poll results, the allocation of polling expenses, the valuation of poll results, and the reporting of in-kind contributions of poll results.
(2) This rule does not apply to:
(a) Individuals mentioned in a poll who are not candidates; and
(b) Polls conducted internally by a campaign or entity that are not contributed.
(3) For purposes of this rule and, except where otherwise defined:
(a) “Committee” refers to all candidates/candidate committees, measure committees, political party committees, miscellaneous committees, petition committees or an agent of a committee.
(b) “Contributor” means a purchaser of a poll or agent who gives the poll results to one or more nonpurchaser candidates or non-purchaser committees.
(c) “Date of purchase” means the date that a person pays for a poll.
(d) “Person” includes an agent of the person.
(e) “Poll:”
(A) Means a questioning of selected participants regarding one or more candidates or issues that comprises one or more questions, whether the questioning is commissioned or conducted by volunteers; and
(B) Includes a sample of participants that is a self-contained subset of all participants under paragraph (A) of this subsection.
(f) “Purchaser” means a person or committee that requests or otherwise commissions and pays for a poll.
(g) “Receipt” means in the custody of a candidate or committee. **Example**s of custody include but are not limited to physical or electronic possession or possession by means of telephonic, email or facsimile communication.
(h) “Results” means the raw data of a poll or any compiled conclusions and analysis supported by the raw data.
(4) The purchase of the results of a poll by a committee is an expenditure by the committee.
(5) The acceptance of the results of a poll that have a value under section 9 of this rule by a committee is an in-kind contribution by the contributor and an in-kind expenditure in the amount determined under sections 8 and 9 of this rule and must be reported by:
(a) The recipient committee; and
(b) If the contributor is required to file statements of contributions received and expenditures made under ORS 260.057, ORS 260.076, ORS 260.112 or ORS 260.118, the contributor.
(6) A committee accepts the results of a poll if the committee:
(a) Requests the poll results; or
(b) Obtains the poll results from the contributor.
(7) A contributor of poll results shall retain records for two years sufficient to support the valuation of poll results and any allocation of poll costs.
(8) The contributor of a poll shall determine:
(a) The percentage of the poll’s overall cost to be allocated to each of the committees directly or indirectly affected by the poll (Divide the number of questions in the sample received by a committee by the total number of questions asked in the sample); and
(b) The base amount of in-kind contribution to each recipient committee (Multiply the overall cost of the poll by a particular committee’s percentage of the overall cost as calculated under subsection (a) of this section).

(9) For purposes of valuing poll results accepted by a committee:

(a) A poll shall have no value to any recipient committee if the poll is simultaneously released to each candidate who is running for nomination or election to an office covered by the poll.

(A) The provisions of this subsection may be used only if a poll covers more than one candidate.

(B) If any individual files for an office covered by a contributed poll within 90 days of the poll being valued under this subsection, the contributor must give the individual the poll results not later than the 30th day after the date the individual files for the office.

(b) A poll shall have no value to any recipient committee if the poll is released (prior to or simultaneously with delivery to a candidate covered in the poll or any committee) to:

(A) The newspaper of largest circulation in the district from which a candidate or candidates are running, or if the district is statewide, to at least ten of the largest daily circulation newspapers in the state; and

(B) At least one broadcast media outlet licensed for commercial operations by the FCC whose primary broadcast coverage encompasses the district in which a candidate or candidates are running.

(c) A poll that is not valued under subsections (a) or (b) of this section shall be valued according to the valuation schedule provided in this subsection. Except as provided in subsection (d) of this section, poll results received by a committee within the following time periods after the last (closing) day that the purchaser or other entity conducting the poll accepts data from which the poll results will be compiled (for example, the day the last oral questions are asked or the day that the purchaser stops accepting mail returns) shall have the corresponding value to the recipient as an in-kind contribution:

(A) One to 15 days after the closing day, 100 percent of the:

(i) Recipient candidate committee's base amount of in-kind contribution for a poll calculated under section 8(b) of this rule;

(ii) Overall cost of a poll for all other recipient committees.

(B) 16 to 60 days after the closing day, 50 percent of the:

(i) Recipient candidate committee's base amount of in-kind contribution for a poll calculated under section 8(b) of this rule; or

(ii) Overall cost of a poll for all other recipient committees.

(C) Sixty one to 180 days after the closing day, five percent of the:

(i) Recipient candidate committee's base amount of in-kind contribution for a poll calculated under section 8(b) of this rule; or

(ii) Overall cost of a poll for all other recipient committees.

(D) More than 180 days after the closing day, no value to the recipient committee.

(d) Notwithstanding subsection (c) of this section, a poll conducted and completed more than 180 days prior to the next election to be held after the poll is conducted and completed shall have no value to any recipient committee. "Conducted and completed" means that all questions, in any format, have been asked and further replies are not being accepted by the purchaser or other entity in charge of gathering data from which the poll results will be compiled, and that the poll results have been compiled.

(10) A committee that has accepted the results of a poll believing that the results have no value or a particular value is liable for any fees or penalties owed as a result of having to report the acceptance as a previously unreported or underreported in-kind contribution and expenditure if the results of the poll are subsequently determined to have value or a higher value to the committee.

# OAR 165-012-0240 Administrative Discontinuation of Political Committee

(1) The Elections Division may administratively discontinue a political or petition committee when:

(a) The committee has not filed any transactions under ORS 260.057 for one calendar year; and

(b) The committee's ending cash balance reflected in ORESTAR is not more than $3,500.

(2) Not later than 30 days before administratively discontinuing a committee under this section, the Elections Division shall attempt to notify the committee of the proposed discontinuation.

(a) For a candidate committee:

(A) By first class mail sent to the mailing address reported on the most recent Statement of Organization for the candidate and by first class mail to the most recent mailing address for the candidate reported in the Oregon Centralized Voter Registration System. If both addresses are the same, only one letter shall be sent.

(b) For a political committee notice will be sent by first class mail sent to the mailing address reported on the most recent Statement of Organization for the treasurer and by first class mail to the most recent mailing address for the treasurer reported in the Oregon Centralized Voter Registration System. If both addresses are the same, only one letter shall be sent.

(c) For a petition committee:

(A) By first class mail sent to the mailing address reported on the most recent Statement of Organization for the chief petitioner and by first class mail to the most recent address for the chief petitioner in the Oregon Centralized Voter Registration System. If both addresses are the same, only one letter shall be sent; and

(B) By first class mail to the mailing address reported on the most recent Statement of Organization for the treasurer, if applicable.

(3) The notice shall inform the committee that it will be discontinued by the Elections Division unless the committee informs the Elections Division of reasons why the committee does not meet the criteria of this rule for administrative discontinuation. The committee must inform the Elections Division in writing of the reasons not later than 20 days after the service date of the letter. The written notice shall also include:

(a) Notification that the statement of organization will be administratively discontinued 30 days from the date of the letter; and

(b) The applicable reasons for discontinuation listed in subsection (1) of this section.

# Information Sources

## Campaign Finance Reporting

For questions regarding Oregon's campaign finance reporting requirements contact:

Secretary of State
Elections Division
255 Capitol Street NE, Suite 501
Salem, OR 97310-0722
503 986 1518

866 673 8683

fax 503 373 7414

email orestar-support.sos@state.or.us

**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

fax 202 219 8500

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

## 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

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.

## Special Districts

For information on Special Districts contact:

Special Districts Association of Oregon
727 Center Street NE
Salem, OR 97301
503 371 8667

800 285 5461

www.sdao.com

## Tax Credits

For information about income tax credits for political contributions contact:

Oregon Department of Revenue
Revenue Building
955 Center Street NE
Salem, OR 97301
800 356 4222

503 378 4988

www.oregon.gov/DOR

## IRS Reporting Requirements

For questions regarding IRS reporting requirements for political committees contact:

Internal Revenue Service

800 829 1040

www.irs.gov/charities/political/index.html

## Raffle License

For questions regarding applying for a raffle license or status as a nonprofit entity contact:

Department of Justice Charitable Activities Section
1515 SW 5th Ave., Suite 410
Portland, OR 97201
971 673 1880

fax 971 673 1882

email charitable.activities@doj.state.or.us

www.doj.state.or.us/charigroup/index.shtml

## Political Signs

For questions regarding political signs that are visible from state highways contact:

Oregon Department of Transportation
355 Capitol Street NE
Salem, OR 97301-3871
888 275 6368

fax 503 986 3432

www.oregon.gov/ODOT/index.shtml

## Business Registration

For information about business registration and business regulations contact:

Business Information Center
Public Service Building
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327
503 986 2200

email corporation.division@state.or.us

www.filinginoregon.com

## Employer/Employee Responsibilities

For information about independent contractors and employer/employee responsibilities contact:

Oregon Employment Department
Tax Section
875 Union Street NE
Salem, OR 97311-0030
503 947 1488

fax 503 947 1487

email taxinfo@emp.state.or.us

www.oregon.gov/employ/tax

# 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, or a pledge to make a contribution, whether or not legally enforceable.

## 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 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.

## City Offices

The elected public offices of a city which may be voted on only by the registered voters of the 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

A political committee or petition committee.

## 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 which may be voted on only by the registered voters of the 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.

## 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 one 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 or petition committee, that is required to disclose expenditures made independently for a communication in support of or in opposition to a candidate 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.

## 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
- → a proposed revision or amendment to the Oregon Constitution

## Measure Committee

A political 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, some or all of whom 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;

  and
- → is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to public office.

## Nonaffiliated Candidate

A candidate filing for a partisan office by Assembly of Electors or Individual Electors and who is not affiliated with any party. A nonaffiliated candidate cannot have been a member of any political party during the last 180 days before the deadline for filing the certificate of nomination.

## 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, whether paid or unpaid, and, if the individual is employed by another person, the employer's company name and address, by 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.

## Political Action Committee

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.

## 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. A petition committee is not a political 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 248.009. 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 committee to manage and report the contributions and expenditures of the committee. A treasurer shall perform all the duties prescribed for a candidate committee, political committee, or petition committee under ORS 260.005 and 260.035 to 260.159.

## 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.

# 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

SEL 223 Campaign Account Information

PC 3 Cash Expenditures and Loan Payments

PC 7 Certificate of Limited Contributions or Expenditures

PC 12 Statement of Corporate Paid-in-Capital