

# A-Engrossed Senate Bill 1538

Ordered by the Senate February 19  
Including Senate Amendments dated February 19

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Rules and Executive Appointments for Secretary of State LaVonne Griffin-Valade)

## 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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes many changes to election laws. (Flesch Readability Score: 71.8).

*[Specifies the information to be included in county voters' pamphlets.]* Permits an agent of a candidate to file a translation of a candidate statement with the Secretary of State. Permits candidate statements, certain arguments regarding measures and legislative arguments in support of statewide measures to be translated into the most commonly spoken languages of each county in which the statements will appear in a voters' pamphlet. **Specifies the information to be included in county voters' pamphlets.** Removes the requirement for a repeat public certification test of a vote tally system immediately before ballot scanning begins. Reduces the limitation on the number of voter registration cards that may be requested. *[Establishes that the two-year term of certain members of the financial estimate committee begins on July 1 of an even-numbered year.]* Permits the Secretary of State to issue a certificate of ascertainment of presidential electors in accordance with the requirements of federal law.

**Increases the limit of aggregate contributions and expenditures before certain requirements apply. Becomes operative on January 1, 2025.**

**Changes the civil penalties and legal expenses that can be paid with contributions received by certain persons and committees.**

Takes effect on the 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to election law; creating new provisions; amending ORS 247.176, 251.170, 251.315, 254.485,  
3 254.555, 260.043, 260.112 and 260.407; and prescribing an effective date.

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

5 **SECTION 1.** ORS 251.170 is amended to read:

6 251.170. (1) The translation of a state voters' pamphlet or county voters' pamphlet required un-  
7 der ORS 251.167 shall be made in the manner described in this section.

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

11 (a) Any official statement or communication made by the Secretary of State, county clerk, filing  
12 office or other public elections official, including any information described in ORS 251.026 or  
13 251.315 (1)(a) to (d) and (g) and any other information regarding services offered by elections offices,  
14 how to cast a ballot and key dates for the election;

15 (b) The ballot title for each measure;

16 (c) The explanatory statement for each measure;

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

**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 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 [*principal campaign committee*] **agent** 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  
19 languages in this state **or of any county the office represents**, other than English, as listed by the  
20 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  
30 languages in this state **or of any county in which the measure will be voted on**, other than  
31 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 **or of any county in**  
35 **which the measure will be voted on**, other than English, as listed by the Secretary of State under  
36 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 2.** ORS 251.315 is amended to read:

8 251.315. (1) If a county produces a county voters’ pamphlet, the county voters’ pamphlet shall  
9 include, when applicable, at least the following information:

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

11 (b) Requirements for registration and updates of registration.

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

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

15 (e) Any portraits and statements relating to candidates submitted in accordance with the pro-  
16 visions of ORS 251.305 to 251.435.

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

19 (g)(A) Statements in the information section of the voters’ pamphlet on the pages immediately  
20 following the page containing the [Secretary of State] letter **of the county clerk, filing office or**  
21 **other public election official**, to the extent reasonably practicable, that:

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

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

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

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

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

30 (h) Such other information as the county clerk considers to be appropriate or necessary to in-  
31 form the voters.

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

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

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

38 **SECTION 3.** ORS 254.485 is amended to read:

39 254.485. (1) Ballots may be tallied by a vote tally system or by a counting board. A counting  
40 board may tally ballots at the precinct or in the office of the county clerk. In any event, the ballots  
41 shall be tallied and returned by precinct.

42 [(2) If a vote tally system is used, the county clerk shall repeat the public certification test described  
43 under ORS 254.235 (1). The test shall be conducted immediately prior to scanning any ballots. The test  
44 may be observed by persons described in ORS 254.235 (2). The county clerk shall certify the results  
45 of the test.]

1 [3] (2) If a counting board has been appointed, the tally of ballots may begin on the date of the  
2 election.

3 [(4)(a)] (3)(a) If ballots are tallied by a counting board, after the tally has begun it shall continue  
4 until completed. Except as provided in paragraph (b) of this subsection, a counting board shall tally  
5 without adjournment and in the presence of the clerks and persons authorized to attend.

6 (b) A counting board may be relieved by another board if the tally is not completed after 12  
7 hours.

8 [(5)] (4) A counting board shall audibly announce the tally as it proceeds. The board shall use  
9 only pen and ink to tally.

10 [(6)] (5) For ballots cast using a voting machine, the county clerk shall:

11 (a) Enter the ballots cast using the machine into the vote tally system; and

12 (b) In the event of a recount, provide the paper record copy recorded by the machine to the  
13 counting board.

14 [(7)] (6) A person other than the county clerk, a member of a counting board or any other  
15 elections official designated by the county clerk may not tally ballots under this chapter.

16 [(8)] (7) The Secretary of State shall by rule establish a procedure for announcing the status of  
17 the tally of the ballots received after the date of the election. Rules adopted under this subsection  
18 must:

19 (a) Consider the number of ballots being released in relation to the size of the district;

20 (b) Prioritize voter anonymity; and

21 (c) After prioritizing voter anonymity under paragraph (b) of this subsection, prioritize the im-  
22 portance of timely reporting election results.

23 **SECTION 4.** ORS 254.485, as amended by section 11, chapter 220, Oregon Laws 2023, is  
24 amended to read:

25 254.485. (1) Ballots may be tallied by a vote tally system, by a counting board or in the manner  
26 determined by the Secretary of State under ORS 246.200. A counting board may tally ballots at the  
27 precinct or in the office of the county clerk. Except as otherwise determined by the secretary under  
28 ORS 246.200, the ballots shall be tallied and returned by precinct.

29 [(2) *If a vote tally system is used, the county clerk shall repeat the public certification test described*  
30 *under ORS 254.235 (1). The test shall be conducted immediately prior to scanning any ballots. The test*  
31 *may be observed by persons described in ORS 254.235 (2). The county clerk shall certify the results*  
32 *of the test.*]

33 [(3)] (2) If a counting board has been appointed, the tally of ballots may begin on the date of the  
34 election.

35 [(4)(a)] (3)(a) If ballots are tallied by a counting board, after the tally has begun it shall continue  
36 until completed. Except as provided in paragraph (b) of this subsection, a counting board shall tally  
37 without adjournment and in the presence of the clerks and persons authorized to attend.

38 (b) A counting board may be relieved by another board if the tally is not completed after 12  
39 hours.

40 [(5)] (4) A counting board shall audibly announce the tally as it proceeds. The board shall use  
41 only pen and ink to tally.

42 [(6)] (5) For ballots cast using a voting machine, the county clerk shall:

43 (a) Enter the ballots cast using the machine into the vote tally system; and

44 (b) In the event of a recount, provide the paper record copy recorded by the machine to the  
45 counting board.

1        [(7)] (6) A person other than the Secretary of State, county clerk, a member of a counting board  
2 or any other elections official designated by the secretary or county clerk may not tally ballots  
3 under this chapter.

4        [(8)] (7) The Secretary of State shall by rule establish a procedure for announcing the status of  
5 the tally of the ballots received after the date of the election. Rules adopted under this subsection  
6 must:

7        (a) Consider the number of ballots being released in relation to the size of the district;

8        (b) Prioritize voter anonymity; and

9        (c) After prioritizing voter anonymity under paragraph (b) of this subsection, prioritize the im-  
10 portance of timely reporting election results.

11        **SECTION 5.** ORS 247.176 is amended to read:

12        247.176. (1) During the period extending from the 250th day before the primary election to the  
13 date of the primary election and the period extending from the day after the primary election to the  
14 250th day before the next primary election:

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

17        (b) Upon receiving a request under this subsection, the Secretary of State shall deliver to the  
18 person the number of registration cards requested that does not exceed an aggregate total of  
19 [5,000] **500, along with a registration card in electronic form that may be used by the person**  
20 **to print additional registration cards.**

21        (2) The Secretary of State shall adopt rules describing when the Secretary of State will honor  
22 requests for delivery of more than [5,000] **500** registration cards prepared under ORS 247.171.

23        **SECTION 6.** ORS 254.555 is amended to read:

24        254.555. (1) Except as provided in ORS 254.548 **or as necessary to comply with federal law**  
25 **concerning the issuance of a certificate of ascertainment of presidential electors**, not later  
26 than the 37th day after any election, the Secretary of State, regarding offices for which the secre-  
27 tary receives filings for nomination, shall:

28        (a) Canvass the votes for the offices, except the office of Governor after the general election.

29        (b) Enter in a register of nominations after the primary election the name and, if applicable,  
30 major political party of each candidate nominated, the office for which the candidate is nominated  
31 and the date of entry.

32        (c) Prepare and deliver a certificate of nomination or election to each candidate having the most  
33 votes for nomination for or election to the office. The Secretary of State shall sign the certificate  
34 under the seal of the state.

35        (d) Issue a proclamation declaring the election of candidates to the offices.

36        (2) Not later than the 30th day after the election:

37        (a) The Secretary of State, regarding measures for which the secretary is the filing officer, shall  
38 canvass the votes for each measure.

39        (b) The Governor shall issue a proclamation giving the number of votes cast for or against each  
40 such measure, and declaring the approved measures as the law on the effective date of the measure.  
41 If two or more approved measures contain conflicting provisions, the Governor shall proclaim which  
42 is paramount.

43        **SECTION 7.** ORS 260.043 is amended to read:

44        260.043. (1) A candidate who serves as the candidate's own treasurer and who expects neither  
45 the aggregate contributions to be received nor the aggregate expenditures to be made by or on be-

1 half of the candidate to exceed ~~[\$750]~~ **\$1,500** in total amount during a calendar year is not required  
2 to:

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

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

5 (c) File statements under ORS 260.057.

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

8 (3)(a) If at any time during the calendar year either the aggregate contributions or aggregate  
9 expenditures exceed ~~[\$750]~~ **\$1,500**, the candidate must file a statement of organization under ORS  
10 260.039, establish a single exclusive campaign account as required under ORS 260.054 and file  
11 statements as required in paragraph (b) of this subsection.

12 (b)(A) Except as provided in subparagraph (B) of this paragraph, if at any time during the cal-  
13 endar year either the aggregate contributions or aggregate expenditures exceed ~~[\$750]~~ **\$1,500**, the  
14 candidate must file a statement under ORS 260.057 showing all contributions received and expen-  
15 ditures made. After aggregate contributions or aggregate expenditures exceed ~~[\$750]~~ **\$1,500** during  
16 a calendar year, the statement shall be filed under the time frames established in ORS 260.057 (3).

17 (B) If the candidate expects neither the aggregate contributions to be received nor the aggregate  
18 expenditures to be made by or on behalf of the candidate to exceed ~~[\$3,500]~~ **\$5,000** during the cal-  
19 endar year, the candidate may file a statement to that effect under ORS 260.112, rather than file  
20 statements under ORS 260.057. Notwithstanding ORS 260.112 (2), the statement shall be filed not  
21 later than seven calendar days after aggregate contributions or aggregate expenditures exceed  
22 ~~[\$750]~~ **\$1,500** during a calendar year.

23 (4)(a) For purposes of this section, a fee paid under ORS 251.095, a fee paid for a candidate to  
24 be included in a county voters' pamphlet or de minimis costs associated with printing and circulat-  
25 ing a petition in lieu of a candidate paying a fee for inclusion in a voters' pamphlet are exempt and  
26 may not be considered when calculating:

27 (A) The expected aggregate amount of contributions received or expenditures made; or

28 (B) The actual aggregate amount of contributions received or expenditures made.

29 (b) The Secretary of State by rule shall define "de minimis costs" for purposes of this subsection.

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

31 **SECTION 8.** ORS 260.112 is amended to read:

32 260.112. (1)(a) A candidate or a treasurer of a political committee who expects neither the ag-  
33 gregate contributions to be received nor the aggregate expenditures to be made by or on behalf of  
34 the candidate or political committee to exceed ~~[\$3,500]~~ **\$5,000** in total amount during the calendar  
35 year shall file a certificate to that effect with the Secretary of State. The candidate or treasurer  
36 shall make the certificate according to the best of the knowledge or belief of the candidate or  
37 treasurer. A candidate or treasurer filing a certificate under this section is not required to file  
38 statements under ORS 260.057.

39 (b) A treasurer of a petition committee organized under ORS 260.118 who expects neither the  
40 aggregate contributions to be received nor the aggregate expenditures to be made by a chief  
41 petitioner or the treasurer to exceed ~~[\$3,500]~~ **\$5,000** in total amount during the calendar year shall  
42 file a certificate to that effect with the Secretary of State. The treasurer shall make the certificate  
43 according to the best of the knowledge or belief of the treasurer. A treasurer filing a certificate  
44 under this section is not required to file statements under ORS 260.118.

45 (2) A certificate described in subsection (1) of this section shall be filed:

1 (a) By a candidate, not sooner than the date that the candidate files a statement of organization  
2 under ORS 260.039, and not later than seven calendar days after the candidate receives a contribu-  
3 tion or makes an expenditure.

4 (b) By a treasurer of a political committee, not sooner than the date that the political committee  
5 files a statement of organization under ORS 260.042, and not later than seven calendar days after  
6 the political committee receives a contribution or makes an expenditure.

7 (c) By a treasurer of a petition committee, not sooner than the date that the petition committee  
8 files a statement of organization under ORS 260.118, and not later than seven calendar days after  
9 the petition committee receives a contribution or makes an expenditure.

10 (3) A candidate, political committee or petition committee under this section must keep contri-  
11 bution and expenditure records during the calendar year.

12 (4) If at any time following the filing of a certificate under this section and during the calendar  
13 year either the aggregate contributions or aggregate expenditures exceed [ \$3,500 ] **\$5,000**, the can-  
14 didate or treasurer shall do all of the following:

15 (a) File a statement under ORS 260.057 or 260.118 within seven calendar days after either the  
16 aggregate contributions or aggregate expenditures exceed [ \$3,500 ] **\$5,000**. The statement must reflect  
17 all contributions received and expenditures made by or on behalf of the candidate, political com-  
18 mittee or petition committee to that date, beginning January 1 of the calendar year.

19 (b) If necessary, file additional statements under ORS 260.057 or 260.118.

20 (5) This section does not apply to a candidate for federal office.

21 (6) As used in this section, “contribution” and “expenditure” include a contribution or expendi-  
22 ture to or on behalf of an initiative, referendum or recall petition.

23 **SECTION 9.** ORS 260.407 is amended to read:

24 260.407. (1)(a) Except as provided in paragraph (b) of this subsection, amounts received as con-  
25 tributions by a candidate, the principal campaign committee of a candidate or the principal cam-  
26 paign committee of a holder of public office may be:

27 (A) Used to defray any expenses incurred in connection with the recipient’s duties as a holder  
28 of public office;

29 (B) Transferred to any national, state or local political committee of any political party;

30 (C) Contributed to any organization described in section 170(c) of the Internal Revenue Code  
31 or to any charitable corporation as defined in ORS 128.620; or

32 (D) Used for any other lawful purpose.

33 (b) Amounts received as contributions by a candidate, the principal campaign committee of a  
34 candidate for public office or the principal campaign committee of a holder of public office may not  
35 be:

36 (A) Converted by any person to any personal use other than to defray any expenses incurred in  
37 connection with the person’s duties as a holder of public office or to repay to a candidate any loan  
38 the proceeds of which were used in connection with the candidate’s campaign;

39 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS  
40 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by  
41 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-  
42 butions described in this paragraph may be used to pay a civil penalty imposed under this chapter,  
43 [other than] **a civil penalty imposed for campaign finance violations by a provision of a county**  
44 **charter or ordinance, a civil penalty imposed for campaign finance violations by a city char-**  
45 **ter or ordinance, or a civil penalty imposed by any charter or ordinance provision adopted**

1 **under the authority of ORS 260.163, except that contributions described in this subsection**  
2 **may not be used to pay** a civil penalty imposed for a violation of this section or ORS 260.409 **or**  
3 **an equivalent provision of a county or city charter or ordinance;**

4 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by the  
5 candidate or public official in any civil, criminal or other legal proceeding or investigation that re-  
6 lates to or arises from the course and scope of the duties of the person as a candidate or public  
7 official. Contributions described in this paragraph may be used to pay legal expenses incurred by  
8 the candidate or public official in connection with a legal proceeding brought under ORS chapters  
9 246 to 260, **a campaign finance provision of a county charter or ordinance, a campaign finance**  
10 **provision of a city charter or ordinance, or any charter or ordinance provision adopted under**  
11 **the authority of ORS 260.163, [other than] except that contributions described in this sub-**  
12 **section may not be used to pay legal expenses incurred in connection with** a proceeding  
13 brought under this section or ORS 260.409 **or an equivalent provision of a county or city charter**  
14 **or ordinance;** or

15 (D) Used to make payments in connection with a nondisclosure agreement relating to workplace  
16 harassment. A nondisclosure agreement made in violation of this subparagraph is void and may not  
17 be enforced by a court of this state.

18 (2)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions  
19 by a political committee that is not a principal campaign committee may be:

20 (A) Used to repay to the political committee any loan the proceeds of which were used in con-  
21 nection with the campaign;

22 (B) Transferred to any national, state or local political committee of any political party;

23 (C) Contributed to any organization described in section 170(c) of the Internal Revenue Code  
24 or to any charitable corporation as defined in ORS 128.620; or

25 (D) Used for any other lawful purpose.

26 (b) Amounts received as contributions by the political committee may not be:

27 (A) Converted by any person to any personal use;

28 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS  
29 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by  
30 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-  
31 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,  
32 **[other than] a civil penalty imposed for campaign finance violations by a provision of a county**  
33 **charter or ordinance, a civil penalty imposed for campaign finance violations by a city char-**  
34 **ter or ordinance, or a civil penalty imposed by any charter or ordinance provision adopted**  
35 **under the authority of ORS 260.163, except that contributions described in this subsection**  
36 **may not be used to pay** a civil penalty imposed for a violation of this section or ORS 260.409 **or**  
37 **an equivalent provision of a county or city charter or ordinance;**

38 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a  
39 treasurer or director of a political committee in any civil, criminal or other legal proceeding or in-  
40 vestigation that relates to or arises from the course and scope of the duties of the person as a  
41 treasurer or director. Contributions described in this subsection may be used to pay legal expenses  
42 incurred by a treasurer or director in connection with a legal proceeding brought under ORS  
43 chapters 246 to 260, **a campaign finance provision of a county charter or ordinance, a cam-**  
44 **campaign finance provision of a city charter or ordinance, or any charter or ordinance provision**  
45 **adopted under the authority of ORS 260.163, [other than] except that contributions described**



1 **in this subsection may not be used to pay legal expenses incurred in connection with** a pro-  
2 ceeding brought under this section or ORS 260.409 **or an equivalent provision of a county or city**  
3 **charter or ordinance;** or

4 (D) Used to make payments in connection with a nondisclosure agreement relating to workplace  
5 harassment. A nondisclosure agreement made in violation of this subparagraph is void and may not  
6 be enforced by a court of this state.

7 (3)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions  
8 by a chief petitioner or treasurer of a petition committee may be:

9 (A) Used to repay to the chief petitioner any loan the proceeds of which were used in con-  
10 nection with the initiative, referendum or recall petition;

11 (B) Transferred to any national, state or local political committee of any political party;

12 (C) Contributed to any organization described in section 170(c) of the Internal Revenue Code  
13 or to any charitable corporation as defined in ORS 128.620; or

14 (D) Used for any other lawful purpose.

15 (b) Amounts received as contributions by a chief petitioner or treasurer of a petition committee  
16 may not be:

17 (A) Converted by any person to any personal use;

18 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS  
19 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by  
20 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-  
21 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,  
22 *[other than]* **a civil penalty imposed for campaign finance violations by a provision of a county**  
23 **charter or ordinance, a civil penalty imposed for campaign finance violations by a city char-**  
24 **ter or ordinance, or a civil penalty imposed by any charter or ordinance provision adopted**  
25 **under the authority of ORS 260.163, except that contributions described in this subsection**  
26 **may not be used to pay a civil penalty imposed for a violation of this section or ORS 260.409 or**  
27 **an equivalent provision of a county or city charter or ordinance;**

28 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a chief  
29 petitioner or the treasurer of a petition committee in any civil, criminal or other legal proceeding  
30 or investigation that relates to or arises from the course and scope of the duties of the person as  
31 a chief petitioner or treasurer. Contributions described in this subsection may be used to pay legal  
32 expenses incurred by a chief petitioner or treasurer in connection with a legal proceeding brought  
33 under ORS chapters 246 to 260, **a campaign finance provision of a county charter or ordinance,**  
34 **a campaign finance provision of a city charter or ordinance, or any charter or ordinance**  
35 **provision adopted under the authority of ORS 260.163, *[other than]* except that contributions**  
36 **described in this subsection may not be used to pay legal expenses incurred in connection**  
37 **with a proceeding brought under this section or ORS 260.409 or an equivalent provision of a**  
38 **county or city charter or ordinance;** or

39 (D) Used to make payments in connection with a nondisclosure agreement relating to workplace  
40 harassment. A nondisclosure agreement made in violation of this subparagraph is void and may not  
41 be enforced by a court of this state.

42 (4) As used in this section:

43 (a) "Contribution" and "expenditure" include a contribution or expenditure to or on behalf of  
44 an initiative, referendum or recall petition.

45 (b) "Funds donated" means all funds, including but not limited to gifts, loans, advances, credits

1 or deposits of money that are donated for the purpose of supporting the activities of a holder of  
2 public office. "Funds donated" does not mean funds appropriated by the Legislative Assembly or  
3 another similar public appropriating body or personal funds of the office holder donated to an ac-  
4 count containing only those personal funds.

5 (c) "Public office" does not include national or political party office.

6 (d) "Workplace harassment" means conduct that constitutes discrimination prohibited by ORS  
7 659A.030, including conduct that constitutes sexual assault as defined in ORS 181A.323.

8 **SECTION 10. The amendments to ORS 260.043 and 260.112 by sections 7 and 8 of this 2024**  
9 **Act become operative on January 1, 2025.**

10 **SECTION 11. This 2024 Act takes effect on the 91st day after the date on which the 2024**  
11 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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