

House Bill 3538

Sponsored by Representative EVANS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes the SOS the chief civics officer in the state and establishes a division in the SOS office for civics. The Act says that civics shall be taught in schools and that civics programs shall be given to adults. The Act creates a task force to study and propose ideas to improve civics in this state. The Act creates the PRC as an office for people to make complaints about false campaign statements, investigate the complaints and make findings, including required warnings near certain statements. The Act takes effect when signed. (Flesch Readability Score: 66.9).

Establishes the Secretary of State as the chief civics officer of this state and establishes the Division of Civic Engagement within the Secretary of State office. Directs the division to establish civics education in public schools and develop programs and outreach for adults to enhance civic engagement.

Establishes the Civics Action Benchmarks Task Force to study and make recommendations on the steps to be taken to enhance the participation of Oregonians in civic affairs.

Establishes the Commission on Political Rhetoric. Directs the commission to receive complaints alleging that a candidate for public office has made false statements with purposeful malice or reckless intent. Provides that if a supermajority of the commission determines that the subject of a complaint made false statements with purposeful malice or reckless intent, the voters' pamphlet and other publications containing the candidate's statements must also contain a warning statement specified by the Act.

Appropriates moneys to the Secretary of State and Commission on Political Rhetoric to fund the programs established in the Act.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to civics; and declaring an emergency.

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

4 **SECTION 1. The Secretary of State is the chief civics officer of this state, and it is the**
5 **secretary's responsibility to undertake providing a comprehensive civics education to youth**
6 **and providing civic programs and opportunities to adults to facilitate and encourage robust**
7 **civics engagement by all Oregonians in local, state and national public and governmental**
8 **affairs.**

9 **SECTION 2. There is established the Division of Civic Engagement to be maintained un-**
10 **der the supervision and control of the Secretary of State and operated as one of the divisions**
11 **of the secretary's office. The Secretary of State shall assign or appoint a director of the di-**
12 **vision and such other assistants as the secretary deems advantageous and necessary to carry**
13 **out the duties and functions of the division.**

14 **SECTION 3. The Division of Civic Engagement shall have the following duties and re-**
15 **sponsibilities:**

16 (1) **To facilitate and coordinate a consistent civics education program for kindergarten**
17 **through grade 12 schools, including but not limited to program content and funding needs**
18 **to implement the program content in the elementary and secondary schools of this state;**

19 (2) **To facilitate and develop programs and efforts to enhance adult engagement in civic**

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 **affairs in order to improve access and participation for all Oregonians, with particular em-**
2 **phasis on developing programming and activities for seniors; and**

3 **(3) To develop, periodically update and report to the Legislative Assembly a strategic**
4 **civic engagement plan at five year intervals.**

5 **SECTION 4. The initial strategic civic engagement plan described in section 3 of this 2025**
6 **Act shall be presented to the Legislative Assembly during the 2027 regular session. The Di-**
7 **vision of Civic Engagement shall confer with and may incorporate recommendations from the**
8 **Civics Action Benchmarks Task Force in preparing and presenting the initial strategic civic**
9 **engagement plan.**

10 **SECTION 5. (1) The Civics Action Benchmarks Task Force is established.**

11 **(2) The task force consists of seven members appointed as follows:**

12 **(a) One member appointed by the Secretary of State.**

13 **(b) One member appointed by the Deputy Superintendent of Public Instruction.**

14 **(c) Three members appointed by the Governor.**

15 **(d) A member of the Senate appointed by the President of the Senate.**

16 **(e) A member of the House of Representatives appointed by the Speaker of the House of**
17 **Representatives.**

18 **(3) The task force shall review national and international benchmarks for civic engage-**
19 **ment that measure civic participation. The task force shall study and identify steps that**
20 **may be taken to enhance the participation of Oregonians in civic affairs.**

21 **(4) A majority of the voting members of the task force constitutes a quorum for the**
22 **transaction of business.**

23 **(5) Official action by the task force requires the approval of a majority of the voting**
24 **members of the task force.**

25 **(6) The Secretary of State shall select one member of the task force to serve as chair-**
26 **person and another to serve as vice chairperson, for the terms and with the duties and**
27 **powers necessary for the performance of the functions of the offices as the Secretary of**
28 **State determines.**

29 **(7) If there is a vacancy for any cause, the appointing authority shall make an appoint-**
30 **ment to become immediately effective.**

31 **(8) The task force shall meet at times and places specified by the call of the chairperson**
32 **or of a majority of the voting members of the task force.**

33 **(9) The task force may adopt rules necessary for the operation of the task force.**

34 **(10) The task force shall submit a report in the manner provided by ORS 192.245, and**
35 **may include recommendations for legislation, to the interim committees of the Legislative**
36 **Assembly related to rules no later than December 15, 2026.**

37 **(11) The Secretary of State shall provide staff support to the task force.**

38 **(12) Members of the Legislative Assembly appointed to the task force are nonvoting**
39 **members of the task force and may act in an advisory capacity only.**

40 **(13) Members of the task force who are not members of the Legislative Assembly serve**
41 **as volunteers on the task force and, unless they are qualified members, as defined in ORS**
42 **292.495, are not entitled to compensation or reimbursement for expenses.**

43 **(14) All agencies of state government, as defined in ORS 174.111, are directed to assist**
44 **the task force in the performance of the duties of the task force and, to the extent permitted**
45 **by laws relating to confidentiality, to furnish information and advice the members of the task**

1 force consider necessary to perform their duties.

2 (15) All appointments to the task force made under subsection (2) of this section must
3 be completed by October 1, 2025.

4 (16) The task force shall have its first meeting on or before December 1, 2025.

5 SECTION 6. Section 5 of this 2025 Act is repealed on January 2, 2028.

6 SECTION 7. The Legislative Assembly finds that there has been a growing tendency of
7 political campaigns and candidates for public office to make or cause to be made false
8 statements about themselves or their opponents that are often malicious or reckless. The
9 Legislative Assembly further finds that the frequency and intensity of these false statements
10 has had the effect of Oregonians being less engaged in civic activities and less willing to
11 participate in civic matters. The Legislative Assembly declares that a commission to address
12 false statements that are malicious or reckless and that are made by candidates for public
13 office will enhance civic participation.

14 SECTION 8. (1) The Commission on Political Rhetoric is established.

15 (2) The commission shall consist of ten members, appointed as follows:

16 (a) The Governor shall appoint eight members from among persons recommended, two
17 each by the leadership of the Democratic and Republican parties in each house of the Leg-
18 islative Assembly. If a person recommended by the leadership of the Democratic or Repub-
19 lican party is not approved by the Governor, the leadership shall recommend another person.

20 (b) The Governor shall appoint one member who is a member of a minor political party,
21 as defined in ORS 254.005.

22 (c) The Governor shall appoint one member who is a registered independent elector in
23 this state and who is otherwise unaffiliated with any political party.

24 (3) Members of the commission are subject to confirmation by the Senate in the manner
25 provided in ORS 171.562 and 171.565.

26 (4) The term of office of a member is four years. A member is not eligible to be appointed
27 to more than two full terms but may additionally serve out an unexpired term. Vacancies
28 shall be filled by the appointing authority for the unexpired term.

29 (5) The commission shall elect a chairperson and vice chairperson for such terms and
30 duties as the commission may require.

31 (6) A quorum consists of five members but a final decision may not be made without an
32 affirmative vote of a majority of the members appointed to the commission.

33 (7) Members shall be entitled to compensation and expenses as provided in ORS 292.495.

34 SECTION 9. (1) Members of the Commission on Political Rhetoric shall initially be ap-
35 pointed to the commission on or before January 1, 2026.

36 (2) Notwithstanding section 8 of this 2025 Act, four of the members of the commission
37 appointed under section 8 (2)(a) of this 2025 Act and the member appointed under section 8
38 (2)(b) of this 2025 Act shall have an initial two-year term that does not count as a term for
39 purposes of section 8 (4) of this 2025 Act.

40 SECTION 10. The Commission on Political Rhetoric may adopt rules to carry out its
41 purposes.

42 SECTION 11. (1) The Commission on Political Rhetoric shall develop a complaint, inves-
43 tigation and determination process under which:

44 (a) Any member of the public may file a written complaint alleging that a candidate for
45 public office has made, or caused to be made, a false statement with purposeful malice or

1 reckless intent; and

2 (b) The commission shall investigate allegations made under paragraph (a) of this sub-
3 section and make determinations regarding whether the statements that are the subject of
4 a complaint amount to false statements made with purposeful malice or reckless intent.

5 (2) The commission may make a determination of false statement made with purposeful
6 malice or reckless intent only upon an affirmative vote of seven or more members.

7 (3) If the commission makes an affirmative determination under subsection (2) of this
8 section, the voters' pamphlet and other state publications containing statements by the
9 candidate for public office shall include in proximity with the candidate's statement a warn-
10 ing statement that reads "Warning: This candidate has made false statements in the past
11 — read at your own risk."

12 (4) A determination by the commission may be appealed as a contested case under ORS
13 chapter 183.

14 (5) As used in this section:

15 (a) "Purposeful malice" means an intent, without justification or excuse, to commit a
16 wrongful act.

17 (b) "Reckless intent" means an intent to act without regard to the foreseeable conse-
18 quences of the action.

19 SECTION 12. Section 11 of this 2025 Act becomes operative on July 1, 2026.

20 SECTION 13. In addition to and not in lieu of any other appropriation, there is appro-
21 priated to the Secretary of State, for the biennium beginning July 1, 2025, out of the General
22 Fund, the amount of \$_____, which may be expended for the purpose of establishing and
23 operating the Division of Civic Engagement.

24 SECTION 14. In addition to and not in lieu of any other appropriation, there is appro-
25 priated to the Secretary of State, for the biennium beginning July 1, 2025, out of the General
26 Fund, the amount of \$_____, which may be expended to support the operations and activ-
27 ities of the Civics Action Benchmarks Task Force.

28 SECTION 15. In addition to and not in lieu of any other appropriation, there is appro-
29 priated to the Commission on Political Rhetoric, for the biennium beginning July 1, 2025, out
30 of the General Fund, the amount of \$_____, which may be expended for the purposes of the
31 commission.

32 SECTION 16. This 2025 Act being necessary for the immediate preservation of the public
33 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
34 on its passage.