

B-Engrossed
Senate Bill 1538

Ordered by the House March 4
Including Senate Amendments dated February 19 and House Amendments
dated March 4

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).

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. 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.

Prescribes the method for creating ballot titles and explanatory statements for any amendments to the Oregon Constitution or statutory Acts that pass both houses of the Legislative Assembly during the 2024 regular session and that are referred to the people by the Legislative Assembly.

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

Declares an emergency, effective on passage.

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 declaring an emergency.

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;

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

1 county voters' pamphlet that is not described in this section.

2 (6) The Secretary of State:

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

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

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

9 **SECTION 2.** ORS 251.315 is amended to read:

10 251.315. (1) If a county produces a county voters' pamphlet, the county voters' pamphlet shall
11 include, when applicable, at least the following information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 [(2) If a vote tally system is used, the county clerk shall repeat the public certification test described
45 under ORS 254.235 (1). The test shall be conducted immediately prior to scanning any ballots. The test

1 *may be observed by persons described in ORS 254.235 (2). The county clerk shall certify the results*
2 *of the test.*]

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

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

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

10 [(5)] (4) A counting board shall audibly announce the tally as it proceeds. The board shall use
11 only pen and ink to tally.

12 [(6)] (5) For ballots cast using a voting machine, the county clerk shall:

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

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

16 [(7)] (6) A person other than the county clerk, a member of a counting board or any other
17 elections official designated by the county clerk may not tally ballots under this chapter.

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

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

22 (b) Prioritize voter anonymity; and

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

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

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

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

35 [(3)] (2) If a counting board has been appointed, the tally of ballots may begin on the date of the
36 election.

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

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

42 [(5)] (4) A counting board shall audibly announce the tally as it proceeds. The board shall use
43 only pen and ink to tally.

44 [(6)] (5) For ballots cast using a voting machine, the county clerk shall:

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

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

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

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

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

10 (b) Prioritize voter anonymity; and

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

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

14 247.176. (1) During the period extending from the 250th day before the primary election to the
15 date of the primary election and the period extending from the day after the primary election to the
16 250th day before the next primary election:

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

19 (b) Upon receiving a request under this subsection, the Secretary of State shall deliver to the
20 person the number of registration cards requested that does not exceed an aggregate total of
21 [5,000] **500, along with a registration card in electronic form that may be used by the person**
22 **to print additional registration cards.**

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

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

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

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

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

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

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

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

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

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

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

1 260.043. (1) A candidate who serves as the candidate's own treasurer and who expects neither
2 the aggregate contributions to be received nor the aggregate expenditures to be made by or on be-
3 half of the candidate to exceed [~~\$750~~] **\$1,500** in total amount during a calendar year is not required
4 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~~] **\$1,500**, the candidate must file a statement of organization under ORS
12 260.039, establish a single exclusive campaign account as required under ORS 260.054 and file
13 statements as 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~~] **\$1,500**, the
16 candidate must file a statement under ORS 260.057 showing all contributions received and expen-
17 ditures made. After aggregate contributions or aggregate expenditures exceed [~~\$750~~] **\$1,500** during
18 a calendar year, the 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~~] **\$5,000** during the cal-
21 endar year, the candidate may file a statement to that effect under ORS 260.112, rather than file
22 statements under ORS 260.057. Notwithstanding ORS 260.112 (2), the statement shall be filed not
23 later than seven calendar days after aggregate contributions or aggregate expenditures exceed
24 [~~\$750~~] **\$1,500** during a calendar year.

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

- 29 (A) The expected aggregate amount of contributions received or expenditures made; or
- 30 (B) The actual aggregate amount of contributions received or expenditures made.
- 31 (b) The Secretary of State by rule shall define "de minimis costs" for purposes of this subsection.
- 32 (5) This section does not apply to candidates for federal office.

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

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

41 (b) A treasurer of a petition committee organized under ORS 260.118 who expects neither the
42 aggregate contributions to be received nor the aggregate expenditures to be made by a chief
43 petitioner or the treasurer to exceed [~~\$3,500~~] **\$5,000** in total amount during the calendar year shall
44 file a certificate to that effect with the Secretary of State. The treasurer shall make the certificate
45 according to the best of the knowledge or belief of the treasurer. A treasurer filing a certificate

1 under this section is not required to file statements under ORS 260.118.

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

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

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

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

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

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

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

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

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

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

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

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

29 (A) Used to defray any expenses incurred in connection with the recipient's duties as a holder
30 of public office;

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

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

34 (D) Used for any other lawful purpose.

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

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

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

1 **charter or ordinance, a civil penalty imposed for campaign finance violations by a city char-**
 2 **ter or ordinance, or a civil penalty imposed by any charter or ordinance provision adopted**
 3 **under the authority of ORS 260.163, except that contributions described in this subsection**
 4 **may not be used to pay a civil penalty imposed for a violation of this section or ORS 260.409 or**
 5 **an equivalent provision of a county or city charter or ordinance;**

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

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

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

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

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

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

27 (D) Used for any other lawful purpose.

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

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

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

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

1 **paign finance provision of a city charter or ordinance, or any charter or ordinance provision**
2 **adopted under the authority of ORS 260.163, [other than] except that contributions described**
3 **in this subsection may not be used to pay legal expenses incurred in connection with a pro-**
4 **ceeding brought under this section or ORS 260.409 or an equivalent provision of a county or city**
5 **charter or ordinance; or**

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

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

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

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

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

16 (D) Used for any other lawful purpose.

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

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

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

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

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

44 (4) As used in this section:

45 (a) "Contribution" and "expenditure" include a contribution or expenditure to or on behalf of

1 an initiative, referendum or recall petition.

2 (b) “Funds donated” means all funds, including but not limited to gifts, loans, advances, credits
3 or deposits of money that are donated for the purpose of supporting the activities of a holder of
4 public office. “Funds donated” does not mean funds appropriated by the Legislative Assembly or
5 another similar public appropriating body or personal funds of the office holder donated to an ac-
6 count containing only those personal funds.

7 (c) “Public office” does not include national or political party office.

8 (d) “Workplace harassment” means conduct that constitutes discrimination prohibited by ORS
9 659A.030, including conduct that constitutes sexual assault as defined in ORS 181A.323.

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

12 **SECTION 11. (1) If an amendment to the Oregon Constitution is referred to the people**
13 **by the Eighty-second Legislative Assembly during its 2024 regular session under Article**
14 **XVII, section 1, of the Oregon Constitution, or if an Act of the Eighty-second Legislative**
15 **Assembly that passes both houses of the Legislative Assembly during its 2024 regular session**
16 **is referred to the people by the Legislative Assembly under Article IV, section 1 (3)(c), of the**
17 **Oregon Constitution:**

18 (a) Notwithstanding ORS 250.035, 250.067, 250.075 (2) and 250.085, the ballot title for a
19 measure described in this subsection shall be prepared by the joint legislative committee
20 appointed under section 16 of this 2024 Act and filed with the Secretary of State not later
21 than the date set by the Secretary of State by rule. The word limits described in ORS 250.035
22 (2) do not apply to a ballot title for a measure described in this subsection that is prepared
23 by the joint legislative committee under this subsection. Unless modified under section 14
24 of this 2024 Act, the ballot title prepared by the committee under this subsection shall be the
25 ballot title printed in the voters’ pamphlet and printed on, or included with, the ballot.

26 (b) Notwithstanding ORS 251.205, 251.215, 251.225, 251.230 and 251.235, the explanatory
27 statement to be printed in the voters’ pamphlet for a measure described in this subsection
28 shall be prepared by the joint legislative committee appointed under section 16 of this 2024
29 Act and filed with the Secretary of State not later than the date set by the Secretary of State
30 by rule. Unless modified under section 15 of this 2024 Act, the explanatory statement pre-
31 pared by the committee under this subsection shall be the explanatory statement printed in
32 the voters’ pamphlet.

33 (2) The joint legislative committee may begin preparation of the ballot title or explana-
34 tory statement on the date the measure is filed with the Secretary of State.

35 (3) Except as otherwise provided in sections 11 to 17 of this 2024 Act, ORS chapters 250,
36 251 and 254 apply to an election held on a measure described in subsection (1) of this section.

37 (4) As used in sections 11 to 17 of this 2024 Act, “measure” has the meaning given that
38 term in ORS 250.005.

39 **SECTION 12. (1) The Secretary of State shall cause to be printed in the voters’ pamphlet**
40 **the number, ballot title and text of a measure described in section 11 of this 2024 Act and**
41 **the financial estimate, explanatory statement and arguments relating to the measure. The**
42 **Secretary of State shall also cause to be printed in the voters’ pamphlet any other informa-**
43 **tion required by law.**

44 (2) For purposes of sections 11 to 17 of this 2024 Act, the election referred to in ORS
45 251.295 is the general election.

1 **SECTION 13.** (1) Notwithstanding the deadline specified in ORS 254.085, the Secretary of
2 State shall prepare and deliver to each county clerk by the most expeditious means practi-
3 cable a certified statement of a measure described in section 11 of this 2024 Act. The Sec-
4 retary of State shall include with the statement the number, financial estimate and ballot
5 title of the measure and any other information required by law. The Secretary of State shall
6 keep a copy of the statement.

7 (2) Each county clerk shall print on the ballot the number, financial estimate and ballot
8 title of the measure, along with any other information required by law. In lieu of printing
9 the financial estimate, the summary portion of the ballot title or other information required
10 by law on the ballot, each county clerk may include with the ballot the complete text of the
11 ballot title, the financial estimate and any other information required by law.

12 **SECTION 14.** Notwithstanding ORS 250.085:

13 (1) Any elector dissatisfied with the ballot title for a measure described in section 11 of
14 this 2024 Act prepared by the joint legislative committee appointed under section 16 of this
15 2024 Act may petition the Supreme Court seeking a different ballot title. The petition shall
16 state the reasons that the ballot title filed with the Secretary of State does not substantially
17 comply with the requirements of ORS 250.035 and section 11 of this 2024 Act.

18 (2) The petition shall name the Attorney General as the respondent and must be filed not
19 later than the fifth business day after the joint legislative committee files the ballot title
20 with the Secretary of State.

21 (3) An elector filing a petition under this section shall notify the Secretary of State in
22 writing that the petition has been filed. The notice must be received in the office of the
23 Secretary of State not later than 5 p.m. on the next business day following the day the pe-
24 tition is filed.

25 (4) The Supreme Court shall review the ballot title for substantial compliance with the
26 requirements of ORS 250.035 and section 11 of this 2024 Act.

27 (5) The review by the Supreme Court shall be conducted expeditiously to ensure the or-
28 derly and timely conduct of the election at which the measure is to be submitted to the
29 electors.

30 (6) If the Supreme Court determines that the ballot title prepared by the joint legislative
31 committee substantially complies with the requirements of ORS 250.035 and section 11 of this
32 2024 Act, the court shall certify the ballot title to the Secretary of State. If the Supreme
33 Court determines that the ballot title prepared by the joint legislative committee does not
34 substantially comply with the requirements of ORS 250.035 and section 11 of this 2024 Act,
35 the court shall modify the ballot title and certify the ballot title to the Secretary of State
36 or refer the ballot title to the Attorney General for modification.

37 (7) Not later than five business days after the Supreme Court refers a ballot title to the
38 Attorney General for modification under this section, the Attorney General shall certify a
39 modified ballot title to the Secretary of State. The modified ballot title is not subject to ju-
40 dicial review.

41 **SECTION 15.** Notwithstanding ORS 251.235:

42 (1) Any person dissatisfied with the explanatory statement for a measure described in
43 section 11 of this 2024 Act prepared by the joint legislative committee appointed under sec-
44 tion 16 of this 2024 Act may petition the Supreme Court seeking a different explanatory
45 statement and stating the reasons the explanatory statement is insufficient or unclear.

1 (2) The court shall review the explanatory statement and certify an explanatory state-
2 ment to the Secretary of State if the petition is filed and served as required in subsection
3 (4) of this section not later than the fifth business day after the joint legislative committee
4 files the explanatory statement with the Secretary of State.

5 (3) Failure to file and serve the petition within the time prescribed in subsection (2) of
6 this section precludes Supreme Court review and certification of an explanatory statement.
7 If the court considers the petition, the court may allow oral argument. The review by the
8 Supreme Court shall be conducted expeditiously to ensure the orderly and timely conduct of
9 the election at which the measure is to be submitted to the electors. The explanatory
10 statement certified by the court shall be the explanatory statement printed in the voters'
11 pamphlet.

12 (4) At the time a person petitions the Supreme Court under subsection (1) of this section,
13 the person also shall serve a copy of the petition on:

14 (a) The Attorney General; and

15 (b) The Legislative Assembly.

16 SECTION 16. (1) For each measure described in section 11 of this 2024 Act, a joint legis-
17 lative committee consisting of three Senators and three Representatives shall be appointed
18 to prepare and file with the Secretary of State the ballot title and explanatory statement for
19 the measure.

20 (2)(a) The President of the Senate shall appoint three members of a committee from
21 among members of the Senate, two from the majority party and one from a minority party.

22 (b) The Speaker of the House of Representatives shall appoint three members of a com-
23 mittee from among members of the House of Representatives, two from the majority party
24 and one from a minority party.

25 SECTION 17. The Secretary of State shall adopt rules governing the procedures for con-
26 ducting an election on a measure described in section 11 of this 2024 Act as may be necessary
27 to implement sections 11 to 17 of this 2024 Act. Rules adopted under this section may not
28 require the joint legislative committee appointed under section 16 of this 2024 Act to:

29 (1) Prepare or make publicly available a draft ballot title; or

30 (2) File a ballot title with the Secretary of State before June 4, 2024.

31 SECTION 18. This 2024 Act being necessary for the immediate preservation of the public
32 peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect
33 on its passage.