

SB 1538-3
(LC 194)
2/15/24 (DJ/ps)

Requested by SENATE COMMITTEE ON RULES

**PROPOSED AMENDMENTS TO
SENATE BILL 1538**

1 On page 1 of the printed bill, line 2, after “law;” delete the rest of the line
2 and delete line 3 and insert “creating new provisions; amending ORS 247.176,
3 251.170, 251.315, 254.485, 254.555, 260.043, 260.112 and 260.407; and prescribing
4 an effective date.”.

5 Delete lines 5 through 23 and delete pages 2 through 7 and insert:

6 **“SECTION 1.** ORS 251.170 is amended to read:

7 “251.170. (1) The translation of a state voters’ pamphlet or county voters’
8 pamphlet required under ORS 251.167 shall be made in the manner described
9 in this section.

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

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

19 “(b) The ballot title for each measure;

20 “(c) The explanatory statement for each measure;

21 “(d) The financial estimate for each measure and any statement prepared

1 for a measure under ORS 250.125;

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

4 “(f) Any statement submitted for a measure by a citizen panel under ORS
5 250.141; and

6 “(g) Except an argument for a measure prepared by the Legislative As-
7 sembly under ORS 251.245, any other statement for a measure created by a
8 public body as defined in ORS 174.109.

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

14 “(a) Translations of a candidate statement submitted under ORS 251.065,
15 provided that:

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

17 “(B) The translation is filed by a candidate or the [*principal campaign*
18 *committee*] **agent** of a candidate described in subparagraph (A) of this para-
19 graph;

20 “(C) Neither the translation nor the candidate statement submitted under
21 ORS 251.065 is rejected under ORS 251.055;

22 “(D) The candidate statement meets the requirements of a candidate
23 statement set forth in this chapter; and

24 “(E) Any translation filed under this paragraph is in one of the [*five*] most
25 commonly spoken languages in this state **or of any county the office re-**
26 **presents**, other than English, as listed by the Secretary of State under ORS
27 251.167.

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

30 “(A) The translation is filed by the person who filed the argument in

1 support of or in opposition to a state measure under ORS 251.255;

2 “(B) Neither the translation nor the argument in support of or in oppo-
3 sition to a state measure filed under ORS 251.255 is rejected under ORS
4 251.055;

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

8 “(D) Any translation filed under this paragraph is in one of the [*five*] most
9 commonly spoken languages in this state **or of any county in which the**
10 **measure will be voted on**, other than English, as listed by the Secretary
11 of State under ORS 251.167.

12 “(c) Translations of any argument for a measure prepared by the Legis-
13 lative Assembly under ORS 251.245 submitted by the Legislative Assembly,
14 provided that any translation filed under this paragraph is in one of the
15 [*five*] most commonly spoken languages in this state **or of any county in**
16 **which the measure will be voted on**, other than English, as listed by the
17 Secretary of State under ORS 251.167.

18 “(4)(a) A translation that is permitted or required under this section is
19 not required to be identical in words to the original version but must be
20 consistent with the meaning of the original version.

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

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

27 “(6) The Secretary of State:

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

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

1 “(7) As used in this section, ‘statewide office’ means Governor, Secretary
2 of State, State Treasurer, Attorney General, Commissioner of the Bureau of
3 Labor and Industries, or judge on the Oregon Supreme Court, the Oregon
4 Court of Appeals or the Oregon Tax Court.

5 **“SECTION 2.** ORS 251.315 is amended to read:

6 “251.315. (1) If a county produces a county voters’ pamphlet, the county
7 voters’ pamphlet shall include, when applicable, at least the following in-
8 formation:

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

10 “(b) Requirements for registration and updates of registration.

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

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

16 “(e) Any portraits and statements relating to candidates submitted in ac-
17 cordance with the provisions of ORS 251.305 to 251.435.

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

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

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

26 “(ii) Explain that an electronic copy of portions of the voters’ pamphlet
27 is publicly available in 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
30 must be written so as to be clearly readable.

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

3 “(h) Such other information as the county clerk considers to be appro-
4 priate or necessary to inform the voters.

5 “(2) The county clerk shall mail or otherwise distribute the county voters’
6 pamphlet not later than the last day for mailing ballots to electors as pro-
7 vided in ORS 254.470.

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

12 “(b) As used in this subsection, ‘filing officer’ has the meaning given that
13 term in ORS 254.165.

14 **“SECTION 3.** ORS 254.485 is amended to read:

15 “254.485. (1) Ballots may be tallied by a vote tally system or by a counting
16 board. A counting board may tally ballots at the precinct or in the office of
17 the county clerk. In any event, the ballots shall be tallied and returned by
18 precinct.

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

24 “[3)] (2) If a counting board has been appointed, the tally of ballots may
25 begin on the date of the election.

26 “[4)(a)] (3)(a) If ballots are tallied by a counting board, after the tally
27 has begun it shall continue until completed. Except as provided in para-
28 graph (b) of this subsection, a counting board shall tally without
29 adjournment and in the presence of the clerks and persons authorized to at-
30 tend.

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

3 “[5] (4) A counting board shall audibly announce the tally as it pro-
4 ceeds. The board shall use only pen and ink to tally.

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

6 “(a) Enter the ballots cast using the machine into the vote tally system;
7 and

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

10 “[7] (6) A person other than the county clerk, a member of a counting
11 board or any other elections official designated by the county clerk may not
12 tally ballots under this chapter.

13 “[8] (7) The Secretary of State shall by rule establish a procedure for
14 announcing the status of the tally of the ballots received after the date of
15 the election. Rules adopted under this subsection must:

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

18 “(b) Prioritize voter anonymity; and

19 “(c) After prioritizing voter anonymity under paragraph (b) of this sub-
20 section, prioritize the importance of timely reporting election results.

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

23 “254.485. (1) Ballots may be tallied by a vote tally system, by a counting
24 board or in the manner determined by the Secretary of State under ORS
25 246.200. A counting board may tally ballots at the precinct or in the office
26 of the county clerk. Except as otherwise determined by the secretary under
27 ORS 246.200, the ballots shall be tallied and returned by precinct.

28 “[2] *If a vote tally system is used, the county clerk shall repeat the public*
29 *certification test described under ORS 254.235 (1). The test shall be conducted*
30 *immediately prior to scanning any ballots. The test may be observed by persons*

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

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

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

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

12 “[5] (4) A counting board shall audibly announce the tally as it pro-
13 ceeds. The board shall use only pen and ink to tally.

14 “[6] (5) For ballots cast using a voting machine, the county clerk shall:

15 “(a) Enter the ballots cast using the machine into the vote tally system;
16 and

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

19 “[7] (6) A person other than the Secretary of State, county clerk, a
20 member of a counting board or any other elections official designated by the
21 secretary or county clerk may not tally ballots under this chapter.

22 “[8] (7) The Secretary of State shall by rule establish a procedure for
23 announcing the status of the tally of the ballots received after the date of
24 the election. Rules adopted under this subsection must:

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

27 “(b) Prioritize voter anonymity; and

28 “(c) After prioritizing voter anonymity under paragraph (b) of this sub-
29 section, prioritize the importance of timely reporting election results.

30 **“SECTION 5.** ORS 247.176 is amended to read:

1 “247.176. (1) During the period extending from the 250th day before the
2 primary election to the date of the primary election and the period extending
3 from the day after the primary election to the 250th day before the next
4 primary election:

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

8 “(b) Upon receiving a request under this subsection, the Secretary of
9 State shall deliver to the person the number of registration cards requested
10 that does not exceed an aggregate total of [5,000] **500, along with a regis-**
11 **tration card in electronic form that may be used by the person to print**
12 **additional registration cards.**

13 “(2) The Secretary of State shall adopt rules describing when the Secre-
14 tary of State will honor requests for delivery of more than [5,000] **500** regis-
15 tration cards prepared under ORS 247.171.

16 **“SECTION 6.** ORS 254.555 is amended to read:

17 “254.555. (1) Except as provided in ORS 254.548 **or as necessary to**
18 **comply with federal law concerning the issuance of a certificate of**
19 **ascertainment of presidential electors**, not later than the 37th day after
20 any election, the Secretary of State, regarding offices for which the secretary
21 receives filings for nomination, shall:

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

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

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

30 “(d) Issue a proclamation declaring the election of candidates to the of-

1 fices.

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

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

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

10 **“SECTION 7.** ORS 260.043 is amended to read:

11 “260.043. (1) A candidate who serves as the candidate’s own treasurer and
12 who expects neither the aggregate contributions to be received nor the ag-
13 gregate expenditures to be made by or on behalf of the candidate to exceed
14 [~~\$750~~] **\$1,500** in total amount during a calendar year is not required to:

15 “(a) File a statement of organization under ORS 260.039;

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

17 “(c) File statements under ORS 260.057.

18 “(2) A candidate described in subsection (1) of this section must keep
19 contribution and expenditure records for the previous 24 months.

20 “(3)(a) If at any time during the calendar year either the aggregate con-
21 tributions or aggregate expenditures exceed [~~\$750~~] **\$1,500**, the candidate must
22 file a statement of organization under ORS 260.039, establish a single exclu-
23 sive campaign account as required under ORS 260.054 and file statements as
24 required in paragraph (b) of this subsection.

25 “(b)(A) Except as provided in subparagraph (B) of this paragraph, if at
26 any time during the calendar year either the aggregate contributions or ag-
27 gregate expenditures exceed [~~\$750~~] **\$1,500**, the candidate must file a statement
28 under ORS 260.057 showing all contributions received and expenditures made.
29 After aggregate contributions or aggregate expenditures exceed [~~\$750~~] **\$1,500**
30 during a calendar year, the statement shall be filed under the time frames

1 established in ORS 260.057 (3).

2 “(B) If the candidate expects neither the aggregate contributions to be
3 received nor the aggregate expenditures to be made by or on behalf of the
4 candidate to exceed [~~\$3,500~~] **\$5,000** during the calendar year, the candidate
5 may file a statement to that effect under ORS 260.112, rather than file
6 statements under ORS 260.057. Notwithstanding ORS 260.112 (2), the state-
7 ment shall be filed not later than seven calendar days after aggregate con-
8 tributions or aggregate expenditures exceed [~~\$750~~] **\$1,500** during a calendar
9 year.

10 “(4)(a) For purposes of this section, a fee paid under ORS 251.095, a fee
11 paid for a candidate to be included in a county voters’ pamphlet or de
12 minimis costs associated with printing and circulating a petition in lieu of
13 a candidate paying a fee for inclusion in a voters’ pamphlet are exempt and
14 may not be considered when calculating:

15 “(A) The expected aggregate amount of contributions received or expend-
16 itures made; or

17 “(B) The actual aggregate amount of contributions received or expendi-
18 tures made.

19 “(b) The Secretary of State by rule shall define ‘de minimis costs’ for
20 purposes of this subsection.

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

22 **“SECTION 8.** ORS 260.112 is amended to read:

23 “260.112. (1)(a) A candidate or a treasurer of a political committee who
24 expects neither the aggregate contributions to be received nor the aggregate
25 expenditures to be made by or on behalf of the candidate or political com-
26 mittee to exceed [~~\$3,500~~] **\$5,000** in total amount during the calendar year
27 shall file a certificate to that effect with the Secretary of State. The candi-
28 date or treasurer shall make the certificate according to the best of the
29 knowledge or belief of the candidate or treasurer. A candidate or treasurer
30 filing a certificate under this section is not required to file statements under

1 ORS 260.057.

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

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

11 “(a) By a candidate, not sooner than the date that the candidate files a
12 statement of organization under ORS 260.039, and not later than seven cal-
13 endar days after the candidate receives a contribution or makes an expendi-
14 ture.

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

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

23 “(3) A candidate, political committee or petition committee under this
24 section must keep contribution and expenditure records during the calendar
25 year.

26 “(4) If at any time following the filing of a certificate under this section
27 and during the calendar year either the aggregate contributions or aggregate
28 expenditures exceed [~~\$3,500~~] **\$5,000**, the candidate or treasurer shall do all
29 of the following:

30 “(a) File a statement under ORS 260.057 or 260.118 within seven calendar

1 days after either the aggregate contributions or aggregate expenditures ex-
2 ceed [~~\$3,500~~] **\$5,000**. The statement must reflect all contributions received
3 and expenditures made by or on behalf of the candidate, political committee
4 or petition committee to that date, beginning January 1 of the calendar year.

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

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

7 “(6) As used in this section, ‘contribution’ and ‘expenditure’ include a
8 contribution or expenditure to or on behalf of an initiative, referendum or
9 recall petition.

10 **“SECTION 9.** ORS 260.407 is amended to read:

11 “260.407. (1)(a) Except as provided in paragraph (b) of this subsection,
12 amounts received as contributions by a candidate, the principal campaign
13 committee of a candidate or the principal campaign committee of a holder
14 of public office may be:

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

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

19 “(C) Contributed to any organization described in section 170(c) of the
20 Internal Revenue Code or to any charitable corporation as defined in ORS
21 128.620; or

22 “(D) Used for any other lawful purpose.

23 “(b) Amounts received as contributions by a candidate, the principal
24 campaign committee of a candidate for public office or the principal cam-
25 paign committee of a holder of public office may not be:

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

30 “(B) Except as provided in this subparagraph, used to pay any money

1 award as defined in ORS 18.005 included as part of a judgment in a civil or
2 criminal action or any civil penalty imposed by an agency as defined in ORS
3 183.310 or by a local government as defined in ORS 174.116. Contributions
4 described in this paragraph may be used to pay a civil penalty imposed under
5 this chapter, *[other than]* **a civil penalty imposed for campaign finance**
6 **violations by a provision of a county charter or ordinance, a civil**
7 **penalty imposed for campaign finance violations by a city charter or**
8 **ordinance, or a civil penalty imposed by any charter or ordinance**
9 **provision adopted under the authority of ORS 260.163, except that**
10 **contributions described in this subsection may not be used to pay a**
11 **civil penalty imposed for a violation of this section or ORS 260.409 or an**
12 **equivalent provision of a county or city charter or ordinance;**

13 “(C) Except as provided in this subparagraph, used to pay any legal ex-
14 penses incurred by the candidate or public official in any civil, criminal or
15 other legal proceeding or investigation that relates to or arises from the
16 course and scope of the duties of the person as a candidate or public official.
17 Contributions described in this paragraph may be used to pay legal expenses
18 incurred by the candidate or public official in connection with a legal pro-
19 ceeding brought under ORS chapters 246 to 260, **a campaign finance pro-**
20 **vision of a county charter or ordinance, a campaign finance provision**
21 **of a city charter or ordinance, or any charter or ordinance provision**
22 **adopted under the authority of ORS 260.163, *[other than]* except that**
23 **contributions described in this subsection may not be used to pay legal**
24 **expenses incurred in connection with a proceeding brought under this**
25 **section or ORS 260.409 or an equivalent provision of a county or city**
26 **charter or ordinance; or**

27 “(D) Used to make payments in connection with a nondisclosure agree-
28 ment relating to workplace harassment. A nondisclosure agreement made in
29 violation of this subparagraph is void and may not be enforced by a court
30 of this state.

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

4 “(A) Used to repay to the political committee any loan the proceeds of
5 which were used in connection with the campaign;

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

8 “(C) Contributed to any organization described in section 170(c) of the
9 Internal Revenue Code or to any charitable corporation as defined in ORS
10 128.620; or

11 “(D) Used for any other lawful purpose.

12 “(b) Amounts received as contributions by the political committee may
13 not be:

14 “(A) Converted by any person to any personal use;

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

28 “(C) Except as provided in this subparagraph, used to pay any legal ex-
29 penses incurred by a treasurer or director of a political committee in any
30 civil, criminal or other legal proceeding or investigation that relates to or

1 arises from the course and scope of the duties of the person as a treasurer
2 or director. Contributions described in this subsection may be used to pay
3 legal expenses incurred by a treasurer or director in connection with a legal
4 proceeding brought under ORS chapters 246 to 260, **a campaign finance**
5 **provision of a county charter or ordinance, a campaign finance pro-**
6 **vision of a city charter or ordinance, or any charter or ordinance**
7 **provision adopted under the authority of ORS 260.163, [other than] ex-**
8 **cept that contributions described in this subsection may not be used**
9 **to pay legal expenses incurred in connection with** a proceeding brought
10 under this section or ORS 260.409 **or an equivalent provision of a county**
11 **or city charter or ordinance; or**

12 “(D) Used to make payments in connection with a nondisclosure agree-
13 ment relating to workplace harassment. A nondisclosure agreement made in
14 violation of this subparagraph is void and may not be enforced by a court
15 of this state.

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

19 “(A) Used to repay to the chief petitioner any loan the proceeds of which
20 were used in connection with the initiative, referendum or recall petition;

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

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

26 “(D) Used for any other lawful purpose.

27 “(b) Amounts received as contributions by a chief petitioner or treasurer
28 of a petition 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

1 award as defined in ORS 18.005 included as part of a judgment in a civil or
2 criminal action or any civil penalty imposed by an agency as defined in ORS
3 183.310 or by a local government as defined in ORS 174.116. Contributions
4 described in this subsection may be used to pay a civil penalty imposed under
5 this chapter, *[other than]* **a civil penalty imposed for campaign finance**
6 **violations by a provision of a county charter or ordinance, a civil**
7 **penalty imposed for campaign finance violations by a city charter or**
8 **ordinance, or a civil penalty imposed by any charter or ordinance**
9 **provision adopted under the authority of ORS 260.163, except that**
10 **contributions described in this subsection may not be used to pay a**
11 **civil penalty imposed for a violation of this section or ORS 260.409 or an**
12 **equivalent provision of a county or city charter or ordinance;**

13 “(C) Except as provided in this subparagraph, used to pay any legal ex-
14 penses incurred by a chief petitioner or the treasurer of a petition committee
15 in any civil, criminal or other legal proceeding or investigation that relates
16 to or arises from the course and scope of the duties of the person as a chief
17 petitioner or treasurer. Contributions described in this subsection may be
18 used to pay legal expenses incurred by a chief petitioner or treasurer in
19 connection with a legal proceeding brought under ORS chapters 246 to 260,
20 **a campaign finance provision of a county charter or ordinance, a**
21 **campaign finance provision of a city charter or ordinance, or any**
22 **charter or ordinance provision adopted under the authority of ORS**
23 **260.163, *[other than]* except that contributions described in this sub-**
24 **section may not be used to pay legal expenses incurred in connection**
25 **with a proceeding brought under this section or ORS 260.409 or an equiv-**
26 **alent provision of a county or city charter or ordinance; or**

27 “(D) Used to make payments in connection with a nondisclosure agree-
28 ment relating to workplace harassment. A nondisclosure agreement made in
29 violation of this subparagraph is void and may not be enforced by a court
30 of this state.

1 “(4) As used in this section:

2 “(a) ‘Contribution’ and ‘expenditure’ include a contribution or expenditure
3 to or on behalf of an initiative, referendum or recall petition.

4 “(b) ‘Funds donated’ means all funds, including but not limited to gifts,
5 loans, advances, credits or deposits of money that are donated for the pur-
6 pose of supporting the activities of a holder of public office. ‘Funds
7 donated’ does not mean funds appropriated by the Legislative Assembly or
8 another similar public appropriating body or personal funds of the office
9 holder donated to an account containing only those personal funds.

10 “(c) ‘Public office’ does not include national or political party office.

11 “(d) ‘Workplace harassment’ means conduct that constitutes discrimi-
12 nation prohibited by ORS 659A.030, including conduct that constitutes sexual
13 assault as defined in ORS 181A.323.

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

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

19
