

BILL BRADBURY  
SECRETARY OF STATE



ELECTIONS DIVISION  
JOHN LINDBACK  
DIRECTOR  
141 STATE CAPITOL  
SALEM, OREGON 97310-0722  
ELECTIONS — (503) 986-1518

BEFORE THE SECRETARY OF STATE  
OF THE  
STATE OF OREGON

In the matter of an Insufficient Contribution and Expenditure )  
Report by the Lane County Republican Central Committee, ) Final Order  
Doris McKee, Treasurer, for the First Pre-Election for the )  
May 16, 2006, Primary Election ) Case No. I9305  
)

November 15, 2007

Lane County Republican Central Committee (000325)  
Doris McKee, Treasurer  
PO Box 10247  
Eugene, OR 97440

Dear Ms. McKee:

This is a Final Order issued by the Secretary of State (secretary) for your failure to file a sufficient first pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

On September 5, 2007, the secretary notified the Lane County Republican Central Committee (committee), pursuant to ORS 260.232(2), that it had failed to file a sufficient report and that the secretary may impose a civil penalty. An opportunity for a hearing was provided in that notice. The committee submitted written testimony in the form of a notarized statement in lieu of a personal appearance at a public hearing. Accordingly, after consideration of the applicable law and evidence presented, Jennifer Hertel, Hearings Officer with the Elections Division, is entering the following Order.

FINDINGS OF FACT

1. The committee's Statement of Organization (SEL 221), applicable during the reporting period, was filed with the secretary on November 17, 2004. The statement reported Doris McKee as the treasurer and PO Box 10247, Eugene, OR 97440 as the address to which all committee correspondence was to be sent.
2. The committee filed a first pre-election report with the secretary on April 10, 2006.
3. On April 25, 2006, the secretary sent the committee an exam letter that itemized the areas where the report was not in compliance. The committee was asked to submit the necessary amended information by May 4, 2006, to avoid penalties for failure to file a sufficient report.

4. On the day following the May 4, 2006, amendment deadline, the committee's report was still missing the following required information: the addresses for two contributors, sufficient occupational information for fifty-three contributors, the addresses for eight expenditures and the signature of the treasurer (64 items).
5. On May 10, 2006, an amendment to the committee's report was filed. The amendment provided 59 items of previously insufficient information.
6. On September 5, 2007, the secretary sent the committee a Notice of Proposed Civil Penalty. The notice was sent by both certified and first class mail to the treasurer at the above-referenced address. The notice proposed a civil penalty of \$345.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by the committee on September 11, 2007.
7. On September 26, 2007, the secretary received a notarized letter from Donna Butler and Dennis Solin and on September 27, 2007 a notarized letter was also filed by, Doris McKee. These letters were submitted in lieu of a personal appearance at a public hearing.
8. The letters—attached as Exhibit A, B & C—were reviewed, considered, and made part of the record.
9. The secretary has record of no previous insufficient filings during the two-year period beginning September 15, 2005.

#### ULTIMATE FINDINGS OF FACT

Doris McKee, Treasurer, failed to file a sufficient first pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

#### CONCLUSIONS OF LAW

Treasurer Doris McKee's failure to file a sufficient first pre-election contribution and expenditure report for the May 16, 2006, Primary Election violated ORS 260.063, ORS 260.083 and OAR 165-012-0005. A civil penalty may be imposed for this violation under ORS 260.232(1)(b).

#### OPINION

The Lane County Republican Central Committee's first pre-election contribution and expenditure report, filed on April 10, 2006, was insufficient. An exam letter was sent to the committee detailing the insufficiencies of the report and an amendment to the report was required to be filed by May 4, 2006. The committee failed to file an amendment which satisfied all the items listed on the exam letter by the deadline.

A maximum \$10,000 civil penalty may be imposed for this violation. The *2006 Campaign Finance Manual*, which contains a penalty calculation matrix on pages 108 and 109, is designated in OAR 165-012-0005 as the procedure manual for Oregon campaign finance regulations.

After reviewing and considering the evidence and information on file in this office, the hearings officer finds that there has been a violation of Oregon election law. The explanations provided in all of the notarized testimonies (all duplicate wording) does not adequately mitigate the failure to file a sufficient report by the deadline.

The testimony asserts that the first pre-election amendment was sent electronically to the Elections Division at approximately 2:15 pm on May 4, 2006. The testimony did not include any documentation to support the assertion, such as a copy of the email sent by the committee to the email address used for submitting the electronically filed contribution and expenditure reports.

After reviewing the records of the Elections Division, the secretary has determined that the electronically filed amended first pre-election report was received in the electronic file email box ([elecfile.sos@state.or.us](mailto:elecfile.sos@state.or.us)) at 2:38 pm on May 10, 2006, four business days after the deadline for submitting amendments requested in the exam letter. Jan Flowers of the Elections Division replied to the sender of the email (Donna Butler) informing her that the file would not post to the database due to duplicate page and line numbers for PC 4A detail records. A second file was received from Ms. Butler that same day at 4:28 pm; this file successfully posted to the database and an email from Ms. Flowers to Ms. Butler at 4:52 pm confirmed the successful posting. OAR 165-012-0230 is the rule adopted to set forth procedures and standards by which contribution and expenditure reports electronically. The rule requires in part that "reports not corresponding to the required file format specifications will not be considered filed." See OAR 165-012-0230(5).

Since this is the first violation by the treasurer, the penalty is \$10.00 per omission, less 50% for every omitted item provided prior to the issuance of the proposed penalty notice.

#### ORDER

It is ordered that a penalty of \$345.00 (\$10.00 X 64 items - \$295.00) is assessed. If your payment is not received within 60 days, the Order will be forwarded to our accounting division for collection and may subsequently be sent to the Oregon Department of Revenue.

Please refer to case number I9305 when mailing your payment.

#### RIGHT TO JUDICIAL REVIEW

You have the right to appeal this Order to the Oregon Court of Appeals pursuant to ORS 183.482. To appeal you must file a petition for judicial review with the Court of Appeals within 60 days from the day this Order was served to you. Because this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

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Jennifer Hertel, Compliance Specialist

DATE of Service: \_\_\_\_\_

Lane County Republican Central Committee (000325)

Doris McKee, Treasurer

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