

House Bill 2514

Sponsored by Representative OWENS (at the request of Tim Smith) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Changes office of Public Records Advocate from appointed office to nonpartisan statewide elected office.

Applies to primary and regular general elections occurring on or after January 1, 2024, and to office of Public Records Advocate for periods beginning on or after January 6, 2025.

A BILL FOR AN ACT

1
2 Relating to the Public Records Advocate; creating new provisions; amending ORS 192.461, 192.481,
3 244.050, 249.002, 249.215, 251.170 and 254.005; and repealing section 3, chapter 107, Oregon Laws
4 2019.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 192.461 is amended to read:

7 192.461. (1) The office of the Public Records Advocate is created as an independent **nonpartisan**
8 office within the executive department, separate and distinct from any other state agency.

9 (2) *[The Public Records Advocate shall be appointed by the Public Records Advisory Council un-*
10 *der ORS 192.481.]* **The Public Records Advocate shall be elected by the electors of this state**
11 **at the regular general election in the same manner as other state officers are elected. The**
12 **term of the Public Records Advocate shall commence on the first Monday in January of the**
13 **year succeeding election. The Public Records Advocate shall hold office for the term of four**
14 **years, and until a successor is elected and qualified.**

15 (3) The Public Records Advocate shall be a member in good standing of the Oregon State Bar.

16 *[(4) The term of office of the Public Records Advocate shall be four years, except that the advocate*
17 *may be removed for cause by the Public Records Advisory Council. A determination to remove for*
18 *cause may be appealed as a contested case proceeding under ORS chapter 183.]*

19 *[(5) The advocate may be reappointed to consecutive terms.]*

20 *[(6)]* (4) The Public Records Advocate is in the exempt service.

21 *[(7)(a)]* (5)(a) The Public Records Advocate shall select, appoint and fix the compensation of a
22 Deputy Public Records Advocate. The Deputy Public Records Advocate shall be a member in good
23 standing of the Oregon State Bar.

24 (b) The Public Records Advocate may delegate to the Deputy Public Records Advocate any au-
25 thority, power or duty to act possessed by the Public Records Advocate except the power to dele-
26 gate set forth in this paragraph.

27 (c) If the position of the Public Records Advocate becomes vacant, the Deputy Public Records
28 Advocate shall serve as the acting Public Records Advocate until a new Public Records Advocate
29 has been *[appointed]* **elected at the next regular general election.**

30 *[(8)(a)]* (6)(a) The Public Records Advocate may hire and fix the compensation of other profes-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 sional staff to assist in performing the duties assigned to the Public Records Advocate.

2 (b) Officers and employees of the office of the Public Records Advocate are in the exempt ser-
3 vice.

4 [(9)] (7) The Public Records Advocate may seek out office facilities and administrative support
5 from other state agencies or local public bodies. State agencies shall assist the advocate. Local
6 public bodies may assist the advocate.

7 **SECTION 2.** ORS 192.481 is amended to read:

8 192.481. (1) The Public Records Advisory Council is created.

9 (2) The Public Records Advisory Council consists of:

10 (a) The Secretary of State or a designee of the Secretary of State;

11 (b) The Attorney General or a designee of the Attorney General;

12 (c) The Director of the Oregon Department of Administrative Services or a designee of the di-
13 rector;

14 (d) A representative of the news media who is a member in good standing of a professional
15 journalism association and who is appointed by the Governor;

16 (e) Two additional representatives of the news media who are appointed by the Governor;

17 (f) A representative of the cities of this state who is appointed by the Governor;

18 (g) A representative of the counties of this state who is appointed by the Governor;

19 (h) A representative of the special districts of this state who is appointed by the Governor;

20 (i) A representative of the public sector workforce who is appointed by the Governor;

21 (j) A member of the public who is appointed by the Governor;

22 (k) A Senator who is appointed by the President of the Senate and who serves as an ex officio
23 nonvoting member;

24 (L) A Representative who is appointed by the Speaker of the House of Representatives and who
25 serves as an ex officio nonvoting member; and

26 (m) The Public Records Advocate.

27 (3) The council shall elect a chairperson and a vice chairperson, who each shall serve in that
28 capacity for a two-year term, or until their membership on the council ends, whichever is of shorter
29 duration. A chairperson or vice chairperson may be reelected to their positions.

30 [(4) *At any time when the office of Public Records Advocate is vacant:*]

31 [(a) *The council shall convene at the time and place designated by the chairperson but within 30*
32 *days of the vacancy of the office of Public Records Advocate;*]

33 [(b) *The council shall take up the question of the process, selection and appointment of a new*
34 *Public Records Advocate; and*]

35 [(c) *The individual who had vacated the office of Public Records Advocate may participate in de-*
36 *liberations and vote on the slate of nominees unless the individual vacated the office for reasons de-*
37 *scribed in ORS 192.461 (4).*]

38 [(5)] (4) The appointment of a member of the council described in subsection (2)(d) to (j) of this
39 section is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and
40 171.565.

41 [(6)] (5) A member of the council described in subsection (2)(d), (e) or (j) of this section is enti-
42 tled to compensation and expenses as provided in ORS 292.495.

43 [(7)] (6) The members of the council described in subsection (2)(d) to (L) of this section shall
44 each serve two-year terms and may be reappointed to successive terms.

45 [(8)] (7) A majority of the voting members of the council constitutes a quorum for the trans-

1 action of business.

2 [(9)] (8) The council shall meet at least once every six months. The council also may meet at
 3 other times and places specified by the call of the chairperson or of a majority of the members of
 4 the council.

5 [(10)] (9) All public bodies, as defined in ORS 192.311, shall assist the council in the performance
 6 of its duties and, to the extent permitted by laws relating to confidentiality, furnish such informa-
 7 tion, including public records, and advice as the members of the council consider necessary to per-
 8 form their duties.

9 [(11)(a)] (10)(a) The council may support or oppose legislation relating to public records law.

10 (b) The council may request that one or more legislators introduce legislation relating to public
 11 records law.

12 **SECTION 3.** ORS 244.050, as amended by section 1, chapter 66, Oregon Laws 2022, is amended
 13 to read:

14 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
 15 Government Ethics Commission a verified statement of economic interest as required under this
 16 chapter:

17 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
 18 Bureau of Labor and Industries, **Public Records Advocate**, district attorneys and members of the
 19 Legislative Assembly.

20 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
 21 judicial officer who does not otherwise serve as a judicial officer.

22 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

23 (d) The Deputy Attorney General.

24 (e) The Deputy Secretary of State.

25 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
 26 Legislative Policy and Research Director, the Secretary of the Senate, the Chief Clerk of the House
 27 of Representatives and the Legislative Equity Officer.

28 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
 29 versity listed in ORS 352.002.

30 (h) The following state officers:

31 (A) Adjutant General.

32 (B) Director of Agriculture.

33 (C) Manager of State Accident Insurance Fund Corporation.

34 (D) Water Resources Director.

35 (E) Director of the Department of Environmental Quality.

36 (F) Director of the Oregon Department of Administrative Services.

37 (G) State Fish and Wildlife Director.

38 (H) State Forester.

39 (I) State Geologist.

40 (J) Director of Human Services.

41 (K) Director of the Department of Consumer and Business Services.

42 (L) Director of the Department of State Lands.

43 (M) State Librarian.

44 (N) Administrator of the Oregon Liquor and Cannabis Commission.

45 (O) Superintendent of State Police.

- 1 (P) Director of the Public Employees Retirement System.
- 2 (Q) Director of Department of Revenue.
- 3 (R) Director of Transportation.
- 4 (S) Public Utility Commissioner.
- 5 (T) Director of Veterans' Affairs.
- 6 (U) Executive director of Oregon Government Ethics Commission.
- 7 (V) Director of the State Department of Energy.
- 8 (W) Director and each assistant director of the Oregon State Lottery.
- 9 (X) Director of the Department of Corrections.
- 10 (Y) Director of the Oregon Department of Aviation.
- 11 (Z) Executive director of the Oregon Criminal Justice Commission.
- 12 (AA) Director of the Oregon Business Development Department.
- 13 (BB) Director of the Oregon Department of Emergency Management.
- 14 (CC) Director of the Employment Department.
- 15 (DD) State Fire Marshal.
- 16 (EE) Chief of staff for the Governor.
- 17 (FF) Director of the Housing and Community Services Department.
- 18 (GG) State Court Administrator.
- 19 (HH) Director of the Department of Land Conservation and Development.
- 20 (II) Board chairperson of the Land Use Board of Appeals.
- 21 (JJ) State Marine Director.
- 22 (KK) Executive director of the Oregon Racing Commission.
- 23 (LL) State Parks and Recreation Director.
- 24 (MM) Public defense services executive director.
- 25 (NN) Chairperson of the Public Employees' Benefit Board.
- 26 (OO) Director of the Department of Public Safety Standards and Training.
- 27 (PP) Executive director of the Higher Education Coordinating Commission.
- 28 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 29 (RR) Director of the Oregon Youth Authority.
- 30 (SS) Director of the Oregon Health Authority.
- 31 (TT) Deputy Superintendent of Public Instruction.
- 32 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 33 the Governor's office.
- 34 (j) Every elected city or county official.
- 35 (k) Every member of a city or county planning, zoning or development commission.
- 36 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
- 37 cipal administrator of the city or county.
- 38 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 39 (n) Every member of a governing body of a metropolitan service district and the auditor and
- 40 executive officer thereof.
- 41 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 42 (p) The chief administrative officer and the financial officer of each common and union high
- 43 school district, education service district and community college district.
- 44 (q) Every member of the following state boards, commissions and councils:
- 45 (A) Governing board of the State Department of Geology and Mineral Industries.

- 1 (B) Oregon Business Development Commission.
- 2 (C) State Board of Education.
- 3 (D) Environmental Quality Commission.
- 4 (E) Fish and Wildlife Commission of the State of Oregon.
- 5 (F) State Board of Forestry.
- 6 (G) Oregon Government Ethics Commission.
- 7 (H) Oregon Health Policy Board.
- 8 (I) Oregon Investment Council.
- 9 (J) Land Conservation and Development Commission.
- 10 (K) Oregon Liquor and Cannabis Commission.
- 11 (L) Oregon Short Term Fund Board.
- 12 (M) State Marine Board.
- 13 (N) Mass transit district boards.
- 14 (O) Energy Facility Siting Council.
- 15 (P) Board of Commissioners of the Port of Portland.
- 16 (Q) Employment Relations Board.
- 17 (R) Public Employees Retirement Board.
- 18 (S) Oregon Racing Commission.
- 19 (T) Oregon Transportation Commission.
- 20 (U) Water Resources Commission.
- 21 (V) Workers' Compensation Board.
- 22 (W) Oregon Facilities Authority.
- 23 (X) Oregon State Lottery Commission.
- 24 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
- 25 (Z) Columbia River Gorge Commission.
- 26 (AA) Oregon Health and Science University Board of Directors.
- 27 (BB) Capitol Planning Commission.
- 28 (CC) Higher Education Coordinating Commission.
- 29 (DD) Oregon Growth Board.
- 30 (EE) Early Learning Council.
- 31 (FF) The Oversight and Accountability Council.
- 32 (r) The following officers of the State Treasurer:
- 33 (A) Deputy State Treasurer.
- 34 (B) Chief of staff for the office of the State Treasurer.
- 35 (C) Director of the Investment Division.
- 36 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
- 37 or 777.915 to 777.953.
- 38 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- 39 (u) Every member of a governing board of a public university listed in ORS 352.002.
- 40 (v) Every member of the district school board of a common school district or union high school
- 41 district.
- 42 (w) Every member of the board of directors of an authority created under ORS 465.600 to
- 43 465.621.
- 44 (2) By April 15 next after the date an appointment takes effect, every appointed public official
- 45 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-

1 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
2 and 244.090.

3 (3) By April 15 next after the filing deadline for the primary election, each candidate described
4 in subsection (1) of this section shall file with the commission a statement of economic interest as
5 required under ORS 244.060, 244.070 and 244.090.

6 (4) Not later than the 40th day before the date of the statewide general election, each candidate
7 described in subsection (1) of this section who will appear on the statewide general election ballot
8 and who was not required to file a statement of economic interest under subsections (1) to (3) of this
9 section shall file with the commission a statement of economic interest as required under ORS
10 244.060, 244.070 and 244.090.

11 (5) Subsections (1) to (3) of this section apply only to persons who are incumbent, elected or
12 appointed public officials as of April 15 and to persons who are candidates on April 15.

13 (6) If a statement required to be filed under this section has not been received by the commis-
14 sion within five days after the date the statement is due, the commission shall notify the public of-
15 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
16 requirements of this section. If the public official or candidate fails to comply by the date set by the
17 commission, the commission may impose a civil penalty as provided in ORS 244.350.

18 **SECTION 4.** ORS 249.002 is amended to read:

19 249.002. As used in this chapter:

20 (1) "Candidate" means an individual whose name is or is expected to be printed on the official
21 ballot or a write-in candidate.

22 (2) "County clerk" means the county clerk or the county official in charge of elections.

23 (3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-
24 tution.

25 (4) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
26 Tax Court, or any county judge who exercises judicial functions.

27 (5) "Member" means an individual who is registered as being affiliated with the political party.

28 (6) "Minor political party" means a political party that has qualified as a minor political party
29 under ORS 248.008.

30 (7) "Nonpartisan office" means the office of judge, Commissioner of the Bureau of Labor and
31 Industries, **Public Records Advocate**, any elected office of a metropolitan service district under
32 ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county
33 treasurer, sheriff, district attorney or any office designated nonpartisan by a home rule charter.

34 (8) "Prospective petition" means the information, except signatures and other identification of
35 petition signers, required to be contained in a completed petition.

36 (9) "Public office" means any national, state, county, city or district office or position, except
37 a political party office, filled by the electors.

38 (10) "State office" means Governor, Secretary of State, State Treasurer, Attorney General,
39 Commissioner of the Bureau of Labor and Industries, **Public Records Advocate**, judge, state Sen-
40 ator, state Representative or district attorney.

41 **SECTION 5.** ORS 249.215 is amended to read:

42 249.215. (1) If a vacancy occurs in a state office before the 61st day before the first general
43 election to be held during that term of office, the remaining two years of the term of the state office
44 shall be filled by the electors at that general election.

45 (2) The remaining two years of the term of the state office shall commence on the second

1 Monday in January following the general election. Any appointment made to fill the vacancy shall
 2 expire when a successor to the office is elected and qualified.

3 (3) Candidates for the remaining two years of the term of the state office under this section shall
 4 be nominated as provided in this chapter, with major political parties following the procedure set
 5 forth in ORS 249.200, except as follows:

6 (a) A minor political party, by party rule, or an assembly of electors or individual electors, may
 7 select a nominee; and

8 (b) The Secretary of State shall accept certificates of nomination and notifications of nominees
 9 filed with the secretary pursuant to a schedule for filing set by the secretary, but in any case not
 10 later than the 62nd day before the first general election.

11 (4) As used in this section, “state office” means the office of Governor, Secretary of State, State
 12 Treasurer, Attorney General [*and*], Commissioner of the Bureau of Labor and Industries **and Public**
 13 **Records Advocate**.

14 **SECTION 6.** ORS 251.170 is amended to read:

15 251.170. (1) The translation of a state voters’ pamphlet or county voters’ pamphlet required un-
 16 der ORS 251.167 shall be made in the manner described in this section.

17 (2) For each state voters’ pamphlet and county voters’ pamphlet mailed to residents of a county,
 18 the Secretary of State shall have the following portions of the voters’ pamphlet professionally
 19 translated into each language for which a translation is required under ORS 251.167:

20 (a) Any official statement or communication made by the Secretary of State, county clerk, filing
 21 office or other public elections official, including any information described in ORS 251.026 or
 22 251.315 (1)(a) to (d) and (g) and any other information regarding services offered by elections offices,
 23 how to cast a ballot and key dates for the election;

24 (b) The ballot title for each measure;

25 (c) The explanatory statement for each measure;

26 (d) The financial estimate for each measure and any statement prepared for a measure under
 27 ORS 250.125;

28 (e) Any racial and ethnic impact statement prepared for a measure under ORS 137.685;

29 (f) Any statement submitted for a measure by a citizen panel under ORS 250.141; and

30 (g) Except an argument for a measure prepared by the Legislative Assembly under ORS 251.245,
 31 any other statement for a measure created by a public body as defined in ORS 174.109.

32 (3) In addition to the materials that the Secretary of State is required to have professionally
 33 translated under subsection (2) of this section, the Secretary of State shall allow to be included in
 34 the translated version of each state voters’ pamphlet that is made available on the website of the
 35 Secretary of State or of a county under ORS 251.167:

36 (a) Translations of a candidate statement submitted under ORS 251.065, provided that:

37 (A) The candidate is a candidate for federal or statewide office;

38 (B) The translation is filed by a candidate or the principal campaign committee of a candidate
 39 described in subparagraph (A) of this paragraph;

40 (C) Neither the translation nor the candidate statement submitted under ORS 251.065 is rejected
 41 under ORS 251.055;

42 (D) The candidate statement meets the requirements of a candidate statement set forth in this
 43 chapter; and

44 (E) Any translation filed under this paragraph is in one of the five most commonly spoken lan-
 45 guages in this state, other than English, as listed by the Secretary of State under ORS 251.167.

1 (b) Translations of an argument in support of or in opposition to a state measure filed under
 2 ORS 251.255, provided that:

3 (A) The translation is filed by the person who filed the argument in support of or in opposition
 4 to a state measure under ORS 251.255;

5 (B) Neither the translation nor the argument in support of or in opposition to a state measure
 6 filed under ORS 251.255 is rejected under ORS 251.055;

7 (C) The statement in support of or in opposition to a state measure meets the requirements of
 8 a statement in support of or in opposition to a state measure set forth in this chapter; and

9 (D) Any translation filed under this paragraph is in one of the five most commonly spoken lan-
 10 guages in this state, other than English, as listed by the Secretary of State under ORS 251.167.

11 (c) Translations of any argument for a measure prepared by the Legislative Assembly under ORS
 12 251.245 submitted by the Legislative Assembly, provided that any translation filed under this para-
 13 graph is in one of the five most commonly spoken languages in this state, other than English, as
 14 listed by the Secretary of State under ORS 251.167.

15 (4)(a) A translation that is permitted or required under this section is not required to be iden-
 16 tical in words to the original version but must be consistent with the meaning of the original ver-
 17 sion.

18 (b) A translation is not subject to any limitations on the number of words allowed set forth in
 19 this chapter.

20 (5) A county may at its own expense make or accept for publication on the county's website,
 21 as part of a translated voters' pamphlet required under ORS 251.167, any portion of a state or
 22 county voters' pamphlet that is not described in this section.

23 (6) The Secretary of State:

24 (a) May adopt any rules necessary to implement this section; and

25 (b) Except as provided in subsection (5) of this section, is responsible for all costs necessary to
 26 comply with this section.

27 (7) As used in this section, "statewide office" means Governor, Secretary of State, State Treas-
 28 urer, Attorney General, Commissioner of the Bureau of Labor and Industries, **Public Records Ad-**
 29 **vocate** or judge on the Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax
 30 Court.

31 **SECTION 7.** ORS 254.005 is amended to read:

32 254.005. As used in this chapter:

33 (1) "Ballot" means any material on which votes may be cast for candidates or measures. In the
 34 case of a recall election, "ballot" includes material posted in a voting compartment or delivered to
 35 an elector by mail.

36 (2) "Chief elections officer" means the:

37 (a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the
 38 state at large or in a congressional district, or a measure to be voted on in the state at large.

39 (b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a
 40 county only.

41 (c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be
 42 voted on in a city only.

43 (3) "County clerk" means the county clerk or the county official in charge of elections.

44 (4) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-
 45 tution.

1 (5) “Major political party” means a political party that has qualified as a major political party
2 under ORS 248.006.

3 (6) “Measure” includes any of the following submitted to the people for their approval or re-
4 jection at an election:

5 (a) A proposed law.

6 (b) An Act or part of an Act of the Legislative Assembly.

7 (c) A revision of or amendment to the Oregon Constitution.

8 (d) Local, special or municipal legislation.

9 (e) A proposition or question.

10 (7) “Minor political party” means a political party that has qualified as a minor political party
11 under ORS 248.008.

12 (8) “Nonpartisan office” means the office of judge of the Supreme Court, Court of Appeals, cir-
13 cuit court or the Oregon Tax Court, Commissioner of the Bureau of Labor and Industries, **Public**
14 **Records Advocate**, any elected office of a metropolitan service district under ORS chapter 268,
15 justice of the peace, county clerk, county assessor, county surveyor, county treasurer, county judge
16 who exercises judicial functions, sheriff, district attorney or any office designated nonpartisan by a
17 home rule charter.

18 (9) “Prospective petition” means the information, except signatures and other identification of
19 petition signers, required to be contained in a completed petition.

20 (10) “Regular district election” means the election held each year for the purpose of electing
21 members of a district board as defined in ORS 255.005 (2).

22 (11) “Vote tally system” means one or more pieces of equipment necessary to examine and tally
23 automatically the marked ballots.

24 (12) “Voting machine” means any device that will record every vote cast on candidates and
25 measures and that will either internally or externally total all votes cast on that device.

26 **SECTION 8. Section 3, chapter 107, Oregon Laws 2019, as amended by section 6, chapter**
27 **582, Oregon Laws 2021, is repealed.**

28 **SECTION 9. (1) The amendments to ORS 192.461, 192.481, 244.050, 249.002, 249.215, 251.170**
29 **and 254.005 by sections 1 to 7 of this 2023 Act apply to primary and general elections occur-**
30 **ring on or after January 1, 2024, and to the office of the Public Records Advocate on or after**
31 **January 6, 2025.**

32 **(2) For periods occurring prior to January 6, 2025, the office of Public Records Advocate**
33 **shall be determined and maintained in accordance with ORS 192.461 and ORS 192.481 as**
34 **amended and in effect prior to the effective date of this 2023 Act.**

35