



Dena Dawson
Elections Director

March 28, 2025

Donice Smith
4601 Carnes Rd STE 8
112
Roseburg, OR 97471

Re: Investigation Request No. 25-060

Donice Smith:

This is to acknowledge receipt of an investigation request which was referred to us from the Marion County District Attorney's Office and was received by the Elections Division on February 27, 2025. The complaint alleged that Governor Kotek violated Oregon Constitution Article II, Section 22, for accepting in excess of 10% of her total campaign contributions from individuals who at the time of their donation were not residents of the electoral district.

At the time of the alleged violation Governor Kotek was a candidate for Governor of Oregon at the November 2022 general election.

ORS 260.205(3) and 260.345(7) provide the deadline for filing complaints alleging election law violations. Both statutes state in relevant part that a complaint shall be filed no later than 90 days following the election at which a violation of an election law or rule allegedly occurred, or 90 days following the date the violation allegedly occurred, whichever is later.

The investigation request was received after the above stated statute of limitations as it relates to the alleged violation and activity at the November 2022 general election.

Additionally, Article II, Section 22 of the Oregon Constitution was found to violate the US Constitution in *VanNatta v. Kiesling*, 151 F.3d 1215 (9th Cir. 1998). As a result, it is not enforceable. Even though it is not being enforced, it is still printed in the Oregon Constitution and will remain so until it is removed through a vote of the people.

Tobias Read
Oregon Secretary of State

Michael Kaplan
Deputy Secretary of State

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Based on the above, the Elections Division does not intend to open an investigation into this matter.

Sincerely,

Swan Lubbers

Campaign Finance Investigations Lead

C: Jennifer Roberts, District Attorney Investigator
Marion County District Attorney's Office
PO Box 14500
Salem, OR 97309