2020 Campaign Finance Manual

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Getting Started

Using the 2020 Campaign Finance Manual

The 2020 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 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.

The 2020 Campaign Finance Manual and associated forms are adopted by Oregon Administrative Rule No. 165-012-0005.

See pages 83 – 85, "Information Sources," for contact information on other regulatory organizations.

Using the ORESTAR User's Manuals and Video Tutorials

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

Each committee and independent expenditure filer 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 and several video tutorials have been developed to help a user navigate through ORESTAR committee registration and campaign finance reporting:

- → The ORESTAR User's Manual: Statement of Organization explains how to electronically file a Statement of Organization.
- → The ORESTAR User's Manual: Transaction Filing explains how to electronically file campaign finance transactions.

These manuals are available at **www.oregonvotes.gov**.

Icons

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

alert icon
indicates alert; warning; attention needed

info icon
indicates additional information

deadline icon
indicates a deadline

search icon
indicates information located elsewhere

example icon
indicates a detailed example of a concept, process or form

form icon
indicates a reference to a form

Assistance

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

Elections Division
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for the hearing impaired

Creating a Committee

Candidate Committees

"Candidate" includes any of the following:

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

  or

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

A candidate for federal office or the office of precinct 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 unless the candidate meets the exception described below.

Exception to Creating a Candidate Committee

A candidate is not required to form a candidate 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; however state voters' pamphlet filing fees are not included when calculating contribution or expenditure totals. If at any time during a calendar year the candidate exceeds $750 in either contributions or expenditures, the candidate must establish a campaign account, file a candidate committee not later than three business days after exceeding the $750 threshold, and either file a Certificate of Limited Contributions and Expenditure (if eligible) or file all transactions not later than seven calendar days after the threshold is exceeded.

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

When to Create a Candidate Committee

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

Responsibilities and Liability

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

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

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

  and

- → preserving records as described in "Retention of Records."

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

Political Action Committees

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

Exceptions to Creating a Political Action Committee

- → a person who solicits and receives contributions designated to an identified candidate or political committee which are forwarded to a committee within seven business days of receipt;
- → a person who makes a contribution to a candidate or committee that is required to disclose the receipt of the contribution or has filed a Certificate of Limited Contributions and Expenditures;

  or

- → a group or organization formed to support or oppose a petition that is not certified to the ballot because it has not qualified as a measure or the governing body has not filed the Notice of Measure Election with the local filing officer.

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

When to Create a Political Action Committee

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

Responsibilities and Liability

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

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

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

  and

- → preserving records as described in "Retention of Records."

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

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

Petition Committees

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

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

Exceptions to Creating a Petition Committee

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

  or

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

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

When to Create a Petition Committee

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

Responsibilities and Liability

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

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

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

  and
- → preserving records as described in "Retention of Records."

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

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

Campaign Account Information

All committees are required to establish a dedicated campaign account. This applies to an original filing and any amended filing that has a change in treasurer or adds a new person that is a signer on the account. If the committee is filing an original statement of organization and the campaign account has not been established at the designated financial institution, the campaign account must be established within five business days of the filing. If the name of the financial institution changes, the committee must file an amended statement of organization within five business days of the original filing to disclose the updated campaign account information. The campaign account information provided is exempt from public disclosure.

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

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

Petty cash funds are not permitted.

Where to File a Statement of Organization

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

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

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

Filing a Statement of Organization

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

- → scanning and attaching the forms to an email and send to orestar-support.sos@oregon.gov
- → mailing or hand delivering to Public Service Building, 255 Capitol St. NE, Suite 501, Salem, OR 97310.

  or

- → faxing to (503) 373-7414

Refer to the ORESTAR User's Manual: Statement of Organization to file the Statement of Organization electronically. A political action committee or petition committee that has a Civil Penalty Designee cannot currently file a Statement of Organization electronically and must file by completing the paper form.

All forms and instructions may be downloaded from the Elections Division's website: **www.oregonvotes.gov**.

See "Instructions for Completing Forms" on pages 75 – 82.

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

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

  or

- → Petition Committee: Form SEL 222: Statement of Organization for Petition Committee.

Amending Statement of Organization Information

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

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

A change in information on a Statement of Organization includes a change to any field of information on the filing. This includes changes in election activity to indicate that the committee is active in an election.

ex

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

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

Discontinuing a Committee

A committee may discontinue when it:

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

  and

- → the campaign bank account has been closed.

A petition committee may not discontinue unless the petition has been withdrawn or the deadline to submit signatures for verification has passed.

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

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

Warning: Committee funds 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.

Independent Expenditure Filer

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

A. a person makes independent expenditures of more than $250 in a calendar year for a communication to support or oppose any candidate or measure;

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

C. a person makes independent expenditures more than $250 for a communication that refers to a political party and the communication is published and disseminated to the relevant electorate within 60 calendar days before the primary election, 120 calendar days before the general election, or 90 calendar days before any other election.

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

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

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

→ the communication clearly identifies the candidate or measure;

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

and

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

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

An independent expenditure is not:

→ a contribution made directly to a committee and reported by the committee

or

→ an expenditure reported as an in-kind contribution by a committee.

Exceptions to Category B and C – Nonpartisan Communications

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

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

Independent Expenditure Filer Registration Information

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

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

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

Independent Expenditure Filer Responsibilities

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

Liability

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

General Information: Filing Campaign Finance Transactions

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.

Filing Campaign Finance Transactions

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

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

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

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

Filing a Certificate of Limited Contributions and Expenditures

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

When to File a Certificate

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

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

See pages 50 - 59, ORESTAR Data Fields, for more information on what transaction data is needed for reporting purposes.

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

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

Refer to pages 21 – 24 for the “Schedule of Transaction Deadlines” for Candidate, Political Action Committees and Petition Committees.

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

Independent Expenditure Filer Reporting Deadlines

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

Special Election Reporting Deadlines

If there is a special election that is not being held on a regularly scheduled election date, any political action committee or independent expenditure filer active at the special election is subject to reporting deadlines for the special election. Except as otherwise provided in the 2020 and 2021 Schedules of Transaction Deadlines on pages 21 – 26, transactions related to any special election shall be filed according to the deadlines set forth below.

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

Active in an Election

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

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

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. A candidate who is automatically nominated to the general election is not eligible to opt out of seven day reporting for the primary election. A petition committee cannot opt out of the primary or general election; an independent expenditure filer cannot opt out of any 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.

How does a committee "opt out" of seven day reporting 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.

Reporting 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 from January 1 to adjournment of an annual legislative session or during a special 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.

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

Oregon Election Law does not prohibit receiving contributions during a legislative session.

Legislative Session Reporting Deadlines

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

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

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

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

Petition Committee Transaction Filing Deadlines

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

Initiative Petition Committee Transaction Filing Deadlines

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

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

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

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

See the "Schedule of Transaction Deadlines" for Initiative Petition Committees on pages 23 – 24.

Recall Petition Committee Transaction Filing Deadlines

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

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

Referendum Petition Committee Transaction Filing Deadlines

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

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

Filing Requirements if a Petition Qualifies to the Ballot

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

To determine transaction filing deadlines if an initiative or referendum petition qualifies to the ballot, refer to the appropriate election date in the "Schedule of Transaction Deadlines" on pages 21 - 22.

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

Initial Assets

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

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

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

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

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

Schedule of Transaction Deadlines

Candidate and Political Action Committees for 2020 Elections

Election Day: March 10

transaction occurs:	deadline to file:
on or before January 5	30th day after date of transaction
January 6 to January 27	February 4
January 28 to March 10	7th day after date of transaction

Election Day: May 19

transaction occurs:	deadline to file:
on or before March 15	30th day after date of transaction
March 16 to April 6	April 14
April 7 to May 19	7th day after date of transaction

Election Day: September 15

transaction occurs:	deadline to file:
on or before July 12	30th day after date of transaction
July 13 to August 3	August 11
August 4 to September 15	7th day after date of transaction

Election Day: November 3

transaction occurs:	deadline to file:
on or before August 30	30th day after date of transaction
August 31 to September 21	September 29
September 22 to November 3	7th day after date of transaction

→ All dates are 2020 unless otherwise noted.

→ Generally, a transaction is due not later than 30 calendar days after the date of the transaction.

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

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

See page 6 for information on how to calculate the deadline for filing a Certificate of Limited Contributions and Expenditures or detailed transactions if a candidate is exempt from filing a candidate committee but then exceeds the $750 threshold of campaign finance activity.

See "Certificate of Limited Contributions and Expenditures (PC 7)" on page 15 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.

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

All committees are considered active at the Primary and General Elections. See page 17 to determine if a committee is eligible to opt out of seven day reporting for those elections.

Schedule of Transaction Deadlines

Candidate and Political Action Committees for 2021 Elections

Election Day: March 9		Election Day: May 18	
transaction occurs:	**deadline to file:**	**transaction occurs:**	**deadline to file:**
on or before January 3	30th day after date of transaction	on or before March 14	30th day after date of transaction
January 4 to January 25	February 2	March 15 to April 5	April 13
January 26 to March 9	7th day after date of transaction	April 6 to May 18	7th day after date of transaction

Election Day: September 21		Election Day: November 2	
transaction occurs:	**deadline to file:**	**transaction occurs:**	**deadline to file:**
on or before July 18	30th day after date of transaction	on or before August 29	30th day after date of transaction
July 19 to August 9	August 17	August 30 to September 20	September 28
August 10 to September 21	7th day after date of transaction	September 21 to November 2	7th day after date of transaction

→ All dates are 2021 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 not later than seven calendar days after the date of the transaction. A transaction that occurs prior to the 42nd day before the election and has not been filed by the 43rd day before the election, is due not later than 30 calendar days after the date of the transaction or by the 35th day before the election, whichever date occurs first.

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

See page 6 for information on how to calculate the deadline for filing a Certificate of Limited Contributions and Expenditures or detailed transactions if a candidate is exempt from filing a candidate committee but then exceeds the $750 threshold of campaign finance activity.

See "Certificate of Limited Contributions and Expenditures (PC 7)" on page 15 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.

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

Schedule of Transaction Deadlines

Initiative Petition Committees for Calendar Year 2020

Election Day: May 19

transaction occurs:	deadline to file:
on or before March 15	30th day after date of transaction
March 16 to April 6	April 14
April 7 to May 19	7th day after date of transaction

July 3

transaction occurs:	deadline to file:
May 20 to May 21	May 29
May 22 to July 3	7th day after date of transaction

Election Day: November 3

transaction occurs:	deadline to file:
July 4 to August 30	30th day after date of transaction
August 31 to September 21	September 29
September 22 to November 3	7th day after date of transaction
November 4 to December 31	30th day after date of transaction

→ All dates are 2020 unless otherwise noted.

→ Generally, a transaction is due not later than 30 calendar days after the date of the transaction.

→ Transactions that occur between the 42nd day before the election and Election Day are due no later than seven calendar days after the date of the transaction. A transaction that occurs prior to the 42nd day before the election and has not been filed by the 43rd day before the election, is due not later than 30 calendar days after the date of the transaction or by the 35th day before the election, whichever date occurs first.

→ Transactions that occur prior the 42nd day before the date that is four months before the general election and ending on the date that is four months before the general election are due no later than seven calendar days after the date of the transaction.

→ Transactions that occur prior to the 42nd day before the date that is four months before the general election and have not been filed by the 43rd day before the date that is four months before the general election, are due not later than 30 calendar days after the date of the transaction or by the 35th day before the date that is four months before the general election, whichever date occurs first.

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

See "Petition Committee Filing Deadlines" on page 19 for transaction deadline information for referendum and recall petition committees.

See "Certificate of Limited Contributions and Expenditures (PC 7)" on page 15 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

Initiative Petition Committees for Calendar Year 2021

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

→ All dates are 2021 unless otherwise noted.

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

See "Petition Committee Transaction Filing Deadlines" on page 19 for transaction deadline information for referendum and recall petition committees.

See "Certificate of Limited Contributions and Expenditures (PC 7)" on page 15 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

Independent Expenditure Filer for Calendar Year 2020

Transaction Occurs	Deadline to File
January 1 – January 5	30th day after date of transaction
January 6 – January 27	February 4
January 28 – March 10	7th day after date of transaction
March 11 – March 15	30th day after date of transaction
March 16 – April 6	April 14
April 7 – May 19	7th day after date of transaction
May 20 – July 12	30th day after date of transaction
July 13 – August 3	August 11
August 4 – September 15	7th day after date of transaction
September 16 – September 21	September 29
September 22 – November 3	7th day after date of transaction
November 4 – December 31	30th day after date of transaction

Not later than seven calendar days after exceeding the $250 threshold in a calendar year, an Independent expenditure filer is required to disclose all independent expenditures made on or after January 1 in that calendar year. Any subsequent independent expenditure made after the initial filings are required to be filed according to the 2020 schedule above. An Independent Expenditure Filer is considered active at all elections and cannot opt out of seven-day reporting.

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

→ All dates are 2020.

Schedule of Transaction Deadlines

Independent Expenditure Filer for Calendar Year 2021

Transaction Occurs	Deadline to File
January 1 – January 3	30th day after transaction
January 4 – January 25	February 2
January 26 – March 9	7th day after date of transaction
March 10 – March 14	30th day after date of transaction
March 15 – April 5	April 13
April 6 – May 18	7th day after date of transaction
May 19 – July 18	30th day after transaction
July 19 – August 9	August 17
August 10 – November 2	7th day after date of transaction
November 3 – December 31	30th day after transaction

Not later than seven calendar days after exceeding the $250 threshold in a calendar year, an Independent expenditure filer is required to disclose all independent expenditures made on or after January 1 in that calendar year. Any subsequent independent expenditure made after the initial filings are required to be filed according to the 2021 schedule above. An Independent Expenditure Filer is considered active at all elections and cannot opt out of seven-day reporting.

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

→ All dates are 2021.

Transaction Types

There are six transaction types that must be disclosed under campaign finance reporting requirements: Contribution, Other Receipt, Other Account Receivable, Expenditure, Other Disbursement and Other.

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

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

Moneys Received

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 on pages 30 - 31.

Contribution

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

Definition of Contribution
A contribution includes:

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

    or
  - ✓ to or on behalf of a candidate, political committee, or measure.

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

See "Fundraising Activities" on pages 42-44 for more information.

Contribution Subtype Review

Cash Contribution

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

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

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.

In-Kind/Forgiven Account Payable

This transaction subtype is used when a previously reported account payable is forgiven by the creditor. When this transaction subtype is used, it requires an "association" to the previously reported account payable. See page 58 and the ORESTAR User's Manual: Transaction Filing for completing the Transaction Association information.

In-Kind/Forgiven Personal Expenditures

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

Loan Received (Non-Exempt)

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

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

Outstanding loans may not be transferred to another committee.

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

Contributions Received by an Entity Other Than the Committee

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

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

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

Contribution of Stock

If a person contributes stock to a committee, the contributor is the person that is giving the stock to the committee. The contribution amount is the market value of the stock the day it is received. See Pages 50-51 for determining what date to disclose when reporting the receipt of stock.

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

Prohibited Contributions

Anonymous Contributions

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

If a committee 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 calendar days of receipt.

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

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

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

Foreign Nationals

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

Foreign nationals include:

- individuals with foreign citizenship;
- immigrants not possessing a "green card";
- foreign governments;
- foreign political parties;
- foreign corporations;
- foreign associations;

  and
- foreign partnerships.

Other Receipts

This section generally describes the term "other receipts."

Definition of Other Receipt

An "other receipt" is money received by a committee that does not meet the definition of contribution but still is reportable.

Other Receipt Subtype Review

Interest/Investment Income

This subtype includes interest earned from bank accounts, certificates of deposit, 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. Moneys received on a single day which qualifies as Items Sold at Fair Market Value may be totaled and reported as one transaction.

Fair market value is the dollar amount one would expect to pay for the good or service. See pages 42 - 44 for more information on reporting fundraising activities.

Loan Received (Exempt)

Loans received (including a line of credit) from a financial institution are exempt if the loan meets all of the following conditions:

- → bears the institution's usual and customary interest rate for the category of loan involved;
- → is made on a basis that ensures repayment;
- → is evidenced by a written instrument; **and**
- → is subject to a due date or amortization schedule.

Loan agreements must be preserved in writing for at least two years after the loan transaction is filed, or until the loan is repaid, whichever is later.

The terms of the loan, including the interest rate and repayment schedule, must be disclosed. If a loan fails to meet all of the above conditions, it is a non-exempt loan and is reported as a contribution from the lending institution.

See "Loan Received (Non-Exempt)" on page 28.

Methods of Ensuring Repayment

A committee may use the following traditional methods of securing the loan:

→ Collateral: A loan may be secured using assets of the candidate or committee, such as real estate, personal property, cash on deposit, certificates of deposit, or stocks. The fair market value of the assets must, on the date of the loan, equal or exceed the amount of the loan and any senior liens. The committee must ensure that the financial institution has established a "perfected security interest" in the collateral (i.e., the committee has taken steps to legally protect the institution's interest in the collateral in the event that the committee defaults on the loan);

or

→ Endorsements or Guarantees: An endorser or guarantor of an exempt loan is considered a contributor. However, if the committee receiving the loan is a candidate committee and the guarantor is the candidate's spouse, the spouse is not reported as a contributor.

Lost or Returned Check

This subtype is used when a check issued by the committee has not been cashed, the committee no longer expects it to be cashed, the check is returned for insufficient funds, a stop payment is ordered on a check which was issued, or when a portion or the full amount of a contribution is returned to a committee (previously reported as an expenditure by the committee.) This transaction subtype requires an "association" to the previously reported expenditure. See page 58 and the ORESTAR User's Manual: Transaction Filing for transaction association information.

If the committee issues a replacement check for one that has been lost or returned or for insufficient funds, the committee reports the replacement check as a cash expenditure.

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. This subtype is also used to report the receipt of money related to an over-reimbursement of personal expenditures.

If using this subtype to report the receipt of money because a person was over-reimbursed for personal expenditures, the transaction must be associated to the cash expenditure transaction that reimbursed the person.

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

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

Definition of Other Account Receivable

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

Other Account Receivable Subtype Review

Miscellaneous Account Receivable

This is the only subtype used to report an Other Account Receivable. This subtype includes the receivable associated with a loan extended by a committee, or to report the fair market value of auction/fundraising proceeds that have not been collected.

Moneys Disbursed

Expenditure

This section generally describes the term "expenditure" under Oregon election law. Some payments made by committees are not considered expenditures. These are other disbursements and are discussed on page 34.

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 Subtype Review

Account Payable

An account payable is an amount owed by the committee to a creditor for the purchase of goods or services. The date of an account payable is the date an order is placed for goods or services; it is not the date of an invoice or the date an invoice is received. If the committee is not provided an estimate of the cost for the goods or services, the committee must determine an estimate of the cost for reporting purposes. If an estimate is reported, do not amend the amount of the account payable to report the final cost.

There is an exception to the requirement of reporting an account payable. If the committee makes the expenditure to pay the account payable before the due date for filing the account payable transaction, it is not required to be reported.

ex If a committee active at the 2020 Primary Election incurs an account payable on April 23, 2020, and the payable is paid on or before April 30, 2020 (the deadline to file the transaction), the committee is not required to file the account payable. However, if the payable is not paid by April 30, 2020, the committee is required to file the payable no later than April 30, 2020, 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.

This transaction subtype requires an "association" if the expenditure is to pay a previously reported account payable transaction. See page 58 and the ORESTAR User's Manual: Transaction Filing for information on how to complete a transaction association.

Loan Payment (Non-Exempt)

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

This transaction subtype requires an "association" to the previously reported loan received (non-exempt) transaction. See page 58 and the ORESTAR User's Manual: Transaction Filing for information on how to complete a transaction association.

Personal Expenditure for Reimbursement

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

The expenditure made by the person is required to be reported, in addition to the transaction made to reimburse the person who made the personal expenditure. The name of the person making the personal expenditure (Payer of Personal Expenditure) and where the person spent their money (Payee) is required to be disclosed when reporting a personal expenditure for reimbursement. See pages 38-41 for an example of how to report this kind of transaction.

How to Report In-Kind or Independent Expenditure Information on a Transaction

In-Kind Expenditure Information

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

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

In-Kind Expenditure Notification Requirement

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

In-Kind Expenditure Benefitting Multiple Committees: Reporting Requirement

ex

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

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

Independent Expenditure Information

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

See page 13 for the definition of what constitutes an independent expenditure. See "In-Kind or Independent Expenditure Information" on page 59 and the ORESTAR User's Manual: Transaction Filing for completing the In-Kind/Independent Expenditure information associated with a transaction.

Other Disbursements

This section generally describes the term "other disbursements." Some expenditures made by committees are reportable but not considered an "expenditure" for reporting purposes.

Definition of Other Disbursement

An "other disbursement" is money spent by a committee that does not meet the definition of expenditure but must be reported.

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.

Miscellaneous Other Disbursement

This subtype is used when the committee needs to report a loss on an investment or expenses for the preparation and distribution of slate cards and sample ballots by state or local political party committees that meet the criteria set forth below, or if the committee makes an expenditure for a purpose that is not political and therefore does not meet the definition of an expenditure.

A slate card or sample ballot must meet both of the following criteria to qualify as a Miscellaneous Other Disbursement:

- → contains the names of at least three candidates running for election to any public office within the state;

  and

- → is not distributed through public advertising such as broadcast media, newspapers, magazines, or billboards.

If the above criteria are not met, the committee will report the transactions associated with the preparation and distribution of the sample ballot or slate card as expenditures.

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

Using this subtype requires information in the Description field of the transaction to explain the purpose of the disbursement.

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 calendar days after receipt or is deposited in the campaign account prior to the refund being issued, or if a reported contribution is returned by the financial institution for insufficient funds.

Contributions received by the committee and returned to the contributor within seven calendar days of receipt without being deposited in the campaign account are not reportable.

A contribution received by a committee subject to reporting contributions received during a legislative session that is returned within two business days of receipt without being deposited in the campaign account is also not reportable.

Prohibited Use of a Committee's Campaign Funds

Prohibited Personal Use

All committees are prohibited from using campaign funds (any amounts received as contributions) for any person's personal use. "Personal use" means any use of a committee's funds to fulfill a personal commitment, obligation, or expense that would exist irrespective of the campaign or duties as a public office holder. This prohibition applies to all three types of committees (candidate, political action committee, and petition committee). Contact the Elections Division if you need guidance on what constitutes "prohibited personal use."

ex Examples of prohibited personal use include, but are not limited to:

- the purchase of household food items or supplies;
- clothing other than items of de minimis value used in the campaign;
- mortgage, rent, or utility payments for real or personal property that is owned by any individual and used for campaign purposes, to the extent the payments exceed the fair market value of the property usage;
- admission to a sporting event, concert, theater, or other form of entertainment, unless part of a specific campaign or office holder activity;
- dues, fees, or gratuities at a country club, health club, recreational facility, or vacation property, unless they are part of the costs of a specific fundraising event that takes place on the club's or facility's premises;
- dues to professional or civic organizations in which the membership is not integrally related to the candidate's election or duties as a public office holder or an individual's duties related to a political committee or petition committee;
- loans made to any individual for the individual's personal use;
- salary to a person, unless the person is providing bona fide services to the committee or the public office holder;
- any judgment awarded under ORS 18.005, or any civil penalty imposed by an agency as defined in ORS 183.310, or imposed by a local government as defined in ORS 174.116; or
- any legal expense incurred for any civil, criminal or other legal proceeding or investigation outside of ORS Chapters 246 – 260 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.

See "Allowable Legal Expenses" on page 36 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. Contact the Elections Division if you need guidance on what constitutes "professional services."

Exceptions to the Personal Use Prohibition

Campaign funds may be used for expenses incurred as a public office holder if directly related to an office holder's official duties, or for expenses incurred by a candidate committee, political action committee or petition committee if the expenses are related to the business of the committee. Examples include:

- → mileage for use of a personal vehicle (not exceeding current federal rate);
- → service and fuel for a leased or purchased vehicle;

When reporting expenditures relating to vehicle usage, a claim may be made for either payment of mileage or expenses related to use of the vehicle (e.g., gas, maintenance), but not both.

- → the purchase or lease of office equipment or supplies;
- → room rental for public meetings;
- → lodging and food;
- → convention or conference fees;
- → telephone expenses;
- → salary or expenses associated with employees performing official business;
- → a campaign party or thank you party for volunteers and supporters; **or**
- → gifts of nominal value and donations of a nominal amount made on a significant event such as a holiday, graduation, marriage, retirement, or death, unless made to a member of the candidate's family.

If a governmental body or any other person later reimburses a campaign for a specific expenditure made from campaign funds, or for personal expenditures made by a person, the reimbursement must be deposited into the campaign account and reported as a miscellaneous other receipt.

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

Allowable Legal Expenses

Committee funds may only 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 Chapters 246 - 260, including administrative or civil legal proceedings related to the campaign activities of the candidate or of the public official, the treasurer or director of a political or petition committee, 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 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. See page 58 and the ORESTAR User's Manual: Transaction Filing for information on how to complete a transaction association when using transaction subtype Account Payable Rescinded or Loan Forgiven (Non-Exempt).

Other Transactions Subtype Review

Account Payable Rescinded

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

Cash Balance Adjustment

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

Loan Forgiven (Non-Exempt)

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

Personal Expenditure Balance Adjustment

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

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

Common Campaign Activities

Receiving Contributions Online

A committee may use a web-based company to receive contributions. Each contribution must be deposited in the committee's account within seven business days of its collection. The committee reports the entire amount contributed even if the company retains a percentage of the contribution for processing fees. Any amount retained for processing fees is a reportable expenditure. The sum total of the processing fees retained on a single day may be entered and filed as one expenditure.

ex The committee receives a $200 contribution and a $100 contribution electronically via PayPal on January 5, 2020. PayPal retains $5 for processing the $200 contribution and $2.50 for processing the $100 contribution. Even though only $292.50 is deposited into the campaign account, the committee reports the full amount of each contribution (each as a separate transaction) and reports a $7.50 expenditure transaction (the total processing fee retained on January 5) reporting PayPal as the payee.

Personal Expenditures

A personal expenditure is money spent, including charges on a credit or debit card, on behalf of a committee. Generally, this type of activity is reported in one of two ways described below.

→ 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, as explained below:

There is a different reporting requirement when a political committee makes personal expenditures on behalf of another political committee or is sharing expenses with other committees; see pages 40 - 41 for an example of the reporting requirements.

"Person" includes an individual, corporation, limited liability company, labor organization, association, firm, partnership, joint stock company, club, organization, or other combination of individuals having collective capacity. This includes political committees and petition committees.

The first transaction discloses who made the personal expenditure, as well as when and where the money was spent. The transaction type is Expenditure and the transaction subtype is Personal Expenditure for Reimbursement. The Payer of Personal Expenditure is the person that used their money to make the expenditure and the Contributor/Payee is the name of the entity where the person spent the money.

The second transaction discloses the reimbursement to the person from committee funds. The transaction type is Expenditure and the transaction subtype is Cash Expenditure. The transaction purpose of this transaction must always be Reimbursement for Personal Expenditures which is available in the ORESTAR Transaction Purpose dropdown list. The payee for this transaction is the name of the person, even if the check is written directly to a credit card company.

How to Report Personal Expenditures Made by a Person That is Not a Political Committee

ex Jane Smith goes to Costco on March 1, 2020, 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, 2020. There are two transactions to report:

Jane's personal expenditure is reported as follows:

Transaction Date: **3/1/2020**

Transaction Type: **Expenditure**

Transaction Subtype: **Personal Expenditure for Reimbursement**

Payer of Personal Expenditure: **Jane Smith**

Contributor/Payee: **Costco**

Amount: **$212.00**

Transaction Purpose(s): **Fundraising Event Expenses**

The committee's expenditure to reimburse Jane is reported as follows:

Transaction Date: **3/10/2020**

Transaction Type: **Expenditure**

Transaction Subtype: **Cash Expenditure**

Contributor/Payee: **Jane Smith**

Payment Method: **Check**

Check Number: **200**

Amount: **$212.00**

Transaction Purpose: **Reimbursement for Personal Expenditure**

If a person is not reimbursed for reported personal expenditures and decides to "forgive" the amount owed, the committee must report a transaction disclosing the "forgiveness." The transaction type is Contribution, the transaction subtype is In-Kind/ Forgiven Personal Expenditures, and the Contributor is the name of the person forgiving the money owed.

It is important to review the committee's Outstanding Personal Expenditure Balance on the ORESTAR Account Summary to ensure that the total is correct. Generally, if there is a "negative" outstanding amount that means that the committee has reported reimbursements exceeding the amount of reported personal expenditures.

How to Report Personal Expenditures Made by a Political Committee

ex ABC PAC uses committee funds to pay the wages ($500) of Sally Smith on March 10, 2020, who is an employee working for Committee to Elect Jane Doe. ABC PAC expects reimbursement from the candidate committee. Committee to Elect Jane Doe reimburses ABC PAC on March 15, 2020; ABC PAC receives the reimbursement check on March 20, 2020. In this example there are four transactions that must be disclosed.

ABC PAC's payment to Sally Smith on behalf of Committee to Elect Jane Doe:

Transaction Date: **3/10/2020**

Transaction Type: **Other Disbursement**

Transaction Subtype: **Miscellaneous Other Disbursement**

Contributor/Payee: **Sally Smith**

Payment Method: **Check**

Check Number: **200**

Amount: **$500.00**

Transaction Purpose(s): **Wages, Salaries, Benefits**

Committee to Elect Jane Doe reports the personal expenditure made by ABC PAC:

Transaction Date: **3/10/2020**

Transaction Type: **Expenditure**

Transaction Subtype: **Personal Expenditure for Reimbursement**

Payer of Personal Expenditure: **ABC PAC**

Contributor/Payee: **Sally Smith**

Amount: **$500.00**

Transaction Purpose(s): **Wages, Salaries, Benefits**

Committee to Elect Jane Doe reports the expenditure to reimburse ABC PAC:

Transaction Date: **3/15/2020**

Transaction Type: **Expenditure**

Transaction Subtype: **Cash Expenditure**

Contributor/Payee: **ABC PAC**

Payment Method: **Check**

Check Number: **1001**

Amount: **$500.00**

Transaction Purpose: **Reimbursement for Personal Expenditure**

ABC PAC receives the reimbursement from Committee to Elect Jane Doe:

Transaction Date: **3/20/2020**

Transaction Type: **Other Receipt**

Transaction Subtype: **Miscellaneous Other Receipt**

Contributor/Payee: **Committee to Elect Jane Doe**

Amount: **$500.00**

Description: **Reimbursement for personal expenditure**

In some instances a committee may make expenditure to its affiliated organization without it being considered a personal expenditure. For example if the affiliated organization of a committee has supplies on hand (not specifically purchased for a campaign) the committee may purchase the supplies from the affiliated organization without reporting a personal expenditure. This may also apply to occasional staff time the affiliated organization may provide to the committee and merchant fees associated with credit card processing. However, these must still be reported as cash expenditures.

Mileage

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

When using campaign funds to pay an individual for use of the individual's vehicle, the individual may be paid for either mileage or expenses related to use of the vehicle (e.g., gas, maintenance), but not both.

There are some exceptions for reporting travel expenses incurred by someone other than the committee; see Unreimbursed Travel Expenses on page 47 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 and subtype Cash Expenditure. The payee is the entity paid with the credit/debit card, not the credit card company. The date of the transaction is the date the credit/debit card was used, not the date of the credit card or debit card statement or the date payment is made to the credit card company.

The committee does not report any payments made directly to the credit card company except for payment for interest, credit card fees or late payment penalties.

Fair Booths

If a committee rents a fair booth to distribute political material and the material is provided by another committee or campaign, there is no reportable in-kind contribution for the distribution of the material or the fair booth rental. However, if campaign material is produced by someone other than the committee or campaign providing the material there may be a reportable in-kind contribution.

Fundraising Activities

If a contributor buys a ticket to attend a fundraising event and receives goods or services such as a dinner or a round of golf, only the amount in excess of the fair market value of the goods or services is reported as a contribution. The committee must determine the fair market value of the goods or services received by the contributor and report that amount as transaction type Other Receipt and subtype Items Sold at Fair Market Value.

Moneys received on a single day which qualify as Items Sold at Fair Market Value receipts may be totaled and reported as one transaction.

The amount in excess of the fair market value is considered a contribution and is reported as subtype Cash Contribution. The committee shall inform the contributor of the amount considered a cash contribution for Oregon income tax credit purposes.

All expenses associated with the fundraising event are also required to be reported as cash expenditures, in-kind contributions or personal expenditures for reimbursement, whichever is applicable.

Fundraising Dinners

A committee may organize a fundraising dinner with an established cost per person.

Money received to attend the dinner (up to the fair market value) is reported as transaction type Other Receipt, subtype Items Sold at Fair Market Value. Any amount paid that exceeds the fair market value of the dinner is reported as a Cash Contribution.

If the cost of the dinner is paid by the committee, the expenditures are reported as transaction subtype Cash Expenditure. If the dinner is donated to the committee at no cost, the cost of the dinner is reported as transaction subtype In-Kind Contribution. If the dinner is paid for by a person making personal expenditures that wants reimbursement, those transactions are reported as transaction subtype Personal Expenditure for Reimbursement.

ex If a contributor pays $50 to attend a fundraising dinner and the value of the dinner is $20, only $30 of the payment for the dinner is reported as a contribution. The $20 for the dinner is reported as transaction type Other Receipt because it is not considered a contribution.

Fundraiser When Tickets are Sold through a Third Party

A committee may sell tickets to a fundraising event utilizing a business vendor. If the cost of the ticket is more than the fair market value of the event, the committee must ensure that contributor information is collected. If the aggregate amount of contributions from the contributor exceeds $100 for the calendar year, the contributor information (name, address, and occupational information for an individual) must be disclosed. Any fee or commission retained by the vendor is reported as transaction subtype Expenditure.

ex A committee holds a concert as a fundraising event. The ticket cost is $250; the fair market value is $100. The vendor retains a 5% handling fee ($12.50).

There are three transactions to report:

→ Transaction Type: **Contribution**

Transaction Subtype: **Cash Contribution**

Amount: **$150.00**

→ Transaction Type: **Other Receipt**

Transaction Subtype: **Items Sold at Fair Market Value**

Amount: **$100.00**

→ Transaction Type: **Expenditure**

Transaction Subtype: **Cash Expenditure**

Amount: **$12.50**

Moneys received on a single day which qualifies as Items Sold at Fair Market Value receipts may be totaled and reported as one transaction.

Expenditures made on a single day for the handling fee may be totaled and reported as one transaction.

Auctions

A committee may conduct an auction as a fundraising activity. Items or services donated for the auction are reported as in-kind contributions. The amount of the in-kind is based on the fair market value of the goods or services. The amount of the winning bid, up to the fair market value, is reported as transaction type Other Receipt and subtype Items Sold at Fair Market Value. The amount paid in excess of the fair market value of the auction item is reported as a Cash Contribution.

ex On February 2, 2020, 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: **2/2/2020**

Transaction Type: **Contribution**

Transaction Subtype: **In-Kind Contribution**

Contributor/Payee: **Jane Smith** (address and occupational information is required because the aggregate contributions from Jane have exceeded $100 in 2020)

Amount: **$450.00**

Transaction Purpose(s): **Fundraising Event Expenses**

Tom Johnson's winning bid of $750 is reported by creating two transactions: the Cash Contribution transaction in the amount of $300 and the Items Sold at Fair Market Value transaction in the amount of $450.

The Cash Contribution transaction is reported as follows:

Transaction Date: **The date the committee receives the money from Tom, typically the date of the auction**

Transaction Type: **Contribution**

Transaction Subtype: **Cash Contribution**

Contributor/Payee: **Tom Johnson** (address and occupational information is required because the aggregate contributions from Tom have exceeded $100 in 2020)

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 83 - 85 for contact information for the Charitable Activities Section.

Money collected from the sale of raffle tickets is reported as transaction type Other Receipt and subtype Items Sold at Fair Market Value, assuming that each raffle ticket is sold for the fair market value of the prize or less. Any amount paid for a raffle ticket that exceeds the prize's fair market value is reported as transaction type Contribution, subtype Cash Contribution.

If the raffle prize is donated to the campaign, the prize is reported as an In-Kind Contribution. If the prize is purchased with committee funds, the purchase of the prize is reported as transaction type Expenditure, subtype Cash Expenditure.

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

With some exceptions, Oregon election law prohibits giving something of value for no charge with the intent to influence 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.

There are three elements that must be present for giving away a thing of value to constitute undue influence:

- → The item must be an item of value (see lists below);
- → The item must be advertised or otherwise promoted as available as an inducement; and
- → The inducement must be to get a person to take an action restricted by statute (vote in a particular way, support a candidate, etc.).

Therefore, it is sometimes allowable for a political group to give away a thing of value. If, for example, there is no advertising or promotion of the giveaway, and if individuals will receive the item regardless of their support or opposition of the political issue, this does not constitute undue influence.

ex At a voter registration table, you may give away t-shirts if the give-away is not advertised in any way, and if individuals are eligible to receive a t-shirt regardless of whether they choose to register to vote at the table.

ex At a fundraising dinner where each guest is charged $50 to enter, the campaign may include on the invitation a notice that all attendees will receive a free t-shirt.

ex It is allowable to provide door prizes at a fundraiser as long as the door prizes are not advertised as an inducement to attend the fundraiser.

Items of nominal value include **very inexpensive** (i.e. fair market value of less than $1.00) types of:

balloons	flags (novelty with campaign information)	small candy
bookmarks	ink pens	refrigerator magnets or "mini-magnets"
calendars	key chains	return envelope*
eye-glass repair kits (of low value)	litterbags (paper or plastic)	rulers (small – wood or plastic)
emery boards	matchbooks	shopping bags (paper or plastic)
fans (paper or plastic)	pencils	bottled water

***Loose postage stamps **may not** be given away for free in a campaign context. Also, envelopes that are stamped but are blank as to a return mailing address **may not** be given away for free. This is because this would make the envelope something of value, as it could be used for other purposes by the recipient, whereas a pre-stamped and addressed envelope would merely facilitate the return of the envelope to the campaign with no independent value.

The distribution of these types of items is not "undue influence," inducing the recipient to take a certain political action in violation of election law, if the committee ensures:

- → only very small quantities of an item are given to any one person;
- → the distribution of the item is incidental to the political activity that occurs during the distribution ; and
- → the item does not also contain another connected offering for something of value (for example, the back of a fan should not contain a coupon for $3.00 off a pizza).

Items that **should not** be used as an inducement (advertised as available for free in connection with a political issue covered by ORS 260.665):

- → calculators;
- → flashlights;
- → frisbees;
- → hats;
- → postage stamps;
- → toys;
- → t-shirts; or
- → anything with a fair market value of $1.00 or more.

If a committee advertises and gives away items of value, then the campaign must charge at least the cost of the item. The money spent to purchase the items and the money received in payment for the items must be reported in compliance with campaign finance regulations.

Providing Refreshments at a Political Gathering

A common political practice is to have a "meet the candidate" neighborhood event at which incidental refreshments such as coffee, tea and cookies may be served at no charge. Refreshments may be provided at a political gathering for no charge if they are incidental to the event. Food or refreshments, at no charge, **cannot be the featured attraction** to induce people to attend a political event (e.g., an advertisement that announces "Join John Doe at a free spaghetti feed").

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

The host may either: 1) charge for the cost of the food only (example A), or 2) charge a per plate/per person cost in excess of the value of the food (example B). In the latter case, the amount collected in excess is considered a campaign contribution.

ex **Example A:** "Join John Doe for spaghetti dinner, cost $3.50 per person." ($3.50 is the actual cost of the dinner.)

ex **Example B:** "Join John Doe for spaghetti dinner, cost $25 per person," ($3.50 is the actual cost of the dinner). Report each person as contributing the difference of $21.50.

Another related, frequently asked question is whether it is allowable to hold a "thank you/appreciation" event **after** the election to honor political campaign volunteers, at which food and beverages will be provided and small prizes may be awarded. This type of "thank you/appreciation event" is allowable and would not be considered a violation of the "undue influence" law ***if*** the event is not used as an inducement for new volunteers ***before*** the election to get the attendees to provide services or otherwise contribute to the campaign. Therefore, the event **must not** be advertised or announced in any way ***before*** the election.

Additionally, at the event the attendees **must not** be induced by the food, prizes, etc. to provide any further services or make contributions to the campaign. In these specific, limited circumstances, the food served may go beyond the "refreshment" category into pizza and such and the prizes may be of a bit more value than the above listed nominal value items.

If the party is held prior to the election, caution must be taken to ***not*** include information about the refreshments and possible prizes to induce a person to volunteer for the campaign. Contact the Elections Division if you have questions about what may or may not be given away at a campaign event.

Non-Reportable Activities

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

However, if a special publication is produced by a committee and the purpose is to support or oppose a candidate, measure, political party, political action committee, or petition committee, any expenses associated with the publication must be reported. This includes payment to an entity for the publication that is then inserted into another publication for dissemination to the public, either for purchase or given away free of charge.

If a person, other than a political committee, makes political expenditures that are "independent", those expenses may need to be reported. See pages 13 - 14 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, Labor and Membership Organization Communications

Corporations, labor organizations, and membership organizations may communicate only with members, shareholders, or employees without such activity being considered a contribution, as long as the labor or membership organization or corporation is not organized primarily for the purpose of influencing an election. A political committee is not considered a membership organization. Communication must be reported if the method of communication does not guarantee that named members, shareholders, or employees will be the only recipients of the communication. For example, communications, such as billboards, cable TV ads, targeted digital ads, robocalls to household numbers, or a double-sided postcard must still be reported.

Receptions

An individual may volunteer to hold a reception or provide coffee for a political committee. Costs incurred by the individual who is using his or her residence, including a community room associated with the residence, for invitations, food, and beverages provided at the reception are not reportable expenses.

If more food is being served than what would be defined as incidental, there must be a charge equivalent to at least the actual cost of the food or refreshments. Free food or refreshments cannot be the featured attraction to induce people to attend the reception.

Legal and Accounting Services

Legal and accounting services provided free to a political committee are not reportable if:

→ the services are provided solely for the purpose of helping the campaign comply with ORS Chapter 260 (Campaign Finance Regulations, Election Offenses);

and

→ the person paying the individual performing the service is the regular employer of the individual performing the service.

Legal representation in a lawsuit, in court, or in an administrative proceeding must be reported as it is not for the purpose of ensuring compliance.

Unreimbursed Travel Expenses

Unreimbursed travel expenses incurred by an individual, including a candidate, made on behalf of a political committee are not reportable. An individual working on a political committee's campaign (including a candidate, a paid staff member, or a volunteer) may voluntarily use the individual's own funds to pay for transportation expenses without making a contribution. This exception does not apply to lodging.

Vendor Discounts on Food and Beverages

A vendor of food or beverages may sell food or beverages to a committee at a discounted rate. The discount is not a reportable in-kind contribution as long as the amount charged is at least equal to the vendor's cost for the food or beverage.

Use of Internet Services

Generally, electronic transmissions have no intrinsic monetary value. Sending email messages, or adding links on an existing webpage are not considered in-kind contributions or independent expenditures by a person performing the email distributions or working on the websites. Further, if an existing email list is ordinarily given away for free, then there is no in-kind contribution made by the entity giving away the list. But if there is normally a fee charged to obtain the list, there is a reportable in-kind contribution.

Therefore, if the effort to produce a website, or to transmit an email, even to a large list of recipients, is provided by an unpaid volunteer, and no money is spent to add hardware, software, hosting fees, domain registration or internet access, or to acquire an email list, there is no reportable contribution.

If, however, a person or committee makes expenditures to provide the service (e.g., produce a website or distribute an email), including wages or other payment to an individual or firm, those costs are reportable in-kind contributions or personal expenditures. If a person or committee makes expenditures to produce a website, boost a post on a social media platform, or transmit an email, those are reportable expenditures.

Transfer of Funds to Earn Interest

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 pages 30 and 34 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 calendar days of receipt without being deposited in the campaign account are non-reportable.

A contribution received by a committee subject to reporting contributions received during a legislative session that is returned within two business days of receipt without being deposited in the campaign account also is non-reportable.

Change for a Fundraiser

The withdrawal of money and the deposit of the money back to the committee's account for the purpose of making change at a fundraiser are non-reportable.

Debates

A candidate debate or forum for a state office, or a communication publicizing a candidate debate or forum for a state office, is not a reportable in-kind contribution if all major political party candidates for the state office have been invited to participate in the candidate debate or forum.

Any expenditures made by a broadcasting station, newspaper, magazine, or other periodical publication to facilitate a debate or forum are not considered a contribution.

ORESTAR Account Summary

When a user accesses the campaign finance section of the committee's Private Workshop, the first page that displays is the committee's Account Summary. The Account Summary represents the total activity reported and filed by a committee in a calendar year. The figures on the Summary update with every transaction filing. The Account Summary should be reviewed when a user logs into their Private Workshop to affirm the line item totals are accurate. A description of certain line items and what the totals represent is found below.

Cash Contributions:
The total amount of cash contribution transactions filed in a calendar year.

Loans Received (non-exempt):
The total amount of loans received (non-exempt) transactions filed in a calendar year.

In-Kind:
The total amount of in-kind contributions filed in a calendar year.

Cash Expenditures:
The total amount of cash expenditure transactions filed in a calendar year.

Loan Payments (non-exempt):
The total amount of loan payment (non-exempt) transactions filed in a calendar year.

Other Receipts:
The total amount of other receipt transactions filed in a calendar year.

Other Disbursements:
The total of other disbursement transactions filed in a calendar year.

Loan Payments (exempt):
The total amount of loan payment (exempt) transactions filed in a calendar year.

Balance Adjustments:
The total amount of cash balance adjustment and personal expenditure balance adjustment transactions filed in a calendar year.

Ending Cash Balance:
The ending cash balance amount should match the committee's campaign bank account balance if all of the transactions have been filed in ORESTAR and all contributions have been deposited and reported expenditures have cleared the financial institution.

This amount, in most cases, should not be a negative amount. A negative amount is an indication that transactions have not been filed by the committee or that the committee's bank account balance is overdrawn.

Accounts Receivable:
The total amount of outstanding miscellaneous account receivable transactions filed. This amount includes proceeds that have not been but are expected to be collected by the committee. The balance will carry forward to the next calendar year until the committee files transactions to resolve the balance.

Total Outstanding Loans:
The total amount of outstanding loans (exempt and non-exempt) filed. The balance will carry forward to the next calendar year until the committee files transactions to resolve the outstanding balance.

Outstanding Personal Expenditures:
The total amount of outstanding personal expenditures. The amount is based on the total reported personal expenditures for reimbursement and the total reported cash expenditures made from committee funds to reimburse the person that made the personal expenditures. The balance will carry forward to the next calendar year until the committee files transactions to resolve the outstanding balance.

This amount should not be a negative amount. A negative amount may possibly be an indication that personal expenditures for reimbursement have not been correctly reported. See pages 38 - 41 for an example of how to report personal expenditures.

Accounts Payable:
The total amount of accounts payable transactions. The balance will carry forward to the next calendar year until the committee files transactions to resolve the outstanding balance.

Balance Deficit:
The amount is calculated by taking the cash balance amount, adding the account receivable amount, then subtracting the outstanding loans, outstanding personal expenditures and account payable amounts.

ORESTAR Data Fields

The following information describes each data field when entering a transaction and defines what information must be disclosed when adding a particular transaction type/subtype in ORESTAR. Refer to the ORESTAR User's Manual: Transaction Filing for complete instructions on filing transactions.

Transaction Date

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

Definition of Date for a Contribution or Other Receipt

Cash Contribution or Loan Received (Non-Exempt)
The date the contribution or loan was received in the committee's physical custody.

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

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

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

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

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

In-Kind Contribution

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

The date written notification of the in-kind contribution from another political or petition committee is received is not the date of the in-kind contribution **if the candidate, treasurer or any agent of the committee had knowledge of the in-kind contribution and received the goods or services prior to receiving the written notification.** See page 33 for more information about the in-kind contribution written notification requirement.

Interest/Investment Income

The date that the committee receives the statement reporting the amount of interest earned or investment income. If a committee liquidates stock and the value has increased after reporting the receipt of the original contribution, the date for reporting the investment income is the date the stock is liquidated.

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, the date the committee no longer expects the check to be cashed, or the date the committee is notified that a check is returned for insufficient funds, whichever occurs first.

Loan Received (Exempt)

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

Miscellaneous Account Receivable

The date the committee makes an expenditure for a loan, or the date of the auction to report the fair market value of auction/fundraising proceeds that have not yet been collected, or the date the committee makes an expenditure for a deposit. All of these actions require the committee to file a miscellaneous account receivable transaction to reflect the committee is expecting to receive money from some source.

Miscellaneous Other Receipt

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

Refunds and Rebates

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

Definition of Date for an Expenditure or Other Disbursement

Account Payable

Use the date an order is placed for goods or services and payment is not made when the order is placed. It is not the date of the invoice or the date the committee receives the invoice. If the committee is not provided estimate of the cost of the goods or services, use an estimate of the cost for reporting purposes. If an estimate is reported, do not amend the amount of the account payable transaction to report the final cost.

There is an exception to the requirement of reporting an account payable; see pages 32 - 33.

Cash Expenditure or Loan Payment (Non-Exempt)

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

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

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

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

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

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.

Personal Expenditure for Reimbursement

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

Definition of Date for an Other Transaction Type

Account Payable Rescinded

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

Cash Balance Adjustment

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

Loan Forgiven (Non-Exempt)

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

Personal Expenditure Balance Adjustment

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

Transaction Type

A committee must choose a transaction type when creating each transaction. The transaction types are Contribution, Expenditure, Other, Other Account Receivable, Other Disbursement and Other Receipt.

Transaction Subtype

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

Transaction Type	Available Transaction Subtypes
Contribution	Cash Contribution In-Kind Contribution In-Kind/Forgiven Account Payable In-Kind/Forgiven Personal Expenditure Loan Received (Non-Exempt)
Expenditure	Account Payable Cash Expenditure Loan Payment (Non-Exempt) Personal Expenditure for Reimbursement
Other	Account Payable Rescinded Cash Balance Adjustment Loan Forgiven (Non-Exempt) Personal Expenditure Balance Adjustment
Other Account Receivable	Miscellaneous Account Receivable
Other Disbursement	Loan Payment (Exempt) Miscellaneous Other Disbursement Nonpartisan Activity Return or Refund of Contribution
Other Receipt	Interest/Investment Income Items Sold at Fair Market Value Loan Received (Exempt) Lost or Returned Check Miscellaneous Other Receipt Refunds and Rebates

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. This is required when the transaction subtype is Personal Expenditure for Reimbursement.

Who is Reported as the Contributor/Payee

This field discloses the person who is the source of the contribution, 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 a 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 pages 61 - 63 of this manual and the ORESTAR User's Manual: Transaction Filing for the instructions for completing an Address Book entry.

For a Contribution:

Use 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, verbal affirmation or by letter), a separate transaction is entered for each contributor. Contributors cannot be reported jointly (i.e., John and Jane Doe).

For an Expenditure:

Use 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 page 41 for "Reporting Credit/Debit Card Transactions."

When reporting a personal expenditure for reimbursement, the payee is who received payment from the personal funds.

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

See pages 38 - 41 for reporting personal expenditures.

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

For an Other Receipt:

The name of the "Contributor" for an 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.

For an 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.

For an Other Accounts Receivable:

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

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

Use the number of the check issued by the committee. Do not enter a check number unless the payment method is Check or Electronic Check and the transaction subtype is Cash Expenditure or Loan Payment (Non-Exempt). Do not report voided checks. If a check does not have a printed or hand-written check number (such as a counter check or money order) enter “counter check” or “money order” in the Description field.

Amount

Use the transaction amount. The amount for an Account Payable transaction can be an estimate or “price quote.” Do not amend the amount of the account payable transaction if the final amount billed or invoiced is different from the amount originally reported. Do not enter a dollar sign when entering the amount; a decimal point is only required if there are cents to report.

Calendar Year Aggregate

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

See “Calculating a Transaction’s Calendar Year Aggregate” on pages 59 - 60 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 with the exception of using Reimbursement for Personal Expenditures when writing a check to reimburse a person for previously reported personal expenditures.

It must be completed if any of the following pre-defined transaction purposes are used: General Operational Expenses, Public Office Holder Expenses, or Travel Expenses.

It also must be completed when reporting a transaction with subtype Miscellaneous Other Disbursement, Cash Balance Adjustment or Personal Expenditure Adjustment.

Occupation Letter Date

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

See "Occupational Information for a Contributor" on pages 62 - 63 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. It is also used to document why an in-kind contribution (from another committee) amount is amended after the due date for the transaction.

Transaction Purpose(s)

Each Expenditure transaction type and In-Kind Contribution transaction subtype must have a Transaction Purpose, unless a purpose is provided in the Description field. Multiple transaction purposes may be used except when reimbursing a person for personal expenditures. The following transaction purposes are available:

Broadcast Advertising

Use for expenditures for radio or television advertising.

Cash Contribution

Use for a contribution given to another committee or organization.

Fundraising Event Expenses

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

General Operational Expenses

Use for general campaign operating expenses, including filing fees, bank service charges, purchase or rental of office equipment and furniture for the campaign, and office supplies. When this purpose is used, additional information is required to be entered in the Description field (e.g., office supplies, furniture).

Interest Payment

Use for interest paid to a financial institution or other lender for a loan made to the committee.

Literature, Brochures, Printing

Use for expenditures for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing, and reproduction.

Loan Extended

Use for an expenditure made by a committee that is a loan to another committee or organization. The committee must create and file a Miscellaneous Account Receivable transaction for the outstanding loan amount.

Management Services

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

Newspaper and Other Periodical Advertising

Use for expenditures for advertising in newspapers, periodicals, and other publications.

Online and Social Media Advertising

Use for expenditures related to the production and purchase of websites, online content, social media, phone apps, etc. and all related advertising.

Other Advertising

Use for expenditures related to the production and purchase of advertising , billboards, yard signs, voters' pamphlet statements and arguments, and campaign paraphernalia such as buttons, bumper stickers, t-shirts, etc.

Petition Circulators

Use for payments made to individuals for collection of signatures on a petition or to a company that pays petition circulators.

Postage

Use for expenditures for stamps, postage, and direct mail services.

Preparation and Production of Advertising

Use for payments related to the preparation or production of broadcast, newspaper or other periodical advertising.

Public Office Holder Expenses

Use for expenditures related to public office holder expenses such as gifts of nominal value, conference registration fees, membership dues, constituent communications, staff wages, office rent, mileage, gas, and travel. Additional information is required to be entered in the Description field (e.g., conference registration fee, staff wages, office rent, etc.).

Reimbursement for Personal Expenditures

Use for payments made to a person for reimbursement of a personal expenditure made on behalf of the committee. The personal expenditure made by the person must be reported as a separate transaction.

See "Personal Expenditures" on pages 38 - 41 for information on how to report personal expenditures and reimbursement from committee funds.

When using the Reimbursement for Personal Expenditure purpose, the entire amount of the transaction is subtracted from the committee's Outstanding Personal Expenditure balance on the Account Summary. If a check represents more than just a reimbursement for personal expenditures, you must enter and file two separate transactions.

Surveys and Polls

Use for expenditures related to surveys and polls, reports on election trends, voter surveys, telemarketing, and telephone banks, etc.

See OAR 165-012-0050 for calculating the value of the poll results if the results are shared with any Oregon political or petition committee.

Travel Expenses

Use for expenditures related to travel. Additional information is required to be entered in the Description field (e.g., lodging, airfare, meals, gas, mileage, etc.).

Utilities

Use for expenditures for utilities (e.g., telephone, internet access, electricity, etc.)

Wages, Salaries, Benefits

Use for expenditures related to campaign staff payroll, including wages, employment taxes, insurance, and payments to temporary employment agencies, etc.

Transaction Association

An associated transaction is a transaction that is connected to, or dependent upon, another transaction that has previously been entered in ORESTAR. For example, a cash expenditure that is a partial or full payment of a previously entered account payable transaction must be associated to reduce the outstanding account payable balance on the committee's Account Summary.

ex The following are some examples of "associated" transactions:

Previously Entered Transaction Subtype	Associated Transaction Subtype
Account Payable	Account Payable Rescinded*
Account Payable	Cash Expenditure
Account Payable	In-Kind/Forgiven Account Payable*
Miscellaneous Account Receivable	Items Sold at Fair Market Value
Loan Received (Non-Exempt)	Loan Forgiven (Non-Exempt)*
Loan Received (Exempt)	Loan Payment (Exempt)*
Loan Received (Non-Exempt)	Loan Payment (Non-Exempt)*
Cash Expenditure	Lost or Returned Check*
Miscellaneous Account Receivable	Miscellaneous Other Receipt
Miscellaneous Account Receivable	Refunds and Rebates
Cash Contribution	Return of Refund of Contribution*

*These transactions require an association and cannot be saved and filed in ORESTAR unless the user selects an association.

See the ORESTAR User's Manual: Transaction Filing for instructions about 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

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

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

The transaction must:

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

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

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 amount of expenditures paid to the same payee during a calendar year (January 1 – December 31). When the calendar year aggregate for a contributor or payee exceeds $100, the committee must disclose at least the name, address, and occupational information (if any) for contributors or, for payees, the name and city and state where the payee is located. The Elections Division encourages committees to collect occupational information for a contributor regardless of the amount of the contribution.

Committees that allow ORESTAR to track and calculate the calendar year aggregate totals for contributors and payees must enter every contribution and expenditure. ORESTAR determines whether the contribution or expenditure detail should be disclosed or included in the appropriate "miscellaneous $100 and under" category. It automatically populates the calendar year aggregate for the contributor or payee on each transaction.

Opting Out of the System Calculated Aggregate

A committee can opt out of the system-calculated aggregates, but if a committee chooses to opt out, the committee is required to enter a calendar year aggregate amount for each transaction if the calendar year aggregate for that contributor/payee exceeds $100.

The calendar year aggregate for a contributor includes cash contributions, non-exempt loans received, co-signer obligations (except obligations of the candidate's spouse), and in-kind contributions. The calendar year aggregate does not include outstanding loans carried over from a prior calendar year. The amount of a non-exempt loan received or co-signer obligation is part of the contributor's calendar year aggregate until the loan is repaid in full.

The calendar year aggregate for a payee must include accounts payable, cash expenditures, non-exempt loan payments, and personal expenditures for reimbursement.

Detailed contributor or payee information is not disclosed until the aggregate contributions from a single contributor or aggregate expenditures to a single payee exceed $100 in a calendar year. If a committee "opts out" of the system-calculated aggregate for a calendar year, it may not "opt in" until the next calendar year. If a committee chooses to opt back in to the system the following year, it must do so prior to entering any transactions in ORESTAR for the new calendar year.

See the ORESTAR User's Manual: Transaction Filing for information on opting out of the system-calculated aggregate.

A committee that "opts out" of the ORESTAR system-calculated aggregate or uses software other than ORESTAR to generate and upload transactions must ensure that the data accurately reports all contributor/payee information for:

- → Any contribution over $100. Also, for those contributors whose aggregate contributions have exceeded $100 in the calendar year, the committee must disclose in detail (i.e., name, address, and occupational information) all contributions (including those of $100 or less) from that date forward;
- → Any expenditure over $100. Also, for those payees whose aggregate expenditures have exceeded $100 in the calendar year, the committee must disclose in detail (i.e., name, address) all expenditures (including those of $100 or less) from that date forward;

  and
- → Any non-exempt loan received or non-exempt loan payment, regardless of the amount.

All contributions from contributors and expenditures made to payees whose aggregate has not exceeded $100 for the calendar year must be combined and listed in the appropriate miscellaneous category, based on the transaction subtype and transaction date. Miscellaneous contribution and expenditure category totals must be calculated on a daily basis.

ex **Calculating Expenditure Aggregates**

On January 8, 2020, the committee makes a $50 cash expenditure to the payee, making the payee's calendar year aggregate $50.

The $50 will be included in "miscellaneous cash expenditures $100 and under" amount for January 8, 2020.

On February 23, 2020, the committee makes another $100 cash expenditure to the same payee, making the payee's calendar year aggregate $150. The second expenditure transaction will be disclosed in detail because the aggregate for the payee has exceeded $100 in the calendar year and will display an aggregate of $150.

The first transaction will remain in the "miscellaeous cash expenditures $100 and under" category.

ex **Calculating Contribution Aggregates**

On January 8, 2020, an individual makes a $75 in-kind contribution to a committee making the contributor's calendar year aggregate $75.

The $75 will be included in "miscellaneous in-kind contributions $100 and under" amount for January 8, 2020.

On February 23, 2020, the individual makes a $50 cash contribution to the same committee, making the contributor's calendar year aggregate $125. The second contribution transaction will be disclosed in detail because the aggregate for the contributor has exceeded $100 in the calendar year.

The first transaction will remain in the "miscellaneous in-kind contributions $100 and under" category.

ORESTAR Address Book

ORESTAR has an Address Book which stores information about each contributor and payee associated with a committee. The committee must create only one Address Book entry for each person. The entry includes the person's name and address. The occupational information is also required if the entry is associated with an individual.

Political committees or petition committees registered with the Oregon Elections Division are automatically populated in each committee's Address Book. If you start typing any part of a committee's name in the Committee Name/ID field, a list will display with possible matches. After a selection has been made the address of the committee will automatically populate.

An Address Book record is required for each transaction subtype, with the exception of transaction subtypes Interest/Investment Income, Items Sold at Fair Market Value, Nonpartisan Activity, Cash Balance Adjustment, or Personal Expenditure Adjustment.

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 instructions in creating, saving, editing, and deleting Address Book entries.

Address Book Type

For each Address Book entry, a type must be selected. The following address book types are available for selection:

Business Entity

This includes for-profit and professional corporations, cooperatives, partnerships, limited liability companies, and sole proprietorships, etc.

Candidate & Immediate Family

This includes the candidate, the candidate's spouse and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons, but does not include family members of the candidate's spouse.

Individual

Labor Organization

Other

This includes clubs, associations, nonprofit corporations, tribal organizations, post office, governmental entities and trusts.

Political Committee

This includes committees filed in the State of Oregon or any other jurisdiction, including candidate committees, petition committees, and political action committees (e.g., miscellaneous committee, measure committee, recall committee, and caucus committee).

Political Party Committee

This includes a committee established by a major or minor political party in Oregon, including county central committees. This does not include a caucus committee.

Unregistered Committee

This includes a committee that is not registered with the Oregon State Elections Division. This includes out-of-state committees and federal committees.

Name Information

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

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

Contributor Address

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

Occupational Information

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

Occupation

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

Employer’s Name and Address

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

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 email to the contributor within seven calendar days after receiving the contribution asking the contributor to provide occupational information.

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

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

→ reporting the date the letter was mailed or emailed to the contributor

and

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

See "Retention of Records" on pages 63 - 64.

Address for a Payee

The payee's address is the city and state where the payee is located, or county if the payee is not located in a city. For payee in a foreign country, the address is the city/province/region, and country. A corporate address is acceptable.

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 and 260.200

Inspection of Accounts of Contributions and Expenditures

Accounts kept by a committee or independent expenditure filer may be inspected under reasonable circumstances at any time before the election to which the accounts refer or during the period of retention by any candidate or treasurer of any committee active in the same electoral contest. The right of inspection may be enforced by writ of mandamus issued by any court of competent jurisdiction. The Elections Division and other elections filing officers have no role in these requests made by candidates or treasurers.

Oregon election law requires all accounts of contributions and expenditures to be current not later than seven business days after the contribution is received or expenditure is made. Failure to do so may subject the committee to civil penalties.

Retention of Records

Committees and independent expenditure filers must preserve and retain supporting documentation for each transaction required to be filed or for transactions occurring when a committee has filed a Certificate of Limited Contributions and Expenditures. Documentation must be kept for at least two years after the date the transaction is filed, or if a committee has filed a Certificate, two years after the date of the transaction. This records retention requirement also applies to a candidate that is exempt from forming a candidate committee; a record must also be retained for two years after the date the record was created. Documentation consists of:

→ copies of all contribution checks, money orders, credit card, and electronic transfers (including the use of online or web-based collection of contributions), and all documentation regarding contributors;

- → copies of all correspondence relating to the campaign's financial activity;
- → currency and coin count sheets or copies of bank deposit tickets which show cash deposits;
- → original receipts and invoices for all expenditures, including personal expenditures for reimbursement;
- → copies of all checks issued on the committee's dedicated campaign account, including cancelled and voided checks;
- → statements and records of all investments and investment accounts held by the committee;
- → payroll records and tax reports;
- → electronic transaction documents;

  and

- → a copy of any letter or email sent to a contributor requesting occupational information.

Additionally:

- → Bank statements must be retained for at least two years after the date the statement is issued by the financial institution.
- → A written loan agreement must be retained for at least two years after the loan transaction is filed or until the loan is repaid, whichever is later.

In addition to the records mentioned above, the chief petitioners of any state initiative or referendum petition who compensate petition circulators, either directly or indirectly (through an agent), are also required to maintain detailed accounts. See OAR 165-014-0100 for additional information.

Any information relating to a committee's dedicated campaign account, such as the name of the financial institution, the account number and any other personal identification printed on a financial institution statement (e.g., social security number, taxpayer identification number or employee identification number) are exempt from public disclosure.

Examination of Transactions by the Elections Division

ORS 260.205

After the deadline for filing a transaction or after a transaction is filed, whichever is later, the Elections Division has 10 business days to review the transaction and determine whether the transaction includes all of the required information required by law. If the Elections Division determines that a transaction is missing required information, the filer is notified of the insufficiency in an Exam letter sent via email which provides a deadline to correct the identified insufficiencies. If the filer determines that a transaction needs to be corrected, the filer must take action to amend the transaction.

The treasurer, candidate, alternate transaction filer, correspondence recipient, and independent expenditure filer are sent an Exam letter via email that either indicates the transaction is sufficient or identifies any of the transaction's insufficiencies that need to be corrected. An Exam letter must be completed and emailed not later than the 10 business day review deadline. The Exam letter includes a deadline for providing amendments to correct any insufficient information. The deadline is 14 business days from the date of the Exam letter, or the due date for a transaction, whichever is later. Persons associated with a committee and an independent expenditure filer should check their email or the ORESTAR Documents tab for Exam letters on a regular basis.

Amending Transactions

A transaction may be amended by filing an amendment to the transaction in ORESTAR. An amended transaction may be filed at any time. An amended transaction must be filed if some element of the previously filed transaction is inaccurate or identified as insufficient.

If the filer is notified on an Exam letter that a transaction is insufficient, the filer must file an amended transaction to correct any identified insufficiency. If the amended transaction is filed by the deadline provided in the Exam letter, and the insufficiency is corrected, the transaction will be considered sufficient and no penalty is assessed.

If the filer believes that the transaction is sufficient the Elections Division should be contacted via a phone call or email explaining why the transaction is sufficient. See ORESTAR User's Manual: Transaction Filing for instructions on how to file amended transactions.

If the candidate, treasurer, or independent expenditure filer fails to provide the information requested in the Exam letter by the amendment deadline, they or the civil penalty designee may be subject to a civil penalty.

Not later than 90 calendar days after an amended transaction is filed, the Elections Division will examine the amended transaction and send an Amendment Review Notification letter to the candidate, treasurer, alternate transaction filer, correspondence recipient, and independent expenditure filer. If an amended transaction is insufficient, that transaction may be subject to a civil penalty.

Exam and Amendment Review Notification letters are sent using the email addresses provided by the candidate, treasurer, alternate transaction filer, and correspondence recipient on the committee's current Statement of Organization and to the email address provided in independent expenditure filer's user profile.

If the email (with the attached Exam or Amendment Review Notification letter) is returned as undeliverable for any reason, such as the email address has not been updated in the Statement of Organization, or the user has a spam blocker protecting the address which results in non-delivery of the email, or any other reason outside of the Elections Division's control, the committee may be found in violation for filing an insufficient transaction.

Complaints Regarding Late or Insufficient Transactions

ORS 260.205

Any elector may file a written complaint with the Elections Division alleging that a transaction is insufficient or that a person has failed to file a transaction. The complaint should state the reasons for believing that a transaction is late or insufficient and include documentation or evidence to support the allegation. The complaint must be in writing, must be signed, and filed no later than 90 calendar days after the date the relevant transaction is filed or should have been filed, whichever is later. A complaint may be filed electronically by scanning the complaint and any related evidence, attaching the scanned documents to an email, and emailing the scanned documents to **orestar-support.sos@oregon.gov**. 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. See page 74 - 75 for who is responsible for payment of a civil penalty that has been imposed for any late or insufficient filing.

The maximum penalty that may be imposed by statute is 10% of the amount of each late or insufficient transaction. The Secretary of State has established penalty matrices that are used to calculate penalties for late and insufficient transactions. The penalty calculation is based on the amount of the transaction and the number of business days the transaction is submitted late. See the Late and Insufficient Penalty Matrices on pages 68 – 71.

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 reasons for believing that the violation occurred and include documentation or evidence to support the allegation. The complaint must be in writing, must be signed, and filed no later than 90 calendar days after the election at which the violation is alleged to have occurred or 90 calendar days after the violation itself is alleged to have occurred, whichever is later. A complaint may be filed electronically by scanning the complaint and any related evidence, attaching the scanned documents to an email, and emailing the scanned documents to orestar-support.sos@oregon.gov. 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 violation of personal use, plus the amount converted to personal use. Campaign funds may not be used to pay any penalty imposed for a violation of ORS 260.407; the penalty must be paid from the personal funds of the person found in violation. See pages 35 - 36 for information on what constitutes 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. The Secretary of State may impose a penalty under OAR 165-013-0010 if a candidate is found in violation of this statute. The penalty for a violation of ORS 260.409 may be paid from any source except the candidate's committee funds.

Civil Penalties for Other Campaign Finance Violations

ORS 260.995

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

- → failure to file a Statement of Organization not later than three business days after receiving a contribution or making an expenditure;
- → failure to file an amended Statement of Organization not later than 10 calendar days after a change in information;

  and

- → failure to establish a dedicated campaign account not later than three business days after receiving a contribution or making an expenditure.

The maximum penalty for each violation of these offenses is $1,000, except for personal use of campaign funds by a person which carries a penalty of $1,000, plus the amount of funds wrongfully converted. Campaign funds may not be used to pay any penalty assessed for a violation of personal use of campaign funds or a violation for using campaign funds to pay a candidate for professional services.

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

Legislative Assembly Not Subject to Civil Process During Session

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).

Penalty Matrix: Late Filings

Late Filing Defined

Penalties may be assessed for:

- → contribution or expenditure transaction that is filed after its due date; or
- → a Certificate of Limited Contributions and Expenditures (PC 7) is filed after its due date.

A transaction is considered late in any of the following circumstances:

- → A transaction is not filed by the due date for the transaction.
- → A change is made to the name of the contributor or payee after the transaction due date, resulting in a different contributor or payee being associated with the transaction. The transaction is considered late from the transaction due date to the date the amended transaction changing the contributor or payee is filed.
- → A change is made to the date of the transaction resulting in a due date that is prior to the date the transaction was originally filed. The transaction is considered late from the date the transaction should have been filed to the date the transaction was originally filed.
- → A change (increase or decrease) is made to the amount of a previously filed transaction after the transaction due date. The amount of the change is late from the transaction due date to the date the amended transaction changing the amount is filed.
- → A previously reported transaction is deleted after the transaction due date. The transaction is considered late from the transaction due date to the date the transaction deletion is filed.
- → A cash balance adjustment transaction is filed because the committee is unable to reconcile the calculated cash balance based on transactions filed with the Secretary of State with the committee's bank balance.
- → A personal expenditure balance adjustment transaction is filed because the committee is unable to reconcile the calculated outstanding personal expenditure balance based on the transactions filed with the Secretary of State.
- → The transaction type is amended from any transaction type other than a contribution or expenditure to a contribution or expenditure, and the original transaction was filed after the deadline. The transaction is considered late from the transaction due date to the date the original transaction is filed.

Exceptions to What Constitutes a Late Filing

If a candidate committee, political action committee, or petition committee receives updated information that an in-kind contribution received from another committee and reported in a transaction is inaccurate or otherwise insufficient, the committee that received the in-kind contribution must file an amended transaction.

The amended transaction may be filed without penalty if it is filed not later than the date that the transaction is required to be filed, or if the filing deadline has passed, not later than 30 calendar days after the committee received the updated information. This applies only to an in-kind contribution that needs to be deleted, or to a change to the date, amount, or contributor name associated with the transaction. If an amendment to the in-kind contribution transaction must be filed, the committee must detail the reason for the changes in the Notes field of the transaction.

This exception does not apply to a candidate committee, political action committee, or petition committee that knew, or reasonably should have known, that the information reported in the transaction was inaccurate or insufficient at the time of filing. The exception also does not apply:

- → to an original in-kind contribution transaction that is filed late;
- → to an amended in-kind contribution transaction which results in an insufficiency of the transaction;
- → if the in-kind contributor name is amended from a committee to a person;

  or

- → if the in-kind contributor name is amended from a person to a committee.

Warning: Criminal penalties may apply if transactions verified as true by the candidate or treasurer are knowingly submitted with false information.

Penalties

The penalty for a late transaction is 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.

ex $1,000.00 X ½% X 16 business days = $80.00

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 transaction or personal expenditure balance adjustment transaction is 10% of the amount of the transaction.

If, after receiving the proposed penalty notice, the committee or independent expenditure filer determines that a transaction date was incorrectly reported thereby reducing the number of business days the transaction is filed late, there may be a reduction in the proposed civil penalty if the transaction is amended to correct the date. In order to qualify for a reduction in the civil penalty, the person must file the amended transaction no later than the deadline to request a hearing. If a hearing is requested, the amendment may be submitted up to the date of the hearing.

If the recalculated penalty reduces the penalty to less than $50, no penalty will be imposed and no violation found.

Maximum Penalties

The maximum penalty for each late transaction, except for a change in transaction amount, is 10% of the amount of the transaction. The maximum penalty for a change in transaction amount is 10% of the net change or 10% of the current transaction amount, whichever is less.

The maximum penalty for a late Certificate of Limited Contributions and Expenditures is $350.

Waiver of Penalty and Violation

If a transaction is late as a direct result of an error by the Elections Division, the violation is waived and no penalty is assessed. For example, if an error by the Elections Division resulted in a three day delay but the transaction was filed five days late, only the last two days would be enforced as a violation.

For any committee subject to reporting contributions during a legislative session, if a transaction is late and should have been filed during the three business day grace period for filing an original Statement of Organization, the violation is waived and no penalty is assessed, as long as the transaction is filed within five business days from receiving the contribution.

Penalty Matrix: Insufficient Filings

Insufficient Filings Defined

A transaction is insufficient when a contribution (cash, in-kind, or loan received) or expenditure (cash expenditure, loan payment, personal expenditure, or account payable) is missing one or more of the following items of required information or an item of information provided is not sufficient:

- → contributor's name;
- → contributor's address (not including zip code);
- → contributor's occupational information;
- → name of payee;
- → payee's address (city and state);
- → purpose of expenditure;

  or

- → terms of loan made or received.

After the deadline for filing a transaction or after a transaction is filed, whichever is later, the Elections Division has 10 business days to review the transaction and determine whether the transaction includes all of the information required by law.

The treasurer, candidate, alternate transaction filer, correspondence recipient, and independent expenditure filer are sent an Exam letter via email that either indicates the transaction is sufficient or identifies any of the transaction's insufficiencies that need to be corrected. The letter includes a deadline for providing amendments to correct any insufficient information.

See "Amending Transactions" on page 65.

The deadline to amend an insufficient transaction is 14 business days from the date of the Exam letter, or 14 business days from the due date for a transaction, whichever is later.

If the requested information is filed by the amendment deadline provided in the Exam letter and is deemed sufficient, there is no penalty for insufficiency. If the candidate, treasurer or independent expenditure filer fails to provide the information requested in the Exam letter by the amendment deadline, the person required to correct the insufficiency will be subject to a penalty.

Not later than 90 calendar days after an amended transaction is filed, the Elections Division will examine the amended transaction and send an Amendment Review Notification letter to the committee. If an amended transaction is filed and is insufficient, that transaction may result in a civil penalty.

Penalties

The penalty is $10 per item for all missing or insufficient items, except for the failure to provide the terms of a loan made or received, which is 1% of the loan amount.

Omitted or insufficient information submitted after the amendment deadline but prior to the deadline for a candidate, treasurer, or independent expenditure filer to request a hearing will result in a 50% per item reduction of the penalty, if the information is deemed sufficient. If a hearing is requested, the omitted or insufficient information may be submitted up to the date of the hearing, and if deemed sufficient, will result in a 50% per item reduction of the penalty.

Maximum Penalties

The maximum penalty for each insufficient transaction is 10% of the amount of the transaction or $10, whichever is less.

Waiver of Penalty and Violation

If an insufficiency is the direct result of an error by the Elections Division, the violation is waived and no penalty is assessed.

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

Contested Case Procedures

ORS 260.232

Late and insufficient violations are processed by calendar month. Each case for a given month will include any transactions that are filed late and/or any insufficient transactions that are not sufficiently corrected by the exam response due date in that particular month. Laws, administrative rules, and the campaign finance manual in effect at the time the transaction is filed or, if the transaction is insufficient, in effect on the deadline to respond to the insufficiency will be enforced and govern campaign finance reporting requirements. Generally, cases for a particular month are reviewed and generated approximately three months after the end of a month. If the total calculated penalty for a case is less than $50, a proposed penalty notice will not be issued.

Issuance of Proposed Penalty Notice

If the Secretary of State determines that a committee or independent expenditure filer is in violation of Oregon election law because late and/or insufficient transactions were filed or a Certificate of Limited Contributions and Expenditures is filed late, and the total calculated penalty is $50 or more, the Elections Division will create a case and deliver by first class mail or by email a Notice of Proposed Civil Penalty (proposed penalty notice) to the individual who is liable for the violations. The notice is sent to:

- → the treasurer of a political action committee or petition committee, or if applicable, the civil penalty designee;
- → the candidate of a candidate committee and the designated treasurer of a candidate committee; or
- → an independent expenditure filer.

The notice informs the liable individual of the potential penalty and provides an opportunity to request a hearing if there is a mitigating circumstance that directly caused the late or insufficient filing.

A hearing request can be filed only by the person subject to the civil penalty, or an attorney representing the person.

Mitigating Circumstances

The only mitigating circumstances that may be considered in a late or insufficient filing case are:

- → The lateness or insufficiency of a transaction is the direct result of clearly-established fraud, embezzlement, or other criminal activity against the committee, committee treasurer, candidate, alternate transaction filer, or independent expenditure filer, as determined in a criminal or civil action in a court of law or independently corroborated by a report of a law enforcement agency or insurer, or the sworn testimony or affidavit of an accountant or bookkeeper or the person who actually engaged in the criminal activity. This mitigating circumstance does not apply to the candidate, treasurer, alternate transaction filer, or independent expenditure filer who was the perpetrator of the wrongdoing described above.

  ⓘ If the criminal or civil action in a court of law results in a monetary judgment (including restitution) in favor of the candidate or committee treasurer, the Elections Division civil penalty must be paid if the judgment is collected.

- → The lateness or insufficiency of a transaction is the direct result of fire, flood, utility failure, or other calamitous event, resulting in physical destruction of, or inaccessibility to campaign finance records.

  ⓘ "Calamitous event" means a phenomenon of an exceptional character, the effects of which could not have been reasonably prevented or avoided by the exercise of due care or foresight.

- → The lateness or insufficiency of a transaction is the direct result of failure of a professional delivery service to deliver documents in the time guaranteed for delivery by written receipt of the service provider. This does not include delivery by fax. The lateness or insufficiency of a transaction is the direct result of an error by the elections filing officer.

One additional circumstance that will only be considered in a late filing case is:

- → The lateness of a transaction is the direct result of a valid personal emergency of the candidate, treasurer, alternate transaction filer, or independent expenditure filer. In this case, independent written verification must be provided.

  ⓘ A valid personal emergency is an emergency, such as a serious personal illness or death in the immediate family of the candidate, treasurer, alternate transaction filer, or independent expenditure filer which caused the transaction to be late. Personal emergency does not include a common cold or flu, or a long-term illness where other arrangements could have been made.

Only the circumstances listed above, if proven, may be considered in reducing a penalty.

Waiver of Penalty and Violation

If a transaction is late or insufficient as the direct result of an error by the elections filing officer, the violation is waived and no penalty is assessed.

Responding to Proposed Penalty Notice

When an individual receives a proposed penalty notice, they can either:

- → choose to pay the penalty;
- → wait until the Election Division issues a default final order assessing the civil penalty;

  or

- → contest the charges because there is a mitigating circumstance that directly caused the violations by either submitting notarized testimony, or requesting an in-person or telephone hearing with an administrative law judge.

  A hearing request can be filed only by the person subject to the civil penalty, or an attorney representing the person.

Paying the Civil Penalty

If the person chooses to pay the penalty:

- → Payment may be submitted by check made payable to the Secretary of State;
- → Payment may be made by credit card over the phone;
- → Payment may be mailed to the Elections Division, at any time after the proposed penalty notice is issued, but must be received not later than 30 calendar days after the service date of the default final order;

  or

- → If necessary, the person may contact the Elections Division to discuss payment plan options.

Contest the Charges by Requesting a Hearing

To contest the charges, the person must submit a signed Hearing Request Form (SEL 851) and an answer to the violations pursuant to applicable Oregon administrative rules and/or Oregon Revised Statutes; the request and answer must be received by the Elections Division not later than 20 calendar days after the service date on the proposed penalty notice.

If the Elections Division receives the signed and sufficient Hearing Request Form, the case will referred to the Office of Administrative Hearings. The process outlined in the applicable Oregon administrative rules and/or Oregon Revised Statutes will be followed to conduct the hearing.

Final Orders

Final orders are issued after the deadline to request a hearing has passed or, if the charges were contested and a hearing was conducted, after the administrative law judge issues a proposed order. If the final order assesses a civil penalty, the liable party has 30 calendar days to pay the penalty. After the issuance of a final order the liable party is entitled to judicial review of the order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 calendar days of the service date of the order.

Payment of Civil Penalties

For political action committees or petition committees, the treasurer or civil penalty designee is personally liable for penalties imposed for late or insufficient filings of contribution and expenditure transactions. For candidate committees, the candidate is liable for penalties imposed. The independent expenditure filer is liable for penalties imposed. While the persons named above are personally responsible for payment of any penalty imposed, there is nothing that prohibits a penalty from being paid using committee funds or any other source.

Uncontested civil penalties may be paid at any time after receiving the proposed penalty notice, but are due no later than 30 calendar days after the service date of a default final order or final order, unless an appeal is filed. Payment is made to the Secretary of State. Payment may be made using a credit card by contacting the Elections Division. Civil penalties are paid into the State Treasury and credited to the General Fund.

Penalties (for all violations other than prohibited personal use of committee funds) may be paid from any source. A penalty paid from committee funds must be reported as an expenditure.

Payment Liability for Penalty Imposed for Late Transactions or Late Certificate

For a **political action committee or petition committee**, the treasurer responsible for any late filing penalty is the treasurer or the civil penalty designee (if applicable) of record (i.e., listed on the Statement of Organization at the time the transaction is due).

For a **candidate committee**, the candidate is responsible for any late filing penalty, even if the late transaction or certificate is filed by the designated treasurer.

For a **filer of independent expenditures**, the individual registered as the filer is responsible for any late filing penalty.

The liability for the civil penalty remains with the treasurer or the civil penalty designee of a political action committee and petition committee, and the candidate for a candidate committee, even if the late transaction is filed by the designated alternate transaction filer.

Payment Liability for Penalty Imposed for Insufficient Transactions

For a **political action committee or petition committee**, the treasurer responsible for an insufficient filing penalty is the treasurer who filed the transaction that was insufficient or the civil penalty designee applicable at the time the insufficient transaction was filed by the treasurer.

For a **candidate committee**, the candidate is responsible for any insufficient filing penalty, even if the insufficient transaction is filed by the designated treasurer.

For a **filer of independent expenditures**, the individual registered as the filer is responsible for any insufficient penalty.

The liability for the civil penalty remains with the treasurer or the civil penalty designee of a political action committee and petition committee, and the candidate for a candidate committee, even if the insufficient transaction is filed by the designated alternate transaction filer.

Payment Liability for Penalty Imposed for Cash Balance Adjustment or Personal Expenditure Balance Adjustment Transactions

For a **political action committee or petition committee**, the treasurer responsible for a cash balance adjustment or personal expenditure balance adjustment penalty is the treasurer who filed the adjustment transaction or the civil penalty designee applicable at the time the balance adjustment transaction is filed.

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

The liability for the civil penalty remains with the treasurer or civil penalty designee of a political action committee and petition committee, and the candidate for a candidate committee, even if the transaction is filed by the designated alternate transaction filer.

While the individuals named in the paragraphs above are personally liable for payment of any penalty imposed, the penalty may be paid from any source including committee funds.

Instructions for Completing Forms

A Statement of Organization for a political action committee or petition committee that has a civil penalty designee must be filed using the paper forms. The completed forms can be printed, signed, and filed with the Elections Division. The forms may be mailed, faxed, scanned and emailed to **orestar-support.sos@oregon.gov** or hand-delivered.

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

This section explains the information required for each field of information on a Statement of Organization. There are three types of Statements of Organization and they can be filed either online through ORESTAR or by using one of the following paper forms:

Form SEL 220: Statement of Organization for Candidate Committee;

Form SEL 221: Statement of Organization for Political Action Committee; and

Form SEL 222: Statement of Organization for Petition Committee.

For steps on filing the Statement of Organization electronically, refer to the ORESTAR User's Manual: Statement of Organization.

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

Do not provide the address, phone number, or email address of a person who has obtained an exemption from disclosure as a public record.

Candidate Committee

Filing Type: Must indicate the filing type. To file a new committee, select Original. To make changes or update a filing, select Amendment. To close the committee, select Discontinuation.

Name of Committee: Must provide the name of the committee and it must match the name of the bank account.

Committee Street Address: Do not use a post office box number. Must provide the street address of a residence, office, headquarters, or similar location where the candidate or a responsible officer of the committee can be located. The address must be in Oregon.

Campaign Phone Number: May provide a phone number where a committee member can be reached.

Name of Candidate: Must include at least the first and last name.

Candidate Address: Do not use a post office box number. Must provide the street address of a residence, office, headquarters, or similar location where the candidate can conveniently be located.

Candidate Mailing Address: Must provide an address where the candidate wants to receive written correspondence from the Elections Division.

Candidate Phone and Fax Numbers: May provide a phone number where the candidate can be reached during normal business hours. May provide the candidate's fax number, if the candidate has one.

Candidate Email Address: Must provide an email address where the candidate can be reached.

Candidate's Occupational Information: If not employed, a homemaker, retired, or a student, select Not Employed. No further occupational information is required.

If self-employed, select Self-Employed and must provide the nature of the primary job of the candidate in the **Occupation** field.

If employed by another person, must provide the nature of the primary job of the candidate in the **Occupation** field. Must also provide the **Employer's Name**, **City** and **State** in the appropriate fields.

See "Occupational Information" on page 62 for how the Elections Division defines occupation.

Name of Treasurer: Must include at least the first and last name. The treasurer must be an Oregon elector.

Treasurer Mailing Address: Must provide an address where the treasurer wants to receive written correspondence from the Elections Division.

Treasurer Phone and Fax Numbers: May provide a phone number where the treasurer can be reached during normal business hours. May provide the treasurer's fax number, if the treasurer has one.

Treasurer Email Address: Must provide an email address where the treasurer can be reached.

Election Information: Designate the specific election in which the individual will be a candidate. A candidate nominated at the primary election must amend the Statement of Organization to indicate participation in the general election.

List the office sought by the candidate. Include the county, district, position, department, or zone number, if applicable. If the office is unknown, indicate "unknown office".

Party Affiliation: Must select the political party that indicates the candidate's party affiliation even if the candidate has been nominated by multiple political parties. A candidate running for a nonpartisan office should not complete this section.

Committee Director: A committee director is any person who directly and substantially participates in decision-making on behalf of the committee concerning the solicitation or expenditure of funds. If any person meets the definition of a director they must be designated on the Statement of Organization. **A candidate committee is not required to have committee directors.** The candidate is assumed to directly and substantially participate in decision making on behalf of the committee and does not need to be designated as a director.

If two or more of the directors are also directors of another political committee, list the names of those directors and the name and address of the other political committee.

Name of Director: If a director is designated, must include at least the first and last name.

Director Address: Must provide the address of a residence, office, headquarters, post office box or similar location where the director can conveniently be reached.

Director Phone: May provide a phone number where the director can be reached during normal business hours.

Director's Occupational Information: If not employed, homemaker, retired, or a student, select Not Employed. No further occupational information is required.

If self-employed, select Self-Employed and must provide the nature of the primary job of the director in the **Occupation** field.

If employed by another person, must provide the nature of the primary job of the director in the **Occupation** field. Must also provide the **Employer's Name**, **City** and **State** in the appropriate fields.

See "Occupational Information" on page 62 for how the Elections Division defines occupation.

Name of Alternate Transaction Filer: Designating an alternate transaction filer is optional. If an alternate transaction filer is designated, must include at least the first and last name. This is an individual designated to file transactions but who does not have liability for late or insufficient transactions.

Alternate Transaction Filer Mailing Address: Must provide an address where the alternate transaction filer wants to receive written correspondence from the Elections Division.

Alternate Transaction Filer Email Address: Must provide an email address where the alternate transaction filer can be reached.

Alternate Transaction Filer Phone: May provide a phone number where the alternate transaction filer can be reached during normal business hours.

Name of Correspondence Recipient: Designating an individual as the correspondence recipient is optional. If a correspondence recipient is designated, must include at least the first and last name. The individual designated will receive notices and other correspondence issued by the Elections Division.

Correspondence Recipient Mailing Address: Must provide an address where the correspondence recipient wants to receive written correspondence from the Elections Division.

Correspondence Recipient Email Address: Must provide an email address where the correspondence recipient can be reached.

Correspondence Recipient Phone: May provide a phone number where the correspondence recipient can be reached during normal business hours.

Other Election Activity: If the candidate is active at an election in which her or his name is not on the ballot, indicate the type of activity.

See "Active in an Election" on page 17 for more information.

Name of Oregon Financial Institution: Must include the name of the Oregon financial institution where the committee has established or expects to establish the committee bank account.

Name of Account: This must be identical to the official name of the committee.

Name of Account Holder: Must include the name of the candidate or the name of the committee. If the candidate is an account holder, other individuals may also be listed as account holders, as long as they have signature authority.

Names of Persons Who Have Signature Authority: The candidate and treasurer must be signers on the campaign account. Other signatories may also be designated.

Signatures of Candidate and Treasurer: A candidate and treasurer (if applicable) must sign and date each Statement of Organization filed. In signing the Statement of Organization, the candidate and treasurer are attesting they understand the potential liability of being a candidate or treasurer and that the information provided is true and correct.

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.

Political Action Committee

Filing Type: Must indicate the filing type. To file a new committee, select Original. To make changes or update a filing, select Amendment. To close the committee, select Discontinuation.

Name of Committee: Must provide the name of the committee and it must match the name of the bank account.

Committee Street Address: Do not use a post office box number. Must provide the street address of a residence, office, headquarters, or similar location where the candidate or a responsible officer of the committee can be located. The address must be in Oregon.

Campaign Phone Number: May provide a phone number where a committee member can be reached.

Name of Treasurer: Must include at least the first and last name. The treasurer must be an Oregon elector.

Treasurer Mailing Address: Must provide an address where the treasurer wants to receive written correspondence from the Elections Division.

Treasurer Phone and Fax Numbers: May provide a phone number where the treasurer can be reached during normal business hours. May provide the treasurer's fax number, if the treasurer has one.

Treasurer Email Address: Must provide an email address where the treasurer can be reached.

Committee Director: A committee director is any person who directly and substantially participates in decision-making on behalf of the committee concerning the solicitation or expenditure of funds. If any person meets the definition of a director they must be designated on the Statement of Organization. The treasurer of a political action committee may also be listed as a director but must list at least one other director who is not the treasurer. The officers of a political party shall be considered the directors of any political party committee of that party and must be designated on the Statement of Organization, unless otherwise provided in the party's bylaws.

If two or more of the directors are also directors of another political committee, list the names of those directors and the name and address of the other political committee.

Name of Director: Must include at least the first and last name.

Director Address: Must provide the address of a residence, office, headquarters, post office box or similar location where the director can conveniently be reached.

Director Phone: May provide a phone number where the director can be reached during normal business hours.

Director's Occupational Information: If not employed, homemaker, retired, or a student, select Not Employed. No further occupational information is required.

If self-employed, select Self-Employed and must provide the nature of the primary job of the director in the **Occupation** field.

If employed by another person, must provide the nature of the primary job of the director in the **Occupation** field. Must also provide the **Employer's Name**, **City** and **State** in the appropriate fields.

See "Occupational Information" on page 62 for how the Elections Division defines occupation.

Name of Alternate Transaction Filer: Designating an alternate transaction filer is optional. If an alternate transaction filer is designated, must include at least the first and last name. This is an individual designated to file transactions but who does not have liability for late or insufficient transactions.

Alternate Transaction Filer Mailing Address: Must provide an address where the alternate transaction filer wants to receive written correspondence from the Elections Division.

Alternate Transaction Filer Email Address: Must provide an email address where the alternate transaction filer can be reached.

Alternate Transaction Filer Phone: May provide a phone number where the alternate transaction filer can be reached during normal business hours.

Name of Correspondence Recipient: Designating an individual as the correspondence recipient is optional. If a correspondence recipient is designated, must include at least the first and last name. The individual designated will receive notices and other correspondence issued by the Elections Division.

Correspondence Recipient Mailing Address: Must provide an address where the correspondence recipient wants to receive written correspondence from the Elections Division.

Correspondence Recipient Email Address: Must provide an email address where the correspondence recipient can be reached.

Correspondence Recipient Phone: May provide a phone number where the correspondence recipient can be reached during normal business hours.

Name of Civil Penalty Designee: Designating an individual as the civil penalty designee is optional. If a civil penalty designee is designated, must include at least the first and last name. This individual is liable for any civil penalty imposed for late or insufficient transactions. This individual must be someone other than the treasurer and must agree to serve as civil penalty designee by signing a paper Statement of Organization.

Civil Penalty Designee's Mailing Address: Must provide an address where the civil penalty designee wants to receive written correspondence from the Elections Division.

Civil Penalty Designee's Email: Must provide an email address where the civil penalty designee can be reached.

Civil Penalty Designee's Phone: May provide a phone number where the civil penalty designee can be reached during normal business hours.

Nature of Political Action Committee: Must provide a description of the general nature of the committee.

Example
"Support all candidates and measures advocating health care for all."

"Supports candidates that oppose tax increases."

Type of Political Action Committee: Must identify the type of committee.

A "miscellaneous committee" is a committee that supports or opposes one or more of the following:

→ specific candidate(s);

→ entire ticket of a political party;

or

→ candidate(s) and measure(s).

A "measure committee" is a committee that exclusively supports or opposes one or more measures that are certified to the ballot. A measure committee must not contribute to candidates, miscellaneous committees, political parties, caucus committees, recall committees, or fund independent expenditures in support of or in opposition to candidates. If a measure committee wishes to make such expenditures, it must amend its Statement of Organization to become a miscellaneous committee.

A "political party committee" is a major or minor political party qualified under ORS Chapter 248 or a committee established by a major or minor party under party bylaws (e.g., county central committees).

A "caucus committee" is a committee affiliated with a caucus in either chamber of Oregon's Legislative Assembly.

A "recall committee" is a committee supporting or opposing a person subject to a recall election. A recall committee cannot be formed until a recall election is certified to the ballot.

Party Affiliation for Political Party Committees: Political party committees must identify the party the committee is affiliated with.

Controlled Committee Information: Must answer yes or no to the question. If yes, must identify the candidate(s) that control the committee.

All caucus committees are controlled committees. A "controlled committee" is a political action committee that, in connection with the making of contributions or expenditures:

→ is controlled directly or indirectly by a candidate or by another controlled committee;

or

→ acts jointly with a candidate or another controlled committee.

A candidate controls a political action committee if:

→ the candidate, the candidate's agent, a member of the candidate's immediate family, or any other political committee that the candidate controls has a significant influence on the actions or decisions of the political action committee;

or

→ the candidate's committee and the political action committee both have the candidate or a member of the candidate's immediate family as a treasurer or director.

Measure Information: If supporting or opposing a measure(s), must provide the measure number, indicate support or opposition, and list the election at which the measure(s) will be voted on.

Recall Information: If supporting or opposing a recall(s), must provide the date of the special recall election, indicate support or opposition of the recall, and identify the candidate(s) by listing their name, the name of the office, and district or position number, if applicable.

"Support" means the committee supports the recall of the candidate and "oppose" means the committee opposes the recall of the candidate (i.e., wants the candidate to remain in office).

Name of Oregon Financial Institution: Must include the name of the Oregon financial institution where the committee has established or expects to establish the committee bank account.

Name of Account: This must be identical to the official name of the committee.

Name of Account Holder: For a political action committee, the account holder must include the treasurer, or the name of the committee or the affiliated organization that administers the account. If the treasurer is an account holder, other individuals may also be listed as account holders, as long as they have signature authority.

Names of Persons Who Have Signature Authority: The treasurer must be a signer on the campaign account. Other signatories may also be designated.

Signatures of Treasurer and Civil Penalty Designee: A treasurer must sign and date each Statement of Organization filed. In signing the Statement of Organization, the treasurer is attesting they understand the potential liability of being a treasurer and that the information provided is true and correct.

If a political action committee also has a civil penalty designee, an individual that accepts liability for any penalty assessed for a late or insufficient transaction, that individual must also sign and date the Statement of Organization.

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.

Petition Committee

Filing Type: Must indicate the filing type. To file a new committee, select Original. To make changes or update a filing, select Amendment. To close the committee, select Discontinuation.

Name of Committee: Must provide the name of the committee and it must match the name of the bank account.

Committee Street Address: Do not use a post office box number. Must provide the street address of a residence, office, headquarters, or similar location where the candidate or a responsible officer of the committee can be located. The address must be in Oregon.

Campaign Phone Number: May provide a phone number where a committee member can be reached.

Name of Treasurer: Must include at least the first and last name. The treasurer must be an Oregon elector.

Treasurer Mailing Address: Must provide an address where the treasurer wants to receive written correspondence from the Elections Division.

Treasurer Phone and Fax Numbers: May provide a phone number where the treasurer can be reached during normal business hours. Provide the treasurer's fax number, if the treasurer has one.

Treasurer Email Address: Must provide an email address where the treasurer can be reached.

Name of Chief Petitioner(s): Must provide at least the first and last name of the chief petitioner(s). A recall committee may only have one chief petitioner. The names must match the names listed on the prospective petition.

Chief Petitioner(s) Address: Must provide the address of a residence, office, headquarters, post office box or similar location where the chief petitioner can conveniently be reached.

Name of Alternate Transaction Filer: Designating an alternate transaction filer is optional. If an alternate transaction filer is designated, must include at least the first and last name. This is an individual designated to file transactions but who does not have liability for late or insufficient transactions.

Alternate Transaction Filer Mailing Address: Must provide an address where the alternate transaction filer wants to receive written correspondence from the Elections Division.

Alternate Transaction Filer Email Address: Must provide an email address where the alternate transaction filer can be reached.

Alternate Transaction Filer Phone: May provide a phone number where the alternate transaction filer can be reached during normal business hours.

Name of Civil Penalty Designee: Designating an individual as the civil penalty designee is optional. If a civil penalty designee is designated, must include at least the first and last name. This individual is liable for any civil penalty imposed for late or insufficient transactions. This individual must be someone other than the treasurer and must agree to serve as civil penalty designee by signing a paper Statement of Organization.

Civil Penalty Designee's Mailing Address: Must provide an address where the civil penalty designee wants to receive written correspondence from the Elections Division.

Civil Penalty Designee's Email: Must provide an email address where the civil penalty designee can be reached.

Civil Penalty Designee's Phone: May provide a phone number where the civil penalty designee can be reached during normal business hours.

Jurisdiction: Must indicate the jurisdiction where the prospective petition was filed.

Petition Information: Identify the type of petition (initiative, referendum, or recall) the committee is sponsoring.

For an initiative or referendum petition, must indicate the petition ID number assigned by the filing officer.

For a recall petition, must indicate the name of the office holder against whom the recall petition has been filed and include the name of the office, and district or position number, if applicable.

Name of Oregon Financial Institution: Must include the name of the Oregon financial institution where the committee has established or expects to establish the committee bank account.

Name of Account: This must be identical to the official name of the committee.

Name of Account Holder: For a petition committee, the account holder must include the treasurer, or the name of the committee or the affiliated organization that administers the account. If the treasurer is an account holder, other individuals may also be listed as account holders, as long as they have signature authority.

Names of Persons Who Have Signature Authority: The treasurer must be a signer on the campaign account. Other signatories may also be designated.

Signatures of Treasurer and Civil Penalty Designee: A treasurer must sign and date each Statement of Organization filed. In signing the Statement of Organization, the treasurer is attesting they understand the potential liability of being a treasurer and that the information provided is true and correct.

If a petition committee also has a civil penalty designee, an individual that accepts liability for any penalty assessed for a late or insufficient transaction, that individual must also sign and date the Statement of Organization.

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.

Forms That Must Be Filed Using Paper

The following forms cannot be filed electronically in ORESTAR and must be filed using the PDF fillable forms available online at **www.oregonvotes.gov**. The two forms listed below are filed only by a corporation when the major source of revenue for the corporation is paid-in-capital and the primary purpose of the corporation is to support or oppose a candidate, measure, or political party, and the corporation has made a contribution or an expenditure for that purpose. Further, the SEL 221 (Statement of Organization for Political Action Committee) and SEL 222 (Statement of Organization for Petition Committee) must be filed using the paper if the committee has a Civil Penalty Designee.

Form PC 3: Cash Expenditures and Loan Payments Form

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

Depending on the type of organization and the organization's activities, the corporation may also be required to file a Statement of Organization for Political Action Committee form (SEL 221).

Information Sources

Business Registration

For information about business registration and business regulations contact:

Corporations Division
Public Service Building
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327
503 986 2200
corporation.division@oregon.gov
www.filinginoregon.com

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
866 673 8683 or 503 986 1518
fax 503 373 7414
orestar-support.sos@oregon.gov
www.oregonvotes.gov

Employer/Employee Responsibilities

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

Oregon Employment Department
Tax Section
875 Union Street NE, Rm 107
Salem, OR 97311-0030
☎ 503 947 1488
fax 503 947 1487
www.oregon.gov/employ/tax

Federal Elections

For questions regarding federal candidates or committees or federal election regulations contact:

Federal Election Commission
999 E Street NW
Washington, DC 20463
☎ 800 424 9530
www.fec.gov

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

IRS Reporting Requirements

For questions regarding IRS reporting requirements for political committees contact:

Internal Revenue Service
☎ 800 829 1040
www.irs.gov/charities-non-profits/political-organizations

Oregon Department of Revenue (Tax Credits)

For information about income tax credits for political contributions contact:

Revenue Building
955 Center Street NE
Salem, OR 97301-2555
☎ 800 356 4222 or 503 378 4988
www.oregon.gov/DOR

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.

Political Signs

For questions regarding political signs contact the elections filing officer for the jurisdiction where the signs are located.

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

Oregon Department of Transportation
355 Capitol Street NE, MS 11
Salem, OR 97301-3871
☎ 888 275 6368
fax 503 986 3432
www.oregon.gov/ODOT

Raffle License

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

Department of Justice Charitable Activities Section
100 SW Market Street
Portland, OR 97201
☎ 971 673 1880
fax 971 673 1882
✉ **charitable.activities@doj.state.or.us**
www.doj.state.or.us/charitable-activities

Special Districts

For information on Special Districts contact:

Special Districts Association of Oregon
PO Box 12613
Salem, OR 97309-0613
☎ 800 285 5461 or 503 371 8667
www.sdao.com

Definitions

As used in this manual, unless the context requires otherwise, the following terms mean:

Account Payable

An amount owed to a creditor for goods or services.

Address

Includes street number and name, rural route number or post office box, city, state, and zip code. For individual contributors, address means that place where the individual receives personal financial correspondence: personal residence, post office box, or place of employment. For payees, address is the city and state where the payee is located, or county if the payee is not located in a city.

Agent

Any person who has:

→ actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate or on behalf of a political committee supporting or opposing a measure;

or

→ been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities the person may authorize expenditures.

Aggregate

The total amount of contributions, including cash contributions, non-exempt loans received, co-signer obligations (except obligations of the candidate's spouse), and in-kind contributions received from the same contributor in a calendar year.

The total amount of expenditures, including accounts payable, cash, personal expenditures for reimbursement, and non-exempt loan payments made to the same payee in a calendar year.

Amendment

An addition, correction, or deletion of information to a transaction or Statement of Organization that has already been filed.

Business Days

Calendar days excluding weekends and legal holidays as provided in ORS 187.010 and 187.020.

Calendar Year

January 1 - December 31.

Candidate

"Candidate" includes any of the following:

→ an individual whose name is printed on a ballot, for whom a declaration of candidacy, nominating petition or certificate of nomination to public office has been filed, or whose name is expected to be or has been presented, with the individual's consent, for nomination or election to public office;

→ an individual who has solicited or received and accepted a contribution, made an expenditure, or given consent to an individual, organization, political party or political committee to solicit or receive and accept a contribution or make an expenditure on the individual's behalf to secure nomination or election to any public office at any time, whether or not the office for which the individual will seek nomination or election is known when the solicitation is made, the contribution is received and retained or the expenditure is made, and whether or not the name of the individual is printed on a ballot;

or

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

Civil Penalty Designee

A person designated on the Statement of Organization for a Political Action Committee or Petition Committee that is personally liable for any penalty imposed for a late or insufficient transaction.

City Offices

The elected public offices of a city. City offices typically include a Mayor, City Councilors, a municipal Judge, and other officers the city council considers necessary for the conduct of business. The offices may vary depending upon the city's charter and ordinances. Contact the city elections filing officer for any questions regarding city offices.

Committee Director

Any person who directly and substantially participates in decision-making on behalf of a political committee concerning the solicitation or expenditure of funds and the support of or opposition to candidates or measures. The officers of a political party are considered the directors of any political party committee of that party, unless otherwise provided in the party's bylaws.

Committee Identification Number

The number assigned to Oregon committees registered with the Elections Division.

Contribution

A contribution includes:

the payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compensation or consideration, of money, services other than personal services for which no compensation is asked or given, supplies, equipment, or any other thing of value:

- → for the purpose of influencing an election for public office or an election on a measure, or of reducing the debt of a candidate for nomination or election to public office or the debt of a political committee, or
- → to or on behalf of a candidate, political committee, or measure.

If a contribution is made for compensation or consideration of less than equivalent value, only the excess value of it is a contribution.

Controlled Committee

A political action committee that, in connection with the making of contributions or expenditures:

- → is controlled directly or indirectly by a candidate or another controlled committee;

  or

- → acts jointly with a candidate or another controlled committee.

A candidate controls a political action committee if:

- → the candidate, the candidate's agent, a member of the candidate's immediate family, or any other political action committee that the candidate controls has a significant influence on the actions or decisions of the political action committee;

  or

- → the candidate's committee and the political action committee both have the candidate or a member of the candidate's immediate family as a treasurer or director.

Corporation

Includes for-profit, nonprofit, and professional corporations.

County Offices

The elected public offices of a county. County offices typically include County Commissioners, County Assessor, County Clerk, County Sheriff, and County Treasurer.

The offices may vary depending upon the county's charter and ordinances. Contact the county elections filing officer for any questions regarding county offices.

District Offices

The elected public offices of a special district (such as a school or water district) which may be voted on only by the registered voters of the special district. District offices typically include a board of directors.

The offices may vary depending upon the district's statutory requirements. Contact the county elections filing officer for any questions about district offices.

Elections Division

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

Electoral District

An area within the state, county, city, or district that is designated to be governed or represented by a particular elected public office.

Elector

A registered voter in the State of Oregon.

Exempt Loan

Any loan of money made by a financial institution, other than any overdraft made with respect to a checking or savings account, if the loan:

→ bears the institution's usual and customary interest rate for the category of loan involved;

→ is made on a basis which assures repayment;

→ is evidenced by a written instrument;

and

→ is subject to a due date or amortization schedule.

Expenditure

An expenditure includes:

→ payment or furnishing of money or furnishing of any other thing of value;

→ incurring or repayment of indebtedness or obligation by or on behalf of a candidate, committee or person in consideration for any services, supplies, or equipment;

→ any other thing of value performed or furnished for any reason, including support of or opposition to a candidate, committee, or measure;

→ reducing the debt of a candidate for nomination or election to public office;

or

→ contributions made by a candidate or committee to or on behalf of any other candidate or committee.

Fair Market Value

Fair market value is the dollar amount 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 committee or petition committee that is required to disclose expenditures made independently for a communication in support of or in opposition to a candidate, political party, or measure.

Initiative Petition

A petition by electors to initiate a measure for approval or rejection.

In-Kind

A good or service, other than money, having monetary value.

Initial Assets

Contributions received or expenditures made by a committee prior to establishing the committee.

Legislative Official

Any member or member-elect of the Legislative Assembly.

Loan Co-Signer or Guarantor

A person who guarantees a loan of monetary value for a candidate or a committee.

Local Initiative or Referendum

Any initiative or referendum filed with a county, city, or special district elections office.

Local Office or Measure

Any office or measure to be voted upon by the registered voters of a county, city, or special district.

Measure

Includes any of the following submitted to the people for their approval or rejection at an election:

- → an Act or part of an Act of the Legislative Assembly;
- → a county, city, or special district legislation;
- → a proposed law;
- → a proposition or question; or
- → a proposed revision or amendment to the Oregon Constitution.

Measure Committee

A political action committee organized exclusively to support or oppose one or more measures certified to a ballot in Oregon.

Membership Organization

A trade association, cooperative, corporation without capital stock, or a local, national, or international labor organization that:

- → is composed of members who have the choice whether to join the organization and some or all members are vested with the power and authority to operate or administer the organization, pursuant to the organization's articles, bylaws, constitution, or other formal organizational documents;
- → expressly states the qualifications and requirements for membership in its articles, bylaws, constitution, or other formal organizational documents;
- → makes its articles, bylaws, constitution, or other formal organizational documents available to its members upon request;
- → expressly solicits persons to become members;
- → expressly acknowledges the acceptance of membership, such as by sending a membership card or including the member's name on a membership newsletter list;
- → is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to public office;

and

- → is not a political committee.

Non-Exempt Loan

A loan that is generally from a source other than a financial institution.

Nonaffiliated Candidate

A candidate filing for a partisan office by Assembly of Electors or Individual Electors and who is not affiliated with any party.

Nonpartisan Activity

Activity designed to encourage individuals to vote or to register to vote, regardless of party affiliation.

Nonpartisan Office

An office for which the candidate does not run under the name of any political party. Nonpartisan offices include: Judge (Supreme Court, Court of Appeals, Tax Court, Circuit Court, and County Judge who exercises judicial functions), Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS Chapter 268, Justice of the Peace, County Clerk, County Assessor, County Treasurer, Sheriff, District Attorney, and any office designated nonpartisan by a home rule charter. Special District offices are also nonpartisan.

OAR

Oregon Administrative Rules.

Occupational Information

The nature of an individual's primary job or business and if the individual is employed by another person, the employer's name and city and state.

ORESTAR

Oregon Elections System for Tracking and Reporting (ORESTAR) is the Elections Division web-based campaign finance reporting system.

ORS

Oregon Revised Statutes.

Other Disbursements

Moneys disbursed by the candidate or committee that do not meet the definition of "expenditure."

Other Receipts

Moneys received by a candidate or committee that do not meet the definition of "contribution."

Partisan Office

An office for which the candidate may be nominated by a major or minor political party, or as a nonaffiliated candidate.

Person

An individual, corporation, limited liability company, labor organization, association, firm, partnership, joint stock company, club, organization, or other combination of individuals having collective capacity.

Petition Committee

A petition committee is a committee formed by the chief petitioner(s) of an initiative, referendum, or recall petition during the signature gathering phase.

Political Action Committee

Includes miscellaneous, political party, caucus, recall, and measure committees. This term does not include a candidate committee or a petition committee.

Political Committee

Defined by statute as a combination of two or more individuals, or a person other than an individual, that has received a contribution or made an expenditure for the purpose of supporting or opposing a candidate, measure, or political party. Expenditure does not include a contribution to a candidate or political committee required to report the contribution or an independent expenditure that is required to be reported. Political committee also includes an individual that solicits and receives a contribution, unless all contributions received by the individual are designated to a committee and forwarded to that committee within seven business days of receipt.

Unless otherwise specified, the term "political committee" refers to all candidate committees, measure committees, political party committees, caucus committees, recall committees, and miscellaneous committees. This term does not include a petition committee.

Political Party Committee

A political committee organized by a political party which has appropriately filed its organizational documents with the Secretary of State under ORS 248.007 or 248.008. Includes county central committee.

Primary Election

The third Tuesday in May of each even-numbered year.

Professional Delivery Service

Includes common carriers such as the United States Postal Service, Federal Express, and UPS. Other businesses that in the course of their work may be responsible for delivering documents, such as accounting or contribution and expenditure transaction preparation services, are not considered professional delivery services.

Prospective Petition

Candidate:
The information and filing forms, except signatures and other identification of petition signers, required to be contained in a completed petition.

Local (City, County, and District):
The information and filing forms, except signatures and other identification of petition signers, required to be contained in a completed petition.

Statewide:
A prospective initiative, referendum, or recall petition, which has been filed and accepted by the Elections Division's office, but has not received written approval to circulate from the Elections Division.

Public Office

Any national, state, county, city, or district office or position, except a political party office, filled by an elector.

Recall Petition

A petition by electors to place a question on a special recall election ballot regarding whether a specified public officer should be removed from office.

Referendum Petition

A petition by electors to approve or reject legislation adopted by the Oregon Legislature or the governing body of a county, city, or district.

State Measure

A measure to be voted on by the electors of the entire state.

State Offices

Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Judge (Supreme Court, Court of Appeals, Tax Court, Circuit Court, and any County Judge who exercises judicial functions), State Senator, State Representative, or District Attorney.

Transactions

Contributions, expenditures, other receipts and disbursements, and all other committee and independent expenditure filer financial activities that are required to be reported under Oregon campaign finance law.

Treasurer

A person appointed by a political committee or petition committee to manage and report the contributions and expenditures of the committee.

Undue Influence

Application of force, violence, restraint, or the threat of it, inflicting injury, damage, harm, loss of employment, or other loss or threat of it, or giving or promising to give money, employment, or other thing of value, done with the intent to induce a person to engage or refrain from engaging in specific kinds of political activity listed in ORS 260.665(2). Depending on the conduct the person applying undue influence intends to induce, a violation of ORS 260.665 is punishable by imposition of a civil penalty or as a class C felony.

List of Forms

SEL 220
Statement of Organization for Candidate Committee

SEL 221
Statement of Organization for Political Action Committee

SEL 222
Statement of Organization for Petition Committee

PC 3
Cash Expenditures and Loan Payments

PC 7
Certificate of Limited Contributions and Expenditures

PC 12
Statement of Corporate Paid-in-Capital

Oregon Administrative Rules (OAR)

OAR 165-001-0005 through OAR 165-001-0080
Administrative rules outlining contested case procedures

OAR 165-012-0005
Designating the Campaign Finance Manual and Forms

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

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

OAR 165-XXX-XXXX
Covered Organizations

OAR 165-013-0010
Penalty Matrix for Other Campaign Finance Violations

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