



**Dena Dawson**  
Elections Director

April 13, 2026  
Sent Via Email Only

Sherry Hartford, Candidate  
[REDACTED]

Re: Elections Division Case No. 25-232

Sherry Hartford:

On May 7, 2025, the Elections Division (“Division”) received an investigation request which alleged that you may have violated Oregon election law. Specifically, the request alleged that you violated Oregon Revised Statute (“ORS”) 260.665 by engaging in undue influence related to an event you organized in support of your candidacy for public office.

Pursuant to ORS 260.345(3) the Division opened an investigation into the allegations in the complaint. The Division sent you an inquiry requesting a response to questions set out in the letter.

### **ALLEGATIONS AND RESPONSE TO COMPLAINT**

The complainant alleged that you organized and hosted a campaign event where free food and beverages were served with the intent to induce attendees to support your candidacy for Nestucca Valley School District Board of Directors, Position 1. In response to the Division, you confirmed that you organized and attended the May 3, 2025, campaign event held at Nestucca Valley Sporting Goods in Hebo, Oregon. According to your response, you independently planned the event and invited three other candidates for school board to join you as hosts: Kayla Cole, Greg Woods, and Jason Hagan.

As the organizer, you confirmed that you created a flyer to promote the campaign event. The flyer read “you’re invited” to a “meet and eat,” noted that attendees would receive a “free burger, chips, soda and cookie,” and named yourself and the aforementioned candidates, identifying the public offices that you sought. In at least one instance, on April 26, 2025, you shared the promotional flyer in the *Friends of Neskowin* Facebook group adding, “We have 10 more spots open if you would like to join! We would love to see you there!”

When asked by the Division to provide the costs associated with the event, you stated that the event space was provided for your use free of charge by Nestucca Valley Sporting Goods, but the

food and beverages amounted to a total cost of \$568.34. Kayla Cole, Greg Woods, Jason Hagan, and you all ran for school board together as a candidate slate but kept separate finances. To that effect, you confirmed that the cost of the meet and eat event was entirely paid for by your campaign. You also confirmed that no tickets or entry fee were required to attend the event, nor did attendees pay for the food and beverages in any way. According to you, no candidate gave formal prepared remarks but instead you each briefly visited with the approximately 15-20 attendees. You articulated that the purpose of the “meet and eat” was to “bring the community together for the betterment of the school” and that your campaign did not collect contributions.

In your statements to the Division, you emphasized that you believed you were complying with Oregon election law because ORS 260.665(4)(g) allows for “providing refreshments incidental to a gathering in support of or in opposition to a candidate.” You believed that the food and beverages you provided at the event were incidental because they were available to all attendees regardless of whether they supported or opposed your candidacy for public office or whether they lived in your voting district at all.

#### **LEGAL FRAMEWORK AND ANALYSIS**

Oregon election law prohibits the use of undue influence including “giving or promising to give money...or other thing of value” with the intent to induce any person to vote in any particular manner or contribute to any candidate. ORS 260.665(2)(c) and (e). The associated penalty for violating ORS 260.665(2)(c) is issuance of a civil penalty; the penalty for violating ORS 260.665(2)(e) is a Class C felony.

The scope of ORS 260.665 is broad and covers “person[s] acting either alone or with or through any other person.” Additionally, the statute covers both direct and indirect undue influence meaning that the alleged violative act need not be an obvious quid pro quo. Indirect undue influence may encompass situations that appear normal or routine at face value. Having a conversation over a meal is a typical social activity, but in the political context giving away a thing of value like a free meal could amount to undue influence if done with the intent to induce certain political actions, like encouraging people to vote for you or contribute to your campaign.

With that in mind, ORS 260.665(4)(g) specifically does not prohibit persons from “providing refreshments incidental to a gathering in support of or in opposition to a candidate, political committee or measure.” However, ORS 246.150 gives the Secretary of State authority to “adopt rules the secretary considers necessary to facilitate...the administration of election laws.” The *Campaign Finance Manual*<sup>1</sup> (“CFM”) was adopted by the Secretary to facilitate compliance with Oregon campaign finance and election law. The CFM clarifies the kind of refreshments incidental to a political event that do not fall under the undue influence framework. In doing so, the CFM offers the following:

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

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<sup>1</sup> The Campaign Finance Manual (rev. 01/2025) was adopted by Oregon Administrative Rule 165-012-0005 and was the version of the manual in effect at the time of the alleged violations.

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.

CFM at 66.

The CFM also outlines a three-pronged test to determine whether giving away a thing of value constitutes unlawful undue influence:

1. The item must be an item of value<sup>2</sup>;
2. The item must be advertised or otherwise promoted as available as an inducement; and
3. The inducement must be to get a person to take an action restricted by statute.<sup>3</sup>

All three prongs of the test must be met for giving away a thing of value to constitute unlawful undue influence.

In applying this test to the fact of this case, the first prong of the test is satisfied; the food and beverages offered to attendees of the campaign event were items of value. If the approximately 20 people that attended the event all accepted the free food and beverages, that would amount to a per person cost of about \$28.42 given the reported cost of the event space and food. This exceeds the value given to items of nominal value, such as cookies or pencils, which do not fall under the legal framework required to prove undue influence. CFM at 65-66.

The second prong of the test is also satisfied, based on the statements and evidence obtained by the Division. Both in your written response to the Division and in the flyer you created, you described the campaign event as a “meet and eat.” The event flyer contained no information to contradict the message that attendees would receive free food and beverages (i.e. information about the price of the food and/or the need for attendees to purchase tickets). Most importantly, the flyer, which you posted on Facebook to advertise the event, overtly communicated to the public that attendees would receive a “free burger, chips, soda and cookie.” According to the CFM, the implication of complimentary items of value does not rise to the evidentiary standard needed to prove that the items were advertised as an inducement, but you used language to explicitly communicate that the food and beverages were free or complimentary to prospective attendees.

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<sup>2</sup> Very inexpensive items of nominal value (i.e. fair market value of approximately \$1.00 or less) do not constitute items of value under this test. CFM at 65.

<sup>3</sup> ORS 260.665(2) states that a person may not directly or indirectly subject any person to undue influence with the intent to induce any person to take an action restricted by statute. Relevant to this case, you may not induce a person to “register or vote in any particular manner” or “contribute or refrain from contributing to any candidate...” ORS 260.665(2)(c) and (e).

Finally, we find that the third prong of the test is satisfied. The free food and beverages were inducements to get event attendees to take a particular political action restricted by statute: “register or vote in any particular manner.” ORS 260.665(2)(c). The evidence indicates that the campaign event in question was designed to increase support for your candidacy for Nestucca Valley School District Board of Directors, Position 1. The inherent purpose of running a campaign for public office is to be elected to that office. To this end, campaigns must earn votes from the voting public. The event in question was one such effort to achieve this goal and represents one of the acts that you may not induce according to Oregon election law. However, because your campaign did not solicit or collect contributions at the campaign event, there is insufficient evidence to determine that you intended to induce event attendees to “contribute or refrain from contributing to any candidate” in violation of ORS 260.665(2)(e).

In your statements to the Division, you said that you believed the free food and beverages you served at the campaign event were incidental and therefore allowed per ORS 260.665(4)(g). The evidence indicates, however, that the amount and cost of refreshments went beyond what would conservatively be deemed as incidental. The CFM provides the following example of an unlawful advertisement promoting an item of value available as an inducement: “Join John Doe at a free spaghetti feed.” CFM at 66. The advertisement you created was substantively similar and prominently featured complimentary food as an inducement. You advertised that the public was “invited” to a “meet and eat” in support of several named candidates where they would receive a “free burger, chips, soda and cookie.”

It is important to carefully review future advertisements and ensure items of value are not being promoted as inducements (per the second prong of the test outlined in this letter and in pages 65-66 of the CFM) as many campaign activities and/or events fall under the list of restricted political activities that may not be unduly induced, like securing votes or contributions.

#### **AUTHORITY FOR CIVIL PENALTY**

ORS 260.995(1) provides that the Secretary may impose a civil penalty of up to \$1,000.00 for each violation of any ORS relating to Oregon election law or any OAR adopted by the Secretary.

The penalty for first time violations of ORS 260.665(2)(c) is \$100.00. The amount of this penalty is provided in Appendix B, OAR 165-013-0020, Penalty Matrix for Non-Campaign Finance Civil Penalty Election Law Violations.

#### **DETERMINATION**

The evidence obtained and reviewed by the Elections Division substantiates the allegation that you violated ORS 260.665(2)(c) by advertising an item of value with the intent to induce votes in support of your candidacy for Nestucca Valley School District Board of Directors, Position 1.

The CFM outlines a three-pronged test to determine whether giving away a thing of value constitutes undue influence in violation of ORS 260.665. All three elements of the test must be satisfied for the action to amount to a violation of Oregon election law. Taking all available information into consideration, including the weight of the evidence considered, we find that you

advertised free food and beverages to encourage event attendees to vote for you which is a violation of the law.

Pursuant to the Secretary's authority under ORS 260.995(1) and OAR 165-013-0020, the Secretary will issue a Notice of Proposed Civil Penalty in the amount of \$100.00. The \$100.00 penalty considers that this is your first violation of ORS 260.665(2)(c).

The Secretary of State, Elections Division, offers manuals and quick guides on our website to assist users navigating Oregon's campaign finance system. You can find more information at: <https://sos.oregon.gov/elections/Pages/manuals-tutorials.aspx>. In particular, pages 65-67 of the CFM detail fundraising cautions including the rules that regulate providing food and refreshments at a political gathering.

This concludes the investigation into the complaint; this case is closed. Please contact us at [investigations.sos@sos.oregon.gov](mailto:investigations.sos@sos.oregon.gov) if you have any questions about the content of this letter.

Sincerely,

**Courtney Ryman**

*Investigations Specialist*