

Senate Bill 167

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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**.

- Alters dates by which special district recall petitions must be filed and verified.
- Reduces number of registration cards that may be requested to 500 per individual or entity.
- Moves ORS 247.007 from ORS chapter 247 to ORS chapter 254.
- Expands languages that online voters' pamphlet can be translated into.
- Explicitly prohibits confidential election records and information included in Address Confidentiality Program from being released as public record or as part of lists of electors.
- Limits time period when political parties can request list of electors.
- Extends time period chief petitioners have to circulate recall petition.
- Requires Secretary of State to establish electronic filing system for nominating petitions and declarations of candidacy. Requires use of electronic system.
- Adds family members living with election workers to address disclosure exemptions.
- Exempts individual's signatures on signature sheets from public disclosure.
- Removes requirement that individuals who sign electronic signature sheets must do so in two places.
- Authorizes Secretary of State to alter specified language required to be placed on election documents, provided that alteration in language does not materially change meaning.
- Exempts certain costs from calculations on whether candidate is required to file statement of organization, establish campaign account or file required campaign finance statements.
- Excludes candidate debate or forum for state office from being considered candidate contribution if host uses neutral criteria, set in advance, when determining who to invite.
- Requires Secretary of State or Attorney General to notify subject of complaint that complaint has been filed only if secretary or Attorney General opens investigation.
- Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to elections; creating new provisions; amending ORS 192.345, 198.430, 247.176, 247.940, 247.948, 247.965, 249.002, 249.720, 249.875, 250.052, 251.170, 251.315, 254.505, 260.007, 260.043, 260.232, 260.315, 260.345, 260.555, 260.561 and 260.563; and declaring an emergency.

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

SECTION 1. ORS 198.430 is amended to read:

198.430. (1) Before circulating a petition for recall of a district officer of a district other than a district defined in ORS 255.012, the petitioner shall file the petition with the officer with whom a petition for nomination to such office should be filed. Except as provided in this subsection, if there is no such officer or if the officer is the district officer against whom the petition is being filed, the petition shall be filed with the county clerk of the county in which the administrative office of the district is located. In the case of an irrigation district organized under ORS chapter 545, if there is no such officer or if the officer is the district officer against whom the petition is being filed, the petition shall be filed with the members of the board of directors of the irrigation district who are not subject to the recall petition.

(2) The petition shall be signed by a number of persons who are qualified to vote in the district, that is equal to but not less than the lesser of:

(a) Fifteen percent of the persons who are qualified to vote in the district, or subdivision of the

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 district from which the district officer was elected; or

2 (b) Fifteen percent of the total votes cast in the electoral district for all candidates for Governor
3 at the most recent election at which a candidate for Governor was elected to a full term.

4 (3) The circulator of the signature sheet shall certify on each sheet that the circulator:

5 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on
6 the signature sheet; and

7 (b) Believes each individual stated the correct residence address of the individual and is an in-
8 dividual qualified to vote in the district.

9 (4) In those districts where a person qualified to vote must be an elector, the petition, before
10 filing, shall be submitted to the county clerk who shall compare the signatures of the persons sign-
11 ing the petition with the signatures of electors on the register of electors and, on the face of each
12 signature sheet, shall make a certificate of the number of signatures the county clerk believes to
13 be genuine. In other districts, the officer who receives the petition for filing, before filing the peti-
14 tion, shall verify the signatures and make a certificate of the number of signatures the officer be-
15 lieves to be genuine.

16 (5) The district shall pay the expense of verifying the signatures and of calling and conducting
17 the election. The election shall be conducted in the district, or in the subdivision of the district from
18 which the district officer was elected, in accordance with the law governing election of district of-
19 ficers.

20 (6) A person who is qualified to vote in a district under this section is a person who is qualified,
21 under the law applicable to the district, to vote in an election at which members of the governing
22 body of the district are elected.

23 (7) A recall petition is void unless the petition is filed not later than the [100th] **120th** day after
24 the date of the first signature on the petition. Not later than the 90th day after the date of the first
25 signature, the petition shall be submitted for signature verification to the county clerk or other of-
26 ficer described in subsection (4) of this section who shall make the certificate of the number of
27 genuine signatures not later than the [10th] **30th** day after the date of submission. The petition must
28 contain only original signatures. A recall petition shall not be accepted for signature verification if
29 the petition contains less than 100 percent of the required number of signatures. A recall petition
30 shall not be accepted for filing until 100 percent of the required number of signatures have been
31 verified.

32 **SECTION 2.** ORS 247.176 is amended to read:

33 247.176. (1) During the period extending from the 250th day before the primary election to the
34 date of the primary election and the period extending from the day after the primary election to the
35 250th day before the next primary election:

36 (a) Any [person] **individual or entity** may request delivery from the Secretary of State of not
37 more than an aggregate total of [5,000] **500** registration cards prepared under ORS 247.171; and

38 (b) Upon receiving a request under this subsection, the Secretary of State shall deliver to the
39 [person] **individual or entity** the number of registration cards requested that does not exceed an
40 aggregate total of [5,000] **500**.

41 (2) **An entity may not have more than one individual request registration cards on the**
42 **entity's behalf under this section** [*The Secretary of State shall adopt rules describing when the*
43 *Secretary of State will honor requests for delivery of more than 5,000 registration cards prepared under*
44 *ORS 247.171*].

45 (3) **As used in this section, "entity" means a person other than an individual.**

SECTION 3. ORS 247.007 is added to and made a part of ORS chapter 254.

SECTION 4. ORS 251.315 is amended to read:

251.315. (1) If a county produces a county voters' pamphlet, the county voters' pamphlet shall include, when applicable, at least the following information:

(a) Requirements for a citizen to qualify as an elector.

(b) Requirements for registration and updates of registration.

(c) Elector instructions, including the right of an elector to request a second ballot if the first ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

(d) The hours and locations of places designated under ORS 254.470 for deposit of official ballots.

(e) Any portraits and statements relating to candidates submitted in accordance with the provisions of ORS 251.305 to 251.435.

(f) Any ballot titles, explanatory statements and arguments submitted in accordance with the provisions of ORS 251.305 to 251.435.

(g)(A) Statements in the information section of the voters' pamphlet on the pages immediately following the page containing the [*Secretary of State*] **county clerk** letter, to the extent reasonably practicable, that:

(i) Are written in English and the five additional common languages for the county listed by the Secretary of State under ORS 251.167;

(ii) Explain that an electronic copy of portions of the voters' pamphlet is publicly available in that language; and

(iii) Provide the website address to the translated voters' pamphlet.

(B) The statements required under subparagraph (A) of this paragraph must be written so as to be clearly readable.

(C) The Secretary of State may adopt rules necessary to implement this paragraph.

(h) Such other information as the county clerk considers to be appropriate or necessary to inform the voters.

(2) The county clerk shall mail or otherwise distribute the county voters' pamphlet not later than the last day for mailing ballots to electors as provided in ORS 254.470.

(3)(a) The name of the county clerk or other filing officer may not appear in the county voters' pamphlet in the county clerk's or filing officer's official capacity if the county clerk or filing officer is a candidate in the election for which the voters' pamphlet is printed.

(b) As used in this subsection, "filing officer" has the meaning given that term in ORS 254.165.

SECTION 5. ORS 251.170 is amended to read:

251.170. (1) The translation of a state voters' pamphlet or county voters' pamphlet required under ORS 251.167 shall be made in the manner described in this section.

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

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

(b) The ballot title for each measure;

(c) The explanatory statement for each measure;

(d) The financial estimate for each measure and any statement prepared for a measure under

- 1 ORS 250.125;
- 2 (e) Any racial and ethnic impact statement prepared for a measure under ORS 137.685;
- 3 (f) Any statement submitted for a measure by a citizen panel under ORS 250.141; and
- 4 (g) Except an argument for a measure prepared by the Legislative Assembly under ORS 251.245,
- 5 any other statement for a measure created by a public body as defined in ORS 174.109.
- 6 (3) In addition to the materials that the Secretary of State is required to have professionally
- 7 translated under subsection (2) of this section, the Secretary of State shall allow to be included in
- 8 the translated version of each state voters' pamphlet that is made available on the website of the
- 9 Secretary of State or of a county under ORS 251.167:
- 10 (a) Translations of a candidate statement submitted under ORS 251.065, provided that:
- 11 (A) The candidate is a candidate for federal or statewide office;
- 12 (B) The translation is filed by a candidate or the **agent** [*principal campaign committee*] of a
- 13 candidate described in subparagraph (A) of this paragraph;
- 14 (C) Neither the translation nor the candidate statement submitted under ORS 251.065 is rejected
- 15 under ORS 251.055;
- 16 (D) The candidate statement meets the requirements of a candidate statement set forth in this
- 17 chapter; and
- 18 (E) Any translation filed under this paragraph is in one of the five most commonly spoken lan-
- 19 guages in this state **and the five most commonly spoken languages of each county the office**
- 20 **represents**, other than English, as listed by the Secretary of State under ORS 251.167.
- 21 (b) Translations of an argument in support of or in opposition to a state measure filed under
- 22 ORS 251.255, provided that:
- 23 (A) The translation is filed by the person who filed the argument in support of or in opposition
- 24 to a state measure under ORS 251.255;
- 25 (B) Neither the translation nor the argument in support of or in opposition to a state measure
- 26 filed under ORS 251.255 is rejected under ORS 251.055;
- 27 (C) The statement in support of or in opposition to a state measure meets the requirements of
- 28 a statement in support of or in opposition to a state measure set forth in this chapter; and
- 29 (D) Any translation filed under this paragraph is in one of the five most commonly spoken lan-
- 30 guages in this state **and the five most commonly spoken languages of each county the office**
- 31 **represents**, other than English, as listed by the Secretary of State under ORS 251.167.
- 32 (c) Translations of any argument for a measure prepared by the Legislative Assembly under ORS
- 33 251.245 submitted by the Legislative Assembly, provided that any translation filed under this para-
- 34 graph is in one of the five most commonly spoken languages in this state **and the five most com-**
- 35 **monly spoken languages of each county the office represents**, other than English, as listed by
- 36 the Secretary of State under ORS 251.167.
- 37 (4)(a) A translation that is permitted or required under this section is not required to be iden-
- 38 tical in words to the original version but must be consistent with the meaning of the original ver-
- 39 sion.
- 40 (b) A translation is not subject to any limitations on the number of words allowed set forth in
- 41 this chapter.
- 42 (5) A county may at its own expense make or accept for publication on the county's website,
- 43 as part of a translated voters' pamphlet required under ORS 251.167, any portion of a state or
- 44 county voters' pamphlet that is not described in this section.
- 45 (6) The Secretary of State:

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

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

4 (7) As used in this section, “statewide office” means Governor, Secretary of State, State Treas-
 5 urer, Attorney General, Commissioner of the Bureau of Labor and Industries, or judge on the
 6 Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

7 **SECTION 6.** ORS 247.948 is amended to read:

8 247.948. (1)(a) Except as set forth in ORS 247.965 or 247.967, or as otherwise prohibited by law,
 9 the following information about an elector contained within an elector’s registration file is subject
 10 to inspection as a public record under ORS 192.311 to 192.478 and shall be included in lists delivered
 11 under ORS 247.940 and 247.945:

12 (A) The major political party or minor political party, if any, with which an elector is affiliated;

13 (B) The residence address of an elector;

14 (C) The address where an elector receives a ballot;

15 (D) The year in which an elector was born;

16 (E) The name or number of the precinct in which the elector resides;

17 (F) The precinct split of an elector;

18 (G) The administrative number for an elector that is used by the Secretary of State to determine
 19 which elections an elector may vote in;

20 (H) The telephone number of an elector;

21 (I) Whether or not an elector voted in previous elections; and

22 (J) During an election period, the ballot status of an elector. In order to comply with this sub-
 23 paragraph, during the election period, the secretary shall maintain a list of the ballot status of
 24 electors. The secretary shall update the list, and make available an updated version of the list, on
 25 each business day of the election period.

26 (b) As used in this subsection:

27 (A) “Ballot status” means whether or not an elector has cast a ballot in the election;

28 (B) “Election period” means the period of time beginning on the date that ballots for an election
 29 are first mailed to electors and ending on the date of the election; and

30 (C) “Precinct split” means the enhanced precinct name or number used to determine the specific
 31 ballot configuration that will be received by an elector who resides in a precinct that:

32 (i) Has more than one election district subdivision; and

33 (ii) Requires more than one ballot configuration for electors in the precinct.

34 (2) Except as set forth in ORS 247.973 or as otherwise required by law, **all confidential records,**
 35 **including any record that is required to be kept confidential as part of the Address**
 36 **Confidentiality Program under ORS 192.820 to 192.868, and** the following information about an
 37 elector contained within an elector’s registration file is not subject to inspection as a public record
 38 under ORS 192.311 to 192.478 and may not be disclosed by the Secretary of State or a county clerk:

39 (a) The birth month of an elector;

40 (b) The day of the month on which an elector was born;

41 (c) The Social Security number of an elector;

42 (d) The driver license number of an elector; and

43 (e) The signature of an elector.

44 (3) Nothing in this section is intended to limit or restrict the disclosure of information that is
 45 otherwise subject to inspection as a public record under ORS 192.311 to 192.478.

1 **SECTION 7.** ORS 247.940 is amended to read:

2 247.940. (1) A major political party qualified under ORS 248.006 or a minor political party qual-
 3 ified under ORS 248.008 may request from the Secretary of State a statewide list of electors, as de-
 4 scribed in ORS 247.945 (4). The list may not contain any information about participants in the
 5 Address Confidentiality Program established under ORS 192.820 to 192.868 or any information that
 6 may not be publicly disclosed under ORS 247.948. A major political party or a minor political party
 7 may make no more than two separate requests under this subsection per primary election, general
 8 election or special election.

9 (2)(a) A request for a list under subsection (1) of this section must be made:

10 [(a)] (A) Not earlier than [six] **three** months before the primary election, general election or
 11 special election; and

12 [(b)] (B) Not later than the 15th day before the primary election, general election or special
 13 election.

14 **(b) A request for a list under subsection (1) of this section may not be made during the**
 15 **period beginning on the date of the primary election, general election or special election and**
 16 **ending 14 days after the date of the election.**

17 (3) If the Secretary of State receives a request under subsection (1) of this section, the secretary
 18 shall deliver the list not later than 10 days after receiving the request.

19 (4) The Secretary of State may not charge for preparation or delivery of the list supplied under
 20 this section.

21 **SECTION 8.** ORS 260.232 is amended to read:

22 260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in
 23 addition to any other penalty that may be imposed, for:

24 (a) Failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,
 25 260.076, 260.078, 260.083, 260.112 or 260.118.

26 (b) Failure to include in a statement filed under ORS 260.044, 260.057, 260.076, 260.078, 260.083,
 27 260.112 or 260.118 the information required under ORS 260.044, 260.057, 260.076, 260.083 or 260.118.

28 (2)(a) If a person required to file has not filed a statement or certificate complying with appli-
 29 cable provisions of ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.085, 260.112 or 260.118 within
 30 the time specified in ORS 260.044, 260.057, 260.076, 260.078 or 260.118, the Secretary of State by first
 31 class mail or [electronically] **electronic mail** shall notify the person or elector designated under ORS
 32 260.042 or 260.118 that a penalty may be imposed and that the person has 20 days from the service
 33 date on the notice to request a hearing before the Secretary of State.

34 (b) If the person required to file is a candidate or the principal campaign committee of a can-
 35 didate, the Secretary of State shall send the notice described in paragraph (a) of this subsection by
 36 first class mail or [electronically] **electronic mail** to the candidate. The notice shall be used for
 37 purposes of determining the deadline for requesting a hearing under subsection (3) of this section.

38 (3) A hearing on whether to impose a civil penalty and to consider circumstances in mitigation
 39 shall be held by the Secretary of State:

40 (a) Upon request of the person against whom the penalty may be assessed, if the request is made
 41 not later than the 20th day after the service date on the notice sent under subsection (2) of this
 42 section;

43 (b) Upon request of the filing officer with whom a statement or certificate was required to be
 44 filed but was not filed; or

45 (c) Upon the Secretary of State's own motion.

1 (4) A hearing under subsection (3) of this section shall be held not later than 45 days after the
 2 deadline for the person against whom the penalty may be assessed to request a hearing. However,
 3 if requested by the person against whom the penalty may be assessed, a hearing under subsection
 4 (3) of this section shall be held not later than 60 days after the deadline for the person against whom
 5 the penalty may be assessed to request a hearing.

6 (5) The Secretary of State shall issue an order not later than 90 days after a hearing or after
 7 the deadline for requesting a hearing if no hearing is held.

8 (6) The person against whom a penalty may be assessed need not appear in person at a hearing
 9 held under this section, but instead may submit written testimony and other evidence, sworn to be-
 10 fore a notary public, to the Secretary of State for entry in the hearing record. The testimony and
 11 other evidence must be received by the secretary not later than three business days before the day
 12 of the hearing and may be submitted electronically.

13 (7) A civil penalty imposed under this section may not be more than the following:

14 (a) For failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,
 15 260.076, 260.078, 260.083, 260.112 or 260.118, 10 percent of the total amount of the contribution or
 16 expenditure required to be included in the statement or certificate; or

17 (b) For each failure to include in a statement filed under ORS 260.044, 260.057, 260.076, 260.078,
 18 260.083, 260.112 or 260.118 the information required under ORS 260.044, 260.057, 260.076, 260.083 or
 19 260.118, 10 percent of the total amount of the contribution or expenditure required to be included
 20 in the statement.

21 (8) The Secretary of State, upon a showing of mitigating circumstances, may reduce the amount
 22 of the penalty described in subsection (7) of this section.

23 (9) Except as otherwise provided by this section, civil penalties under this section shall be im-
 24 posed as provided in ORS 183.745.

25 **SECTION 9.** ORS 249.875, as amended by section 3, chapter 84, Oregon Laws 2022, is amended
 26 to read:

27 249.875. (1) A recall petition shall be void unless completed and filed not later than the 120th
 28 day after filing the prospective petition described in ORS 249.865. Not later than the 90th day after
 29 *[filing]* the **filing officer approves the prospective petition for circulation**, the petition shall be
 30 submitted to the filing officer who shall verify the signatures not later than the 30th day after the
 31 submission. The filed petition shall contain only original signatures. A recall petition shall not be
 32 accepted for signature verification if it contains less than 100 percent of the required number of
 33 signatures. The petition shall not be accepted for filing until 100 percent of the required number of
 34 signatures of electors have been verified.

35 (2) The provisions for verification of signatures on an initiative or referendum petition contained
 36 in ORS 250.105, are applicable to the verification of signatures on a recall petition.

37 **SECTION 10.** ORS 249.002 is amended to read:

38 249.002. As used in this chapter:

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

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

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

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

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

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

4 (7) "Nonpartisan office" means the office of judge, Commissioner of the Bureau of Labor and
5 Industries, any elected office of a metropolitan service district under ORS chapter 268, justice of the
6 peace, county clerk, county assessor, county surveyor, county treasurer, **county judge who exer-**
7 **cises judicial functions**, sheriff, district attorney or any office designated nonpartisan by a home
8 rule charter.

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

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

13 (10) "State office" means Governor, Secretary of State, State Treasurer, Attorney General,
14 Commissioner of the Bureau of Labor and Industries, judge, state Senator, state Representative or
15 district attorney.

16 **SECTION 11. Section 12 of this 2023 Act is added to and made a part of ORS chapter 249.**

17 **SECTION 12. (1) The Secretary of State by rule shall adopt an electronic filing system**
18 **to allow a nominating petition or declaration of candidacy to be filed electronically using the**
19 **Internet.**

20 **(2) All nominating petitions and declarations of candidacy must be filed using the elec-**
21 **tronic filing system adopted by the secretary under this section.**

22 **(3) The Secretary of State may adopt rules to administer this section.**

23 **SECTION 13.** ORS 249.720 is amended to read:

24 249.720. (1) A certificate of nomination shall contain:

25 (a) The name by which the candidate is commonly known. A candidate may use a nickname in
26 parentheses in connection with the full name.

27 (b) Address information as required by the Secretary of State by rule.

28 (c) The office, and department or position number if any, for which the candidate is nominated.

29 (d) The name of the minor political party, if any, that nominated the candidate.

30 (e) If the candidate is nominated for a partisan office by an assembly of electors or individual
31 electors, the word "nonaffiliated" and a statement that the candidate has not been a member of a
32 major or minor political party during at least 180 days before the deadline for filing the certificate
33 of nomination.

34 (f) A statement that the candidate will qualify if elected.

35 (g) The signature of the candidate.

36 (h) A statement of the candidate's occupation, educational and occupational background and
37 prior governmental experience.

38 (2) The Secretary of State shall ensure that the template for a certificate of nomination provides
39 the candidate with the option to provide the candidate's race and ethnicity.

40 (3) For certificates of nomination of candidates for electors of President and Vice President of
41 the United States, the names of the candidates for President and Vice President the candidates
42 represent may be added to the name of the minor political party or the word "nonaffiliated," as the
43 case may be. The names of all the candidates of a minor political party, or nonaffiliated candidates,
44 for electors of President and Vice President may be upon the same certificate of nomination.

45 (4) A certificate of nomination made by an assembly of electors shall be signed by the presiding

1 officer and secretary of the nominating convention of the assembly. A certificate of nomination made
 2 by a minor political party shall be signed by an officer of the party. An affidavit shall be made on
 3 the certificate by the presiding officer and secretary of the nominating convention of the assembly
 4 or by the officer of the minor political party and signed and acknowledged by them [*before a notary*
 5 *public*]. The affidavit shall be that the statements in the certificate of nomination and related docu-
 6 ments are true. **With respect to a certificate of nomination made by a minor political party,**
 7 **the affidavit shall state that the officer of the minor political party satisfied the require-**
 8 **ments of ORS 248.009.** With respect to an assembly of electors, the affidavit shall state that the
 9 assembly satisfied the requirements of ORS 249.735.

10 **SECTION 14.** ORS 247.965, as amended by section 1, chapter 114, Oregon Laws 2022, is
 11 amended to read:

12 247.965. (1) Any elector may request the county clerk to keep the residence address of the
 13 elector **and any family member residing with the elector** exempt from disclosure as a public re-
 14 cord under ORS 192.311 to 192.478.

15 (2) The county clerk shall keep the residence address of an elector **and any family member**
 16 **residing with the elector** exempt from disclosure as a public record under ORS 192.311 to 192.478
 17 if:

18 (a) The elector making the request demonstrates to the satisfaction of the county clerk that the
 19 elector's personal safety or the safety of any family member residing with the elector is in danger
 20 if the elector's address remains available for public inspection; or

21 (b) The elector has been identified as an election worker by the Secretary of State, county clerk
 22 or other public body as defined in ORS 174.109 in a manner prescribed by the secretary by rule.

23 (3) The county clerk shall automatically mail a ballot to an elector whose residence address is
 24 exempt from disclosure under this section.

25 (4) An exemption from disclosure granted under this section shall remain in effect until the
 26 elector requests termination of the exemption or the elector is required to update the elector's
 27 registration. If the elector is required to update the elector's registration, the elector may apply for
 28 another exemption from disclosure.

29 (5) An exemption from disclosure granted under this section includes an exemption from disclo-
 30 sure of the residence address of an elector under ORS 247.940 or 247.945.

31 (6) A county clerk or the Secretary of State shall not be held liable for:

32 (a) Granting or denying an exemption from disclosure under this section; or

33 (b) Any unauthorized release of a residence address granted an exemption from disclosure under
 34 this section.

35 (7) As used in this section, "election worker" means an individual employed full-time, part-time
 36 or as a volunteer:

37 (a) Who is serving the State of Oregon or any other public body, as defined in ORS 174.109, as
 38 an elected official, appointed official, employee or agent; and

39 (b) Whose official duties include carrying out any duty, function or power set forth in ORS
 40 chapters 246 to 260.

41 **SECTION 15.** ORS 192.345 is amended to read:

42 192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478
 43 unless the public interest requires disclosure in the particular instance:

44 (1) Records of a public body pertaining to litigation to which the public body is a party if the
 45 complaint has been filed, or if the complaint has not been filed, if the public body shows that such

1 litigation is reasonably likely to occur. This exemption does not apply to litigation which has been
2 concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery
3 or deposition statutes to a party to litigation or potential litigation.

4 (2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to,
5 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or
6 compilation of information which is not patented, which is known only to certain individuals within
7 an organization and which is used in a business it conducts, having actual or potential commercial
8 value, and which gives its user an opportunity to obtain a business advantage over competitors who
9 do not know or use it.

10 (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the
11 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay
12 disclosure in the course of a specific investigation, including the need to protect the complaining
13 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or
14 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the
15 record of an arrest or the report of a crime includes, but is not limited to:

16 (a) The arrested person's name, age, residence, employment, marital status and similar bi-
17 ographical information;

18 (b) The offense with which the arrested person is charged;

19 (c) The conditions of release pursuant to ORS 135.230 to 135.290;

20 (d) The identity of and biographical information concerning both complaining party and victim;

21 (e) The identity of the investigating and arresting agency and the length of the investigation;

22 (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

23 (g) Such information as may be necessary to enlist public assistance in apprehending fugitives
24 from justice.

25 (4) Test questions, scoring keys, and other data used to administer a licensing examination,
26 employment, academic or other examination or testing procedure before the examination is given
27 and if the examination is to be used again. Records establishing procedures for and instructing
28 persons administering, grading or evaluating an examination or testing procedure are included in
29 this exemption, to the extent that disclosure would create a risk that the result might be affected.

30 (5) Information consisting of production records, sale or purchase records or catch records, or
31 similar business records of a private concern or enterprise, required by law to be submitted to or
32 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
33 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent
34 that such information is in a form that would permit identification of the individual concern or en-
35 terprise. This exemption does not include records submitted by long term care facilities as defined
36 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-
37 tient care. Nothing in this subsection shall limit the use that can be made of such information for
38 regulatory purposes or its admissibility in any enforcement proceeding.

39 (6) Information relating to the appraisal of real estate prior to its acquisition.

40 (7) The names and signatures of employees who sign authorization cards or petitions for the
41 purpose of requesting representation or decertification elections.

42 (8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825,
43 until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under
44 ORS 659A.850.

45 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and

1 663.180.

2 (10) Records, reports and other information received or compiled by the Director of the De-
3 partment of Consumer and Business Services under ORS 697.732.

4 (11) Information concerning the location of archaeological sites or objects as those terms are
5 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and
6 the need for the information is related to that Indian tribe's cultural or religious activities. This
7 exemption does not include information relating to a site that is all or part of an existing, commonly
8 known and publicized tourist facility or attraction.

9 (12) A personnel discipline action, or materials or documents supporting that action.

10 (13) Fish and wildlife information:

11 (a) Developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, re-
12 garding the habitat, location or population of any threatened species or endangered species; or

13 (b) Described in section 2, chapter 532, Oregon Laws 2019.

14 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
15 connection with research, until publicly released, copyrighted or patented.

16 (15) Computer programs developed or purchased by or for any public body for its own use. As
17 used in this subsection, "computer program" means a series of instructions or statements which
18 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
19 manipulation of data from such computer system, and any associated documentation and source
20 material that explain how to operate the computer program. "Computer program" does not include:

21 (a) The original data, including but not limited to numbers, text, voice, graphics and images;

22 (b) Analyses, compilations and other manipulated forms of the original data produced by use of
23 the program; or

24 (c) The mathematical and statistical formulas which would be used if the manipulated forms of
25 the original data were to be produced manually.

26 (16) Data and information provided by participants to mediation under ORS 36.256.

27 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,
28 until a final administrative determination is made or, if a citation is issued, until an employer re-
29 ceives notice of any citation.

30 (18) Specific operational plans in connection with an anticipated threat to individual or public
31 safety for deployment and use of personnel and equipment, prepared or used by a public body, if
32 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a
33 law enforcement activity.

34 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
35 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a
36 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
37 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
38 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
39 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
40 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an
41 audit of a cost study that would be discoverable in a contested case proceeding and that is not
42 subject to a protective order; and

43 (b) Financial statements. As used in this paragraph, "financial statement" means a financial
44 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,
45 with a telecommunications carrier, as defined in ORS 133.721.

1 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
2 247.967.

3 (21) The following records, communications and information submitted to a housing authority
4 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants
5 for and recipients of loans, grants and tax credits:

6 (a) Personal and corporate financial statements and information, including tax returns;

7 (b) Credit reports;

8 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
9 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
10 of as part of the project, but only after the transactions have closed and are concluded;

11 (d) Market studies and analyses;

12 (e) Articles of incorporation, partnership agreements and operating agreements;

13 (f) Commitment letters;

14 (g) Project pro forma statements;

15 (h) Project cost certifications and cost data;

16 (i) Audits;

17 (j) Project tenant correspondence requested to be confidential;

18 (k) Tenant files relating to certification; and

19 (L) Housing assistance payment requests.

20 (22) Records or information that, if disclosed, would allow a person to:

21 (a) Gain unauthorized access to buildings or other property;

22 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
23 disruption to, or interference with, services; or

24 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
25 cessing, communication or telecommunication systems, including the information contained in the
26 systems, that are used or operated by a public body.

27 (23) Records or information that would reveal or otherwise identify security measures, or
28 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
29 protect:

30 (a) An individual;

31 (b) Buildings or other property;

32 (c) Information processing, communication or telecommunication systems, including the infor-
33 mation contained in the systems; or

34 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
35 evaluation under ORS 461.180 (6).

36 (24) Personal information held by or under the direction of officials of the Oregon Health and
37 Science University or a public university listed in ORS 352.002 about a person who has or who is
38 interested in donating money or property to the Oregon Health and Science University or a public
39 university, if the information is related to the family of the person, personal assets of the person or
40 is incidental information not related to the donation.

41 (25) The home address, professional address and telephone number of a person who has or who
42 is interested in donating money or property to a public university listed in ORS 352.002.

43 (26) Records of the name and address of a person who files a report with or pays an assessment
44 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
45 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

1 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
2 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
3 card expiration date, password, financial institution account number and financial institution routing
4 number.

5 (28) Social Security numbers as provided in ORS 107.840.

6 (29) The electronic mail address of a student who attends a public university listed in ORS
7 352.002 or Oregon Health and Science University.

8 (30) The name, home address, professional address or location of a person that is engaged in,
9 or that provides goods or services for, medical research at Oregon Health and Science University
10 that is conducted using animals other than rodents. This subsection does not apply to Oregon Health
11 and Science University press releases, websites or other publications circulated to the general pub-
12 lic.

13 (31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile
14 department employee who is charged with and primarily performs duties related to the custody,
15 control or supervision of adjudicated youths confined in a detention facility, as defined in ORS
16 419A.004:

17 (a) The home address and home telephone number of the public safety officer or county juvenile
18 department employee contained in the voter registration records for the officer or employee.

19 (b) The home address and home telephone number of the public safety officer or county juvenile
20 department employee contained in records of the Department of Public Safety Standards and Train-
21 ing.

22 (c) The name of the public safety officer or county juvenile department employee contained in
23 county real property assessment or taxation records. This exemption:

24 (A) Applies only to the name of the officer or employee and any other owner of the property in
25 connection with a specific property identified by the officer or employee in a request for exemption
26 from disclosure;

27 (B) Applies only to records that may be made immediately available to the public upon request
28 in person, by telephone or using the Internet;

29 (C) Applies until the officer or employee requests termination of the exemption;

30 (D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
31 governmental purposes; and

32 (E) May not result in liability for the county if the name of the officer or employee is disclosed
33 after a request for exemption from disclosure is made under this subsection.

34 (32) Unless the public records request is made by a financial institution, as defined in ORS
35 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage
36 broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records de-
37 scribed in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought
38 by an individual described in paragraph (b) of this subsection using the procedure described in par-
39 agraph (c) of this subsection:

40 (a) The home address, home or cellular telephone number or personal electronic mail address
41 contained in the records of any public body that has received the request that is set forth in:

42 (A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction,
43 substitution of trustee, easement, dog license, marriage license or military discharge record that is
44 in the possession of the county clerk; or

45 (B) Any public record of a public body other than the county clerk.

1 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy
2 district attorney, the Attorney General or an assistant attorney general, the United States Attorney
3 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city
4 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages
5 in the prosecution of criminal matters.

6 (c) The individual claiming the exemption from disclosure must do so by filing the claim in
7 writing with the public body for which the exemption from disclosure is being claimed on a form
8 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall
9 list the public records in the possession of the public body to which the exemption applies. The ex-
10 emption applies until the individual claiming the exemption requests termination of the exemption
11 or ceases to qualify for the exemption.

12 (33) The following voluntary conservation agreements and reports:

13 (a) Land management plans required for voluntary stewardship agreements entered into under
14 ORS 541.973; and

15 (b) Written agreements relating to the conservation of greater sage grouse entered into volun-
16 tarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

17 (34) Sensitive business records or financial or commercial information of the State Accident In-
18 surance Fund Corporation that is not customarily provided to business competitors. This exemption
19 does not:

20 (a) Apply to the formulas for determining dividends to be paid to employers insured by the State
21 Accident Insurance Fund Corporation;

22 (b) Apply to contracts for advertising, public relations or lobbying services or to documents re-
23 lated to the formation of such contracts;

24 (c) Apply to group insurance contracts or to documents relating to the formation of such con-
25 tracts, except that employer account records shall remain exempt from disclosure as provided in
26 ORS 192.355 (35); or

27 (d) Provide the basis for opposing the discovery of documents in litigation pursuant to the ap-
28 plicable rules of civil procedure.

29 (35) Records of the Department of Public Safety Standards and Training relating to investi-
30 gations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report de-
31 scribed in ORS 181A.640 or 181A.870.

32 (36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical
33 examiner under ORS 146.117.

34 (37) Any document or other information related to an audit of a public body, as defined in ORS
35 174.109, that is in the custody of an auditor or audit organization operating under nationally re-
36 cognized government auditing standards, until the auditor or audit organization issues a final audit
37 report in accordance with those standards or the audit is abandoned. This exemption does not pro-
38 hibit disclosure of a draft audit report that is provided to the audited entity for the entity's response
39 to the audit findings.

40 (38)(a) Personally identifiable information collected as part of an electronic fare collection sys-
41 tem of a mass transit system.

42 (b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public
43 records that have attributes of anonymity that are sufficient, or that are aggregated into groupings
44 that are broad enough, to ensure that persons cannot be identified by disclosure of the public re-
45 cords.

1 (c) As used in this subsection:

2 (A) "Electronic fare collection system" means the software and hardware used for, associated
3 with or relating to the collection of transit fares for a mass transit system, including but not limited
4 to computers, radio communication systems, personal mobile devices, wearable technology, fare in-
5 struments, information technology, data storage or collection equipment, or other equipment or im-
6 provements.

7 (B) "Mass transit system" has the meaning given that term in ORS 267.010.

8 (C) "Personally identifiable information" means all information relating to a person that ac-
9 quires or uses a transit pass or other fare payment medium in connection with an electronic fare
10 collection system, including but not limited to:

11 (i) Customer account information, date of birth, telephone number, physical address, electronic
12 mail address, credit or debit card information, bank account information, Social Security or taxpayer
13 identification number or other identification number, transit pass or fare payment medium balances
14 or history, or similar personal information; or

15 (ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use,
16 or similar travel information.

17 (39)(a) If requested by a civil code enforcement officer:

18 (A) The home address and home telephone number of the civil code enforcement officer con-
19 tained in the voter registration records for the officer.

20 (B) The name of the civil code enforcement officer contained in county real property assessment
21 or taxation records. This exemption:

22 (i) Applies only to the name of the civil code enforcement officer and any other owner of the
23 property in connection with a specific property identified by the officer in a request for exemption
24 from disclosure;

25 (ii) Applies only to records that may be made immediately available to the public upon request
26 in person, by telephone or using the Internet;

27 (iii) Applies until the civil code enforcement officer requests termination of the exemption;

28 (iv) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
29 governmental purposes; and

30 (v) May not result in liability for the county if the name of the civil code enforcement officer
31 is disclosed after a request for exemption from disclosure is made under this subsection.

32 (b) As used in this subsection, "civil code enforcement officer" means an employee of a public
33 body, as defined in ORS 174.109, who is charged with enforcing laws or ordinances relating to land
34 use, zoning, use of rights-of-way, solid waste, hazardous waste, sewage treatment and disposal or the
35 state building code.

36 (40) Audio or video recordings, whether digital or analog, resulting from a law enforcement
37 officer's operation of a video camera worn upon the officer's person that records the officer's inter-
38 actions with members of the public while the officer is on duty. When a recording described in this
39 subsection is subject to disclosure, the following apply:

40 (a) Recordings that have been sealed in a court's record of a court proceeding or otherwise or-
41 dered by a court not to be disclosed may not be disclosed.

42 (b) A request for disclosure under this subsection must identify the approximate date and time
43 of an incident for which the recordings are requested and be reasonably tailored to include only that
44 material for which a public interest requires disclosure.

45 (c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a

1 manner as to render the faces of all persons within the recording unidentifiable.

2 (41) The contents of tips reported to a tip line, as defined in ORS 339.329. However, personally
3 identifiable information, as defined in ORS 339.329, is not subject to public interest balancing under
4 this section and remains exempt from disclosure except as provided in ORS 339.329.

5 (42) Residential addresses of individuals with intellectual or developmental disabilities residing
6 in adult foster homes as defined in ORS 443.705 or residential training facilities or residential
7 training homes as those terms are defined in ORS 443.400.

8 **(43) Signatures submitted on a signature sheet for an initiative, nominating, political**
9 **party formation, referendum or recall petition.**

10 **SECTION 16.** ORS 192.345, as amended by section 4, chapter 532, Oregon Laws 2019, section
11 2, chapter 318, Oregon Laws 2021, and section 23, chapter 489, Oregon Laws 2021, is amended to
12 read:

13 192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478
14 unless the public interest requires disclosure in the particular instance:

15 (1) Records of a public body pertaining to litigation to which the public body is a party if the
16 complaint has been filed, or if the complaint has not been filed, if the public body shows that such
17 litigation is reasonably likely to occur. This exemption does not apply to litigation which has been
18 concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery
19 or deposition statutes to a party to litigation or potential litigation.

20 (2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to,
21 any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or
22 compilation of information which is not patented, which is known only to certain individuals within
23 an organization and which is used in a business it conducts, having actual or potential commercial
24 value, and which gives its user an opportunity to obtain a business advantage over competitors who
25 do not know or use it.

26 (3) Investigatory information compiled for criminal law purposes. The record of an arrest or the
27 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay
28 disclosure in the course of a specific investigation, including the need to protect the complaining
29 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or
30 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the
31 record of an arrest or the report of a crime includes, but is not limited to:

32 (a) The arrested person's name, age, residence, employment, marital status and similar bi-
33 ographical information;

34 (b) The offense with which the arrested person is charged;

35 (c) The conditions of release pursuant to ORS 135.230 to 135.290;

36 (d) The identity of and biographical information concerning both complaining party and victim;

37 (e) The identity of the investigating and arresting agency and the length of the investigation;

38 (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

39 (g) Such information as may be necessary to enlist public assistance in apprehending fugitives
40 from justice.

41 (4) Test questions, scoring keys, and other data used to administer a licensing examination,
42 employment, academic or other examination or testing procedure before the examination is given
43 and if the examination is to be used again. Records establishing procedures for and instructing
44 persons administering, grading or evaluating an examination or testing procedure are included in
45 this exemption, to the extent that disclosure would create a risk that the result might be affected.

1 (5) Information consisting of production records, sale or purchase records or catch records, or
2 similar business records of a private concern or enterprise, required by law to be submitted to or
3 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
4 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent
5 that such information is in a form that would permit identification of the individual concern or en-
6 terprise. This exemption does not include records submitted by long term care facilities as defined
7 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-
8 tient care. Nothing in this subsection shall limit the use that can be made of such information for
9 regulatory purposes or its admissibility in any enforcement proceeding.

10 (6) Information relating to the appraisal of real estate prior to its acquisition.

11 (7) The names and signatures of employees who sign authorization cards or petitions for the
12 purpose of requesting representation or decertification elections.

13 (8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825,
14 until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under
15 ORS 659A.850.

16 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
17 663.180.

18 (10) Records, reports and other information received or compiled by the Director of the De-
19 partment of Consumer and Business Services under ORS 697.732.

20 (11) Information concerning the location of archaeological sites or objects as those terms are
21 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and
22 the need for the information is related to that Indian tribe's cultural or religious activities. This
23 exemption does not include information relating to a site that is all or part of an existing, commonly
24 known and publicized tourist facility or attraction.

25 (12) A personnel discipline action, or materials or documents supporting that action.

26 (13) Fish and wildlife information developed pursuant to ORS 496.004, 496.172 and 498.026 or
27 ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or
28 endangered species.

29 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
30 connection with research, until publicly released, copyrighted or patented.

31 (15) Computer programs developed or purchased by or for any public body for its own use. As
32 used in this subsection, "computer program" means a series of instructions or statements which
33 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
34 manipulation of data from such computer system, and any associated documentation and source
35 material that explain how to operate the computer program. "Computer program" does not include:

36 (a) The original data, including but not limited to numbers, text, voice, graphics and images;

37 (b) Analyses, compilations and other manipulated forms of the original data produced by use of
38 the program; or

39 (c) The mathematical and statistical formulas which would be used if the manipulated forms of
40 the original data were to be produced manually.

41 (16) Data and information provided by participants to mediation under ORS 36.256.

42 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,
43 until a final administrative determination is made or, if a citation is issued, until an employer re-
44 ceives notice of any citation.

45 (18) Specific operational plans in connection with an anticipated threat to individual or public

1 safety for deployment and use of personnel and equipment, prepared or used by a public body, if
2 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a
3 law enforcement activity.

4 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
5 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a
6 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
7 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
8 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
9 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
10 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an
11 audit of a cost study that would be discoverable in a contested case proceeding and that is not
12 subject to a protective order; and

13 (b) Financial statements. As used in this paragraph, "financial statement" means a financial
14 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,
15 with a telecommunications carrier, as defined in ORS 133.721.

16 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
17 247.967.

18 (21) The following records, communications and information submitted to a housing authority
19 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants
20 for and recipients of loans, grants and tax credits:

21 (a) Personal and corporate financial statements and information, including tax returns;

22 (b) Credit reports;

23 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
24 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
25 of as part of the project, but only after the transactions have closed and are concluded;

26 (d) Market studies and analyses;

27 (e) Articles of incorporation, partnership agreements and operating agreements;

28 (f) Commitment letters;

29 (g) Project pro forma statements;

30 (h) Project cost certifications and cost data;

31 (i) Audits;

32 (j) Project tenant correspondence requested to be confidential;

33 (k) Tenant files relating to certification; and

34 (L) Housing assistance payment requests.

35 (22) Records or information that, if disclosed, would allow a person to:

36 (a) Gain unauthorized access to buildings or other property;

37 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
38 disruption to, or interference with, services; or

39 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
40 cessing, communication or telecommunication systems, including the information contained in the
41 systems, that are used or operated by a public body.

42 (23) Records or information that would reveal or otherwise identify security measures, or
43 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
44 protect:

45 (a) An individual;

- 1 (b) Buildings or other property;
- 2 (c) Information processing, communication or telecommunication systems, including the infor-
- 3 mation contained in the systems; or
- 4 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
- 5 evaluation under ORS 461.180 (6).
- 6 (24) Personal information held by or under the direction of officials of the Oregon Health and
- 7 Science University or a public university listed in ORS 352.002 about a person who has or who is
- 8 interested in donating money or property to the Oregon Health and Science University or a public
- 9 university, if the information is related to the family of the person, personal assets of the person or
- 10 is incidental information not related to the donation.
- 11 (25) The home address, professional address and telephone number of a person who has or who
- 12 is interested in donating money or property to a public university listed in ORS 352.002.
- 13 (26) Records of the name and address of a person who files a report with or pays an assessment
- 14 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
- 15 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.
- 16 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
- 17 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
- 18 card expiration date, password, financial institution account number and financial institution routing
- 19 number.
- 20 (28) Social Security numbers as provided in ORS 107.840.
- 21 (29) The electronic mail address of a student who attends a public university listed in ORS
- 22 352.002 or Oregon Health and Science University.
- 23 (30) The name, home address, professional address or location of a person that is engaged in,
- 24 or that provides goods or services for, medical research at Oregon Health and Science University
- 25 that is conducted using animals other than rodents. This subsection does not apply to Oregon Health
- 26 and Science University press releases, websites or other publications circulated to the general pub-
- 27 lic.
- 28 (31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile
- 29 department employee who is charged with and primarily performs duties related to the custody,
- 30 control or supervision of adjudicated youths confined in a detention facility, as defined in ORS
- 31 419A.004:
- 32 (a) The home address and home telephone number of the public safety officer or county juvenile
- 33 department employee contained in the voter registration records for the officer or employee.
- 34 (b) The home address and home telephone number of the public safety officer or county juvenile
- 35 department employee contained in records of the Department of Public Safety Standards and Train-
- 36 ing.
- 37 (c) The name of the public safety officer or county juvenile department employee contained in
- 38 county real property assessment or taxation records. This exemption:
- 39 (A) Applies only to the name of the officer or employee and any other owner of the property in
- 40 connection with a specific property identified by the officer or employee in a request for exemption
- 41 from disclosure;
- 42 (B) Applies only to records that may be made immediately available to the public upon request
- 43 in person, by telephone or using the Internet;
- 44 (C) Applies until the officer or employee requests termination of the exemption;
- 45 (D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for

1 governmental purposes; and

2 (E) May not result in liability for the county if the name of the officer or employee is disclosed
3 after a request for exemption from disclosure is made under this subsection.

4 (32) Unless the public records request is made by a financial institution, as defined in ORS
5 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage
6 broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records de-
7 scribed in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought
8 by an individual described in paragraph (b) of this subsection using the procedure described in par-
9 agraph (c) of this subsection:

10 (a) The home address, home or cellular telephone number or personal electronic mail address
11 contained in the records of any public body that has received the request that is set forth in:

12 (A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction,
13 substitution of trustee, easement, dog license, marriage license or military discharge record that is
14 in the possession of the county clerk; or

15 (B) Any public record of a public body other than the county clerk.

16 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy
17 district attorney, the Attorney General or an assistant attorney general, the United States Attorney
18 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city
19 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages
20 in the prosecution of criminal matters.

21 (c) The individual claiming the exemption from disclosure must do so by filing the claim in
22 writing with the public body for which the exemption from disclosure is being claimed on a form
23 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall
24 list the public records in the possession of the public body to which the exemption applies. The ex-
25 emption applies until the individual claiming the exemption requests termination of the exemption
26 or ceases to qualify for the exemption.

27 (33) The following voluntary conservation agreements and reports:

28 (a) Land management plans required for voluntary stewardship agreements entered into under
29 ORS 541.973; and

30 (b) Written agreements relating to the conservation of greater sage grouse entered into volun-
31 tarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

32 (34) Sensitive business records or financial or commercial information of the State Accident In-
33 surance Fund Corporation that is not customarily provided to business competitors. This exemption
34 does not:

35 (a) Apply to the formulas for determining dividends to be paid to employers insured by the State
36 Accident Insurance Fund Corporation;

37 (b) Apply to contracts for advertising, public relations or lobbying services or to documents re-
38 lated to the formation of such contracts;

39 (c) Apply to group insurance contracts or to documents relating to the formation of such con-
40 tracts, except that employer account records shall remain exempt from disclosure as provided in
41 ORS 192.355 (35); or

42 (d) Provide the basis for opposing the discovery of documents in litigation pursuant to the ap-
43 plicable rules of civil procedure.

44 (35) Records of the Department of Public Safety Standards and Training relating to investi-
45 gations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report de-

1 scribed in ORS 181A.640 or 181A.870.

2 (36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical
3 examiner under ORS 146.117.

4 (37) Any document or other information related to an audit of a public body, as defined in ORS
5 174.109, that is in the custody of an auditor or audit organization operating under nationally re-
6 cognized government auditing standards, until the auditor or audit organization issues a final audit
7 report in accordance with those standards or the audit is abandoned. This exemption does not pro-
8 hibit disclosure of a draft audit report that is provided to the audited entity for the entity's response
9 to the audit findings.

10 (38)(a) Personally identifiable information collected as part of an electronic fare collection sys-
11 tem of a mass transit system.

12 (b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public
13 records that have attributes of anonymity that are sufficient, or that are aggregated into groupings
14 that are broad enough, to ensure that persons cannot be identified by disclosure of the public re-
15 cords.

16 (c) As used in this subsection:

17 (A) "Electronic fare collection system" means the software and hardware used for, associated
18 with or relating to the collection of transit fares for a mass transit system, including but not limited
19 to computers, radio communication systems, personal mobile devices, wearable technology, fare in-
20 struments, information technology, data storage or collection equipment, or other equipment or im-
21 provements.

22 (B) "Mass transit system" has the meaning given that term in ORS 267.010.

23 (C) "Personally identifiable information" means all information relating to a person that ac-
24 quires or uses a transit pass or other fare payment medium in connection with an electronic fare
25 collection system, including but not limited to:

26 (i) Customer account information, date of birth, telephone number, physical address, electronic
27 mail address, credit or debit card information, bank account information, Social Security or taxpayer
28 identification number or other identification number, transit pass or fare payment medium balances
29 or history, or similar personal information; or

30 (ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use,
31 or similar travel information.

32 (39)(a) If requested by a civil code enforcement officer:

33 (A) The home address and home telephone number of the civil code enforcement officer con-
34 tained in the voter registration records for the officer.

35 (B) The name of the civil code enforcement officer contained in county real property assessment
36 or taxation records. This exemption:

37 (i) Applies only to the name of the civil code enforcement officer and any other owner of the
38 property in connection with a specific property identified by the officer in a request for exemption
39 from disclosure;

40 (ii) Applies only to records that may be made immediately available to the public upon request
41 in person, by telephone or using the Internet;

42 (iii) Applies until the civil code enforcement officer requests termination of the exemption;

43 (iv) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
44 governmental purposes; and

45 (v) May not result in liability for the county if the name of the civil code enforcement officer

1 is disclosed after a request for exemption from disclosure is made under this subsection.

2 (b) As used in this subsection, “civil code enforcement officer” means an employee of a public
3 body, as defined in ORS 174.109, who is charged with enforcing laws or ordinances relating to land
4 use, zoning, use of rights-of-way, solid waste, hazardous waste, sewage treatment and disposal or the
5 state building code.

6 (40) Audio or video recordings, whether digital or analog, resulting from a law enforcement
7 officer’s operation of a video camera worn upon the officer’s person that records the officer’s inter-
8 actions with members of the public while the officer is on duty. When a recording described in this
9 subsection is subject to disclosure, the following apply:

10 (a) Recordings that have been sealed in a court’s record of a court proceeding or otherwise or-
11 dered by a court not to be disclosed may not be disclosed.

12 (b) A request for disclosure under this subsection must identify the approximate date and time
13 of an incident for which the recordings are requested and be reasonably tailored to include only that
14 material for which a public interest requires disclosure.

15 (c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a
16 manner as to render the faces of all persons within the recording unidentifiable.

17 (41) The contents of tips reported to a tip line, as defined in ORS 339.329. However, personally
18 identifiable information, as defined in ORS 339.329, is not subject to public interest balancing under
19 this section and remains exempt from disclosure except as provided in ORS 339.329.

20 (42) Residential addresses of individuals with intellectual or developmental disabilities residing
21 in adult foster homes as defined in ORS 443.705 or residential training facilities or residential
22 training homes as those terms are defined in ORS 443.400.

23 **(43) Signatures submitted on a signature sheet for an initiative, nominating, political**
24 **party formation, referendum or recall petition.**

25 **SECTION 17.** ORS 260.555 is amended to read:

26 260.555. (1) No person attempting to obtain signatures on, or causing to be circulated, an initi-
27 ative, **nominating, political party formation**, referendum or recall petition, shall knowingly make
28 any false statement regarding the contents, meaning or effect of the petition to any person who signs
29 it, attempts to sign it, is requested to sign it or requests information concerning it.

30 (2) No person shall attempt to obtain signatures to, cause to be circulated or file with a filing
31 officer, an initiative, **nominating, political party formation**, referendum or recall petition, knowing
32 it to contain a false signature.

33 (3) No person shall attempt to obtain the signature of a person to an initiative, **nominating,**
34 **political party formation**, referendum or recall petition knowing that the person signing the peti-
35 tion is not qualified to sign it.

36 (4) No person shall knowingly sign an initiative, **nominating, political party formation**, ref-
37 erendum or recall petition more than once, knowingly sign such petition when not qualified to sign
38 it, or sign such petition in any name other than the person’s own.

39 (5) No public official or employee shall knowingly make a false certification concerning an ini-
40 tiative, **nominating, political party formation**, referendum or recall petition.

41 **SECTION 18.** ORS 260.561 is amended to read:

42 260.561. (1)(a) If a chief petitioner of a statewide initiative, **nominating, political party for-**
43 **mation** or referendum petition has knowledge of a violation of any provision of Oregon Revised
44 Statutes, of any rule adopted by the Secretary of State under ORS chapters 246 to 260 related to the
45 circulation of a statewide initiative, **nominating, political party formation** or referendum petition

1 or section 1b, Article IV of the Oregon Constitution, committed by a person obtaining signatures
 2 on the chief petitioner’s petition or prospective petition, the violation by the person obtaining sig-
 3 natures is conclusively considered a violation by the chief petitioner.

4 (b) If a chief petitioner of a statewide initiative, **nominating, political party formation** or
 5 referendum petition has knowledge or should have had knowledge of a violation of ORS 250.048,
 6 260.262, 260.555, 260.558, 260.567, 260.575, 260.665, 260.715 (1) or section 1b, Article IV of the Oregon
 7 Constitution, or any rule adopted by the Secretary of State related to section 1b, Article IV of the
 8 Oregon Constitution, petition sheets or circulator training, registration or certification, committed
 9 by a person obtaining signatures on the chief petitioner’s petition or prospective petition or a con-
 10 tractor or subcontractor, as defined in ORS 260.563, the violation by the person obtaining signatures
 11 or the contractor or subcontractor is conclusively considered a violation by the chief petitioner.

12 (2) A chief petitioner is not liable under subsection (1) of this section if the chief petitioner no-
 13 tifies the Secretary of State in writing not later than one business day after the chief petitioner
 14 obtains knowledge of a potential violation. The notice shall state:

- 15 (a) That a potential violation has occurred;
- 16 (b) The nature of the potential violation; and
- 17 (c) All specific information known to the chief petitioner regarding the potential violation.

18 (3) If a statewide initiative, **nominating, political party formation** or referendum petition has
 19 more than one chief petitioner, each chief petitioner who has knowledge or should have had
 20 knowledge may be held liable under subsection (1) of this section.

21 (4)(a) Subsection (1)(a) of this section does not apply to a violation of law that is subject to
 22 criminal penalty.

23 (b) A chief petitioner may not be held criminally liable under subsection (1)(b) of this section
 24 solely based on a violation committed by a person obtaining signatures on the chief petitioner’s pe-
 25 tition or prospective petition or by a contractor or subcontractor.

26 **SECTION 19.** ORS 260.563 is amended to read:

27 260.563. (1) As used in this section:

28 (a) “Contractor” means a person who contracts on predetermined terms with a chief petitioner,
 29 or a person acting on behalf of a chief petitioner, of an initiative, **nominating, political party**
 30 **formation** or referendum petition or a prospective petition for a state measure to be initiated for
 31 the purpose of obtaining signatures on the petition or prospective petition.

32 (b) “Subcontractor” means a person who contracts on predetermined terms with a contractor for
 33 the purpose of obtaining signatures on an initiative, **nominating, political party formation** or
 34 referendum petition or a prospective petition for a state measure to be initiated and who has no
 35 direct contractual relationship with a chief petitioner or other person acting on behalf of a chief
 36 petitioner.

37 (2) If a contractor has knowledge or should have had knowledge of a violation of ORS 250.048,
 38 260.555, 260.558, 260.567, 260.575, 260.665 or 260.715 (1) or section 1b, Article IV of the Oregon
 39 Constitution, or any rule adopted by the Secretary of State related to section 1b, Article IV of the
 40 Oregon Constitution, petition sheets or circulator training, registration or certification, by a sub-
 41 contractor, the violation by the subcontractor is conclusively considered a violation by the con-
 42 tractor.

43 (3) A contractor is not liable under subsection (2) of this section if the contractor notifies the
 44 Secretary of State in writing not later than one business day after the contractor obtains knowledge
 45 of a potential violation. The notice shall state:

- 1 (a) That a potential violation has occurred;
- 2 (b) The nature of the potential violation; and
- 3 (c) All specific information known to the contractor regarding the potential violation.

4 (4) A contractor may not be held criminally liable under this section solely based on a violation
5 committed by a subcontractor.

6 **SECTION 20.** ORS 250.052 is amended to read:

7 250.052. (1)(a) For each state initiative, referendum or recall petition, the Secretary of State
8 shall prepare official templates of the cover and signature sheets for the petition. Except as pro-
9 vided in this section, templates of cover and signature sheets for state initiative and referendum
10 petitions are subject to the requirements of ORS 250.045. The templates of signature sheets to be
11 used by persons who are being paid to obtain signatures on the petition shall be a different color
12 from the sheets to be used by persons who are not being paid to obtain signatures on the petition.

13 (b) For each prospective petition for a state measure to be initiated the secretary shall prepare
14 official templates of the cover and signature sheets. The templates of signature sheets to be used
15 by persons who are being paid to obtain signatures on the prospective petition shall be a different
16 color from the sheets to be used by persons who are not being paid to obtain signatures on the
17 prospective petition. Each signature sheet for the prospective petition shall:

18 (A) Contain a notice describing the meaning of the color of the signature sheet; and

19 (B) If one or more persons will be paid for obtaining signatures of electors on the prospective
20 petition, contain a notice stating: “Some Circulators For This Prospective Petition Are Being
21 Paid.” The notice shall be in boldfaced type and shall be prominently displayed on the sheet.

22 (2) A person obtaining signatures on a state initiative, referendum or recall petition or a pro-
23 spective petition for a state measure to be initiated may use only the cover and signature sheets
24 contained in the official templates prepared for the petition or prospective petition. A person who
25 is being paid to obtain signatures on the petition or prospective petition shall use the signature
26 sheet template designated for use by persons being paid to obtain signatures. A person who is not
27 being paid to obtain signatures on the petition or prospective petition shall use the signature sheet
28 template designated for use by persons who are not being paid to obtain signatures.

29 (3)(a) The secretary shall issue templates for a petition or prospective petition only to a chief
30 petitioner of the petition or prospective petition or to an agent designated by a chief petitioner.

31 (b) If the ballot title for a state initiative petition has been challenged under ORS 250.085, the
32 secretary may not issue an official template for the initiative petition until the Supreme Court has
33 certified a final ballot title.

34 (4) The secretary shall issue official templates to a chief petitioner or designated agent not later
35 than:

36 (a) Three business days after the deadline for filing a petition under ORS 250.085 relating to a
37 ballot title certified by the Attorney General for the state initiative petition or, if a petition is filed
38 with the Supreme Court under ORS 250.085, three business days after the Supreme Court certifies
39 to the secretary a final ballot title for the state initiative petition;

40 (b) Three business days after a prospective petition is filed under ORS 249.865 or 250.045 for a
41 state recall petition or state referendum petition; or

42 (c) Three business days after the chief petitioner files a statement with the secretary under ORS
43 250.045 (2) for a prospective petition for a state measure to be initiated.

44 (5) The secretary by rule shall establish a process by which a chief petitioner of a state initi-
45 ative, referendum or recall petition or a prospective petition for a state measure to be initiated may

1 request a modification of the templates issued under subsection (4) of this section.

2 (6)(a) In addition to the templates prepared under subsections (1) to (5) of this section, for each
 3 state initiative, referendum or recall petition or prospective petition, the secretary shall prepare an
 4 official electronic template of a signature sheet for the petition or prospective petition.

5 (b)(A) A template prepared under this subsection shall provide[:]

6 [(i)] space for the signature of one elector to:

7 (i) Signify Support for the state initiative, referendum or recall petition or prospective petition;
 8 and

9 (ii) [*Space for the signature of the same elector to*] Certify that the elector received a copy of the
 10 electronic signature sheet in compliance with paragraph (c)(B) of this subsection.

11 (B) The Secretary of State or county clerk may tally only electronic signature sheets that are
 12 signed [*in both spaces described in this paragraph*].

13 (c)(A) An elector may print a copy of the electronic signature sheet for a petition or prospective
 14 petition, sign the sheet and deliver the signed sheet to a chief petitioner or an agent designated by
 15 a chief petitioner.

16 (B) Only an elector who either has personally printed a copy of the electronic signature sheet
 17 of a petition or prospective petition or has requested that a separate person print a copy of the
 18 electronic signature sheet specifically for the elector may sign the sheet. A copy of an electronic
 19 signature sheet may not be signed by an elector who did not either print the sheet or request that
 20 the sheet be printed specifically for the elector.

21 (d) Electronic templates described in this subsection are subject to the requirements of ORS
 22 250.045, other than ORS 250.045 (9) and (10), and the template must include a full and correct copy
 23 of the measure to be initiated or referred.

24 (e) Except as provided in paragraph (c)(B) of this subsection, a person who is obtaining signa-
 25 tures on a petition or prospective petition, whether paid or unpaid, may not provide a printed elec-
 26 tronic signature sheet to an elector.

27 (7) The secretary shall adopt rules prescribing the contents and method of production of official
 28 templates required under this section.

29 **SECTION 21. Section 22 of this 2023 Act is added to and made a part of ORS chapter 246.**

30 **SECTION 22. Notwithstanding any other statute in ORS chapters 246 to 260, the Secre-**
 31 **tary of State may by rule alter the specific language required to be placed on a document**
 32 **relating to an election, provided that the alteration in language does not materially change**
 33 **the meaning of the language being altered.**

34 **SECTION 23. ORS 254.505 is amended to read:**

35 254.505. (1) Only official ballots may be counted. Any vote from which it is impossible to deter-
 36 mine the elector’s choice for the office or measure may not be counted. An elector may not place
 37 on the ballot a sticker bearing the name of a person [*or use any other method or device, except*
 38 *writing or using a voting machine,*] to vote for a person whose name is not printed on the ballot.
 39 Any ballot that has a sticker or other device is void and may not be counted. Counting board clerks
 40 shall disregard misspelling or abbreviations of the names of candidates if it can be ascertained from
 41 the ballot for whom the vote was intended.

42 (2) When ballots are counted by counting boards, the board chairperson, using ink, immediately
 43 shall initial the back of the wholly or partially void ballot and write on it “Not counted
 44 for _____” (stating the office or measure). The counting board shall seal the wholly void ballots
 45 in an envelope.

1 **SECTION 24.** ORS 260.043 is amended to read:

2 260.043. (1) A candidate who serves as the candidate's own treasurer and who expects neither
3 the aggregate contributions to be received nor the aggregate expenditures to be made by or on be-
4 half of the candidate to exceed \$750 in total amount during a calendar year is not required to:

5 (a) File a statement of organization under ORS 260.039;

6 (b) Establish a single exclusive campaign account under ORS 260.054; or

7 (c) File statements under ORS 260.057.

8 (2) A candidate described in subsection (1) of this section must keep contribution and expendi-
9 ture records for the previous 24 months.

10 (3)(a) If at any time during the calendar year either the aggregate contributions or aggregate
11 expenditures exceed \$750, the candidate must file a statement of organization under ORS 260.039,
12 establish a single exclusive campaign account as required under ORS 260.054 and file statements as
13 required in paragraph (b) of this subsection.

14 (b)(A) Except as provided in subparagraph (B) of this paragraph, if at any time during the cal-
15 endar year either the aggregate contributions or aggregate expenditures exceed \$750, the candidate
16 must file a statement under ORS 260.057 showing all contributions received and expenditures made.
17 After aggregate contributions or aggregate expenditures exceed \$750 during a calendar year, the
18 statement shall be filed under the time frames established in ORS 260.057 (3).

19 (B) If the candidate expects neither the aggregate contributions to be received nor the aggregate
20 expenditures to be made by or on behalf of the candidate to exceed \$3,500 during the calendar year,
21 the candidate may file a statement to that effect under ORS 260.112, rather than file statements
22 under ORS 260.057. Notwithstanding ORS 260.112 (2), the statement shall be filed not later than
23 seven calendar days after aggregate contributions or aggregate expenditures exceed \$750 during a
24 calendar year.

25 (4) For purposes of this section, a fee paid under ORS 251.095, **costs relating to initiative,**
26 **nominating, political party formation, referendum or recall petitions and costs relating to**
27 **filing in a county voters' pamphlet [is] are** exempt and may not be considered when calculating:

28 (a) The expected aggregate amount of contributions received or expenditures made; or

29 (b) The actual aggregate amount of contributions received or expenditures made.

30 (5) This section does not apply to candidates for federal office.

31 **SECTION 25.** ORS 260.007 is amended to read:

32 260.007. As used in this chapter, "contribute," "contribution," "expend" or "expenditure" does
33 not include:

34 (1) Any written news story, commentary or editorial distributed through the facilities of any
35 broadcasting station, newspaper, magazine or other regularly published publication, unless a poli-
36 tical committee owns the facility.

37 (2) An individual's use of the individual's own personal residence, including a community room
38 associated with the individual's residence, to conduct a reception for a candidate or political com-
39 mittee and the individual's cost of invitations, food and beverages provided at the reception.

40 (3) A vendor's sale of food and beverages for use in a candidate's or political committee's cam-
41 paign at a charge less than the normal comparable charge, if the charge is at least equal to the cost
42 of the food or beverages to the vendor.

43 (4) Any unreimbursed payment for travel expenses an individual, including a candidate, makes
44 on behalf of a candidate or political committee.

45 (5) Any loan of money made by a financial institution as defined in ORS 706.008, other than any

1 overdraft made with respect to a checking or savings account, if the loan bears the usual and cus-
 2 tomary interest rate for the category of loan involved, is made on a basis that ensures repayment,
 3 is evidenced by a written instrument and is subject to a due date or amortization schedule. How-
 4 ever, each indorser or guarantor of the loan shall be considered to have contributed that portion
 5 of the total amount of the loan for which that person agreed to be liable in a written agreement,
 6 except if the indorser or guarantor is the candidate's spouse.

7 (6) Nonpartisan activity designed to encourage individuals to vote or to register to vote, in-
 8 cluding but not limited to activity that is allowed for a not-for-profit corporation that is tax exempt
 9 under section 501(c)(3) of the Internal Revenue Code.

10 (7) Any communication a membership organization or corporation makes to its members, share-
 11 holders or employees if the membership organization or corporation is not organized primarily for
 12 the purpose of influencing an election.

13 (8) The payment of compensation for legal and accounting services rendered to a candidate or
 14 political committee if the person paying for the services is the regular employer of the individual
 15 rendering the services and the services are solely for the purpose of ensuring compliance with the
 16 provisions of this chapter.

17 (9) The payment by a state or local committee of a political party of the costs of preparation,
 18 display or mailing or other distribution incurred by the committee with respect to a printed slate
 19 card or sample ballot, or other printed listing, of three or more candidates for any public office for
 20 which an election is held in this state. This subsection does not apply to costs incurred by the
 21 committee with respect to a display of any such listing made on broadcasting stations or in news-
 22 papers, magazines or similar types of general public political advertising.

23 (10) A candidate debate or forum for a state office, or a communication publicizing a candidate
 24 debate or forum for a state office, when *[all major political party]* candidates for the state office
 25 *[have been]* **are** invited to participate in the candidate debate or forum **based on neutral criteria**
 26 **that are publicized in advance of the invitation.**

27 (11) The following nonpartisan communications that refer to a candidate or political party
 28 within 30 calendar days before a primary election or 60 calendar days before a general election:

29 (a) The publication of a nonpartisan voters' guide that:

30 (A) Is permitted to be published by a not-for-profit corporation that is tax exempt under section
 31 501(c)(3) of the Internal Revenue Code; or

32 (B) With respect to each state office referenced in the voters' guide:

33 (i) Includes information from all major political party candidates for the state office referenced;
 34 or

35 (ii) Offers all major political party candidates for the state office referenced a reasonable op-
 36 portunity to be included in the voters' guide.

37 (b) A commercial communication that depicts a candidate's name, image, likeness or voice only
 38 in the candidate's capacity as owner, operator or employee of a business that existed prior to the
 39 candidate's declaration of candidacy.

40 (c) Official publications produced or distributed by public employees while on the job during
 41 working hours.

42 (d) A communication by a labor union, membership organization or corporation to its members,
 43 stockholders or executive or administrative personnel.

44 (e) Any other nonpartisan communication identified by the Secretary of State by rule.

45 **SECTION 26.** ORS 260.345, as amended by section 4, chapter 84, Oregon Laws 2022, is amended

1 to read:

2 260.345. (1) Any elector may file with any filing officer a written complaint alleging that a vio-
3 lation of an election law or rule adopted by the Secretary of State under ORS chapters 246 to 260
4 has occurred and stating the reason for believing that the violation occurred and any evidence re-
5 lating to it. A complaint and any evidence relating to it may be filed electronically. A complaint
6 alleging a violation involving the Secretary of State, a candidate for the office of Secretary of State,
7 or any political committee or person supporting the Secretary of State or a candidate for the office
8 of Secretary of State may be filed with the Attorney General. The Secretary of State or Attorney
9 General shall not accept an anonymous complaint.

10 (2) The Secretary of State by rule shall prescribe the procedure for processing a complaint filed
11 with any person other than the Secretary of State. If the complaint concerns the Secretary of State,
12 any candidate for the office of the Secretary of State, or any political committee or person sup-
13 porting the candidacy of the Secretary of State or of another person for the office of Secretary of
14 State, the complaint and any additional information relating to the complaint shall be sent to the
15 Attorney General.

16 (3) Upon receipt of a complaint under subsection (1) or (2) of this section the Secretary of State
17 or Attorney General immediately shall examine the complaint to determine whether a violation of
18 an election law or rule has occurred and shall make any investigation the Secretary of State or
19 Attorney General considers necessary. Except as provided in this subsection, within three business
20 days of **determining that an investigation is necessary to determine whether a violation of**
21 **an election law or rule has occurred**, *[receiving a complaint under subsection (1) or (2) of this*
22 *section,]* the Secretary of State or Attorney General shall notify the person who is the subject of the
23 complaint that *[a complaint has been received]* **an investigation will occur**. *[If the Secretary of State*
24 *or Attorney General receives a complaint or complaints involving 10 or more individuals, political*
25 *committees or petition committees in any 48-hour period, the Secretary of State or Attorney General*
26 *need not notify the persons who are the subjects of those complaints within three business days of re-*
27 *ceiving the complaints but shall notify those persons not later than 10 business days after receiving the*
28 *complaint or complaints.]*

29 (4) If the Secretary of State believes after an investigation under subsection (3) of this section
30 that a violation of an election law or rule has occurred, the secretary:

31 (a) In the case of a violation that is subject to a penalty under ORS 260.993, immediately shall
32 report the findings to the Attorney General and request prosecution. If the violation involves the
33 Attorney General, a candidate for that office or a political committee or person supporting or op-
34 posing the Attorney General or a candidate for that office, the Secretary of State shall appoint an-
35 other prosecutor for that purpose;

36 (b) In the case of a violation not subject to a b penalty under ORS 260.537 or 260.993, may impose
37 a civil penalty under ORS 260.995; or

38 (c) In the case of a violation under ORS 260.537, may institute civil proceedings in the manner
39 described in ORS 260.537.

40 (5) Upon receipt of a complaint or report under subsection (1), (2) or (4) of this section involving
41 an alleged violation subject to a penalty under ORS 260.993 or an alleged violation of ORS 260.537,
42 the Attorney General or other prosecutor immediately shall examine the complaint or report to de-
43 termine whether a violation of an election law has occurred. If the Attorney General or prosecutor
44 determines that a violation has occurred, the Attorney General or prosecutor immediately shall be-
45 gin prosecution or civil proceedings in the name of the state. The Attorney General or other

1 prosecutor shall have the same powers in any county of this state as the district attorney for the
 2 county.

3 (6) Upon receipt of a complaint under subsection (1) or (2) of this section involving an alleged
 4 violation of an election law or rule not subject to a penalty under ORS 260.537 or 260.993, the At-
 5 torney General shall examine the complaint to determine whether a violation of an election law or
 6 rule has occurred and shall make any investigation the Attorney General considers necessary. If the
 7 Attorney General believes after an investigation that a violation of an election law or rule has oc-
 8 curred, the Attorney General may impose a civil penalty under ORS 260.995.

9 (7) In the case of an alleged violation subject to a civil penalty under ORS 260.995 or an alleged
 10 violation of ORS 260.537, a complaint shall be filed by an elector under this section no later than
 11 90 days following the election at which a violation of an election law or rule is alleged to have oc-
 12 curred, or 90 days following the date the violation of an election law or rule is alleged to have oc-
 13 curred, whichever is later.

14 (8) A filing officer having reason to believe that a violation of an election law or rule has oc-
 15 curred shall proceed promptly as though the officer had received a complaint. Except as provided
 16 in ORS 260.234, a filing officer shall proceed under this subsection no later than two years following
 17 the election at which a violation of an election law or rule is alleged to have occurred, or two years
 18 following the date the violation of an election law or rule is alleged to have occurred, whichever is
 19 later. If a filing officer has not proceeded within two years because of fraud, deceit, misleading
 20 representation or the filing officer could not have reasonably discovered the alleged violation, the
 21 filing officer shall proceed no later than five years following the election at which a violation of an
 22 election law or rule is alleged to have occurred, or five years following the date the violation of an
 23 election law or rule is alleged to have occurred, whichever is later.

24 **SECTION 27.** ORS 260.315 is amended to read:

25 260.315. (1) The Secretary of State, at the expense of the state, shall [*furnish*] **make available**
 26 to the other filing officers copies of this chapter.

27 (2) A filing officer shall [*deliver*] **make available** a copy of this chapter to each candidate or
 28 person whom the officer has reason to believe is required to file a statement with the officer under
 29 ORS 260.057, 260.076, 260.083, 260.112 or 260.118.

30 **SECTION 28. This 2023 Act being necessary for the immediate preservation of the public**
 31 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
 32 **on its passage.**

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