

# DRAFT

## SUMMARY

Requires statement of economic interest to include certain information about sources of income for business in which public official or candidate, or member of household of public official or candidate, is officer, holds directorship or does business under if source of income has legislative or administrative interest and 10 percent or more of total gross annual income of business comes from that source of income.

Prohibits candidate or principal campaign committee of candidate from expending campaign moneys for professional services rendered by certain businesses required to be listed on candidate's statement of economic interest. Creates exceptions.

## A BILL FOR AN ACT

Relating to statements of economic interest; creating new provisions; and amending ORS 244.060 and 260.409.

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

**SECTION 1.** ORS 244.060 is amended to read:

244.060. The statement of economic interest filed under ORS 244.050 shall be on a form prescribed by the Oregon Government Ethics Commission. The public official or candidate filing the statement shall supply the information required by this section and ORS 244.090, as follows:

(1) The names of all positions as officer of a business and business directorships held by the public official or candidate or a member of the household of the public official or candidate during the preceding calendar year, and the principal address and a brief description of each business.

(2) All names under which the public official or candidate and members of the household of the public official or candidate do business and the

principal address and a brief description of each business.

(3) The names, principal addresses and brief descriptions of the sources of income received during the preceding calendar year by the public official or candidate or a member of the household of the public official or candidate that produce 10 percent or more of the total annual household income.

(4)(a) A list of all real property in which the public official or candidate or a member of the household of the public official or candidate has or has had any personal, beneficial ownership interest during the preceding calendar year, any options to purchase or sell real property, including a land sales contract, and any other rights of any kind in real property located within the geographic boundaries of the governmental agency of which the public official holds, or the candidate if elected would hold, an official position or over which the public official exercises, or the candidate if elected would exercise, any authority.

(b) This subsection does not require the listing of the principal residence of the public official or candidate.

(5) All expenses with an aggregate value exceeding \$50 received by the public official during the preceding calendar year when participating in a convention, mission, trip or other meeting described in ORS 244.020 (7)(b)(F), including the name and address of the organization, unit of government, tribe or corporation paying the expenses, the nature of the event and the date and amount of the expense.

(6) All expenses with an aggregate value exceeding \$50 received by the public official during the preceding calendar year when participating in a mission, negotiations or economic development activities described in ORS 244.020 (7)(b)(H), including the name and address of the person paying the expenses, the nature of the event and the date and amount of the expenditure.

(7) All honoraria and other items allowed under ORS 244.042 with a value exceeding \$15 that are received by the public official, candidate or member of the household of the public official or candidate during the preceding

calendar year, the provider of each honorarium or item and the date and time of the event for which the honorarium or item was received.

(8) The name, principal address and brief description of each source of income exceeding an aggregate amount of \$1,000, whether or not taxable, received by the public official or candidate, or a member of the household of the public official or candidate, during the preceding calendar year, if the source of that income is derived from an individual or business that has a legislative or administrative interest or that has been doing business, does business or could reasonably be expected to do business with the governmental agency of which the public official holds, or the candidate if elected would hold, an official position or over which the public official exercises, or the candidate if elected would exercise, any authority.

**(9)(a) Except as provided in paragraph (b) of this subsection, the name, principal address and brief description of each source of income received during the preceding calendar year by a business identified under subsections (1) and (2) of this section if:**

**(A) The source of income has a legislative or administrative interest or has been doing business, does business or could reasonably be expected to do business with the governmental agency of which the public official holds, or the candidate if elected would hold, an official position or over which the public official exercises, or the candidate if elected would exercise, any authority; and**

**(B) Ten percent or more of the total gross annual income of the business identified under subsections (1) and (2) of this section comes from the source of income.**

**(b)(A) This subsection does not require the public official or candidate filing the statement to supply information that the public official or candidate has a statutory duty to keep privileged or confidential if the public official or candidate complies with the procedure set forth in subparagraph (B) of this paragraph.**

**(B) If the public official or candidate has a statutory duty to keep**

1 **privileged or confidential information otherwise required to be dis-**  
2 **closed under this subsection, the public official or candidate shall:**

3 **(i) Make a formal request to each source of income for which the**  
4 **statutory duty exists, asking if the public official or candidate has the**  
5 **permission of the source of income to make the disclosure required**  
6 **under this subsection;**

7 **(ii) File a signed statement with the commission stating that the**  
8 **public official or candidate has made the formal request described in**  
9 **sub-subparagraph (i) of this subparagraph; and**

10 **(iii) Report each source of income that responds in the affirmative**  
11 **to the request made under sub-subparagraph (i) of this subparagraph**  
12 **within 10 business days of receiving the request.**

13 **(c) A public official or candidate shall be deemed to be in compli-**  
14 **ance with supplying the information required under this subsection if**  
15 **the public official or candidate:**

16 **(A) Accurately submits the information required under this sub-**  
17 **section; or**

18 **(B)(i) Makes a formal request to each source of income that pro-**  
19 **vided 10 percent or more of the total gross annual income of the**  
20 **business identified under subsections (1) and (2) of this section, asking**  
21 **if that source of income has a legislative or administrative interest**  
22 **or has been doing business, does business or could reasonably be ex-**  
23 **pected to do business with the governmental agency of which the**  
24 **public official holds, or the candidate if elected would hold, an official**  
25 **position or over which the public official exercises, or the candidate**  
26 **if elected would exercise, any authority; and**

27 **(ii) Reports each source of income that responds in the affirmative**  
28 **to the request made under sub-subparagraph (i) of this subparagraph.**

29 **SECTION 2. ORS 260.409 is amended to read:**

30 **260.409. (1) Except as provided in subsection (2) of this section, a**  
31 **candidate or principal campaign committee of a candidate may not use**

1 amounts received as contributions by the candidate or committee to make  
2 an expenditure to or on behalf of:

3 (a) The candidate in consideration for the rendering of professional ser-  
4 vices by the candidate[.]; or

5 (b) A business identified on the candidate's statement of economic  
6 interest that is required to be listed under ORS 244.060 (1) or (2), in  
7 consideration for the rendering of professional services by the busi-  
8 ness.

9 (2) The prohibition set forth in subsection (1)(b) of this section does  
10 not apply to an expenditure made by the candidate or committee to:

11 (a) A public body;

12 (b) A federal agency;

13 (c) A public utility;

14 (d) A broadcasting station, newspaper, magazine or other regularly  
15 published news publication;

16 (e) A telecommunications service provider; or

17 (f) An Internet service provider that has a market share of greater  
18 than 50 percent in the area in which the Internet service is purchased.

19 (3) The Secretary of State may adopt rules necessary to implement  
20 this section.

21 **SECTION 3.** The amendments to ORS 244.060 and 260.409 by sections  
22 1 and 2 of this 2023 Act apply to expenditures made by a candidate or  
23 principal campaign committee of a candidate, and to statements of  
24 economic interest filed, on or after the effective date of this 2023 Act.