

City of Wilsonville
November 3, 2020
General Election



Candidate Information
Packet



Congratulations on your decision to run for office!

The next City Council election is November 3, 2020. At that time, three seats will be up for election, those of Mayor Knapp, Councilor Akervall, and Councilor Linville. Terms of office are for 4-years.

Enclosed are the State Elections forms required to file your candidacy for City Office. The forms are also found online at: www.sos.state.or.us. These forms may be filled out online and then printed for your convenience. I strongly encourage you to read the [Candidate Manual](#) to become familiar with State Election requirements, available online at: <http://sos.oregon.gov/elections/Documents/county-city-district-candidates.pdf>.

ELIGIBILITY

In Wilsonville, City Council and Mayoral candidates are non-partisan positions that are elected at large. Candidates must be U.S. Citizens, have lived within the city limits for the 12 months immediately prior to the election, and be registered to vote. No person shall hold an elected office of the City if the person is an employee of the City.

FILING PROCESS

Prospective Petition Election forms are to be filed with the City Recorder's office no earlier than **June 3, 2020, and the last day to file with the City is August 18, 2020**. Please note the state's deadline is different from the City's deadline to ensure that the City Recorder has sufficient time to verify signatures and provide an opportunity to correct or obtain additional signatures.

Written approval of the Prospective Petition Election forms must be received from the City Recorder's office prior to circulation of the Nomination Petition. The following forms must be submitted for approval before gathering any signatures:

- ▲ [SEL 101](#) Candidate Filing – Major Political Party or Nonpartisan
- ▲ [SEL 121](#) Candidate Signature Sheet - Nonpartisan

After receiving written approval of the petition forms, candidates may circulate their petition to gather the required signatures (see page 28 of the Candidate Manual, Guidelines for Circulation). Under [Wilsonville City Charter](#), Chapter V1 a candidate must receive at least twenty (20) signatures from registered voters residing within the City limits. It is recommended to obtain more than the required number of signatures to ensure the petition has a sufficient number of valid signatures.

Please know that to collect signatures during COVID-19 candidates have the option for signers to sign a petition twice. Once as the petition circulator and again as an elector supporting the candidate. The signer would then send the signature sheet to the candidate to collect and submit.

Candidates must take the completed nominating petition to the City Recorders office for verification by the Clackamas County Elections office. Please contact the City Recorder to schedule a time to drop off the forms. Furthermore, to ensure that the City Recorder has sufficient time to verify signatures and provide an opportunity to correct or obtain additional signatures, signature sheets must be turned in to the City Recorder not later than August 18, 2020.

Early submission is highly recommended. (See page 21 of the Candidate Manual for instructions on signature verification and petition completion.)

The City Recorder reviews the Prospective Petition Election forms for required information and will provide written approval before the candidate may circulate the Nomination Petition.

To complete a petition the candidate must submit the following forms with the City Recorder:

- ✦ [SEL 338](#) Petition Submission - Candidate, Voters' Pamphlet
- ✦ Verified signature sheets that contain the required number of valid signatures

CAMPAIGN FINANCE

The Campaign Finance Manual and related forms can be found at:

<http://sos.oregon.gov/elections/Documents/campaign-finance.pdf>

Candidates that expect to spend or receive more than \$750 during a calendar year must complete and file with the Oregon Secretary of State – Elections Division the following forms:

- ✦ [SEL 220](#) Statement of Organization for Candidate Committee

These forms should be completed and filed with the Secretary of State within **3 business days** of receiving a contribution or making an expenditure, but no later than the deadline for filing for candidacy.

Candidates may also, file the Certificate of Limited Contributions and Expenditures (PC7) if the candidate does not expect to spend or receive more than \$3,500 during the campaign. The form must be filed before the deadline of the first Contribution and Expenditure filings.

- ✦ [PC7](#) Certificate of Limited Contributions and Expenditures

For further detail on campaign finance reporting requirements, candidates should review: [Campaign Finance Manual](#) and [ORESTAR User's Manuals](#) available at www.oregonvotes.gov. Questions regarding campaign finance reporting should be directed to the State Elections office at elections.sos@state.or.us or by calling 503.986.1518.

ELECTIONS INFORMATION

Further information regarding elections can be requested from the following:

Oregon Secretary of State Elections Division 255 Capitol Street NE, Suite 501 Salem, Oregon 97310 http://sos.oregon.gov/elections/ elections.sos@state.or.us 503.986.1518	Clackamas County Elections Division 1710 Red Soils Court, Suite 100 Oregon City, Oregon 97045 http://www.clackamas.us/elections/ elections@clackamas.us 503.655.8510	Washington County Elections Division 2925 NE Aloclek Drive Hillsboro, Oregon 97124 www.co.washington.or.us/cgi/electhom/main.pl election@washington.or.us 503.846.5800
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Additionally, the City strongly encourages you to set-up an appointment to review important filing deadlines, paperwork, and process questions. I am available to answer questions during business hours at: cityrecorder@ci.wilsonville.or.us
503.570.1506

ADDITIONAL MATERIALS

Enclosed in this packet you will find the following information:

- ✓ List of [Important Dates for Candidates](#) - It is the candidates responsibility to ensure paperwork is complete and submitted on time.
- ✓ The [County, City and District Candidates Manual](#) prepared by the Secretary of State Elections Division containing information and instructions for filing as a candidate and the forms to do so. This information is also available on-line from the Secretary of State's website, www.sos.state.or.us.
- ✓ Copies of the following forms:
 - [SEL 101](#) Candidate Filing – Major Political Party or Nonpartisan
 - [SEL 121](#) Candidate Signature Sheet - Nonpartisan
 - [SEL 220](#) Statement of Organization for Candidate Committee
 - [SEL 338](#) Petition Submission - Candidate, Voters' Pamphlet
 - [PC7](#) Certificate of Limited Contributions and Expenditures
- ✓ Candidate “[Quick Guide](#)” on Campaign Finance Reporting in Oregon.
- ✓ The [Campaign Finance Manual](#) prepared by the Secretary of State Elections Division containing information about filing the contributions and expenditures forms, and instructions on how to do so. The laws require all contribution and expenditure reports to be filed directly with the Secretary of State using their [ORESTAR](#) system.
- ✓ [City of Wilsonville City Charter](#).
- ✓ [Wilsonville Code, Chapter 2](#), pertaining to the City Council.
- ✓ [A Guide to Lawn Signs in the City of Wilsonville](#), excerpted from Wilsonville Code Section 4.156(.10). This guide includes regulations for the placement of campaign and temporary signs. and a [map](#) showing where campaign signs may be placed. This information is also available on the City's [website](#).

This information should get you started on your way as a candidate. I would encourage you to watch the City Council meetings, via the City of Wilsonville [YouTube channel](#). The meetings are scheduled the first and third Monday of each month. Work sessions begin at 5 p.m. with the regular meeting beginning at 7 p.m.

Important Dates for Candidates November 3, 2020 General Election

First day for candidate to file
declaration of candidacy
or nominating petition for office:

June 3, 2020

Deadline for signature verification
& completion of all paperwork with City:

August 18, 2020

Last date to file for candidacy:
*Allow enough time for the
signatures on your petition
to be verified.*

August 25, 2020, 5:00 p.m.

Candidates last day to withdraw:

August 28, 2020

Last date to file for
County Voter's Pamphlet:

September 8, 2020

*This form is filed directly with
Clackamas County Elections
1710 Red Soils Court, Suite 100,
Oregon City, OR 97045*

*Washington County
2925 NE Aloclek Drive
Hillsboro, OR 97124*

Election Day:

November 3, 2020

It is the candidates responsibility to ensure paperwork is complete and submitted on time.

County, City and District Candidates Manual

County, City, and District Candidate Manual

Published by

Elections Division
255 Capitol St NE, Suite 501
Salem, OR 97310-0722

 503 986 1518
fax 503 373 7414
tty 1 800 735 2900
www.oregonvotes.gov

Adopted by

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Secretary of State

Elections Division Rev. 02/2020

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Using This Manual

Icons

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



alert icon
indicates alert; warning; attention needed



info icon
indicates additional information



deadline icon
indicates a deadline



petition sheet icon
indicates a reference to a signature sheet



form icon
indicates a reference to a form



search icon
indicates information located elsewhere

Assistance

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

Elections Division
255 Capitol St NE Suite 501
Salem OR 97310

✉ elections.sos@oregon.gov
📍 www.oregonvotes.gov

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

☎ **1 866 673 8683**
se habla español

tty 1 800 735 2900
for the hearing impaired

Other Assistance

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

Baker County

1995 Third St, Ste 150
Baker City, OR 97814-3365
541-523-8207/TTY 800-735-2900
skirby@bakercounty.org

Benton County

120 NW Fourth St, Rm 13
Corvallis, OR 97330
541-766-6756/TTY 541-766-6080
elections@co.benton.or.us

Clackamas County

1710 Red Soils Ct, Ste 100
Oregon City, OR 97045
503-655-8510/TTY 503-655-1685
elections@co.clackamas.or.us

Clatsop County

820 Exchange St, Ste 220
Astoria, OR 97103
503-325-8511
clerk@co.clatsop.or.us

Columbia County

Courthouse 230 Strand St
St Helens, OR 97051-2040
503-397-3796
betty.huser@co.columbia.or.us

Coos County

Courthouse 250 N Baxter St
Coquille, OR 97423-1875
541-396-7610
coosclerk@co.coos.or.us

Crook County

Courthouse 300 NE Third St, Rm 23
Prineville, OR 97754-1919
541-447-6553
cc_clerk@co.crook.or.us

Curry County

94235 Moore St, Ste 212
Gold Beach, OR 97444
541-247-3297 or 877-739-4218
clerk@co.curry.or.us

Deschutes County

PO Box 6005
Bend, OR 97708-6005
541-388-6547
elections@deschutes.org

Douglas County

PO Box 10
Roseburg, OR 97470-0004
541-440-4252
elections@co.douglas.or.us

Gilliam County

PO Box 427
Condon, OR 97823-0427
541-384-2311
ellenwagenaar@co.gilliam.or.us

Grant County

201 S Humbolt, Ste 290
Canyon City, OR 97820
541-575-1675
percycb@grantcounty-or.gov

Harney County

450 N Buena Vista Ave, Ste 14
Burns, OR 97720
541-573-6641
derrin.robinson@co.harney.or.us

Hood River County

601 State St
Hood River, OR 97031-1871
541-386-1442
elections@co.hood-river.or.us

Jackson County

1101 W Main St, Ste 201
Medford, OR 97501-2369
541-774-6148
elections@jacksoncounty.org

Jefferson County

Courthouse 66 SE D St, Ste C
Madras, OR 97741
541-475-4451
kate.zemke@co.jefferson.or.us

Josephine County

PO Box 69
Grants Pass, OR 97528-0203
541-474-5243
clerk@co.josephine.or.us

Klamath County

305 Main St
Klamath Falls, OR 97601
541-883-5134
elections@klamathcounty.org

Lake County

513 Center St
Lakeview, OR 97630-1539
541-947-6006
sgeaney@co.lake.or.us

Lane County

275 W 10th Ave
Eugene, OR 97401-3008
541-682-4234
elections@co.lane.or.us

Lincoln County

225 W Olive St Rm 201
Newport, OR 97365
541-265-4131
countyclerk@co.lincoln.or.us

Linn County

PO Box 100
Albany, OR 97321
541-967-3831
sdruckenmiller@co.linn.or.us

Malheur County

251 B St W, Ste 4
Vale, OR 97918
541-473-5151/TTY 541-473-5157
countyclerk@malheurco.org

Marion County

PO Box 14500
Salem, OR 97309
503-588-5041 or 800-655-5388
TTY 503-588-5610
elections@co.marion.or.us

Morrow County

PO Box 338
Heppner, OR 97836-0338
541-676-5604
bchilders@co.morrow.or.us

Multnomah County

1040 SE Morrison St
Portland, OR 97214-2495
503-988-3720
elections@multco.us

Polk County

850 Main St, Rm 201
Dallas, OR 97338-3179
503-623-9217
clerk.elections@co.polk.or.us

Sherman County

PO Box 365
Moro, OR 97039-0365
541-565-3606
countyclerk@shermancounty.net

Tillamook County

201 Laurel Ave
Tillamook, OR 97141
503-842-3402
clerk@co.tillamook.or.us

Umatilla County

216 Southeast 4th St, Ste 18
Pendleton, OR 97801
541-278-6254
elections@umatillacounty.net

Union County

1001 Fourth St, Ste D
La Grande, OR 97850
541-963-1006
clerk@union-county.org

Wallowa County

101 S River St, Ste 100
Enterprise, OR 97828-1335
541-426-4543, ext 158
slathrop@co.wallowa.or.us

Wasco County

511 Washington St, Rm 201
The Dalles, OR 97058
541-506-2530/TTY 541-506-2530
countyclerk@co.wasco.or.us

Washington County

2925 NE Aloclek Dr, Ste 170
Hillsboro, OR 97124
503-846-5800/TTY 800-735-2900
elections@co.washington.or.us

Wheeler County

PO Box 327
Fossil, OR 97830-0327
541-763-2400
ahankins@co.wheeler.or.us

Yamhill County

414 NE Evans St
McMinnville, OR 97128
503-434-7518
elections@co.yamhill.or.us

Getting Started

Types of Public Office

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

Partisan Offices

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

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

Nonpartisan Offices

A nonpartisan office is an office for which a candidate does not run under the name of any political party.

Offices may include:

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

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

Filing Methods for Public Office

Generally, candidates may file for public office by:

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

or

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



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



See the Filing Requirements on pages 9, 11, 20, 22 and 24 for filing fees and deadline to submit completed forms.

Candidate filing forms can be submitted by:

- mail;

- fax;

or

- as a scanned attachment to an email.

Multiple Nominations to Public Offices

In Oregon, **candidates running for partisan office** may be nominated by multiple political parties. Candidates nominated by more than one party or by other nominating processes may select up to three parties or designations to be printed with their name on the general election ballot. A candidate may designate the order in which the parties or designations will be listed. However, if a candidate for partisan office is nominated by the political party of which they are a member, that party will be listed first, followed by no more than two additional parties. In addition, if a **nonaffiliated candidate** is nominated by individual electors or an assembly of electors, the designation of nonaffiliated will be listed first, followed by no more than two additional parties. When selecting political parties or other designations the following rules apply:

	Candidate is nominated by:	Information and default order listed on ballot:
Member of political party	Party of which the candidate is a member	The party of which the candidate is a member is listed first. It is followed by no more than two additional parties listed in alphabetical order, unless the candidate specifies a different order.
	Party of which the candidate is not a member	Not more than three political parties will be listed in alphabetical order, unless the candidate specifies a different order.
Not affiliated with any political party	Individual or Assembly of Electors	The nonaffiliated designation will be listed first. It will be followed by not more than two political parties listed in alphabetical order, unless the candidate specifies a different order.
	Any political party	Not more than three political parties will be listed in alphabetical order, unless the candidate specifies a different order.

Running for Multiple Offices

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

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

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

Campaign Finance Reporting

Oregon campaign finance law requires each candidate to establish a campaign account and file a Statement of Organization designating a candidate committee not later than **three business days** of first receiving a contribution or making an expenditure. This requirement does not apply if the candidate is:

- A candidate for precinct committeeperson; **or**
- A candidate who:
 - ✓ serves as their own treasurer;
 - ✓ does not have an existing candidate committee;

and

- ✓ 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 a candidate exceeds \$750 in either contributions or expenditures, the candidate must establish a campaign account and file a candidate committee not later than **three business days** after exceeding the \$750 threshold 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 has been exceeded.

Candidates that do not meet the exemption criteria above must file a committee through ORESTAR or by completing and submitting the following paper forms:

 SEL 220 Statement of Organization for a Candidate Committee
and, if eligible

 PC 7 Certificate of Limited Contributions and Expenditures.



Committees must use ORESTAR to file campaign finance transactions unless the committee is eligible to file a Certificate of Limited Contributions and Expenditures.

For further detail on campaign finance reporting requirements, candidates should review:

 See the [Campaign Finance Manual](#) and the [ORESTAR User's Manuals](#) available at www.oregonvotes.gov.

Qualifications for Public Office

Qualifications for various public offices differ. Before filing for public office, a candidate should review the constitutional and statutory requirements for the office sought.

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

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

2020 Local Elections Calendar

Last day for	Primary Election		General Election	
	March 10	May 19	September 15	November 3
County Elections Official to Publish				
→ notice of district board election (ORS 255.075)	November 30	January 30	June 6	July 16
<p>i Regular district elections are generally held in May of odd numbered years. Districts should contact the county elections official of the county in which the district's administrative office is located for election information.</p>				
County, City or District Candidates to file with Local Elections Official				
→ a declaration of candidacy and required filing fee	January 9	March 10	July 16	August 25
or				
→ a verified nominating petition containing 100% of the required number of signatures				
→ a statement for inclusion in county voters' pamphlet	January 13	March 12	July 20	August 27
→ a statement for inclusion in county voters' pamphlet if the candidate files candidacy with governing body other than county clerk	January 13	March 23	July 20	September 8
<p>i District Candidates: The enabling statutes, or principle act, of a district specifies how board members are elected. Most districts, as defined in ORS 255.012, elect board members at the regular district election which is held in May of odd numbered years or at the Primary or General Election. As provided for in ORS 255.235(2)(a), the March and September deadlines included above are only applicable if the election is a district's first election to elect board member and are not included in the daily calendar.</p>				

2021 Local Elections Calendar

Last day for	March 9	May 18	September 21	November 2
	County Elections Official to Publish			
→ notice of district board election (ORS 255.075)	November 28	February 6	June 8	July 27
<p>i Regular district elections are generally held in May of odd numbered years. Districts should contact the county elections official of the county in which the district's administrative office is located for election information.</p>				
Candidates to file with County Elections Official				
→ verified signatures or \$10 filing fee (ORS 255.235)	January 7	March 18	July 22	September 2
→ statement for inclusion in county voters' pamphlet	January 11	March 22	July 26	September 7
<p>i County and City Candidates: Deadlines applicable to county and city office are not included on this calendar. Candidates for those offices, unless otherwise provided for by charter or ordinance, are elected at the primary or general election. If a county or city charter provides for candidates to be elected at an election other than the primary or general election but does not specify a deadline or adopts the statutory filing deadline, ORS 249.722 applies.</p>				
<p>i District Candidates: The enabling statutes, or principle act, of a district specifies how board members are elected. Most districts, as defined in ORS 255.012, elect board members at the regular district election which is held in May of odd numbered years or at the Primary or General Election. The March, September and November deadlines included above, are only applicable if the election is a district's first election to elect board member (ORS 255.235(2)(a)). They are not included in the daily calendar.</p>				

Precinct Committeeperson Candidates

ORS 248.015-248.029, 249.031, and 249.037

Qualifications for Precinct Committeeperson

All Candidates must be Electors.

Office	Age	Residency	Term of Office	Special Requirements	Vacancies
Precinct Committeeperson	18	A candidate may be elected to represent the precinct in which they reside, an adjoining precinct in the same county or a precinct that is in the same county and the same state representative district as the precinct the candidate reside in ORS 248.015.	A precinct committeeperson holds office from the 24th day after the primary to the 24th day after the next primary.	<p>To be placed on the ballot, a candidate must be a member of the major political party by September 12, 2019.</p> <p>A write-in candidate must be a member of the major political party for 180 days prior to the Primary election.</p> <p>Any votes received for a write-in candidate will only be counted if an SEL 105D Write-In Candidate Declaration or SEL 105N Write-In Candidate Nomination is filed no later than May 19, 2020, 8 m.</p> <p>Any candidate must receive at least 3 votes to be elected to the office.</p>	Vacancies are filled according to ORS 248.026.

Filing Requirements for Precinct Committeeperson

Office	Filing Fee	First day to file	Last day to file	Last day to Withdraw
Precinct Committeeperson	None	September 30, 2019	March 10, 2020	March 13, 2020
Write-In Declaration	None	September 30, 2019	May 19, 2020, 8 pm	Not applicable
Write-In Nomination	None	September 30, 2019	May 19, 2020, 8 pm	Not applicable

Filing Method for Precinct Committeeperson Candidate

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

 See the instructions for completing the required portions of the [Candidate Filing form](#) on page 31.

Candidate Filing

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



Form SEL 105 Candidate Filing – Precinct Committeeperson



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

Write-In Candidate Declaration

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



Form SEL 105D Write-In Declaration – Precinct Committeeperson



Filing Form SEL 105D withdraws any precinct committeeperson candidate declaration previously filed for the same election. County elections officials will only count the write-in votes received by candidates who file Form 105D no later than 8 pm, May 19, 2020.

Write-In Nomination

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



Form SEL 105N Write-In Nomination – Precinct Committeeperson

County Candidates

General Information

ORS 249.056

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



See the instructions for completing the required portions of the [Candidate Filing form on page 31](#).



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

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



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

Partisan Office – County

ORS 249.031

Qualifications

All Candidates must be an Elector.

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

Filing Requirements

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

Office	Major Party Fee or Required Signatures	Minor Party	Individual Electors	Assembly of Electors
ⓘ First Day to File	September 12, 2019	June 3, 2020	June 3, 2020	June 3, 2020
ⓘ Last Day to File	March 10, 2020	August 25, 2020	August 25, 2020	August 25, 2020
ⓘ Last Day to Withdraw	March 13, 2020	August 28, 2020	August 28, 2020	August 28, 2020
County Commissioner ⓘ Contact the local elections official for applicable charter or ordinance provisions that may supersede this information.	\$50 or The lesser of either 500 signatures or 2% of the number of votes cast in the county for US President by members of the candidate’s party	Nominating convention held in accordance with party bylaws and state law	Number of signatures equal to 1% of the number of votes cast in the county for US President	250 signatures obtained at a nominating convention held in one place at one time during a 12 hour period of time

Major Party Candidates – County

 A candidate who files for a major political party office must have been registered to vote as a member of that political party by September 12, 2019. Exceptions are allowed if the candidate's registration is inactive or the candidate will turn 18 between September 12, 2019 and March 10, 2020 ORS 249.046.

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

Filing Methods for a Major Party Candidate Other than Precinct Committeeperson

ORS 249.031

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

Filing by Fee

ORS 249.056

A candidate must file:

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

→ Pay the required filing fee, if any; See [Filing Requirements](#) on page 11.

File by Petition

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

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

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

Prospective Petition

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

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

 Form SEL 102 Candidate Signature Sheet – Major Party.

 See [Signature Sheet Requirements](#) on page 27.

Approval to Circulate

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

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



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

Required Signatures

County partisan candidate must have the lesser of either:

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

Complete Filing

To complete the filing process a candidate will:

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

Candidate Filing Timeline



The 2020 Primary Election filing period is from September 12, 2019 to 5pm on March 10, 2020.

Minor Party Candidates – County

Filing Methods for a Minor Party Candidate

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

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



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

Nonaffiliated Candidates – County



To qualify for nomination by individual electors or to conduct an assembly of electors, a candidate cannot be registered to vote as a member of any political party as of February 27, 2020.

Filing Methods for a Nonaffiliated Candidate

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

→ Individual Electors

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

or

→ Assembly of Electors

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

Individual Electors

ORS 249.740

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

Prospective Petition

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



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

and



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



See Signature Sheet Requirements on page 27.

Approval to Circulate

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

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



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

Gathering Petition Signatures

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



See Guidelines for Circulation on page 28.



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

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



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

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

Completing a Petition

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

Before submitting signature sheets for verification, the candidate must:

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

Signature Verification

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



Form SEL 338 Petition Submission – Candidate, Voters’ Pamphlet;

and

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

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



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

Assembly of Electors

ORS 249.735

An assembly of electors is a nominating convention of active Oregon registered voters gathered in one place at one time. The convention must be held in a 12 hour period to nominate nonaffiliated candidates to partisan office. The assembly is conducted by a presiding officer, and nominations are recorded by the assembly secretary in the minutes. The minutes also include the signatures of the assembly participants.



The date, time, and place of the assembly must be scheduled in coordination with the elections official to enable them to attend and supervise the nominating convention.



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

Prospective Petition

To begin the assembly process, the candidate or presiding officer files:



Form SEL 115 Candidate Filing – Assembly of Electors signed **only** by the candidate.

Approval to Schedule Assembly

After receiving form SEL 115, the elections official reviews for required information and if complete provides written approval to organize and schedule the assembly of electors.

Determining Assembly Logistics

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

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

Publish Notice of Assembly

Once scheduled, a notice of the assembly of electors must be published at least once in a minimum of three newspapers of general circulation in the electoral district in which the assembly seeks to nominate candidates.

The notice must contain all of the following:

- time and place of the assembly;
 - office or offices for which nominations will be made;
- and**
- the names and addresses of at least 25 active Oregon registered voters who want the assembly held and who are eligible to participate.

File Notice and Signature Sheets

To receive final approval to convene the assembly, the candidate or presiding officer files:

- a copy of the published notice;

and

-  Form SEL 116 Candidate Signature Sheet – Assembly of Electors with all fields completed and if applicable designating at least two individuals as committee members with the authority to fill vacancy in nominations.

-  See Signature Sheet Requirements on page 27.



If the published notice is not filed timely with the elections official or does not meet the requirements, the assembly of electors will be cancelled. In coordination with the elections official the candidate or presiding officer may reschedule the assembly.



The notice must be published and filed with the elections official no later than the 10th day before the nominating convention. ORS 249.735(3)

Approval to Convene Assembly

Once the candidate or presiding officer files the required information, the elections official will review for completeness. If complete, the elections official will provide written approval to conduct the assembly of electors that will include:

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



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

Obtain Affidavit for Proof of Publication

An affidavit for proof of the published notice is obtained from the newspaper. The affidavit must be attached to a copy of the notice and signed by one of the following:

- the newspaper's owner;
- editor;
- publisher;
- manager;
- advertising manager;
- principal clerk of owner/editor/manager;

or

- printer or printer's foreperson.



The affidavit is not submitted until the candidate or presiding officer files the completed petition with the elections official.

Convening the Assembly of Electors

The presiding officer is advised to have more than the required number of participants attend to ensure the minutes contain a sufficient number of valid signatures. Upon convening the assembly, the presiding officer must explain:

- the nominating convention is held in one day in one location and is completed within 12 hours or the process must begin again;
- assembly participants must be active Oregon registered voters within the electoral districts from which the assembly is nominating candidates;
- candidates may only be nominated for offices published in the notice;
- the candidate receiving the highest number of votes will be the nominee of the assembly for that office;
- only assembly participants may sign approved signature sheets;
- all signers on a signature sheet must be registered voters in the same county;

and

- once the required number of registered voters are present they must remain in the assembly location until candidates have been nominated, signature sheets are signed, and the convention is adjourned.

Vacancy in Nomination

If a vacancy in nomination occurs, it may be filled in either of two ways.

- The presiding officer may reconvene the assembly following the same rules as the original assembly. The assembly is considered the same assembly if the presiding officer and secretary are the same as during the original assembly.

or

- A committee designated by the original assembly selects a nominee to fill the vacancy. The committee is appointed by vote during the original assembly and is comprised of at least two persons as indicated on form [SEL 116](#). The committee only has the authority to select a nominee to fill the vacancy if the petition has the required number of signatures.

In either situation a certificate of nomination designating the nominee filling the vacancy must be completed and filed with the elections official.



The vacancy must be filled no later than the 70th day before the general election, August 25, 2020.

Adjourning the Assembly of Electors

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

Signature Verification

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

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

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

The county elections official verifies the original signatures against the voters' registration record and returns the certified signature sheets to the presiding officer of the assembly.

Completing a Petition

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



Form [SEL 115 Candidate Filing – Assembly of Electors](#) with the Certificate of Nomination that has been executed by the presiding officer and secretary of the assembly and notarized;



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

- verified signature sheets that contain the required number of valid signatures from active Oregon registered voters;

and

- proof of published notice affidavit.

Signature Tally

The elections official reviews each signature sheet to ensure that:

- sheets are sorted by county, if required;
- the circulator's certification is sufficient; and
- no additional signatures were added after adjournment.

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

Nonpartisan Office – County

ORS 249.031

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

Qualifications

All Candidates must be US Citizens and Electors.

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

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

Filing Requirements

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

	Primary Election	General Election	Regularly Scheduled District Election
First Day to File	September 12, 2019	June 3, 2020	February 6, 2021
Last Day to File	March 10, 2020	August 25, 2020	March 18, 2021
Last Day to Withdraw	March 13, 2020	August 28, 2020	March 18, 2021
Office	Fee		Required Signatures
Justice of the Peace	Free ORS 249.056 (2)		
Assessor, Auditor, Clerk, Sheriff or Treasurer	\$50	or	The lesser of either 500 signatures or 1% of the number of votes cast in the district for governor at the last election at which the Governor was elected to a full term.
Contact the local elections official for applicable charter or ordinance provisions that may supersede this information			

Filing Methods for a Nonpartisan Office Candidate

ORS 249.020

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

Filing by Fee

ORS 249.056

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

File by Petition

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

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

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

Prospective Petition

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

- SEL 101 Candidate Filing-Major Political Party or Nonpartisan marked “Prospective Petition”
- and
- SEL 121 Candidate Signature Sheet – Nonpartisan.
- See Signature Sheet Requirements on page 27.

Approval to Circulate

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

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



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

Required Signatures

County nonpartisan candidates must have the lesser of either:

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

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

Complete Filing

To complete the filing process a candidate will:

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

Candidate Filing Timeline



The 2020 Primary Election filing period is from September 12, 2019 to 5pm on March 10, 2020.

City Candidates

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

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

Filing Requirements

	Primary Election	General Election
 First Day to File	September 12, 2019	June 3, 2020
 Last Day to File	March 10, 2020	August 25, 2020
 Last Day to Withdraw	March 13, 2020	August 28, 2020
Office	Fee	Required Signatures
City Office  Contact the local elections official to determine which election the office will appear on and for any applicable charter or ordinance provisions that may supersede this information.	Set by charter or ordinance or	The lesser of either 500 signatures or 1% of the number of votes cast in the district for governor at the last election at which the Governor was elected to a full term.

Filing Methods for City Candidates

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

File by Fee

ORS 249.056

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

 Form SEL 101 Candidate Filing – Major Political Party or Nonpartisan

and

→ pay the required filing fee, if any.

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

File by Petition

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

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

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

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

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

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

and

 SEL 121 Candidate Signature Sheet – Nonpartisan.

 See Circulator and Petition Sheet Requirements on page 27.

Approval to Circulate

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

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



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

Required Signatures

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

City candidate must have the lesser of either:

→ 500 signatures

or

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

City charter or ordinance may have different requirements.

Complete Filing

To complete the filing process a candidate must:

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

and

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

Signature Verification

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

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

The county elections official will:

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

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

Candidate Filing Timeline

 If a city does not elect candidates at a primary election, the first day to file for office is June 3, 2020, and the deadline is 5 pm on August 25, 2020, for the November 3, 2020 General Election.

District Candidates

ORS 255.235

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

Qualifications for District Offices

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

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

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

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

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

Filing Requirements for District Offices

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

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

	Primary Election	General Election	Regularly Scheduled District Election
 First Day to File	January 30, 2020	July 16, 2020	February 6, 2021
 Last Day to File	March 10, 2020	August 25, 2020	March 18, 2021
 Last Day to Withdraw	March 10, 2020	August 25, 2020	March 18, 2021
Office	Fee	Required Signatures	
District Office  District board members are elected at the regular district election in May of each odd-numbered year.	\$10	or	The lesser of either 25 signatures or 10% of the total number of active registered voters in the district. Contact the local elections official for any applicable by-laws that may supersede this information.

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

Filing Methods for District Candidates

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

File by Fee

ORS 249.056

A candidate will file:

 Form SEL 190 District Candidate Filing form

and

→ The appropriate filing fee.

File by Petition

ORS 249.064, 249.076, 255.012, 255.235

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

 Form SEL 121 Candidate Signature Sheet – Nonpartisan or

 See Circulator and Petition Sheet Requirements on page 27.

 Form SEL 338 Petition Submission – Candidate, Voters’ Pamphlet.

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

Complete Filing

To complete the filing process a candidate must:

- 1 obtain the required number of signatures, although obtaining more than the required number may help to ensure the petition contains a sufficient number of valid signatures;
 - 2 ensure each signature sheet certification is signed and dated by the circulator;
- and
- 3 submit the signature sheets to the appropriate county elections official for signature verification along with:

 Form SEL 190 Candidate Filing – District.

Signature Verification

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

Write-In Candidates

ORS 254.548

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

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

 See the [Campaign Finance Manual](#) and the [ORESTAR User’s Manuals](#) available at www.oregonvotes.gov.

Prior to sending a notification to any person who is nominated or elected by write-in, the filing officer will conduct a review of the qualifications of the office. If the person who received the most votes does not qualify for the position, the office becomes vacant.

If any individual is nominated or elected by write-in votes, the procedures for accepting the nomination of office are explained in the following sections.

Notification

The elections official notifies the candidate by sending:

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

Acceptance of Nomination or Office

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

Certificate of Nomination or Election

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

 Deadline to Complete Write-In Process	Primary Election	General Election	District Election
Notification	June 19, 2020	December 4, 2020	June 18, 2021
Acceptance	June 29, 2020	December 14, 2020	June 28, 2021
Certificate	July 6, 2020	December 18, 2020	July 2, 2021

Vacancy

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

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

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

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

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

Petition Guidelines and Requirements

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

Official Signature Sheets

ORS 249.031, 249.061, and 249.064

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

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

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

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

Signature Sheet Requirements

Each signature sheet must meet the following formatting requirements:

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

 Forms are available online at www.oregonvotes.gov.

Guidelines for Circulation

ORS 249.061

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

Circulator Requirements

Each circulator must:	What this means:
→ personally witness each signature collected;	<ul style="list-style-type: none"> ✓ Watch the person sign the petition. ⓘ It is not sufficient to merely be present in the same room or vicinity.
→ complete the circulator certification after witnessing all signatures collected on a sheet; and	<ul style="list-style-type: none"> ✓ Sign the certification using a legal signature. ⓘ A legal signature is defined as a signature possessing obvious and predominantly matching characteristics to signatures on file from a paid circulator’s registration, signatures in the Oregon voter registration file, or the signature on an official government document. ⓘ Initials, signature stamps, illegible or printed script are not sufficient unless verified by exemplar.
→ provide the date when the certification was signed.	<ul style="list-style-type: none"> ✓ The date must be provided in month, day, year order if written in all numbers.



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

Circulator Prohibitions

It is against the law for circulators to knowingly:

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



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

Signer Requirements

Each petition signer must:	What this means:
All Petition Types	
<ul style="list-style-type: none"> → Signers should provide an original signature and should be encouraged to provide their printed name and date signed.  These informational fields, while optional unless otherwise noted below, provide valuable assistance when verifying signatures.  Signers must include printed name for Nomination by Assembly of Electors and for Major Party Presidential Candidates. 	<ul style="list-style-type: none"> ✓ Signers must sign the petition using a signature contained in their voter registration record.
<ul style="list-style-type: none"> → Signers should be an active registered voter at the time of signing the petition in the candidate’s electoral district. 	<ul style="list-style-type: none"> ✓ Information in the voter's registration record is up to date, and they would be able to vote for the candidate.
<ul style="list-style-type: none"> → Sign a petition sheet that is designated for their county of residence, if applicable. 	<ul style="list-style-type: none"> ✓ Signers should sign a petition sheet designated for the county in which they are registered to vote.
<ul style="list-style-type: none"> → Provide a residence or mailing address. 	<ul style="list-style-type: none"> ✓ Signers should provide the address at which they are registered to vote.
Nominating Petition Only	
<ul style="list-style-type: none"> → At the time of signing the petition, signers are encouraged to include the signer’s precinct name or number. 	<ul style="list-style-type: none"> ✓ Signers are encouraged to provide precinct information.
Major Party Petition Only	
<ul style="list-style-type: none"> → At the time of signing the petition, the signer should be a member of the same political party as the candidate. 	<ul style="list-style-type: none"> ✓ Information in the voter's registration record is up to date, and they would be able to vote for the candidate at a primary election.

Signature Date

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

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

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

Signer Prohibitions

It is against the law for signers to knowingly:

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

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

Certification of Signature Sheets

OAR 165-014-0270

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

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

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

Circulator Signature Defects

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

Certification Date Defects

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

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

Incurable Defects

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

Guidelines for Completing Candidate Filing Forms

ORS 249.031

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

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

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

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

Original or Amendment

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

Candidate Information

Complete the following information:

- **Name of Candidate:** This should be the candidate's full name (first, middle initial if applicable, and last). If filing online through ORESTAR, this field is automatically populated from the user profile and cannot be modified. Prefix (Mr. or Ms.), suffix (Jr., Sr., III, etc.), and title (MD, CPA, etc.) fields can be added if desired.
- **How name should appear on ballot:** Include how the candidate wishes their name to appear on the ballot. If a nickname is used in connection with the candidate's full name, the nickname should be in parentheses. Titles and designations (e.g., Dr., CPA) should not be included as they cannot appear on the ballot.
- **Candidate Residence Address:** Write the residential address of the candidate, including the county.
- **Mailing Address for Candidate Correspondence:** Include the address where the candidate wishes to receive correspondence from the Elections Division. To use the residence address as the mailing address for candidate correspondence, click in the checkbox.
- **Contact Information:** Enter valid phone number where the candidate can be reached during normal business hours, fax, email address, and website, if applicable. **At least one phone number and an email address are required.**

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

Occupation and Occupational Background

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

Educational Background

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



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

Prior Governmental Experience

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

Candidate Signature and Date Signed



See “Additional Information Required” section for instructions on a specific form.

Additional Information Required

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

SEL 101 Candidate Filing – Major Political Party or Nonpartisan

Filing Method

Complete the following information.

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

Office Information

Complete the following information.

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

SEL 110 Candidate Filing – Minor Political Party

Nomination Information

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



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

Candidate Nomination Certificate

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

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

- **Printed Name of the Officer of Minor Political Party:** Include the clearly printed name of the officer that signed the candidate filing form.

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

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

SEL 114 Candidate Filing – Individual Electors

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

SEL 115 Candidate Filing – Assembly of Electors

Assembly of Electors fields to complete.

- **Name of Person Submitting Certificate of Nomination:** Include the name of candidate or a person designated as the presiding officer.
- **Address of Person Submitting Certificate of Nomination:** Include the address of the candidate or the presiding officer named in the above field.
- **Signature of Presiding Officer:** Include the signature of the candidate or the signature of the presiding officer of the assembly.
- **Printed Name of Presiding Officer:** Include the clearly printed name of the presiding officer.
- **Signature of the Secretary:** Include the signature of the candidate or the secretary of the assembly.
- **Printed Name of the Secretary:** Include the signature of the candidate or the signature of the secretary of the assembly.

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

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

SEL 141 Candidate Filing – Write-In Acceptance

Nomination or Election

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

Office Information

Complete the following information.

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

Nomination Information

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



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

SEL 150 Candidate Filing – Withdrawal

Withdrawal from Candidacy or Nomination for Office Information

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

SEL 190 Candidate Filing - District

Office Information

Complete the following information

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

Filing Information

Please check the method used to file a completed form.

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

Other Forms

Additional forms that may be necessary to file.

SEL 220 Statement of Organization for a Candidate Committee

This form is used to establish the campaign finance committee for a candidate. All committees must establish a dedicated bank account. "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.

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

SEL 338 Petition Submission

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



List of Forms

SEL 101

Candidate Filing – Major Political Party or Nonpartisan

SEL 102

Candidate Signature Sheet – Major Party

SEL 105

Candidate Filing – Precinct Committeeperson

SEL 105D

Write-In Declaration – Precinct Committeeperson

SEL 105N

Write-in Nomination – Precinct Committeeperson

SEL 110

Candidate Filing – Minor Political Party

SEL 114

Candidate Filing – Individual Electors

SEL 115

Candidate Filing – Assembly of Electors

SEL 116

Candidate Signature Sheet – Assembly of Electors

SEL 121

Candidate Signature Sheet – Nonpartisan

SEL 122

Candidate Signature Sheet – Individual Electors

SEL 141

Write-In Candidate Acceptance Form

SEL 150

Withdrawal – Candidacy or Nomination

SEL 190

Candidate Filing – District

SEL 220

Statement of Organization for a Candidate Committee

SEL 338

Petition Submission – Candidate Voters' Pamphlet

Candidate Filing Forms

Candidate Filing

Major Political Party or Nonpartisan

SEL 101

rev 01/20
ORS 249.031

Filing Dates		Candidate Filing	Candidate Withdrawal
Primary Election May 19, 2020	First Day to File	September 12, 2019	March 13, 2020
	Last Day to File	March 10, 2020	
General Election November 3, 2020	First Day to File	June 3, 2020	August 28, 2020
	Last Day to File	August 25, 2020	

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

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

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

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

Race and Ethnicity Optional

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

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

Educational Background (schools attended)

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

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

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

Campaign Finance Information Not applicable to candidates for federal office.

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

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

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

Candidate Attestation

By signing this document, I hereby state that:

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

For Major Political Party Candidates

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

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

Candidate Signature _____
Date

Statement of Organization for a Candidate Committee

SEL 220

rev 3/2020
ORS 260.039

Original: Must be filed **not later than 3 business days** of first receiving a contribution or making an expenditure.

Amendment: Any change in the information on this form must be filed **not later than 10 calendar days** of the change.

Discontinuation: To close committee if there are no outstanding debts/obligations, a zero cash balance, and the bank account is closed.

This filing is an: Original Amendment Discontinuation

Committee Information

Name of Committee (if changing the committee name, include the former name)

Street Address (No PO Box and must be in Oregon) | City | State | Zip

Campaign Phone | Extension

Candidate Information

Mr. Ms. | First | MI | Last | Suffix | Title

Candidate Address (No PO Box) | City | State | Zip

Mailing Address (Street Address or PO Box) | City | State | Zip

Not Employed Self-Employed | Occupation (if Self-Employed, indicate the nature of the business)

Employer's Name | City | State

Work Phone | Home Phone | Fax | Email Address

Treasurer Information

Mr. Ms. | First | MI | Last | Suffix | Title

Street Address or PO Box | City | State | Zip

Work Phone | Home Phone | Fax | Email Address

Election Information

Primary 20____ General 20____ Other Election Date: _____

Office Sought by Candidate | District, Position, County or City | Position Number

Party Affiliation

 Choose one if filing for a partisan office

Constitution Democratic Independent Libertarian Pacific Green
 Progressive Republican Working Families Nonaffiliated

Director Information (Optional) A person other than the candidate. For more than one director or if two or more directors are directors of another committee, attach a list and include all required information including the name and address of the other committee.

<input type="checkbox"/> Mr. <input type="checkbox"/> Ms.	First	MI	Last	Suffix	Title
Street Address or PO Box		City		State	Zip
<input type="checkbox"/> Self-Employed <input type="checkbox"/> Not Employed	Occupation (if Self-Employed, indicate the nature of the business)				
Work Phone		Employer's Name		City	State

Alternate Transaction Filer Information (Optional) A person other than the candidate or treasurer.

<input type="checkbox"/> Mr. <input type="checkbox"/> Ms.	First	MI	Last	Suffix	Title
Street Address or PO Box		City		State	Zip
Email			Work Phone		

Correspondence Recipient Information (Optional) A person other than the candidate or treasurer.

<input type="checkbox"/> Mr. <input type="checkbox"/> Ms.	First	MI	Last	Suffix	Title
Street Address or PO Box		City		State	Zip
Email			Work Phone		

Other Election Activity Complete only if the candidate will be active at an election in which their name won't already be printed on the ballot.

Supports or opposes multiple candidates and measures
 Supports or opposes specific measure(s) or recall(s). Identify measures or recalls below, attach additional list if necessary:

Measure Information

Measure Number: _____ Support Oppose Primary 20____ General 20____ Other: _____

Recall Information

Name: _____ Office: _____ Support Oppose

Campaign Account Information This information not a public record and shall be kept confidential by the Elections Division.

Name of Oregon Financial Institution _____
Name of Account (Must be identical to the name of the committee) _____
Name of Account Holder _____

Name of Persons Who Have Signature Authority Attach additional list if necessary.

First	MI	Last
First	MI	Last
First	MI	Last

Candidate's Attestation and, if applicable, Treasurer's Attestation

<i>By signing this document, I acknowledge that I am an Oregon elector, I am personally liable for any penalties imposed under ORS Chapter 260, and I attest that the information on this form is true and correct.</i>	<i>By signing this document, I acknowledge that I am an Oregon elector and I attest that the information on the form is true and correct.</i>
---	---

Candidate's Signature _____ Date Signed _____ Treasurer's Signature _____ Date Signed _____

Petition Submission

Candidate, Voters' Pamphlet

SEL 338

rev. 08/18
OAR 165-010-0005, 165-016-0000

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

Filing Officer		
<input type="checkbox"/> State	<input type="checkbox"/> County For both county and district petitions.	<input type="checkbox"/> City

Election Type		Year			
<input type="checkbox"/> Primary	<input type="checkbox"/> General	<input type="checkbox"/> Special Election	<input type="checkbox"/> 2018	<input type="checkbox"/> 2019	<input type="checkbox"/> 2020

Petition Information	
Petition ID/Candidate's Name	Type <input type="checkbox"/> Candidate Nominating <input type="checkbox"/> Voters' Pamphlet, Candidate <input type="checkbox"/> Voters' Pamphlet, Measure

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

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

Name	Contact Phone	Email Address
Signature	Date Signed	

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

Name	Contact Phone	Email Address
Signature	Date Signed	

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

Certificate of Limited Contributions and Expenditures

PC 7

rev 3/2020
ORS 260.112

If a committee does not expect to receive or spend a total of more than \$3,500 in a calendar year, a Certificate of Limited Contributions and Expenditures may be filed not later than 7 calendar days after receiving the first contribution or making the first expenditure in a calendar year. A committee must maintain detailed records of all contributions and expenditures even if it files a certificate. If a committee exceeds \$3,500 in contributions or expenditures during the calendar year, all transactions must be filed on ORESTAR not later than 7 calendar days after exceeding

Certificate Information

Year Filing Certificate:

Cash Balance as of January 1:

Committee Information

Committee Name

Committee ID

Candidate Information

First Name

Last Name

Treasurer Information

First Name

Last Name

Candidate's or Treasurer's Attestation

I hereby certify that I expect neither the aggregate contributions nor the aggregate expenditures made by or on behalf of the committee listed above to exceed \$3,500 in the calendar year. I understand that this form must be filed no later than seven calendar days after receiving a contribution or making an expenditure in the calendar year. I also understand that if the committee exceeds \$3,500 in total contributions or total expenditures during the calendar year, I must file all transactions occurring in the calendar year not later than seven calendar days after exceeding the \$3,500 threshold.

By signing this document, I attest that the information is true and correct.

I acknowledge that if I am the candidate of a candidate committee, I am personally liable for any penalties imposed under ORS chapter 260.

I acknowledge that if I am the treasurer of a political action committee or a petition committee, I am personal liable for any penalties imposed under ORS Chapter 260. I understand that if I have an appointed civil penalty designee, I am not liable for penalties imposed under ORS 260.232.

Candidate's or Treasurer's Signature

Date Signed

For Office Use Only

Initials _____

Campaign Finance Manual

Campaign Finance Reporting in Oregon

Candidate "Quick Guide"

Congratulations on your decision to run for office! We hope this guide provides tips and answers to frequently asked questions by first-time candidates.



More detailed information is available in the **Campaign Finance Manual** and the **ORESTAR User's Manuals** available at www.oregonvotes.gov. The Campaign Finance Manual explains what information is disclosed when reporting campaign finance transactions. The ORESTAR User's Manual: Statement of Organization and ORESTAR User's Manual: Transaction Filing explains how to file a statement of organization and campaign finance transactions electronically using ORESTAR.

Who Must File a Candidate Committee?

If you

- Serve as your own treasurer
and
- Do not have an existing candidate committee
and
- Do not expect to spend or receive more than \$750 during the entire calendar year (including in-kind contributions and personal funds)

Then

- ✓ Relax. No action is necessary because under Oregon Election Law you are not required to establish a candidate committee if you meet all of the criteria. **However, you must keep track of all contributions and expenditures because if you exceed the \$750 threshold you must establish a committee and open a dedicated bank account not later than three business days after exceeding the threshold. NOTE: Any fee paid for filing a candidate's statement for inclusion in the state voters' pamphlet is not included for the purpose of calculating the \$750 threshold. Additionally, you must either file a Certificate of Limited Contributions and Expenditures (PC 7) or all transactions that have occurred in the calendar year. See information below to determine if you are eligible to file a Certificate.**

- Do not expect to receive a total of more than \$3,500 or spend a total of more than \$3,500 for the entire calendar year

- ✓ File a Statement of Organization and establish a dedicated bank account – either by using ORESTAR or by submitting the paper form Statement of Organization for Candidate Committee (SEL 220)
- ✓ File a Certificate of Limited Contributions and Expenditures either by using ORESTAR or by submitting the paper form (PC 7) not later than seven days after first receiving a contribution or making an expenditure

- Expect to spend or receive more than \$3,500

- ✓ File a Statement of Organization and establish a dedicated bank account – either by using ORESTAR or by submitting the paper form Statement of Organization for Candidate Committee (SEL 220)
 - ✓ File campaign finance transactions using ORESTAR
-

What starts the whole process?

The decision to run for a public office (even if the office is not known), accepting contributions and making expenditures, whether from personal funds, campaign funds, or another person's funds to support your candidacy.

Once I become a candidate, then what?

You must register your committee with the Secretary of State not later than 3 business days of first receiving a contribution or making an expenditure if you are not exempt under the \$750 threshold law.

May I serve as my own treasurer?

Yes, you may serve as your own treasurer. The Campaign Finance Manual provides committees with information on candidate/treasurer responsibilities.

Must I have a dedicated campaign account?

Oregon law requires you to establish a dedicated campaign account if you are required to file a Statement of Organization. The account must be established in a financial institution located in Oregon that ordinarily conducts business in Oregon. One important reminder—when establishing your campaign account, the name of the committee and the name of the account must be the same.

Campaign Finance Reporting in Oregon (cont.)

Candidate "Quick Guide"

How do I file?

The key to complying with campaign contribution and expenditure disclosure requirements is to keep detailed records and file your transactions on time.

Electronic Filing

Oregon Election law requires that campaign finance transactions be filed electronically. The Secretary of State's Office provides an electronic filing system, ORESTAR, free of charge. There is a terminal located in the Election's Division office for public use.

What if I don't own a computer?

A Statement of Organization (SEL 220) and Certificate of Limited Contributions and Expenditures (PC 7) may be filed using the paper forms. If you are not eligible to file a Certificate, contribution and expenditure transactions must be reported electronically using ORESTAR. You may want to check with your local library or other public facilities in your area to see if they provide a computer terminal for public use.

When do I report contribution and expenditures?

Generally, the deadline for filing a transaction is not later than 30 calendar days after the date of the transaction. For committees active in an election, beginning on the 42nd day before the date of the election and through the date of the election, a transaction is due not later than 7 calendar days after the date of the transaction. The campaign finance reporting requirements and additional transaction deadlines are available in the Campaign Finance Manual. Information on how to electronically file transactions is detailed in the ORESTAR User's Manual: Transaction Filing.

Are my campaign finance transactions public record?

Yes, after the transactions are filed in ORESTAR they are immediately available to the public by accessing the Public Search link for ORESTAR.

Are there campaign contribution and expenditure limits?

No, Oregon does not have contribution and expenditure limits.

How do I discontinue my committee?

In order to discontinue your committee, you must: (1) Achieve a zero balance and (2) File a Statement of Organization discontinuing the committee.

Where do I get copies of forms and instructional manuals?

All publications and forms are available online at www.oregonvotes.gov, or may be requested from the Elections Division at 503 986 1518 or via email at orestar-support.sos@oregon.gov

Need additional help?

The Elections Division staff is available to answer any questions. You may:

- email your questions to elections.sos@oregon.gov
- call us at 503 986 1518 or at 866 ORE VOTE
- visit our website at www.oregonvotes.gov

2020 Campaign Finance Manual

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 503 986 1518
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tty 1 800 735 2900
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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
255 Capitol St NE, Suite 501
Salem, OR 97310

✉ orestar-support.sos@oregon.gov

📍 www.oregonvotes.gov

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

☎ **1 866 673 8683**
se habla español

tty **1 800 735 2900**
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.



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

<p>Election Day: March 10</p> <p>transaction occurs: deadline to file:</p> <p>on or before 30th day after January 5 date of transaction</p> <p>January 6 to January 27 February 4</p> <p>January 28 to 7th day after March 10 date of transaction</p>	<p>Election Day: May 19</p> <p>transaction occurs: deadline to file:</p> <p>on or before 30th day after March 15 date of transaction</p> <p>March 16 to April 6 April 14</p> <p>April 7 to May 19 7th day after date of transaction</p>
<p>Election Day: September 15</p> <p>transaction occurs: deadline to file:</p> <p>on or before 30th day after July 12 date of transaction</p> <p>July 13 to August 3 August 11</p> <p>August 4 to 7th day after September 15 date of transaction</p>	<p>Election Day: November 3</p> <p>transaction occurs: deadline to file:</p> <p>on or before 30th day after August 30 date of transaction</p> <p>August 31 to September 29 September 21</p> <p>September 22 to 7th day after November 3 date of transaction</p>

→ 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	30 th day after date of transaction	on or before March 14	30 th day after date of transaction
January 4 to January 25	February 2	March 15 to April 5	April 13
January 26 to March 9	7 th day after date of transaction	April 6 to May 18	7 th 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	30 th day after date of transaction	on or before August 29	30 th day after date of transaction
July 19 to August 9	August 17	August 30 to September 20	September 28
August 10 to September 21	7 th day after date of transaction	September 21 to November 2	7 th 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	30 th day after date of transaction
March 16 to April 6	April 14
April 7 to May 19	7 th day after date of transaction
July 3	
transaction occurs:	deadline to file:
May 20 to May 21	May 29
May 22 to July 3	7 th day after date of transaction
Election Day: November 3	
transaction occurs:	deadline to file:
July 4 to August 30	30 th day after date of transaction
August 31 to September 21	September 29
September 22 to November 3	7 th day after date of transaction
November 4 to December 31	30 th 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	30 th 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	30 th day after date of transaction
January 6 – January 27	February 4
January 28 – March 10	7 th day after date of transaction
March 11 – March 15	30 th day after date of transaction
March 16 – April 6	April 14
April 7 – May 19	7 th day after date of transaction
May 20 – July 12	30 th day after date of transaction
July 13 – August 3	August 11
August 4 – September 15	7 th day after date of transaction
September 16 – September 21	September 29
September 22 – November 3	7 th day after date of transaction
November 4 – December 31	30 th 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	30 th day after transaction
January 4 – January 25	February 2
January 26 – March 9	7 th day after date of transaction
March 10 – March 14	30 th day after date of transaction
March 15 – April 5	April 13
April 6 – May 18	7 th day after date of transaction
May 19 – July 18	30 th day after transaction
July 19 – August 9	August 17
August 10 – November 2	7 th day after date of transaction
November 3 – December 31	30 th 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.

 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

 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.

i 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.

i 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:

- i** 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.

- i** "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**

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

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

How to Report Personal Expenditures Made by a Political Committee

ex ABC PAC uses committee funds to pay the wages (\$500) of Sally Smith on March 10, 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.

i 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**

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

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

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.

 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.

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 “miscellaneous cash expenditures \$100 and under” category.

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 $\frac{1}{2}\%$ of the amount of the transaction or $\frac{1}{2}\%$ of the amount of the change (for an increase or decrease in transaction amount) multiplied by the number of business days the transaction is filed late.

ex $\$1,000.00 \times \frac{1}{2}\% \times 16 \text{ business days} = \80.00

The penalty for a late Certificate of Limited Contributions and Expenditures (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 be referred to the Office of Administrative Hearings. The process outlined in the applicable Oregon administrative rules and/or Oregon Revised Statutes will be followed to conduct the hearing.

Final Orders

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

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City of Wilsonville City Charter

CHARTER OF THE CITY OF WILSONVILLE

To provide for the government of the City of Wilsonville, Clackamas and Washington Counties, Oregon; and to repeal all Charter provisions the city enacted prior to the time this Charter takes effect.

Be it enacted by the people of the City of Wilsonville, Clackamas and Washington Counties, Oregon

CHAPTER I

NAME AND BOUNDARIES

Section 1. **TITLE OF ENACTMENT.** This enactment may be referred to as the Wilsonville Charter of 1987 and shall become effective January 1, 1987.

Section 2. **NAME OF CITY.** The City of Wilsonville, Clackamas and Washington Counties, Oregon, shall continue to be a municipal corporation with the name, "City of Wilsonville".

Section 3. **BOUNDARIES.** The city shall include all territory encompassed by its boundaries as they now exist or are hereafter modified pursuant to law. The City Recorder shall keep an accurate, up-to-date description of the boundaries and make copies of this charter and boundary descriptions available for public inspection.

CHAPTER II

POWERS

Section 4. **POWERS OF THE CITY.** The city shall have all powers that the constitutions, statutes and common law of the United States and of this state expressly or impliedly [sic] grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5. **CONSTRUCTION OF CHARTER.** In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to this end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

CHAPTER III **FORM OF GOVERNMENT**

Section 6. **WHERE POWERS VESTED.** Except as this charter provides otherwise, all powers of the city are vested in the Council; the elected officers of the city.

Section 7. **COUNCIL.** The Council shall be composed of a Mayor and four Councilors elected from the city at large.

Section 8. **COUNCILORS.** Councilors in office at the time this charter takes effect shall continue in office until the end of the present term of office of each. At each biennial general election after this charter takes effect, two Councilors shall be elected, each for a term of four years.

Section 9. **MAYOR.** At the biennial general election held in 1988, and every fourth year thereafter, a Mayor shall be elected for a term of four years. The term of Mayor elected at the 1986 general election shall continue until January 1, 1989.

Section 10. **APPOINTIVE OFFICERS.** Additional officers of the city shall be a City Manager, City Attorney and Municipal Judge and other officers and the Council deems necessary. The Council shall appoint and may remove any of these officers by a majority vote of all incumbent members of the Council. In judicial functions, the Municipal Judge shall not be subject to supervisory by any other officer.

Section 11. **SALARIES.** The compensation for the service of each city officer and employee shall be the amount fixed by the Council.

Section 12. **QUALIFICATIONS OF ELECTED OFFICERS.** No person shall be eligible for an elective office of the city unless at the time of his election, he is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months

immediately preceding the election. No person shall hold an elected office of the city if the person is an employee of the city. The Council shall be the final judge of the qualifications and election of its own members.

CHAPTER IV **CITY COUNCIL**

Section 13. **MEETINGS.** The Council shall hold a regular meeting at least once each month in the city at a time and place with it designates. It shall adopt rules for the government of its members and proceedings. The Mayor or three Council members may call special meetings of the Council. Special meetings may also be held at any time by the common consent of a quorum of all members of the Council at any regular meeting.

Section 14. **RECORDS OF PROCEEDINGS.** The Council shall cause a record of its proceedings to be kept.

Section 15. **QUORUM.** A majority of the incumbent members of the Council shall constitute a quorum for its business.

Section 16. **PROCEEDINGS TO BE PUBLIC.** No action by the Council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

Section 17. **MAYOR'S FUNCTIONS AT COUNCIL MEETINGS.** The Mayor shall preside over Council deliberations and shall have a vote on all questions before the Council. The Mayor shall preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

Section 18. **PRESIDENT OF THE COUNCIL.** At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the Council shall elect a president from its membership. In the Mayor's absence from a Council meeting, the president shall preside over it. Whenever the council determines that the Mayor is unable to perform the functions of the office, the president shall act as Mayor.

Section 19. **VOTE REQUIRED.** Except as this charter otherwise provides, the concurrence of a majority of members of the Council voting when a quorum of the Council is present shall decide any questions before it.

CHAPTER V
POWERS AND DUTIES OF OFFICERS

Section 20. **MAYOR.** The Mayor shall appoint the Council committees provided by the rules of the Council. The Mayor shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within three days after their passage. After the Council approves a bond of a city officer or a bond for a license, contract or proposal, the Mayor shall endorse the bond.

Section 21. **CITY MANAGER.** (a) Qualifications. The City Manager shall be the administrative head of the government of the city. The City Manager shall be chosen by the Council without regard to political considerations and solely with reference to executive and administrative qualifications. The manager need not be a resident of the city or of the state at the time of appointment.

(b) Terms. The manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council. Upon any vacancy occurring in the office of manager after the first appointment pursuant to this charter, the Council at its next meeting shall adopt a resolution of its intention to appoint another manager. Not later than six months after adopting the resolution, the Council shall appoint a manager to fill the vacancy.

(c) Powers and Duties. The powers and duties of the manager shall be as follows:

(1) The manager shall devote full-time to the discharge of the manager's official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep the Council advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the city.

(2) The City Manager shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed.

(3) The manager shall designate a City Recorder and shall appoint and may remove appointive city officers and employees except as this charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The City Manager shall organize and supervise the departments to the end of obtaining the utmost efficiency in each of them. The manager shall have no control, however, over the Council, over the Mayor, over the City Attorney, or over the judicial activities of the Municipal Judge.

(4) The manager shall act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by the manager or his designate.

(5) The manager shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

(6) The manager shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.

(d) Seats at Council Meetings. The manager and such other officers as the Council designates shall be entitled to sit with the Council but shall have no vote on questions before it. The manager may take part in all Council discussion.

(e) Manager Pro Tem. Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever the office becomes vacant, the Council shall appoint a manager pro tem, who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employee except with the approval of the Council. No manager pro tem shall hold the position as such for more than six months, and no appointment of a manager pro tem shall be consecutively renewed.

Section 22. **MUNICIPAL JUDGE.** The Municipal Judge shall be the judicial officer of the city. The judge shall hold within the city, a court known as the municipal court for the City of Wilsonville, Clackamas and Washington Counties, Oregon. The court shall be open for

the transaction of judicial business at times specified by the Council. All areas within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined or authorized by ordinances of the city. The judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before the judge, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Notwithstanding this section or section 10 of this charter, the Council may provide for the transfer of powers and duties of the municipal court to the appropriate district court of the State of Oregon.

Section 23. **CITY RECORDER.** The City Recorder shall serve ex officio as clerk of the Council, attend all its meetings unless excused therefrom by the Council and keep an accurate record of its proceedings. In the Recorder's absence from a Council meeting, the Mayor shall appoint a clerk of the Council pro tem, who, while acting in that capacity, shall have all the authority and duties of the Recorder.

CHAPTER VI

ELECTIONS

Section 24. **REGULATION OF ELECTIONS GENERALLY.** Except as this charter provides otherwise and as the Council provides otherwise by ordinance, the general laws of the state shall apply to city elections.

Section 25. **TIE VOTES.** In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Council.

Section 26. **COMMENCEMENT OF TERMS OF OFFICE.** The term of office of a person elected to a city office at a regular city election commences on January 1st of the year immediately following the election.

Section 27. **OATH OF OFFICE.** Before commencing the duties of elective office, each officer shall take an oath or shall affirm faithful performance of the duties of the office and support for the constitutions and laws of the United States and the State of Oregon.

Section 28. **NOMINATIONS.** A qualified elector who shall have resided in the city during the 12 months immediately preceding the election may be nominated for an elective city position. Nomination shall be by petition specifying the position sought in a form prescribed by the Council. Such petition shall be signed by not fewer than 20 electors. Nomination petitions shall be in the form and filed in the manner and within the time prescribed by ordinance and state law. The City Recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed.

Section 29. **TERM LIMITS.** No person shall be eligible to serve on the City Council more than twelve (12) years in any twenty (20) year period, whether serving as Councilor, Mayor, a pro tem member, or a combination thereof. No person may be elected or appointed to an office on the City Council if completing that term of office would cause a violation of these term limits. The calculation of "years" shall include those preceding the enactment of this Section, but shall not prevent any member of the City Council from completing a term of office. To be eligible for election or appointment to an office on the City Council, prior years of service on the City Council shall be calculated by first determining the aggregate number of days a person has previously served as a member of the City Council within the period of twenty calendar years prior to the commencement of the proposed term, and then attributing a year of service for every 365.25 days of service within that period. *[Section 29 is a Charter Amendment voted upon and approved by a majority of the qualified voters of the City of Wilsonville in the May 19, 2020 Primary Election.]*

CHAPTER VII
VACANCIES IN OFFICE

Section 30. **VACANCY.** An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, resignation or recall or upon the incumbent's ceasing to possess the qualifications necessary for the office; or upon the failure of the person elected or appointed to an office to qualify therefor within ten days after the time for the term of office to commence; and in the case of Mayor or Councilor, upon the absence from meetings from the Council for 60 days or absence from the city for 30 days without consent of the Council; and upon a declaration by the Council of the vacancy.

Section 31. **FILLING OF VACANCIES.** Vacancies in elective offices of the city shall be filled by appointment by a majority of the incumbent membership of the Council. The appointee's terms of office shall begin immediately upon appointment and shall continue until the first day of January following the next biennial election; and if the term of office does not then expire, the remainder thereof shall be filled by election at such biennial election. During the temporary disability of any officer or during the absence temporarily from the city for any cause, the office may be filled pro tem, in the manner provided for filling vacancies in office permanently.

CHAPTER VIII
ORDINANCES

Section 32. **ENACTING CLAUSE.** The enacting clause of all ordinances hereafter enacted shall be "The City of Wilsonville Ordains as Follows".

Section 33. **MODE OF ENACTMENT.** (1) Except as subsection (2) and (3) provides to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.

(2) Except as sub-section (3) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all incumbent Council members, upon being read first in full and then by title.

(3) Any of the readings may be by title only (a) if no Council member present at the meeting requests to have the ordinance read in full; or (b) if a copy of the ordinance is provided for each Council member and a copy is provided for public inspection in the office of the City Recorder not later than one week before the first reading of the ordinance and notice of their availability is given forthwith upon the filing by written notice posted in the City Hall and two other public places in the city; or advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

(4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered into the record of proceedings.

(5) Upon the enactment of any ordinance, the City Recorder shall sign it with the date of its passage and the Recorder's name and title of office, and within three days thereafter the Mayor shall sign it with the date of signature, name and the title of office.

Section 34. **WHEN ORDINANCES SHALL TAKE EFFECT.** An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of emergency, it may take effect immediately.

CHAPTER IX

PUBLIC IMPROVEMENTS

Section 35. **CONDEMNATION.** Any necessity of taking property for the city by condemnation shall be determined by the Council and declared by a resolution of the Council describing the property and stating the uses to which it shall be devoted. All such proceedings shall be in accordance with existing state laws pertaining to condemnation.

Section 36. **IMPROVEMENTS.** The procedure for making, altering, vacating or abandoning a public improvement shall be governed by ordinance or, to the extent not so governed, by the applicable general laws of the State of Oregon.

Section 37 **SPECIAL ASSESSMENTS.** The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by ordinance or to the extent not so governed, by the applicable general laws of the State of Oregon.

Section 38. **PUBLIC CONTRACTING.** Except as authorized by Oregon Public Contracting law or general ordinance, all city contracts shall be based on competitive bids.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 39. **DEBT LIMIT.** Except by consent of the voters, the city's voluntary floated indebtedness shall not exceed ten percent of the current budget, nor its bonded indebtedness exceed that as may be set by Oregon law. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 40. **TORTS.** In no event shall the city be liable in damages except as provided by Oregon law.

Section 41. **EXISTING ORDINANCES CONTINUED.** All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 42. **REPEAL OF PREVIOUSLY ENACTED PROVISIONS.** All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed except those charter amendments giving authority for the issuance of general obligation bonds which shall remain in full force and effect.

Section 43. **TIME OF EFFECT OF CHARTER.** This charter shall take effect January 1, 1987.

Section 44. **USE OF WILLAMETTE RIVER.** The City of Wilsonville shall not use Willamette River water as a drinking water source for its citizens unless the question of so using the Willamette River water as a drinking water source has received the affirmative majority of the total number of legal votes cast on such measure and entitled to be counted thereon. *[Section 44 is a Charter Amendment voted upon and approved by a majority of the qualified voters of the City of Wilsonville in a special election September 20, 1999.]*

Section 45. **REQUIRES VOTER APPROVAL BEFORE CITY EXPENDS RESOURCES TO CONSTRUCT ANY NEW CITY HALL BUILDING.** The city shall not expend resources on the construction of a new City Hall Building without first obtaining approval of a majority of voters casting ballots during a regularly scheduled City election. A regularly scheduled city election shall be defined as the general election held on the first Tuesday after the first Monday of November in even numbered years or such special election called by the City council for a statutorily scheduled county election date in March, May, September or November. Any ballot proposal seeking such approval must include the total cost of completing the construction project in its title caption. The total cost of construction must be detailed in a proposal summary and shall include principal construction costs, infrastructure costs, the commercially zoned market value of any land acquired or appropriated for the project, the maximum cost of paying interest on any bonded indebtedness attached to the project, and an estimate of any other costs necessary to complete the project. The term ‘City Hall Building’ includes any significant structure housing one or more chief administrative functions of the city.” Spending necessary to determine costs is not restricted. *[Section 45 is a Charter Amendment voted upon and approved by a majority of the qualified voters of the City of Wilsonville in a regular election held November 5, 2002.]*

Amended September 1999, Section 44.

Amended November 2002, Section 45.

Amended November 2004, Section 45 to clarify ‘regularly scheduled election’

Amended June 2020, Section 29.

Wilsonville Code Section 2

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GENERAL

2.001 Office Hours of City Offices.

The hours of business for all city offices shall be set and established by the Council.

2.003 City Council Meetings.

(1) Regular meetings of the Council shall be held on the first and third Monday of the month at 7 p.m. except that when a first or third Monday falls on a legal or national holiday, there will be no regular City Council meeting held that week. However, this shall not prevent the City council from otherwise calling a special meeting for such purposes as it determines. All regular meetings of the Council shall be held within the City of Wilsonville.

Amended by Ord. #390-August 5, 1991

Amended by Ord. #422 – December 20, 1993

(2) Special meetings of the Council shall be called by the Mayor or, in his absence, the president of the Council whenever in his opinion the public business may require it, or at the express written request of any three members of the Council. Whenever a special meeting is called a notice shall be served upon each member of the Council either in person or by notice left at the councilor's place of residence, stating the date, place, and hour of the meeting and the purpose for which such meeting is called. Unless an emergency exists, no special meeting shall be held without at least 24 ours notice to the members of the Council the news media, and the general public. In case of an actual emergency, a meeting may held upon such notice as is appropriate to the circumstances but the minutes for such a meeting shall describe the emergency justifying less than 24 hours notice unless otherwise required by law or necessitated by an emergency.

(3) All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall, at least twenty-four (24) business hours prior to each Council meeting, be delivered to the City Recorder whereupon the City Recorder shall immediately arrange a list of such matters according to the Order of Business and furnish each member of the Council, the City Manager and the City Attorney with a copy of the same prior to the Council meeting and as far in advance of the meeting as time for preparation will permit. None of the foregoing matters shall be presented to the Council by administrative officials except those o an urgent nature, ad the same, when so presented, shall have approval of the Mayor or City Manager before presentation.

(4) The Presiding Office of the Council shall be the Mayor. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject; however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. He shall vote on all questions. He shall sign all ordinances and resolutions adopted by the Council during his presence. In the event of the absence or unavailability of the Mayor, the Presiding officer as designated in Section 2.003(5) shall sign ordinances or resolutions as then adopted.

(5) The Mayor, or in his absence or unavailability, the President of the Council shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council t

order. In the absence or unavailability of the Mayor and the President of the Council, the City Recorder, shall call the Council to order, whereupon a temporary chairman shall be elected by the members of the council present. Upon arrival of the Mayor or the President of the Council, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

(6) Before proceeding with the business of the Council, the City Recorder shall call the roll of the members, and the names of those present shall be entered in the minutes.

(7) A majority of all the members elected to the Council shall constitute a quorum at any regular or special meeting of the Council.

(8) All meetings of the Council shall be open to the public in accordance with ORS 192.610 et seq. Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the City Recorder, City Attorney and City Manager shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition in the following order:

- (1) Call to Order
 - a. Roll Call
 - b. Pledge of Allegiance
 - c. Motion to approve the following order of the agenda and to remove items from the Consent Agenda.
 - (2) Mayor's Business
 - a. Upcoming Meetings
 - (3) Communications
 - (4) Citizen Input and Community Announcements
 - (5) Councilor Comments, Liaison Reports and Meeting Announcements
 - (6) Consent Agenda
 - (7) New Business
 - (8) Continuing Business
 - (9) Public Hearing
 - (10) City Manager's Business
 - (11) Legal Business
 - (12) Adjourn
- (Amended by Ord. 698, adopted Oct. 17, 2011)*

(9) The Council may, at its discretion and upon the approval of a majority of a quorum present, change the order of business before it.

(10) Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the City Recorder has previously furnished each member with a copy or synopsis thereof.

(11) The following constitute the adopted rules of debate:

(a) The Mayor or President of the Council or such other member of the Council as may be presiding, may move, second and debate from the chair, subject only to such limitations of

debate as are by these rules imposed on all members and shall not be deprived of any of the right and privileges of a Councilor by reason of his acting as the Presiding Officer.

(b) Every member desiring to speak shall address the chair, and upon recognition by the Presiding Officer, shall confine themselves to the question under debate, avoiding all personalities and indecorous language.

(c) A member, once recognized, shall not be interrupted when speaking unless it is to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order is determined, and if in order, he shall be permitted to proceed. Notwithstanding the above, no member shall speak at any one time in excess of ten minutes without the consent of the members constituting a quorum.

(d) The Councilor moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(e) A motion to reconsider any action taken by the Council may be made only on the date such action was taken, either immediately during the same session or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

(f) A councilor may request, through the Presiding Officer the privilege of having an abstract of his statement on any subject under consideration by the Council entered in toto into the minutes; if the Council consents thereto, such statement shall be entered in the minutes in toto.

(g) The City Recorder may enter in the minutes a synopsis of the discussion on any question coming regularly before the council, at the direction of the Presiding officer and with consent of the Council.

(h) A journal of the proceedings consisting of minutes of the meeting and an electronic recording of the meeting shall be kept; on call of any two of its members, the Presiding Officer may cause the yeas and nays to be taken and entered in its journal upon any question before it.

(12) To address the Council, any person shall first secure the permission of the Presiding Officer; provided, however, that under the following heading of business, unless the Presiding Officer rules otherwise, any qualified person may address the Council without securing such prior permission:

(a) By written communications, interested parties or their authorized representatives may address the Council in regard to matters there under discussion.

(b) By oral communications taxpayers or residents of the City, or their authorized legal representatives, may address the Council on any matter concerning the City's business or any matter over which the Council has control; provided, however, that preference shall be given to those person who may have notified the City Recorder I the advance of their desire to speak in order that the same may appear on the agenda of the Council.

(c) By reading of protests, petitions, or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions, or similar matter, interested persons or their representatives may address the council in regard to matters then under consideration.

(13) After a motion is made by the council, no person shall address the Council without first securing the permission of the presiding Officer to do so.

(14) Each person addressing the Council shall do so in the following manner: Come to the designated area for persons to address the Council, give his or her name and address in an audible tone of voice for the records; limit his address to three (3) minutes unless further time is granted by the Presiding Officer of the council; and address all remarks to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor, shall per permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No questions shall be asked of a Councilor except through the Presiding Officer.

(15) No person, except City Officials, their representatives and newspaper reporters, shall be permitted within normal seating area of the City Council without the express consent of the presiding officer.

(16) Unless a member of the Council states that he is not voting his silence shall be recorded as an affirmative vote.

(17) The following constitutes the rules of decorum:

(a) While the council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.

(b) Any person whose conduct at a council meeting intentionally, recklessly, or knowingly causes or attempts to cause a disturbance of the order or decorum of the proceedings may be barred from the Council meeting by a majority vote of the Council.

Amended by Ord. #380 – March 4, 1991

(18) The law enforcement officer of the city, or such member or members of his office or department as he may designate, shall be Sergeant at Arms of the Council meetings, He or they shall carry out all orders and instructions given by the Presiding Officer for purposes of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding

Officer, it shall be the duty of the Sergeant at Arms or any of them present; to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of this Code, and the complaint shall be signed by the Presiding Officer.

(19) Any member shall have the right to have the reasons for his dissent from or protest against any action of the Council entered on the minutes.

(20) No account or other demand against the city shall be allowed until the same has been considered and reported upon to the Council.

(21) All reports and resolutions shall be filed with the City Recorder and entered on the minutes.

(22) A motion to adjourn shall always be in order and decided without debate.

(23) Any person violating the provisions of Section 2.003(17)(b) of this Code shall upon first conviction be guilty of a violation and shall be punished pursuant to Section 1.012, and shall upon any subsequent conviction be guilty of a Class C Misdemeanor and shall be punished pursuant to Section 1.011. In any suit, action or claim of relief, inclusive of appeal, to enforce any provisions of the Section, the City shall recover its costs, inclusive or reasonable attorney fees.

(24) In all other instances not covered by the provisions of this Section, Robert's Rules of Order shall be followed. The City Attorney, or in the absence of the City Attorney, his or her designee, shall serve as the parliamentarian for City Council meetings and such other City meetings as may be needed.

Amended by Ord. #381 – March 4, 1991

2.005 City Council Special Committees.

(1) All special committees shall be appointed and assigned respectively by the presiding officer, unless otherwise directed by the council.

(2) Committees shall make their reports in writing or have them recorded verbatim by an electronic recording device and a transcript made thereof, and shall return the petition, resolution, account, or other paper submitted for consideration to the Council at a regular meeting.

2.007 City Council Evidentiary Hearings.

In all evidentiary hearings before the Council, the procedures prescribed by Section 2.560 shall apply.

2.009 City Council Mode of Introducing and Enacting Ordinances, Resolutions, and Other Matters or Subjects Requiring Action by the Council.

(1) All ordinances, resolutions, and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or his authorized representative.

(2) Ordinances, resolutions, and other matters or subjects requiring action by Council must be introduced and sponsored by a member of the Council, except that the Mayor, City manager or City Attorney may present ordinances, resolutions and other matters or subjects to the Council, and any Councilor may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.

(3) Enacting or Adopting Clause. The enacting clause of all ordinances hereafter enacted shall be “The City of Wilsonville Ordains as Follows”. The adopting clause of all resolutions hereafter enacted shall be “The City of Wilsonville resolves as follows”.

(4) Except as subsection (5) and (6) provides to the contrary, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.

(5) Except as subsection (6) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all incumbent Council members, upon being read first in full and then by title.

(6) Any of the readings may be title only if (a) if no Council member present at the meeting requests to have the ordinance read in full; or (b) if a copy of the ordinance is provided for each Council member and a copy is provided for public inspection in the office of the City Recorder not later than one week before the first reading of the ordinance and notice of their availability is given forthwith upon the filing by written notice posted in the City Hall and two other public places in the city; or advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

(7) Upon the final vote of any ordinance, the ayes and nays of the members shall be taken and entered into the record of proceedings.

(8) Upon the enactment of any ordinance, the City Recorder shall sign it with the date of its passage and the Recorder’s name and title of office and within three days thereafter the Mayor shall sign it with the date of signature, name and title of office.

(9) When ordinances shall take effect. An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the council deems it advisable; however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

(10) Resolutions may be read by title only and shall be adopted on the date of passage unless the resolution otherwise provides.

2.010 Election of City Councilors

In cases where both two and four-year terms for City Councilors are available due to vacancies in office, the candidate(s) receiving the highest number of votes shall be elected to the longer term(s). In cases of tie votes, Section 25 of the City Charter shall apply.

Amended by Ord #325 – April 4, 1988

2.011 City Council Election of Officers.

2.013 City Council Executive Sessions.

Executive Sessions may be held by the Council in accordance with the provisions of Ors Chapter 192.

2.020 Fees Generally.

Except for charges established by ordinance, resolution or this code, the City Manager may set all fees for:

- (1) Providing, comparing, and certifying copies of documents, reports, or other materials; and
- (2) providing special municipal services or the use of municipal property which is beyond the scope of municipal services or property use provided to the public in general.

2.025 Interest Rates.

Notwithstanding any provisions in this Code to the contrary, the interest rate per annum on all amounts due the City shall be the maximum authorized by law.

2.030 City Records Retention and Destruction.

(1) City officers are required to keep city records for a period of time, which shall be established by Oregon law. The city council may by resolution establish a period of time greater than that required by state law.

OFFICERS AND EMPLOYEES

2.100 Mayor.

(1) The Mayor shall preside over Council deliberations and shall have a vote on all questions before the Council. The mayor shall preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

(2) The Mayor shall appoint the Council committees provided by the rules of the Council. The Mayor shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within three days of their passage. After the Council approves a bond of a city officer or a bond for a license contract or proposal, the mayor shall endorse the bond.

2.105 City Manager.

(1) Qualifications. The City Manager shall be the administrative head of the government of the city. The City Manager shall be chosen by the Council without regard to political considerations and solely with reference to executive and administrative qualifications. The manager need not be a resident of the city or of the state at the time of appointment.

(2) Terms. The Manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council. Upon any vacancy occurring in the office of manager after the first appointment pursuant to the charter, the council at its next meeting shall adopt a resolution of its intention to appoint another manager. Not later than six months after adopting this resolution, the council shall appoint a manager to fill the vacancy.

(3) Powers and Duties. The powers and duties of the manager shall be as follows:

(a) The manager shall devote full-time to the discharge of the manager's official duties, attend all meetings of the Council unless otherwise excused therefore by a the council or the Mayor, keep the council advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the council, of all the affairs and departments of the city.

(b) The city manager shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed.

(c) The manager shall designate a city recorder and shall appoint and may remove appointive city officers and employees except as the charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The city manager shall organize and supervise the departments to the end of obtaining the utmost efficiency in each of them. The manager shall have no control, however, over the council, over the mayor, over the city attorney, or over the judicial activities of the municipal judge.

(d) The manager shall act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by the manager or his designate.

(e) The manager shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

(f) The manager shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.

(4) Seats at Council meetings. The manager and such other officers as the council designates shall be entitled to sit with the council but shall have no vote on questions before it. The manager may take part in all council discussions.

(5) Manager Pro Temp. Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever the office becomes vacant, the Council shall appoint a manager pro temp, who shall possess the powers and duties of the manager. No manager pro temp, however, may appoint or remove a city officer or employee except with the approval of the Council. No manager pro temp shall hold the position as such for more than six months and no appointment of a manager pro temp shall be consecutively renewed.

2.110 Recorder.

(1) The Recorder shall attend all meetings of the Council, unless excused there from by the Council, and shall file and keep all books, papers, records and other documents connected with the business of the Council or which may be the property of the City.

(2) In the Recorder's absence from Council meetings, the Mayor shall appoint a Clerk of the Council pro temp who, while acting in that capacity, shall have the authority and duties of the Recorder.

2.130 Finance Director.

(1) It shall be the duty of the Finance Director to receive all monies that shall come to the City by taxation or otherwise; to keep the same in separate funds as may be directed by this Code; to pay out the same as provided by the charter; at the close of each quarter, during his term of office, to make out and present to the Council a fair and accurate itemized statement of the receipts and disbursements of the various City funds in his care during the quarter; and at the end of the fiscal year, to present a statement, the same being a summary of his quarterly statements.

(2) The books and accounts of the Finance Director shall at all times be opened to the inspection of any member of the Council.

2.140 Municipal Judge.

(1) The Municipal Judge shall be the judicial officer of the City and shall hold within the City a Court known as the Municipal Court for the City of Wilsonville, Clackamas and Washington Counties, Oregon. He shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by this Code and of actions brought to recover or enforce forfeitures or penalties defined or authorized by this Code. He shall have authority to issue process for the arrest of any person of such offense against this Code, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgment of the court, and to punish witnesses and others for contempt of the court.

(2) All areas within the City shall be within the territorial jurisdiction of the court, which shall be open for the transaction of judicial business at times specified by the council. When not governed by this Code or the Charter, all proceedings in the Municipal Court for the violation of this Code shall be governed by the applicable general laws of the State governing Justices of the Peace and Justice Court.

(3) Trials in the Municipal Court of cases for violation of this Code may be had before a jury, and trials and proceedings before the Municipal Court shall be governed by this Code or otherwise by the provisions of the State law regulating such actions and proceedings before Justice courts, insofar as the same are or can be made applicable in the general cases arising before the Municipal Court. When sections of this Code provide for different procedures in the Municipal Court in any case or proceedings, the provisions of such Section(s) shall control, but in all cases there shall be a right of trial by jury.

(4) In case the Municipal Judge shall be absent from the City or otherwise unable or disqualified to act as Judge of the Municipal Court, his duties shall be performed by a pro temp Judge appointed by the Mayor.

2.150. Attorney.

2.160. Building Official.

The Manager shall appoint a Building Official for the City to receive and process building permit applications, collect permit fees, conduct inspections of all buildings, structures, or portions thereof as required by the City's Building Code, and enforce compliance with the City Building Code.

2.165 Director of Transportation.

(1) The Director of Transportation shall act as head of the Department of Transportation and all employees' performance of duties are subject to his/her supervision.

(2) The City Manager may act as Director of Transportation in the event of vacancy of the office of Director of Transportation, or the City manager shall, at his/her discretion; appoint an interim Director of Transportation.

(3). The Director of Transportation shall develop such rules and regulations and shall conduct his/her department as deemed advisable and such action, where approved by the City Council shall be binding.

2.170 Community Development Director.

(1) The Manager shall appoint a Community Development Director who shall be the head of the Department of Community Development an executive department of the City. The Director shall have control and supervision over all officers and employees assigned thereto subject to the control of the City Manager.

(2) The Community Development Director shall be custodian of all tools, equipment, motor vehicles and other personal property belonging to the City and not assigned to the care of the City or any other public officer.

2.190 Director of Planning.

(1) The Manager shall appoint a Director of Planning who shall be the head of the Department of Planning, an executive department of the City. The Director shall have control and supervision of all officers and employees assigned thereto, subject to the control of the City Manager.

(2) The Director of Planning shall have the duties of administering the City's planning functions, including comprehensive planning, zoning, annexation, capital improvements planning, subdivision and minor partition planning, planning research, maintaining the official plan map and the zoning map, and provision of department services to the City Council, the Planning Commission and the Design Review Board.

(3) The Director of Planning shall administer and enforce all laws and ordinances in the City relating to planning, zoning, design review, signing, subdivision and partitioning and the uses of premises.

2.195 Engineer.

DEPARTMENTS

2.200 Police.

The police department of the City shall be the Clackamas County Sheriff's Department.

2.210 Fire.

The Fire department of the City shall be the Tualatin Valley Fire & Rescue protection district.

2.220 Community Development.

(1) The Community Development Department shall have supervision over the enforcement of the specified standards for the care, maintenance and construction of all streets, sidewalks, alleys and public ways; the construction, operation and maintenance of the City's water system and any appurtenances thereto. The Department shall have charge of the street lighting system and shall be responsible for the maintenance, repair and extension thereof. Adjacent property owners shall be responsible for the performance of public sidewalk care and maintenance upon adoption of this ordinance, save and except the owners of property adjacent to sidewalks identified in Exhibit "A" of Ordinance No. 330 shall be responsible for the performance of public sidewalk care and maintenance when such corrections of sidewalk deficiencies by the city has been completed.

(2) All physical properties of the City, including water distribution, sewer facilities, parks, playgrounds, buildings and all municipal utilities not assigned to some other department or officer shall be and are hereby assigned to the Community Development Department.

(Amended by Ord. #330 – July 5, 1988)

2.230 Planning.

(1) The Department of Planning shall carry out the following duties:

(a) Undertake research studies and prepare a comprehensive plan, including the development of more detailed plans and programs based on the comprehensive plan for area development, conservation, rehabilitation and renewal.

(b) Review and submit written comments to the Director, City Manager and appropriate governing bodies of the City, upon all proposals to amend the comprehensive plan, zoning and design review sections of the Code, the subdivision ordinance, official map and any standards ordinance, and such other Code or Ordinance amendments as the City Council or City manager may refer to the Department.

(c) Review all annexation and disconnection proposals and submit written recommendations to the Director, City manager and the appropriate governmental bodies of the City.

(d) Maintain the official plan map and zoning map and to keep each updated.

(e) Prepare and recommend and assist other departments of the City in the development of specific projects intended to compliment the comprehensive plan.

(f) Review and submit written comments to the Director, City Manager and appropriate governing bodies of the City upon all proposals for issuance of permits, certifications, orders, notifications and approvals, pursuant to the comprehensive plan, zoning and design review sections of the Code, signing ordinances, subdivision and portioning ordinance any standards ordinance or other relevant Code provisions or ordinances of the City.

2.240 The Department of Transportation.

(1) This Department of Transportation shall consist of the Director or Transportation and such officers and employees as may be provided for by the City Council through its budgetary process and assigned to this department.

(2) The Department of Transportation shall have charge of and supervision over the planning, provision, preservation and expansion of transportation services within the City and shall propose cooperative studies and cooperative plans for coordinated public transit not only in the City but in surrounding areas. Any such cooperative plan(s) may include inter-government and /or private contract agreements by which all or part of said services may be provided and maintained.

Amended by Ord. #342 – 12/19/88.

BOARDS AND COMMISSIONS

2.300 Parks and Recreation Advisory Board.

(1) A Parks and Recreation Advisory Board is hereby created. The Parks and Recreation Advisory Board shall consist of seven members. At least five members of the Parks and Recreation Advisory Board shall be residents of the City. Two members may reside outside of the city limits but must reside within the boundaries of the West Linn-Wilsonville, Canby, Sherwood, or North Marion school districts. Members shall be appointed by the Mayor with the consent of the City Council and may be removed by the Mayor with the consent of the Council. Of the members first appointed, four members shall be appointed for a two-year term and five members shall be appointed for a four-year term. Subsequent appointments shall be for a term of four years. No member shall hold appointment for more than two full consecutive terms, but any person may be appointed again to the Commission after an interval of one year.

Amended by Ord #397 – 5/4/92

Amended by Ord. #480 3/20/97

(2) At its first meeting in each calendar year, the Board shall elect a Chairperson and Vice Chairperson. The Chairperson shall preside at all meetings and the vice Chairperson shall preside over the meetings in the event that the Chairperson is absent. Unless otherwise specified, Robert's Rules of Order shall govern the meetings. Board members shall serve without pay but may be reimbursed for any expenses incurred in the discharge of their duties, with the approved city policies and with prior approval of the Parks and Recreation director.

(3) Four members shall constitute a quorum.

Amended by Ord. #480 – 3.20/97.

(4) Parks and Recreation Advisory Board members shall make every effort to attend all meetings. In the event that a member is absent from three meetings in any calendar year without either a pre-arranged excuse or an emergency, the Parks and Recreation Board may recommend removal of said member. Removal must be approved by the Council.

(5) The board shall hold at least four meetings per year to conduct its business. All meetings of the Board shall be open to the public.

Amended by Ord. #346 – 3/6/89.

2.301 Purpose.

The purpose of the Parks and Recreation Advisory Board shall be as follows: to act as a channel of communication for the general public and the municipal administration. To take initiative in planning of present and future parks and recreation needs to support the people of Wilsonville. To advise the City Council on various policy matters which have been referred to them in regard to the provision of park and recreation services to the total community.

2.302 Parks and Recreation Advisory Board Duties and Responsibilities.

- (1) Give due attention and study to recreation and park service as they affect the welfare of the people of Wilsonville.
- (2) Interpret the recreation and park services of the department to the community.
- (3) Interpret community recreation and park services of the department to the community.
- (4) Take initiative in planning for future recreation and park areas and facilities, as well as considering means of bringing present areas and facilities up to an acceptable standard.
- (5) Serve as a sounding board for the department administrator and staff to test their plans and ideas.
- (6) Recommend policy.
- (7) Enable civic and service organizations to accomplish results through cooperation.
- (8) Encourage individuals and citizen groups to give funds, property, and manpower for the development and operation of the recreation and park facilities.
- (9) Generally enlist community interest in recreation and parks.

2.303 Advisory Functions.

The actions of the Parks and Recreation Advisory Board shall be advisory only and shall not constitute policy of the City and shall not be binding upon the City Council or upon the City. The City Council may adopt all or part of any recommendation of the Board, with or without changes as city policy.

PUBLIC CONTRACTS

2.310 Local Contract Review Board; Delegation of Authority. The Wilsonville City Council is designated as the Local Contract Review Board under the State of Oregon Public Contracting Code. The Contract Review Board shall have all the powers of the State and Local Public Contract Review Board relative to the contract concerns of the City or, if delegated, the Urban Renewal Agency of the City of Wilsonville. The Board may, from time to time, delegate its powers and responsibilities consistent with the Oregon Public Contracting Code, the Model Rules, or the Wilsonville Code. The City Manager, or his/her designated agent, is designated as the City's "Contracting Agency" for purposes of contracting powers and duties assigned to the City of Wilsonville as a "Contracting Agency" under the State of Oregon Public Contracting Code or the Model Rules.

2.311 Application of State Law. Except as specifically provided herein, public contracts shall be let by the City of Wilsonville according to the State of Oregon Public Contracting Code, including the Model Rules adopted by the Oregon Attorney General as they now exist and as they may be amended in the future, and the Wilsonville Code. Definitions provided by the State of Oregon Public Contracting Code or the Model Rules shall apply to City of Wilsonville procurements, except as may be specifically provided herein.

2.312 Exemptions from Competitive Procurement. The following classes of public contracts are hereby exempted from competitive procurement:

(1) Any contract the exemption of which is provided by the State of Oregon Public Contracting Code or Model Rules;

(2) Change orders or contract amendments reasonably related to the scope of work under the original contract, up to fifteen percent of the contract price may be approved by the Contracting Agency. Additional goods or services may be purchased through the amendment even though the original contract did not provide unit prices or allow for additional purchases. Change orders or other amendments that increase the initial price of the contract by more than the above-mentioned amount must be separately approved by the Contract Review Board and Contracting Agency.

(3) Contracts for the purchase of computer equipment and software, which may be by requests for quotations, the solicitation of which may be by advertisement or oral requests for offers.

(4) Personal Service Contracts up to the limits defined in W.C. 2.315.

(5) A Public Facility Improvement Agreement entered into between the City of Wilsonville and a person responsible for carrying out conditions of approval of a land use decision of the City of Wilsonville. The term "Land Use Decision" has the meaning provided by ORS 197.015.

(6) Price Regulated Items, Library lending materials, used items, and periodicals, Advertising Contracts, Equipment Maintenance Repair and Overhaul, Purchases Under

Established Price Agreements, Gasoline, Diesel Fuel, Heating Oil, Lubricants and Asphalt, Investment Contracts, Insurance contracts, Office Copier Purchases, Sole Source Contracts, and Oil or Hazardous Material Removal.

(7) Procurement of Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, and Land Surveying Services, and/or Related Services less than or equal to \$50,000 subject to approval by the Community Development Director, and up to \$100,000 subject to approval of the City Manager.

2.313 Administrative Authority. Administrative staff and departments have contracting authority and responsibilities as follows:

(1) In addition to all other acts authorized by state law, the Contracting Agency is authorized to:

(a) Enter into city contracts not to exceed \$100,000 without additional authorization of the Contract Review Board or as otherwise may be allowed by these Code provisions.

(b) Consistent with the Wilsonville Code, adopt forms, computer software, procedures, and administrative policies and rules for all city purchases.

(c) Allow a contract to be extended or renewed for a single term not to exceed the length of the initial term.

(2) Purchases of goods from City employees shall require authorization of the Contracting Agency. Provision of services by City personnel shall be in accordance with the City Personnel Policies and other applicable law.

(3) All contracting by departments shall be according to approved City purchasing procedures adopted by the Contracting Agency or the Contract Review Board.

(4) Each department shall operate within its budget or seek supplemental budgetary authority from City Council with respect to any contract.

(5) Department shall plan purchase requirements sufficiently in advance so that orders can be placed in economical quantities.

(6) Department shall process requisition forms and negotiate purchases on the most favorable terms in accordance with adopted ordinances, state laws, policies, and procedures.

(7) Departments may give notice of public improvement contracts by electronic publication where the Contracting Agency finds that such publication is likely to be cost effective, as provided in ORS 279C.360.

2.314 Public Improvement Contracts. Public improvement contracts estimated by the Contracting Agency to be greater than \$5,000 and not to exceed \$100,000 may be let by competitive quote under the following procedures:

- (1) The Contracting Agency shall informally solicit at least three price quotes from prospective contractors. If three prospective contractors are not available, then fewer quotes may be solicited, and the Contracting Agency shall maintain records of the attempts to obtain quotes.
- (2) The Contracting Agency shall award the contract to the prospective contractor whose quote will best serve the interests of the City of Wilsonville, taking into account price and other applicable factors, such as experience, specific expertise, availability, project understanding, contractor capacity, and contractor responsibility. If the contract is not awarded on the basis of the lowest price, the Contracting Agency shall make a written record of the basis for the award.
- (3) A procurement may not be artificially divided or fragmented to qualify for the informal contract award procedures provided by this section.
- (4) A public improvement contract let under this section may be amended by change order as provided in Wilsonville Code Section 2.312(2).
- (5) Public improvement contracts in excess of \$100,000 shall be let in accordance with the provisions of ORS 279C.
- (6) Nothing in this section shall be deemed as restricting the Contracting Agency's ability to competitively solicit and award a contract for an undefined scope of work through the use of Price Agreements allowed pursuant to ORS 279B.140.

2.315 Personal Service Contracts. A personal service contract is a contract primarily for the provision of services that require specialized technical, creative, professional, or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of architects, engineers, surveyors and related services, attorneys, auditors and other licensed professionals, artists, designers, computer programmers, performers, consultants, and property managers. Special rules apply to the selection of service providers for Engineering, Architectural, and Related professional services. See Sections 2.312 and 2.315(7).

The Contracting Agency shall have discretion to determine whether a particular type of contract or service falls within the foregoing definition. Nothing in this section shall apply to the employment of regular City employees.

Personal services contracts are subject to the rules established by this section:

- (1) Unless otherwise approved by the Contracting Agency, all personal service contracts shall require the contractor to defend, indemnify, and hold harmless the City, its officers, agents, and employees against and from any and all claims or demands for damages of any kind arising

out of or connected in any way with the contractor's performance thereunder and shall include a waiver of contractor's right to ORS 30.285 and ORS 30.287 indemnification and defense.

(2) Unless otherwise approved by the Contracting Agency, City personal service contracts shall contain a provision requiring the person or entity providing the service to obtain and maintain liability insurance coverage in at least the amount of the City's tort liability limits, naming the City as an additional named insured, during the life of the contract.

(3) All City personal services contracts shall contain all contract provisions mandated by State law. These provisions may be incorporated in the personal service contract by reference to State law, unless State law provides otherwise. The City Attorney's Office will prepare model contract provisions for use in City personal service contracts.

(4) The following procedure shall be observed in the selection of personal service contractors:

(a) For personal service contracts involving an anticipated fee of \$10,000 or less per annum, the Contracting Agency may negotiate a contract for such services with any qualified contractor of his or her selection.

(b) Except as allowed under Section 2.312, for personal service contracts involving an anticipated fee of more than \$10,000 but less than \$150,000 per annum, the Contracting Agency shall solicit at least three (3) prospective contractors who shall appear to have at least minimum qualifications for the proposed assignment, notify each prospective contractor in reasonable detail of the proposed assignment, and determine the prospective contractor's interest and ability to perform the proposed assignment.

(c) The Contracting Agency may arrange for any or all interested prospective contractors to be interviewed for the assignment by an appropriate City employee or by an interview committee.

(d) Following a review of the qualifications and interview, where conducted, of the interested prospective contractors, the Contracting Agency shall select the prospective contractor, and shall prepare a personal service contract.

(5) The above provisions regarding selection procedures do not apply to amendments, modifications, or supplements to executed personal service contracts.

(6) The following criteria may be considered in the evaluation and selection of a personal service contractor:

(a) Specialized experience in the type of work to be performed.

(b) Capacity and capability to perform the work, including any specialized services within the time limitations for the work.

(c) Educational and professional record, including past record of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, the exercise of discretion, ability to meet schedules, and contract administration, where applicable.

(d) Availability to perform the assignment and familiarity with the area in which the specific work is located, including knowledge of design or techniques peculiar to it, where applicable.

(e) Any other factors relevant to the particular contract. The procedures and criteria for the screening and selection of a personal services contractor is within the sole discretion of the Contracting Agency and may be adjusted to accommodate the Contracting Agency's scope, schedule, and budget objectives for a particular project.

(7) The competitive selection process for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services, and Related Services, greater than \$100,000, shall follow Qualification Based Selection (QBS) criteria pursuant to ORS 279C.005 - .125 (OAR 137-048-210 through 270).

(8) The selection procedures described in this section may be waived by the Contracting Agency where 1) an emergency exists that could not have been reasonably foreseen and requires such prompt execution of a contract to remedy the situation that there is not sufficient time to permit utilization of the selection procedures, 2) selection is from a list of providers with similar qualifications in which selection is determined based upon a regularly scheduled pre-qualification process, not to exceed three years, or 3) a change in contractor to do follow-up work would clearly result in increased costs or increased time.

(9) The Contracting Agency is delegated the authority to sign all personal service contracts.

(10) Unless otherwise provided herein, all personal service contracts shall be awarded on a competitive selection process. Nothing contained in this section shall preclude the City from complying with provisions of Federal or State law that require or allow the City to utilize a different selection or contracting procedure.

2.316 Surplus Personal Property Disposition. Disposition of surplus personal property may be made, at the discretion of the Contracting Agency, under provisions of the State of Oregon Public Contracting Code, or the Model Rules, or under the provisions of this section:

(1) From time to time and after personal property owned by the City of Wilsonville is determined by the Contracting Agency to be surplus to the needs of the City, the City may sell the property at public auction. The City may utilize a contracting firm, approved by the Contract Review Board, for disposition of the property on terms and conditions contained in a contract approved by the Contract Review Board. The City shall give notice of the public auction by posting notice of the means by which the property will be disposed of on the City of Wilsonville Internet Website, or by advertisement in a newspaper of general circulation.

(2) Auction sales may be conducted entirely on the internet. Sale shall be for cash to the highest bidder. All proceeds of the sale shall be paid to the City's general fund, subject to the terms and conditions of the contract (if any) approved by the Contract Review Board between the City of Wilsonville and a firm selected to conduct the auction.

(3) All personal property sold pursuant to this section shall be sold as-is without any warranty, either express or implied, of any kind, including but not limited to warranties of title or fitness for any purpose. Upon receiving payment for the personal property from the successful bidder, the person or company conducting the auction shall execute an appropriate bill of sale, which shall recite that the sale is without warranty, as provided in this sub-section.

(4) The Contracting Agency may sell surplus personal property by a negotiated sale if the value of the property is estimated to be less than the cost of the auction sale and expected proceeds. Surplus property which has a value of less than \$500, or for which the costs of a negotiated sale are likely to exceed sale proceeds, may be disposed of by any means determined to be cost effective, including by disposal as waste. Alternatively the Contracting Agency may transfer personal property without remuneration or only nominal remuneration to another public agency or any recognized non-profit organization.

2.317 Bids Exceeding Budget. If bids are solicited for a public improvement contract, and all bids exceed the budget for the project, the Contracting Agency may, prior to contract award, negotiate for a lower price under the following procedures:

(1) Negotiations will begin with the lowest, responsive and responsible bidder. If negotiations are not successful, then the Contracting Agency may begin negotiations with the second lowest responsive, responsible bidder, and so on.

(2) Negotiations may include the inclusion of value engineering and other options to attempt to bring the project cost within the budgeted amount.

(3) A contract may not be awarded under this section if the scope of the project is significantly changed from the description in the original bid documents.

(4) The Contracting Agency will adhere to the provisions of ORS 279C.340 in applying this section.

2.318 Bid Rejection, Disqualification, Appeal. (1) The Contracting Agency may reject any bid not in compliance with all prescribed public bidding procedures and requirements and may reject all bids if it is in the public interest to do so.

(a) The person does not have sufficient financial ability to perform the contract. Evidence that the person can acquire a surety bond in the amount and type required shall be sufficient to establish financial ability;

(b) The person does not have equipment available to perform the contract;

- (c) The person does not have personnel or sufficient experience to perform the contract; or
 - (d) The person has breached contractual obligations to public and/or private contracting agencies.
- (2) A person who has been disqualified as a bidder may appeal such disqualification to the Board as follows:
- (a) The person shall, within three business days after receipt of notice of disqualification, in writing, notify the City Recorder that the person wishes to appeal the disqualification;
 - (b) Immediately upon receipt of such written notice of appeal, the Recorder shall inform the Board;
 - (c) Upon receipt of notice of appeal, the Board shall notify the person appealing the time and place of the public hearing;
 - (d) The Board shall consider de novo the notice of disqualification, the record of the investigation made by the City Manager and/or the Community Development Director or City Engineer, and any evidence provided by the parties. The Board's decision and reasons therefore shall be in writing.
- (3) In addition to the powers and duties established by this Code, the Board and Contracting Agency shall have such additional powers as authorized by State law and may also:
- (a) Require notice publication in addition to that required by State law;
 - (b) Require pre-qualification for persons desiring to bid for public improvement contracts;
 - (c) Grant exemptions from the bid security and performance bond required on contracts for public improvements;
 - (d) Make alternate arrangements for retainage pursuant to the Oregon Contracting Code.

2.319 Conflict of Law. In the event of a conflict between any provision of the State of Oregon Public Contracting Code or the Model Rules and this chapter of the Wilsonville Code, the provisions of this chapter shall control.

(Sections 2.310 through 2.319 were repealed and replaced with new Sections 2.310-2.319 by Ordinance No. 578 adopted 2/22/05)

(Sections 2.312, 2.313, 2.314, 2.315, 2.316, 2.317, and 2.318 amended by Ordinance No. 733 adopted February 20, 2014.)

2.320 PLANNING COMMISSION MEMBERS

(1)(a) The City Planning Commission is hereby reestablished and shall consist of seven (7) members who are not employees of the City. Members of the City Planning Commission shall be residents of the City who are appointed by the Mayor with the consent of the City Council and may be removed by the Mayor with the consent of the City Council. Provided, however, that not more than two (2) Planning Commissioners may be appointed who do not reside within the City of Wilsonville if they are:

(i) Registered architects, landscape architects, professional engineers, or members of the American Institute of Certified Planners, and their particular expertise if found to be needed on the Commission; or

(ii) Property owners, or actively engaged in business or employment in the City. The purpose of this subparagraph is to encourage participation by the Wilsonville business community.

(Amended by Ord. 518, April 17, 2000)

(b) Not more than two (2) members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership or officers or employees of any corporation engaged principally in the buying, selling or developing of real estate for profit. Not more than two (2) voting members shall be engaged in the same kind of business, trade or profession.

(c) One member of the City Council shall serve as an ex officio non-voting member of the Planning Commission.

(d) One member of the Planning Commission shall be designated as the liaison to represent the Planning Commission at City Council meetings when Planning Commission recommendations are considered. The liaison role may be rotated among the Planning Commission members.

(2) Planning Commission members shall make every effort to attend all meetings and to notify the chair to prearrange absences other than emergencies. Unexcused absences from three meetings in any calendar year may be grounds for removal.

(3) The Planning Commission shall annually elect a Chair and Vice-Chair who shall be voting members. This election shall take place at the first regular meeting each year.

(Section 2.320 replaced in entirety by ordinance 453, march 18, 1996, effective date May 1, 1996.)

2.321 Planning Commission Terms of Office.

(1) Each member of the Planning Commission shall serve a four-year term or until a successor is appointed. Provided, however, that the terms of two of the Commissioners shall expire at the end of calendar year 1997, two shall expire at the end of 1998, and three shall expire at the end of 1999. Any vacancy shall be filled for the unexpired term of the predecessor in the office. No

member shall hold appointment for more than two (2) full consecutive terms, but any person may be appointed again to the Commission after an interval of one (1) year. However, an appointee may subsequently be appointed to a maximum of two consecutive four-year terms after completing the unexpired term of another commissioner.

(Added by Ord. 453, dated March 18, 1996, effective May 1, 1996.)

2.322 Planning Commission Powers and Duties.

(1) The Commission shall meet at least once a month and may make and alter rules and regulations for its government and procedure consistent with the laws of this State, the City Charter and this Code. Four members of the Commission constitute a quorum. A quorum is required to take final action on an issue.

(2) Except as otherwise provided by law, it shall be the duty of the Planning Commission and it shall have power to:

(a) Recommend and make suggestions to the City Council and to all other public authorities concerning betterment of transportation and public transit, including, but not limited to, the layout, widening, extending, and locating of streets, sidewalks, bicycle lanes and boulevards, parking of vehicles and bicycles, relief of traffic congestion and improvement of traffic safety; the betterment of housing and sanitation conditions; the establishment of regulations applying to zones or districts, including but not limited to, limiting the use, height, area, bulk, and other characteristics of buildings and structures relating to land development; setting standards relating to land development; setting standards for the division of property and setting standards for landscaping; and the protection and assurance of access to incident solar radiation and to wind for potential future electrical generation or mechanical application.

(b) Recommend to the City Council and all other public authorities:

1) Plans for regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the City in order to secure to the City and its inhabitants sanitation, proper service of all public utilities, harbor, shipping and transportation facilities; and

2) Plans for the promotion, development and regulation of the industrial and commercial economic needs of the community in respect to such pursuits.

(c) Do and perform all other acts and things necessary or proper to carry out the provisions of this Code and of applicable portions of the Oregon Revised Statutes.

(d) Study and propose in general such measures as may be advisable for promotion of the public interest, health, safety and welfare of the City and of the planning area within six miles thereof.

(e) Consider and make recommendations to the City Council on proposed amendments to the text of Chapter Four of the Wilsonville Code and the text of the Comprehensive Plan, including sub elements and facility plans.

(f) Consider and make recommendations to the Wilsonville Urban Renewal Agency Board on proposed redevelopment plans.

(g) Review and make recommendations to the City Council on all Petitions or Applications that are determined to be legislative land use proposals, including proposed policies, code amendments and Comprehensive Plan amendments that are legislative in nature. Before taking final action on any such matters, the City Council shall carefully consider the reports and recommendations of the Planning Commission.

(3) The Planning Commission shall conduct its meetings and deliberations in accordance with the laws of the State of Oregon and the Wilsonville Code. All recommendations made to the City Council by the Planning Commission shall be in writing, except under emergency circumstances, in which case the Planning Director, or the Director's designee, shall be authorized to convey such recommendations orally.

(4) The Planning Commission shall have all the powers which are now or may hereafter be given to it to perform legislative functions under the laws of the State of Oregon and the Wilsonville Code.

(5) The Planning Director shall be responsible for determining whether a petition or application for a land use proposal is quasi-judicial or legislative in nature, after consultation with the City Attorney.

(Section added by Ord. 453, dated March 18, 1996, effective May 1, 1996.)

2.323 Planning Commission Expenditures.

(1) The Planning Commission shall have no authority to make any expenditures on behalf of the City, or to obligate the City for the payment of any sums of money.

(2) Planning Commission members shall receive no compensation but shall be reimbursed for expenses.

(Added by Ord. 453, dated March 18, 1996, effective May 1, 1996.)

2.330 Development Review Board Purpose and Members.

(1)(a) There is hereby created a Development Review Board for the purpose of reviewing, and taking action on, quasi-judicial land use applications. In the interest of efficiency, the Development Review Board shall sit as two separate panels, each of which is hereby empowered to sit separately and make decisions or recommendations on applications. Each panel of the Development Review Board shall consist of five (5) members who are not elected officials or

employees of the City. One member of each panel shall be designated as a liaison to attend City Council meetings and represent the Development Review Board when applications previously reviewed by the Board require City Council action. The liaison position may be rotated among the Board Members.

(b) Except as provided in this subsection, members of the Development Review Board shall be residents of the City who are appointed by the Mayor with the consent of the City Council and may be removed by the Mayor with the consent of the City Council. Provided, however, that for the purpose of encouraging participation by the Wilsonville business community, not more than one member of each Development Review Board panel may be appointed who does not reside within the City of Wilsonville if he/she is a property owner, or actively engaged in business or employment in the City.

(Amended by Ord. 518, adopted April 17, 2000)

(c) Not more than one member of each Development Review panel shall be engaged principally in the buying, selling or developing of real estate for profit as an individual, or be a member of any partnership or officer or employee of any corporation engaged principally in the buying, selling or developing of real estate for profit. Not more than one voting member of each panel shall be engaged in the same kind of business, trade or profession.

(2) Development Review Board members shall make every effort to attend all meetings of their respective panels and to notify the chair to prearrange absences other than emergencies. Unexcused absences from three meetings in any calendar year may be grounds for removal.

(3) The members of one panel of the Development Review Board may replace absent members of the other panel at any meeting in order to assure that a quorum is present to conduct business. Three (3) members shall constitute a quorum for each panel.

(4) Each panel of the Development Review Board shall annually elect a person to chair meetings and a vice-chair, who shall be voting members. This election shall take place at the first regular meeting each year.

(5) Notwithstanding the provision of two panels in Section 2.330(1) above, if the Planning Director and the Chair of each panel determine that a development application is of such a large scale that the public interests will be better served by combining the panels, the chairs may call the two panels together, *en banc*, to hear the application. Six members shall constitute a quorum when the two panels convene jointly.

(Section added by Ord. 453, dated march 18, 1996, effective May 1, 1996.)

2.331 Development Review Board Terms of Office.

Each member of the Development Review Board shall serve a two-year term, or until a successor is appointed. Provided, however, that the terms of two (2) of the members of each panel shall expire at the end of calendar year 1996, and the terms of three (3) members of each panel shall expire at the end of 1997. Any vacancy shall be filled for the unexpired term of the predecessor

in the office. No member shall hold appointment for more than three (3) full consecutive terms, but any person may be appointed again to the Board after an interval of one (1) year. However, an appointee may subsequently be appointed to a maximum of three consecutive two-year terms after completing the unexpired term of another board member.

(Section added by Ord. 453, dated March 18, 1996, effective May 1, 1996.)

2.332 Development Review Board Powers and Duties.

(1) Except as otherwise provided by law, it shall be the duty of the Development Review Board, and it shall have power to take action on all quasi-judicial land use applications assigned for review to the Planning Commission or Design Review Board in Chapter Four of this Code.

(2) Applications to be reviewed by the Development Review Board typically include: subdivisions and major partitions, other than those processed as “expedited land divisions”, planned developments, site level review of specific development proposals, design review applications, street naming and vacations, zoning variances and conditional use permits, and quasi-judicial amendments to Comprehensive Plan designations or zoning.

(3) The Development Review Board shall conduct its meetings and deliberations in accordance with the laws of the State of Oregon and the Wilsonville Code.

(4) All recommendations made to the Council by the Development Review Board shall be in writing, except under emergency circumstances, in which case the Planning Director, or the Director’s designee, shall be authorized to convey such recommendations orally. Before taking final action on any such matters, the City Council shall carefully consider the reports and recommendations of the Development Review Board.

(5) The Development Review Board shall have all the quasi-judicial powers which are now or may hereafter be given to land use hearings officers or planning commissions under the laws of the State of Oregon and the Wilsonville Code.

(6) The Planning Director shall be responsible for determining whether an application is quasi-judicial or legislative in nature, after consultation with the City Attorney.

(Section added by Ord. 453, dated March 18, 1996, effective May 1, 1996.)

2.333 Development Review Board Expenditures.

(1) The Development Review Board shall have no authority to make any expenditures on behalf of the City, or to obligate the City for the payment of any sums of money.

(2) Development Review Board members shall receive no compensation but shall be reimbursed for expenses.

(Section added by Ordinance 453, dated March 18, 1996, effective May 1, 1996.)

2.338 Referee Selection for Appeals of Expedited Land Division Decisions.

The Planning Director shall maintain a list of persons whom the Director has pre-qualified as having the requisite training, education, and experience to serve as referees for appeals of decisions on expedited land divisions, as provided in ORS 197.375. The rate of compensation shall also be established and listed by the Planning Director. Upon filing of an appeal of a decision on an expedited land division, the Planning Director shall select the referee to perform the personal hearing services at the established rates and at such times and places as the Planning Director shall determine. The list of referees and rates shall be reviewed at least annually by the Planning Director to provide current information.

(Section added by Ordinance 453, dated March 18, 1996, effective May 1, 1996.)

2.350 Library, Library Board and Library Endowment Fund Established

(1) The Wilsonville Public Library, a municipal public library in and for the City of Wilsonville, Clackamas County, State of Oregon, is hereby established under the applicable provisions of ORS Chapter 357.

(2) The Wilsonville Public Library as established by paragraph 1 shall be governed by a Library Board consisting of five (5) persons who are at least 18 years of age, and who are not officials or employees of the City. In addition, one member of the City government, the Mayor or his designee, may sit with the Library Board as an ex officio member to provide liaison with the Council.

2.352 Library Board Members

(1) Members of the Library Board shall be appointed by the Mayor with consent of the Council and may be removed by the Mayor with the consent of the Council. Any vacancy, unless caused by expiration of a term of office, shall be filled by the Council for the unexpired term of the predecessor in the office; and at the expiration of the term of any member, the City Council shall appoint a new member or may reappoint a member for a term of four (4) years. No member shall hold appointment for more than two (2) full consecutive terms, but any person may be appointed again to the Board after an interval of one (1) year.

(2) Library Board members shall make every effort to attend all meetings. In the event that a member is absent from three meetings in any calendar year without either a pre-arranged excuse or an emergency, the Library Board may recommend removal of said member. Removal must be approved by the Council.

2.354 Library Board Powers and Duties

(1) The Library Board which is first appointed and each Board thereafter shall, each year on or before July 1st, elect a Chairman and a Vice-Chairman. The librarian shall serve as secretary to the Board and keep the records of its actions.

(2) Board members shall receive no compensation but shall be reimbursed for duly authorized expenses; and no member of the Board shall have any direct or substantial financial interest in any contract for goods or services for the Library to which the City is a party. Such a direct or substantial financial interest shall not disqualify a person from Board membership, provided such person first declares his or her actual conflict of interest and abstains from participating in any design of bid specifications, negotiation, award, vote or over-seeing of such a contract on behalf of the City or its Library Board. A Board member shall disclose any potential conflict of interest in Library Board matters reasonably known to the member. Unless a majority of the remaining Board members feel that such a potential conflict would bias the member in his or her participation, it shall not disqualify the member from participation.

(a) An actual conflict of interest arises when any of the following persons have direct or substantial interest in a contract for goods and services for the Library:

1) The member of his/her spouse.

2) A brother, sister, child, parent, father-in-law or mother-in-law of the member.

3) Any business associate of the member within two years, a prospective partner, an employer or prospective employer, or any corporation in which the member owns stock of a value of \$1,000 or greater.

(b) A potential conflict of interest arises when the member has an indirect financial interest in a contract for goods and services.

(c) Any member who is not disqualified, although he or she has declared a potential or actual conflict of interest, may be counted for the purposes of establishing a quorum. *(Amended by Ordinance #324 - March 23, 1988)*

(4) Unless and until another place is assigned to it by the City Council, the Library Board shall maintain its office, hold its meetings, transact its business and keep its records at the library.

(5) The Library Board shall meet at least once a month and may make and alter rules and regulations for its governance and procedure consistent with the laws of this State and with the City Ordinances. A majority of the members of the Board constitutes a quorum.

(6) It shall be the responsibility of the Library Board to:

(a) Recommend policies for the governance of the library, and submit same for Council approval;

- (b) Recommend an annual budget to the City Manager.
- (c) Recommend to the City Manager for City Council action the acceptance, use or expenditure of any gift, devise or bequest to the Wilsonville Public, which either includes terms, conditions or restrictions of its use which have not been generally and typically acceptable without policy review by the City Council. The Library Director shall annually include in the budgets for the Wilsonville Public Library –an estimated revenue amount and corresponding expenditure authority for expectable gifting and shall manage such gifts, devises or bequests in accordance therewith, reporting from time to time to the Library Board the status of annual gifting
- (d) Perform such other functions and engage in such other activities relating to the purpose of the library as the City Council may assign;
- (e) Make an annual report to the State Library and to the City Council on a form supplied by the State Library.

Section 2.356 deleted in its entirety by Ordinance No. 668.

Section 2.350 – 2.356 amended by Ord. 668, adopted 9/21/09.

2.358 Library Board Fines and Penalties.

It shall be unlawful for any person, willfully or maliciously, to detain any book or library materials belonging to the Wilsonville Public Library for thirty (30) days after notice in writing from the Librarian of said library, given after the expiration of time which by regulations of the library such materials may be kept. The notice shall bear upon its face a copy of this section. Violations of this section are punishable as a violation pursuant to Section 1.012. Such conviction and payment of the fine shall not be construed to constitute payment for library material, nor shall a person convicted under this section be thereby relieved of any obligation to return to the library such material.

(Amended by Ord. 253, dated February 21, 1984.)

2.360 Community Center Advisory Commission.

- (1) City Receipt of advice and recommendation regarding the Wilsonville Community Center and matters involving persons age 55 or older will be as provided by a 501(c)(3) organization, operating as the Community Center Advisory Commission, pursuant to a Memorandum of Understanding.
- (2) The Wilsonville Community Center Director or his or her designee shall serve as a liaison to Commission.

2.361 Wilsonville Community Center Advisory Commission Duties.

- (1) Any Memorandum of Understanding under this section shall provide that the entity acting as the Wilsonville Community Center Advisory Commission shall be advisory to the City Council on matters pertaining to the policies and procedures of the Wilsonville Community Center. It shall have the following role in the operation of the Wilsonville Community Center:
 - (a) To adopt rules for the conduct of its own activities; and
 - (b) To provide a forum for the citizens of the City of Wilsonville to discuss the activities and opportunities for use of the Wilsonville Community Center; and
 - (c) To advise the City Council on any matters relevant to the general operation and overall policies relating to the use of the Wilsonville Community Center; and

Section amended by Ordinance No. 687 adopted 2/24/11.

2.370 Budget Committee

- (1) The budget committee shall consist of the members of the governing body and a number, equal to the number of members of the governing body, of electors of the municipal corporation appointed by the governing body; if there are electors fewer than the number required, the governing body and the electors who are willing to serve shall be the budget committee; and if there are no electors willing to serve, the governing body shall be the budget committee.
- (2) The members of the budget committee shall receive no compensation for their services as members of such committee.
- (3) Appointive members of the budget committee may not be officers, agents or employees of the municipal corporation.
- (4) Appointive members of a budget committee that prepares an annual budget shall be appointed for terms of three years. The terms shall be staggered so that, as near as practicable, one-third of the terms of the appointive members end each year.
- (5) If any appointive member is unable to serve the term for which the member was appointed, or an appointive member resigns prior to completion of the term for which the member was appointed, the governing body of the municipal corporation shall fill the vacancy by appointment for the unexpired term.
- (6) If the number of members of the governing body is reduced or increased by law or charter amendment, the governing body of the municipal corporation shall reduce or increase the number of appointive members of the budget committee so that the number thereof shall be equal to but not greater than the number of members of the governing body. To effect a reduction, the governing body of the municipal corporation may remove such number of appointive members as may be necessary. The removals shall be made so that the number remaining will be divided into three, if the terms of the appointive members are governed by subsection (5) of this section, or four, if the terms of the appointive members are governed by subsection (6) of this section, equal or approximately equal groups as to terms. In case of an increase, additional appointive members shall be appointed for such terms so that they, together with the members previously appointed, will be divided into three or four, as appropriate under this section, equal or approximately equal groups as to terms.
- (7) The budget committee shall at its first meeting after its appointment elect a presiding officer from among its members."

2.372 Budget Committee Terms of Office for Non-Council Members.

- (1) Each non-council member of the Budget Committee shall serve a staggered, three-year term as provided for in WC 2.370 (1) or until a successor is appointed. Any vacancy shall be filled for the unexpired term of the predecessor in office. A non-council member shall not hold appointment for more than two (2) full consecutive terms, but such non-elected member may be appointed again to the Committee after an interval of one (1) year. However, a non-council

member is not barred from and may subsequently be appointed to a maximum of two consecutive, three-year terms after completing the unexpired term of a predecessor in office.

Section added by Ordinance No. 692 adopted 2/24/11

INITIATIVE AND REFERENDUM

2.400 Initiative & Referendum Form.

(1) The initiative and referendum powers reserved to legal voters of municipalities by Section 1-(5) of Article IV of the Constitution of the State of Oregon and the power to enact and amend municipal charters reserved to legal voters of municipalities and towns by Section 2 of Article XI of the Constitution of the State of Oregon shall be exercised as provided by Sections 2.400 to 2.420 of this Code.

(2) The form of initiatives and referendums and the content of ballot titles shall be as provided by law.

2.402 Initiative and Referendum Signatures.

(1) Initiative petitions for any proposed ordinance, charter amendment or measure shall be signed by not less than 15 percent of the voters of the City. Referendum petitions against any ordinance or measure proposed by the Council shall be signed by not less than 10 percent of the voters of the City.

(2) Legal voters of the City are qualified to sign a petition for the referendum or for the initiative for any measure which he is entitled to vote upon. Any person intentionally signing any name other than his own to a petition, or knowingly signing his name more than once for the same measure at one election, or signing a petition knowing he is not at the time of signing same a legal voter of the City, or any officer or other person violating any provisions of this Code section, shall upon conviction thereof be guilty of a Class B Misdemeanor and shall be punished pursuant to Section 1.011. (*Amended by Ord. 253, dated February 21, 1984.*)

2.410 Charter and Charter Amendment by Council.

(1) A charter or an amendment to the Charter of the City may be proposed and submitted to the legal voters by resolution of the Council without an initiative petition; and resolution shall be filed with the Recorder for submission not later than 15 days before the election at which it is to be voted upon and no charter or charter amendment shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of said City.

(2) Where a charter or charter amendment of the City is proposed and submitted to the legal voters thereof by resolution of the Council without an initiative petition, the said resolution shall therein state the date of the regular municipal election, or the day of the special election at which said resolution will be submitted to be voted, and shall call and make provision for said election.

2.420 Special Elections.

(1) When any measure for initiative or referendum legislation is filed with the Recorder, and following the Recorder's determination that the City has jurisdiction over the petition under state law, or when any resolution of the Council is filed with the Recorder as provided by Section 2.410(1), the Recorder shall forthwith transmit to the City Attorney a copy of such measure and he or she shall within 5 business days provide and return to the Recorder a ballot title for such measure. The ballot title shall be printed on the petition and on the official ballot. In making such ballot title said Attorney shall to the best of his or her ability give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not create an argument for, or be liable to create prejudice against such measure. The form of a ballot title to be initiated or referred shall follow the form prescribed in ORS 250.035(1). *(Amended by Ord. 563, dated April 5, 2004.) (Amended by Ord. 770, dated July 20, 2015.)*

(2) Any person who is dissatisfied with the ballot title provided by said Attorney for any such measure may within five days after said ballot title is returned to the Recorder appeal to the Council asking a different title and giving the reasons therefor, and stating why the title prepared by the Attorney is improper and the Council shall by resolution approve the ballot title prepared by said Attorney or shall by resolution prescribe another ballot title therefor and the ballot title so approved or so prescribed by the Council shall be the title placed upon the ballot.

(3) Measures referred to the voters by petition shall be designated "Referendum Ordered by Petition of the People". Measures proposed by the initiative petition shall be designated "Proposed by Initiative Petition". A new charter or charter amendments shall be designated "Charter (Charter Amendments) Submitted to Voters by the Common Council".

(4) Provided, however, that when a new City charter or charter amendments are to be submitted to the voters by resolution of the Council as provided in Section 2.410, the Council may in said resolution provide for a ballot title for the measure so to be submitted and in the event of such provision being made by the Council the provisions of Section 2.420 relative to the filing of the measure with the City Attorney, the preparation by said Attorney of a ballot title therefor and the appeal to the Council from the ballot title so prepared shall not apply.

(5) Not later than the 180th day after the initiative is approved for circulation, an initiative petition relating to a City measure or charter amendment shall be deposited with the City Recorder for signature verification. *(Added by Ord. 563, dated April 5, 2004.)*

(6) Where a special election is called either on petition for proposed ordinances or charter amendments by the initiative or for submitting ordinances by the referendum or a charter or charter amendments proposed by the Council, the Recorder shall publish such proposed ordinances, referendum measure, new charter or charter amendments with ballot title and number in full by posting it in three public, conspicuous and widely separated places in the City for a period of at least two weeks prior to the election at which said proposed ordinance, referendum measure, charter or charter amendment is to be voted on.

(7) The manner of voting upon measures submitted to the legal voters shall be the same as now is or may hereafter be provided by law. No measure shall be adopted unless it shall receive the affirmative majority of the total number of the legal votes cast on such measure and entitled to be counted thereon. If two or more laws on the same subject or containing provisions that are conflicting shall be approved by the voters at the same election, the measure receiving the greatest number of affirmative votes shall be proclaimed to be the law adopted.

(8) The votes on measures and charter amendments shall be counted, canvassed and returned as votes for candidates are counted, canvassed and returned. The City Recorder, as the city elections officer, shall within 30 days of an election, determine which City measures and charter amendments have received the affirmative majority of the total number of votes cast hereon, and upon such determination, report the results to the Mayor and City Council. Such measures and amendments shall become in full force and effect, except in cases provided for in Section 2.420(7) with reference to two or more laws on the same subject or containing provisions that are conflicting. In cases of ordinances which have been passed by the Council and voted upon by referendum, determination of the result of such vote shall also be made, and such ordinance shall continue in effect or cease to be in effect, according to such result from the time of such determination. *(Amended by Ord. 563, dated April 5, 2004.)*

(9) Where referendum petitions shall be signed by the required number of legal voters against any ordinances passed by the Council, the same shall be filed with the Recorder within 30 days after the passage and approval of the ordinance in question.

JURIES, TRIALS AND HEARINGS

2.500 Right to Trial by Jury.

A person charged with an offense defined and made punishable by the City Charter or this Code shall have the right to trial by jury when the alleged offense is the same as those offenses which entitle a person to trial by jury as guaranteed by the Constitution and laws of the United States of America and the State of Oregon; provided, however, that written notice of request for a jury trial shall be given the Municipal Judge within ten (10) days after the entry of a plea of “not guilty” to the charge.

2.510 Trial Jury Defined.

The trial jury in the Municipal Court shall consist of six persons, or a lesser number if agreed upon, duly sworn to try and determine a question of fact for which they are called.

2.520 Juror Qualifications.

(1) In order to act as a juror in the Municipal Court in the City, a person must:

(a) Meet the qualifications prescribed in ORS Chapter 10.

(b) Be an inhabitant and reside within the City for three months at the time he or she is summoned.

2.522 Juror Excused from Service.

(1) The Court shall excuse any person from services as a juror if such person is entitled to and requests exemption for any reason specified in ORS 10.050. The Court may also excuse any person from service as a juror either by removal of his name from the jury panel or by excuse for a particular time for reason of illness, disability or undue hardship.

(2) No person shall be required to serve as a trial juror at more than three trials during his term of service.

(3) No challenge shall be made or allowed to the panel or to the preliminary jury list, and substantial compliance with the requirements of Sections 2.520 to 2.532 shall be sufficient. If at any time the Court deems the number of qualified and unexcused jurors on the panel to be insufficient, the Court may cause additional names to be chosen in the aforesaid manner from the preliminary jury list and added to the panel.

2.524 Juror Failure to Attend.

If a person duly summoned to attend Municipal Court as a juror fails to attend as required or to give a valid excuse therefor, he shall, upon conviction, be guilty of a violation and shall be fined pursuant to Section 1.012. *(Amended by Ord. 253, dated February 21, 1984.)*

2.530 Jury Preliminary List.

(1) On the first judicial day of each January and July, the City Recorder or Mayor, at the request of the Municipal Judge, shall prepare a jury list made by selecting by lot names from the latest voter registration list. The jury list shall contain the names of not less than fifty persons who shall comprise the jury list for the six months in which they are selected.

(2) The Municipal Judge or Mayor shall reject the names of persons selected for the jury list whom they know or believe to be unqualified as jurors because of mental or physical disability, or not otherwise possessing those qualifications for a juror as prescribed by Section 2.520.

(3) The jury list when completed shall contain the Christian name, surname, place of residence and occupation of each person named therein, and shall be certified by the Municipal Judge and placed on file in his office. After the jury list has been completed, a card shall be prepared

separately for each juror, and the cards when prepared shall be deposited in the office of the Municipal Judge in a sufficient box carefully secured which shall be known as the Jury Box.

(4) If for any reason the preliminary jury list is not prepared within the aforesaid time, it may be prepared at a later time without affecting the validity thereof.

2.532 Jury Determining Panel.

(1) The Municipal Judge shall draw from the Jury Box twelve cards, or any greater number if he deems it necessary or if requested by the parties, until the names of twelve persons who are deemed able to attend at the time and place of trial are obtained. The Municipal Judge shall then make and sign a list of the twelve names thus drawn which shall constitute the jury panel.

(2) When the drawing of the twelve names is completed, the Municipal Judge shall direct the Chief of Police, any officer of the City Police Department or the City Recorder to summon the persons whose names were drawn to appear for jury duty at a prescribed time and place, and such person shall forthwith deliver to each of the persons whose name is drawn an appropriate Order signed by the Municipal Judge, which shall direct such person to appear as a juror before the Municipal Court at the designated time and place. The person serving the summons for jury duty shall return immediately to the Municipal Judge a record of the persons to whom the summons was served; and if after a delinquent search, the person serving such summons is unable to locate and serve any person with a summons of jury duty, the Municipal Judge shall draw another card from the Jury Box, and issue an appropriate Order for jury duty, and direct the service of summons on such person, and this process shall be continued until twelve persons have been selected from the Jury Box and service on them has been made requiring them to appear for jury duty in the cause then pending before the Municipal Court.

(3) Each trial juror shall be paid a fee of \$10.00 for each separate case, provided, that if any such cases are heard on more than one day, each trial juror shall be paid a fee of \$10.00 for each day.

2.534 Selection of Trial Jury.

At the time of trial, the trial jury shall be selected from the twelve members of the jury panel, and each party may take challenges for cause in accordance with Chapter 17 of Oregon Revised Statutes. Each party is entitled to three (3) peremptory challenges as to any of the six jurors and no more.

2.536 Jury Inadequate Number on Panel.

If at the time of any jury trial, the jury panel present for said trial becomes exhausted, or whenever in the opinion of the Municipal Judge the panel is likely to be exhausted due to nonappearance of prospective jurors or challenges by each party, the Court may order the Chief of Police, any police officer of the City or the City Recorder to summon forthwith from the body of the City persons whose names are on the voter registration books and who have the qualifications of jurors to serve in the Court.

2.538 Jury Verdict.

The six jurors summoned to try the cause must unanimously concur to render a verdict.

2.540 Trial Procedure.

Trials shall be conducted as trials in District Courts and rules of evidence shall be the same as in State Courts, and shall include the applicable status of the State of Oregon regarding the introduction or admission of evidence.

2.550 Municipal Court Privilege, Power and Duties.

The Municipal Court shall possess and exercise within the City all the privileges, powers, duties and jurisdiction, civil and criminal, of a Justice's Court according to ORS, Chapter 51, except that it shall not have a Small Claims Department. It shall be subject to all of the general laws prescribing the duties of a Justice's Court and perform such other duties as may be required by the State, the City Council or this Code.

2.560 Evidentiary Hearing Procedures.

(1) In all evidentiary hearings before the City Council, Planning Commission, Design Review Board or other Board, Commission, Committee or City agency, the following procedures for the conduct of the hearings are prescribed:

(a) All interested persons in attendance shall be heard on the matter for hearing, and this fact shall be communicated to those in attendance.

(b) A summary of the application or other matter for hearing shall be given by the presiding officer or someone appointed by him or her. In the case of land use hearings, a statement of the applicable criteria shall also be given.

(c) The staff report, if any, shall be made.

(d) Questions, if any, by the hearing body of the staff.

(e) Testimony shall be received in the following order:

- 1) Applicant
- 2) Proponents
- 3) Opponents
- 4) Rebuttal by proponents
- 5) Others

(f) Close public hearing.

(g) Questions, if any, by the hearing body.

(h) Discussion by the hearing body.

(i) A decision shall be made by the hearing body, except, however, that further discussion and/or decision by the hearing body may be postponed to another meeting, the time, date and place of which shall be announced before adjournment.

(j) All persons who speak at such hearing shall identify themselves by name, address and interest in the matter. Attorneys or others shall be allowed to speak on behalf of proponents or opponents.

(k) Written briefs by any interested parties, their attorney or other agent will be accepted if filed with the secretary or clerk of the hearing body at least three (3) days prior to the hearing.

(l) A record made at any prior evidentiary hearing may be accepted, considered and used by the hearing body at any subsequent hearing; and said body by majority vote of a quorum present may deny to accept or hear any repetitious matter.

Section 2.600 Measure 37 Compensation Procedures and Standards.

(1) Purpose: The purpose of this section is to provide procedures and standards for claims for compensation made pursuant to 2004 Measure 37.

(2) Definitions: As used in this section, unless the context requires otherwise:

(a) “Affected property” means the private real property or any interest therein that is alleged to have suffered a reduction in fair market value as a result of the City’s regulation restricting the use of that property or interest and for which a property owner seeks compensation for the reduction in value.

(b) “Claimant” means the present owner or owners of the property or any interest therein, who submits a written claim for compensation under Subsection 2.600(3).

(c) “Family member” shall include the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the property

(d) “Land use regulation” shall have the meaning as set forth in Measure 37 and shall include:

1. Any statute regulating the use of land or any interest therein;
2. Administrative rules and goals of the Land Conservation and Development Commission;
3. Local government comprehensive plans, zoning ordinances, land division ordinances and transportation ordinances;
4. Metropolitan service district regional framework plans, functional plans, planning goals and objectives; and
5. Statutes and administrative rules regulating farming and forest practices.

However, the City only has authority to enact those land use regulations listed in Subsection 2.602(2)(d)3. above.

(e) “Manager” means City Manager or designee.

(f) “Restricts the use of property” means prohibiting a particular use of the property or making that use only permissible under certain conditions. Standards that regulate the form of development, how a structure must be constructed, or how grading or fill is to be conducted including but not limited to, yard setback requirements, height limitations, erosion control measures and building code standards, are not restrictions on the use of property. Regulations requiring or setting fees to be charged are not restrictions on the use of property.

(3) Application for Compensation:

(a) A property owner wishing to make a claim against the City under Measure 37 shall first submit a written demand for compensation to the City Recorder. A written demand for compensation is one that includes:

1. Identification of the affected property. Identification may be by street address, subdivision lot number, tax lot number, or any other information that identifies the property.
2. The name and contact information of the person making the claim, the date the Claimant acquired ownership in the property or interest therein. If applicable, the date that a family member of Claimant acquired the property, the name of the family member who acquired the property, and the familial relationship of the family member to the Claimant.
3. Identification of the regulation or regulations and the date of enactment or enforcement of the regulation or regulations that is/are alleged to restrict the use of the affected property.
4. The amount claimed as compensation.

(b) In order for the City to fairly assess a claim within the 180-day statutory period, the City encourages the person claiming compensation to include the following information with the written demand for compensation:

1. A statement describing how the restriction affects the value of the property;
2. A statement describing the extent to which the regulation would need to be waived, suspended, or modified to avoid the need for compensation;
3. A statement whether the application seeks compensation or a waiver, suspension or modification of the regulation;
4. A list of all persons with an ownership interest in or a lien on the property;
5. Property records establishing the familial relationship between the Claimant and the family member(s) owning the property back to the date of the challenged land use regulation. An appraisal showing the difference in the property value with and without the regulation.

(4) Notice: The City shall provide notice of the hearing required by Subsection 2.600(7) to all owners of the property, lien holders and security interest holders, record owners of property within 250 feet of the property, recognized community participation organizations for the area the property is located, and anyone who has requested notice at least 7 days before the hearing. The notice shall identify the property, state the date, time and place of the hearing, state the amount of the claim, list a City contact person and phone number, advise of the availability of the staff report and summarize the hearing procedures and nature of the claim. Notice shall be posted on the property identifying the date, time and place of the hearing, the amount of claim, the land use regulation that may be waived, and a City contact person and phone number. Failure of any person to receive notice or any defect in the notice shall not invalidate any action taken or decision made at the hearing.

(5) Staff Report: City staff shall prepare a report analyzing the claim. The staff report shall be reviewed by the Community Development Director, Finance Director, and Manager before being submitted to the City Council. Staff may discuss options with the Claimant and may enter into a settlement agreement with the Claimant as to actions within staff's authority. Staff may agree with Claimant that staff will recommend a particular course of action to the City Council if staff lacks authority to commit to the. The staff report shall be submitted to the Council, mailed to the Claimant, and to the extent practicable, made available to the public at least 7 days before the public hearing required by Section 2.600(4).

(6) City Council Proceedings: The City Council shall hold a public hearing on the claim. The public hearing shall normally be set within 180 days of the demand for compensation but may be set at any time. The City Council may hold an executive session on the claim at any time.

(7) Public Hearing: The Claimant and any other person shall be provided a reasonable opportunity to present evidence and argument at the public hearing. The City Council may limit the duration of testimony.

(8) Council Decision: In deciding the claim, the City Council may take any of the following actions:

(a) Deny the claim based on any one or more of the following findings:

1. The regulation does not restrict the use of the private real property;
2. The fair market value of the property is not reduced by the passage or enforcement of the regulation;
3. The claim was not timely filed.
4. The Claimant is not the current property owner(s);
5. The Claimant or family member of Claimant was not the property owner at the time the regulation was adopted;
6. The regulation is a historically and commonly recognized nuisance law or a law regulating pornography or nude dancing;
7. The regulation is required by federal law;
8. The regulation protects public health and safety;
9. The City is not the entity responsible for payment. The City is not responsible to the extent the challenged law, rule, ordinance, resolution, goal or other enactment was not enacted by the City or was required to be enacted by the City or other governmental agency;
10. The City has not taken final action to enforce or apply the regulation to the property for which compensation is claimed;
11. The Claimant is not legally entitled to compensation for a reason other than those listed in subsections a through g. The basis for this finding must be clearly explained;
12. The City has not established a fund for payment of claims under Measure 37 or that payment from other funds is not in the public interest to spend such other funds for the claim rather than the purposes of such other funds.

(b) Pay compensation, either in the amount requested or in some other amount supported by the evidence. If the City pays compensation, the City shall continue to apply and enforce the regulation. Any compensation shall be paid from funds appropriated for that purpose.

(c) Waive or not apply the regulation to allow the owner to use the property for a use permitted at the time the Claimant acquired the property. Unless otherwise determined by the City Council, a decision to waive or not apply the regulation shall be as to the use of the affected

property by the Claimant only and not transferable, save and except as a “grandfathered” non-conforming use.

(d) Modify the regulation so that it does not give rise to a claim for compensation. Unless the City follows the procedure for a legislative land use decision, any such modification shall be as to the use of the affected property by the Claimant only and not transferable, save and except as a “grandfathered” non-conforming use.

(e) Conditionally waive or suspend the regulation subject to receipt of a defined amount of contributions toward compensation by a specified date from persons opposed to the waiver or suspension, such as persons who believe they would be negatively affected by waiver or suspension, with the waiver or suspension being granted in accordance with Subsection 8(c) or (d) above if the defined amount of contributions is not received by the specified date. If the contributions are received, compensation shall be paid within 180 days of the date the written demand for compensation was filed. The specified date shall allow the City time to process the contributions and pay compensation.

(f) In taking any of the foregoing actions in Subsections 8(b)—8(e) above, the Council shall consider:

1. The importance of the regulation alleged to reduce the value of land in servicing the public interests in avoiding unharmonious uses, assessing appropriate development, or in maintaining property value;
2. The public impact of compensation, waiver or modification of the regulation;
3. The availability of public resources necessary for compensation, waiver or modification. The Council has discretion to consider other matters, and may give whatever weight and importance to these considerations, as it deems appropriate.

(g) If the City Council waives, modifies, or does not apply a land use regulation, the Council may, at its discretion, put back into effect all of the land use regulations in effect at the time the Claimant acquired the property if Measure 37 does not require such effect to occur.

(h) The City Council may take other actions it deems appropriate in individual circumstances, may modify the listed actions, and/or may combine the listed actions, consistent with Measure 37. The City Council may negotiate an acceptable solution with the Claimant or may direct staff to negotiate with the Claimant. In the event that the City Council directs staff to negotiate, the Council shall set the matter for further action no more than 175 days from the date the notice of claim became complete. The Council shall take final action within 180 days of the written demand for compensation. The City shall take actions (b) through (e) only if it determines the claim is valid.

(9) Authority: The City Council shall have the authority to take actions listed in Subsection 2.600(8), including the authority to waive or suspend any provision of any city Code, ordinance or resolution, notwithstanding any inconsistent provision in this code or the Community

Development Code. Such actions shall not constitute land use decisions. The City may retain an appraiser to assist the Council.

(10) Reimbursement of Costs:

(a) If a claim is denied and ultimately determined to be invalid by the City Council, the Claimant shall reimburse the City for the costs the City incurred in processing the claim. If the costs remain unpaid 90 days after the City provides a detailed invoice demanding reimbursement of costs, a lien for those costs shall be recorded in the City lien docket for the property for which the claim is made.

(b) If a claim is denied by the City Council and ultimately determined to be invalid by a circuit court or appellate court the City shall be entitled to recover reasonable attorney fees, expenses, costs, and other disbursements reasonably incurred.

(11) Neighbor Private Cause of Action. If the City Council's approval of a claim by waiving, modifying or not applying a land use regulation causes a reduction in the fair market value of other property located in the vicinity of the Claimant, the neighbor(s) shall have an action in a court of competent jurisdiction to recover from the Claimant the amount of reduction in value and shall be entitled to recover reasonable attorney fees, expenses, costs and other disbursements reasonably incurred to collect the reduction in value.

(12) Severability. If any section, phrase, clause, or part of this Chapter is found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect.

(13) Claim Form. Staff shall provide a claims form to assist a Claimant in the orderly presentment of the claims information set forth herein. To the extent allowable under law, the City shall have a successful land use applicant waive any claims for the enforcement of the applicable land use regulations. *(Section 2.600 Added 11/29/04 by Ord. 575.)*

Section 2.003(8) Amended by Ordinance No. 698, October 17, 2011
Sections 2.330 through 2.334, inclusive, repealed by Ordinance 453, March 18 1996.
Sections 2.340 through 2.341, inclusive, repealed by Ordinance 453, March 18, 1996.
Section 2.310 Amended by Ordinance No. 511, October 18, 1999.
Sections 2.310 through 2.319 were repealed and replaced with new Sections 2.310-2.319 by Ordinance No. 578, February 2, 2005.
Sections 2.312, 2.313, 2.314, 2.315, 2.316, 2.317, and 2.318 amended by Ordinance No. 733 adopted February 20, 2014.
Section 2.314 Amended by Ordinance No. 511, October 18, 1999.
Section 2.314(14) Amended by Ordinance No. 541, February 4, 2002.
Section 2.320 Amended by Ordinance No. 518, April 17, 2000.
Section 2.330 Amended by Ordinance No. 518, April 17, 2000.
Section 2.350 – 2.356 amended by Ord. 668, adopted September 21, 2009.
Section 2.356 deleted in its entirety by Ordinance No. 668.
Section 2.360 Amended by Ordinance No. 687, adopted 2/24/11
Section 2.370 Added by Ordinance no. 692, February 24, 2011
Section 2.400 Amended by Ordinance No. 563, April 5, 2004.
Section 2.420 Amended by Ordinance No. 563, April 5, 2004.
Section 2.420(1) Amended by Ordinance No. 770, July 20, 2015
Section 2.600 Added by Ordinance No. 575, November 29, 2004.

Wilsonville Sign Code
Section 4.156(.10)

Lawn Sign Definition

A temporary freestanding sign commonly made of corrugated plastic, greyboard, or similar type of material, constructed and maintained to prevent being moved or heavily damaged by typical exposure to natural elements.

**A Guide to
Lawn Signs
in the
City of Wilsonville**



Disclosures:

Reference to sign content in this brochure is solely for the convenience of the reader based on common requests and signs commonly seen erected and does not represent preference or support for any sign content.

The information in this brochure is for convenience and reference only. An attempt has been made to make the information presented as accurate as possible. However, this document is not a legal document, all enforcement and other City actions will be based on the adopted City Code.

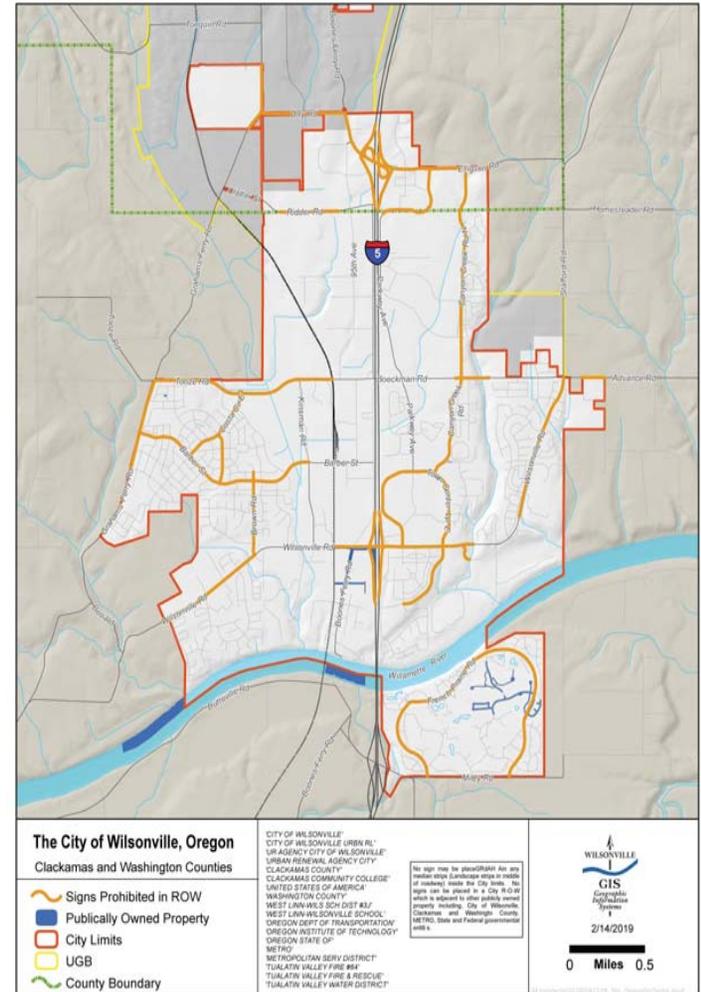
To view a complete copy of the Wilsonville Sign Code and a large map indicating where signs are allowed, visit the City web site at: <http://www.ci.wilsonville.or.us>

**City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, Oregon 97070**

**Planning Division
(503) 682-4960**

Where Signs Can Be Placed in the Public Right-of-Way

Temporary lawn sign may be placed in the public right-of-way, except sections indicated as not allowed on this map, subject to location, timing, quantity and other restriction stated in Wilsonville's Sign Regulations, including Section 4.156.10.



To view this map in a larger size, visit the City web site at: https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/14481/map_nosigns2019.pdf, scroll down to "Excerpted sections from the Development Code."

Rules for Permit Exempt Lawn Signs in the City of Wilsonville

Including but not limited to Signs for Campaigns, Yard Sales and Similar Events, Retail Sales and Specials, Real Estate for Sale and Community Events



General Lawn Sign Rules

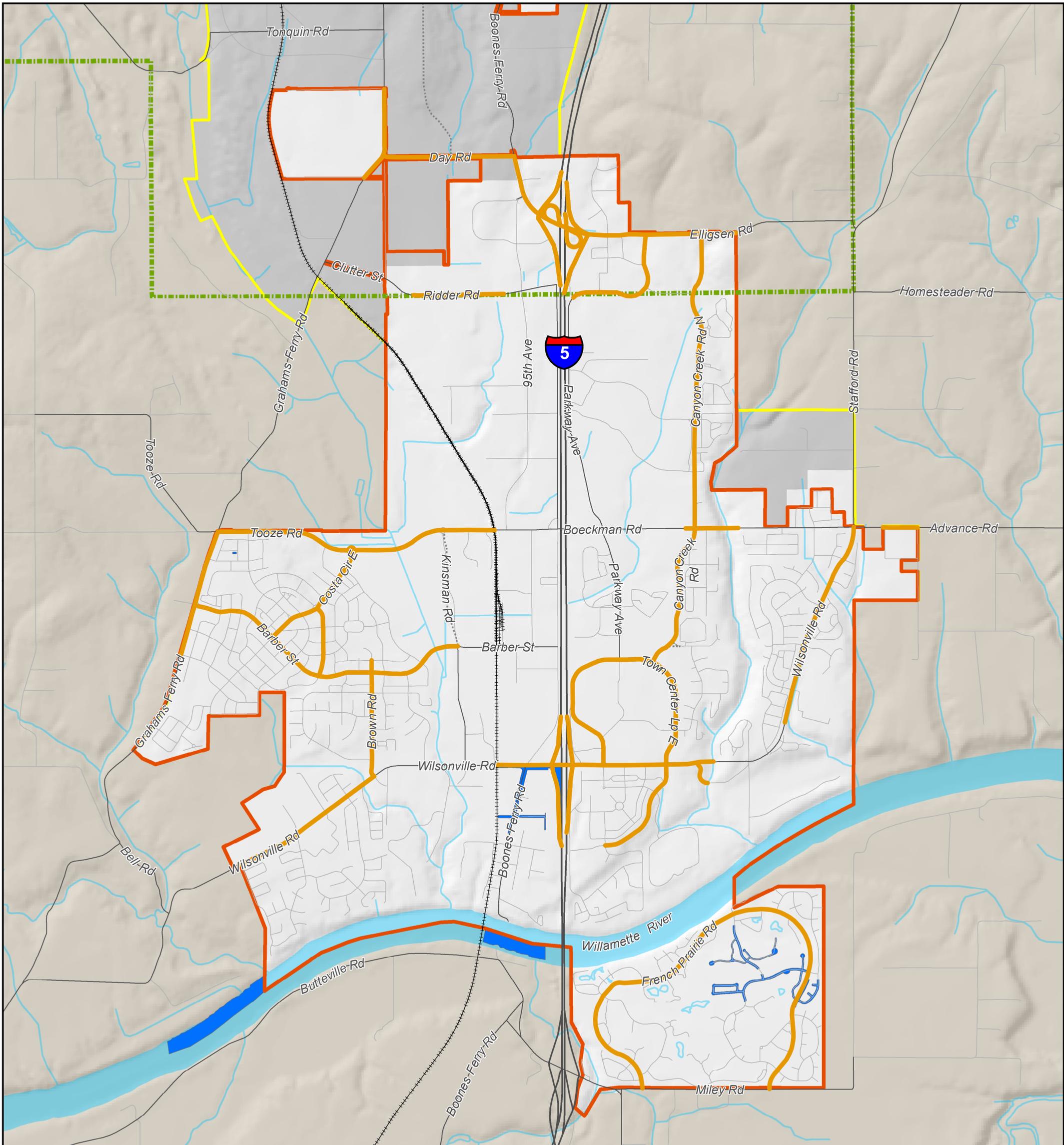
- ◆ **Maximum Size:** 6 square foot per sign face, typically 2 feet by 3 feet
- ◆ **Number of Sign Faces:** Signs limited to 1-2 faces
- ◆ **Lighting/Illumination/Movement:** Signs cannot be intentionally illuminated or display movement (including balloons)
- ◆ **Sign Support/Attachment:** Signs must be freestanding (cannot be attached to buildings, light posts, traffic signs, fences, etc.)
- ◆ **Other:** Signs cannot obscure sight lines of the motoring public, obscure traffic or other government signs, or create a nuisance to the use or occupancy of any property.

	Lawn Sign Rules on Private Property	Lawn Sign Rules in the Public Right-of-Way
Maximum Number of Signs:	No more than 3 temporary signs of any kind can be on a property at any given time.	A single person is allowed a maximum of 3 lawn signs in the right-of-way.
Maximum Height:	6 feet	30 inches
Spacing:	No spacing required between signs on private property	Signs must be placed 10 feet from any other temporary sign, and 50 feet from a sign placed by the same person. Signs must be placed within 40 feet of an intersection.
Length (and time) of Display:	Lawn signs associated with a temporary event can be posted a maximum of 60 days before an event (election, yard sale, listing of a property, etc.), and must be removed at the completion of the event. Lawn signs not associated with a temporary event can be posted for one period of up to 60 days in a calendar year.	6 a.m. Friday to 8 p.m. Sunday 9 a.m. to 4 p.m. Tuesday No event related restrictions
Property Owner's Permission:	As a matter of law and common courtesy, permission must be obtained prior to placing signs on private property other than your own. In the case of a complaint City staff may ask to see written permission.	
Placement Locations:		<u>Lawn signs are prohibited at all times in the sections of the right-of-way shown in red in the map in this brochure.</u> Signs may be placed in any other section of right-of-way in the City as long as they are not placed on street surfaces, sidewalks, paths, median strips, or bicycle ways.
Enforcement:		City crews regularly remove signs not meeting these rules from the right-of-way. Signs, unless made of poster board or similar light inexpensive material, are kept for at least 10 days. If they are not claimed within 10 days, they are considered abandoned and will be disposed of. The City will make a reasonable attempt to contact sign owners of the removal as soon as possible. However, the City has no responsibility to contact the sign owner if the owner's name, address, and telephone number are not clearly indicated on the sign.

Notes:

- * A-board type signs can be considered lawn signs as long as they are placed off sidewalks or other paved surfaces.
- * The information in this brochure refers to the rules for a specific type of sign structure, lawn signs (including a-board or sandwich board signs), commonly used for the types of speech indicated. If you plan on using another type of sign structure please consult the sign related sections of Wilsonville's Development Code or contact Wilsonville's Planning Division at 503-682-4960 or planning@ci.wilsonville.or.us to inquire about what other rules may apply.





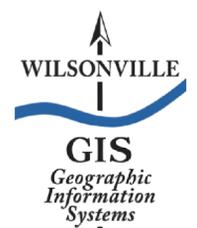
The City of Wilsonville, Oregon

Clackamas and Washington Counties

-  Signs Prohibited in ROW
-  Publically Owned Property
-  City Limits
-  UGB
-  County Boundary

'CITY OF WILSONVILLE'
 'CITY OF WILSONVILLE URBN RL'
 'UR AGENCY CITY OF WILSONVILLE'
 'URBAN RENEWAL AGENCY CITY'
 'CLACKAMAS COUNTY'
 'CLACKAMAS COMMUNITY COLLEGE'
 'UNITED STATES OF AMERICA'
 'WASHINGTON COUNTY'
 'WEST LINN-WILS SCH DIST #3J'
 'WEST LINN-WILSONVILLE SCHOOL'
 'OREGON DEPT OF TRANSPORTATION'
 'OREGON INSTITUTE OF TECHNOLOGY'
 'OREGON STATE OF'
 'METRO'
 'METROPOLITAN SERV DISTRICT'
 'TUALATIN VALLEY FIRE #64'
 'TUALATIN VALLEY FIRE & RESCUE'
 'TUALATIN VALLEY WATER DISTRICT'

No sign may be placed in any median strips (Landscape strips in middle of roadway) inside the City limits. No signs can be placed in a City R-O-W which is adjacent to other publicly owned property including, City of Wilsonville, Clackamas and Washington County, METRO, State and Federal governmental entities.



2/14/2019

