

Senate Bill 380

Sponsored by Senator BOQUIST (Pre-session filed.)

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**.

Provides for Governor to appoint Attorney General.

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A BILL FOR AN ACT

Relating to the Attorney General; creating new provisions; amending ORS 171.130, 171.133, 173.130, 180.010, 244.042, 244.050, 249.002, 249.056, 249.215, 254.650, 258.036, 258.055, 260.005, 260.076 and 292.930; and repealing ORS 180.020, 180.030 and 180.040.

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

SECTION 1. ORS 180.010 is amended to read:

180.010. (1) There is established the office of Attorney General of the State of Oregon.

(2) The Governor shall appoint the Attorney General. The Attorney General shall serve for a term of four years at the pleasure of the Governor. Before the expiration of the term of the Attorney General, the Governor shall appoint a successor whose term begins on July 1 next following. The Attorney General is not eligible for reappointment for an additional term. If there is a vacancy in the office of Attorney General for any cause, the Governor shall make an appointment to become effective immediately for the unexpired term.

SECTION 2. ORS 180.020, 180.030 and 180.040 are repealed.

SECTION 3. Notwithstanding the term of office specified in ORS 180.010 (2), the Governor shall first appoint the Attorney General for a term beginning on January 6, 2025, and ending on June 30, 2028.

SECTION 4. ORS 171.130 is amended to read:

171.130. (1) At any time in advance of any regular or special session of the Legislative Assembly fixed by the Legislative Counsel Committee, or at any time in advance of a special session as may be fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed legislative measure with the Legislative Counsel:

(a) Members who will serve in the session and members-elect.

(b) Interim and statutory committees of the Legislative Assembly.

(2) On or before December 15 of an even-numbered year, or at any time in advance of a special session as may be fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed legislative measure with the Legislative Counsel:

(a) The Oregon Department of Administrative Services, to implement the fiscal recommendations of the Governor contained in the Governor's budget.

(b) The person who will serve as Governor during the session.

(c) The Secretary of State, the State Treasurer[, *the Attorney General*] and the Commissioner of the Bureau of Labor and Industries.

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 (d) The Judicial Department.

2 (3) Notwithstanding subsection (2) of this section, a statewide elected official who initially as-
3 sumes office in January of an odd-numbered year may submit proposed measures for introduction
4 by members or committees of the Legislative Assembly until the calendar day designated by rules
5 of either house of the Legislative Assembly. The exemption granted by this subsection to a newly
6 elected Governor does not apply to state agencies in the executive branch.

7 (4) On or before December 15 of an even-numbered year, a state agency may file a proposed
8 legislative measure with the Legislative Counsel through a member or committee of the Legislative
9 Assembly.

10 (5) The Legislative Counsel shall order each measure filed pursuant to subsections (1) to (4) of
11 this section prepared for printing and may order the measure printed. If the person filing a measure
12 specifically requests in writing that the measure be made available for distribution, the Legislative
13 Counsel shall order the measure printed and shall make copies of the printed measure available for
14 distribution before the beginning of the session to members and members-elect and to others upon
15 request.

16 (6) Copies of all measures filed and prepared for printing or printed pursuant to this section
17 shall be forwarded by the Legislative Counsel to the chief clerk of the house designated by the
18 person filing the measure for introduction.

19 (7) The costs of carrying out this section shall be paid out of the money appropriated for the
20 expenses of that session of the Legislative Assembly for which the measure is to be printed.

21 (8) The Legislative Counsel Committee may adopt rules or policies to accomplish the purpose
22 of this section.

23 (9) This section does not affect any law or any rule of the Legislative Assembly or either house
24 thereof relating to the introduction of legislative measures.

25 **SECTION 5.** ORS 171.133 is amended to read:

26 171.133. (1) A state agency shall not cause a bill or measure to be introduced before the Legis-
27 lative Assembly if the bill or measure has not been approved by the Governor.

28 (2) As used in ORS 171.130 and this section, "state agency" means every state agency whose
29 costs are paid wholly or in part from funds held in the State Treasury, except:

30 (a) The Legislative Assembly, the courts and their officers and committees;

31 (b) The Public Defense Services Commission; and

32 (c) The Secretary of State, the State Treasurer[, *the Attorney General*] and the Commissioner of
33 the Bureau of Labor and Industries.

34 **SECTION 6.** ORS 173.130 is amended to read:

35 173.130. (1) The Legislative Counsel shall prepare or assist in the preparation of legislative
36 measures when requested to do so by a member or committee of the Legislative Assembly.

37 (2) Upon the written request of a state agency, the Legislative Counsel may prepare or assist
38 in the preparation of legislative measures that have been approved for preparation in writing by the
39 Governor or the Governor's designated representative. The Legislative Counsel may also prepare
40 or assist in the preparation of legislative measures that are requested in writing by the Judicial
41 Department, the Governor, the Secretary of State, the State Treasurer[, *the Attorney General*] or the
42 Commissioner of the Bureau of Labor and Industries. In accordance with ORS 283.110, the Legisla-
43 tive Counsel may charge the agency or officer for the services performed.

44 (3) The Legislative Counsel shall give such consideration to and service concerning any measure
45 or other legislative matter before the Legislative Assembly as is requested by the House of Repre-

1 representatives, the Senate or any committee of the Legislative Assembly that has the measure or other
2 matter under consideration.

3 (4) The Legislative Counsel, pursuant to the policies and directions of the Legislative Counsel
4 Committee and in conformity with any applicable rules of the House of Representatives or Senate,
5 shall perform or cause to be performed research service requested by any member or committee of
6 the Legislative Assembly in connection with the performance of legislative functions. Research as-
7 signments made by joint or concurrent resolution of the Legislative Assembly shall be given priority
8 over other research requests received by the Legislative Counsel. The research service to be per-
9 formed includes the administrative services incident to the accomplishment of the research requests
10 or assignments.

11 (5) The Legislative Counsel shall give an opinion in writing upon any question of law in which
12 the Legislative Assembly or any member or committee of the Legislative Assembly may have an
13 interest when the Legislative Assembly or any member or committee of the Legislative Assembly
14 requests the opinion. Except as provided in subsection (2) of this section and ORS 173.135, the
15 Legislative Counsel shall not give opinions or provide other legal services to persons or agencies
16 other than the Legislative Assembly and members and committees of the Legislative Assembly.

17 (6) The Legislative Counsel may enter into contracts to carry out the functions of the Legisla-
18 tive Counsel.

19 **SECTION 7.** ORS 244.042 is amended to read:

20 244.042. (1) Except as provided in subsections (3) and (4) of this section, a public official may
21 not solicit or receive, whether directly or indirectly, honoraria for the public official or any member
22 of the household of the public official if the honoraria are solicited or received in connection with
23 the official duties of the public official.

24 (2) Except as provided in subsection (3) of this section, a candidate may not solicit or receive,
25 whether directly or indirectly, honoraria for the candidate or any member of the household of the
26 candidate if the honoraria are solicited or received in connection with the official duties of the
27 public office for which the person is a candidate.

28 (3) Except as provided in subsection (4) of this section, this section does not prohibit:

29 (a) The solicitation or receipt of an honorarium or a certificate, plaque, commemorative token
30 or other item with a value of \$50 or less; or

31 (b) The solicitation or receipt of an honorarium for services performed in relation to the private
32 profession, occupation, avocation or expertise of the public official or candidate.

33 (4)(a) The Governor, First Partner, Secretary of State, State Treasurer[, *Attorney General*] and
34 Commissioner of the Bureau of Labor and Industries may not solicit or receive an honorarium,
35 money or any other consideration, as defined in ORS 171.725, for any speaking engagement or
36 presentation.

37 (b) This subsection does not prevent a public official listed in paragraph (a) of this subsection
38 from receiving any food, beverage, travel or lodging expenses otherwise authorized by this chapter
39 for a speaking engagement or presentation.

40 **SECTION 8.** ORS 244.050 is amended to read:

41 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
42 Government Ethics Commission a verified statement of economic interest as required under this
43 chapter:

44 (a) The Governor, Secretary of State, State Treasurer, [*Attorney General*,] Commissioner of the
45 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

- 1 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
 2 judicial officer who does not otherwise serve as a judicial officer.
- 3 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.
- 4 (d) The **Attorney General and** Deputy Attorney General.
- 5 (e) The Deputy Secretary of State.
- 6 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
 7 Legislative Policy and Research Director, the Secretary of the Senate, the Chief Clerk of the House
 8 of Representatives and the Legislative Equity Officer.
- 9 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
 10 versity listed in ORS 352.002.
- 11 (h) The following state officers:
- 12 (A) Adjutant General.
- 13 (B) Director of Agriculture.
- 14 (C) Manager of State Accident Insurance Fund Corporation.
- 15 (D) Water Resources Director.
- 16 (E) Director of Department of Environmental Quality.
- 17 (F) Director of Oregon Department of Administrative Services.
- 18 (G) State Fish and Wildlife Director.
- 19 (H) State Forester.
- 20 (I) State Geologist.
- 21 (J) Director of Human Services.
- 22 (K) Director of the Department of Consumer and Business Services.
- 23 (L) Director of the Department of State Lands.
- 24 (M) State Librarian.
- 25 (N) Administrator of Oregon Liquor Control Commission.
- 26 (O) Superintendent of State Police.
- 27 (P) Director of the Public Employees Retirement System.
- 28 (Q) Director of Department of Revenue.
- 29 (R) Director of Transportation.
- 30 (S) Public Utility Commissioner.
- 31 (T) Director of Veterans' Affairs.
- 32 (U) Executive director of Oregon Government Ethics Commission.
- 33 (V) Director of the State Department of Energy.
- 34 (W) Director and each assistant director of the Oregon State Lottery.
- 35 (X) Director of the Department of Corrections.
- 36 (Y) Director of the Oregon Department of Aviation.
- 37 (Z) Executive director of the Oregon Criminal Justice Commission.
- 38 (AA) Director of the Oregon Business Development Department.
- 39 (BB) Director of the Office of Emergency Management.
- 40 (CC) Director of the Employment Department.
- 41 (DD) Chief of staff for the Governor.
- 42 (EE) Director of the Housing and Community Services Department.
- 43 (FF) State Court Administrator.
- 44 (GG) Director of the Department of Land Conservation and Development.
- 45 (HH) Board chairperson of the Land Use Board of Appeals.

- 1 (II) State Marine Director.
- 2 (JJ) Executive director of the Oregon Racing Commission.
- 3 (KK) State Parks and Recreation Director.
- 4 (LL) Public defense services executive director.
- 5 (MM) Chairperson of the Public Employees' Benefit Board.
- 6 (NN) Director of the Department of Public Safety Standards and Training.
- 7 (OO) Executive director of the Higher Education Coordinating Commission.
- 8 (PP) Executive director of the Oregon Watershed Enhancement Board.
- 9 (QQ) Director of the Oregon Youth Authority.
- 10 (RR) Director of the Oregon Health Authority.
- 11 (SS) Deputy Superintendent of Public Instruction.
- 12 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 13 the Governor's office.
- 14 (j) Every elected city or county official.
- 15 (k) Every member of a city or county planning, zoning or development commission.
- 16 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
- 17 cipal administrator of the city or county.
- 18 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 19 (n) Every member of a governing body of a metropolitan service district and the auditor and
- 20 executive officer thereof.
- 21 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 22 (p) The chief administrative officer and the financial officer of each common and union high
- 23 school district, education service district and community college district.
- 24 (q) Every member of the following state boards and commissions:
- 25 (A) Governing board of the State Department of Geology and Mineral Industries.
- 26 (B) Oregon Business Development Commission.
- 27 (C) State Board of Education.
- 28 (D) Environmental Quality Commission.
- 29 (E) Fish and Wildlife Commission of the State of Oregon.
- 30 (F) State Board of Forestry.
- 31 (G) Oregon Government Ethics Commission.
- 32 (H) Oregon Health Policy Board.
- 33 (I) Oregon Investment Council.
- 34 (J) Land Conservation and Development Commission.
- 35 (K) Oregon Liquor Control Commission.
- 36 (L) Oregon Short Term Fund Board.
- 37 (M) State Marine Board.
- 38 (N) Mass transit district boards.
- 39 (O) Energy Facility Siting Council.
- 40 (P) Board of Commissioners of the Port of Portland.
- 41 (Q) Employment Relations Board.
- 42 (R) Public Employees Retirement Board.
- 43 (S) Oregon Racing Commission.
- 44 (T) Oregon Transportation Commission.
- 45 (U) Water Resources Commission.

- 1 (V) Workers' Compensation Board.
- 2 (W) Oregon Facilities Authority.
- 3 (X) Oregon State Lottery Commission.
- 4 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
- 5 (Z) Columbia River Gorge Commission.
- 6 (AA) Oregon Health and Science University Board of Directors.
- 7 (BB) Capitol Planning Commission.
- 8 (CC) Higher Education Coordinating Commission.
- 9 (DD) Oregon Growth Board.
- 10 (EE) Early Learning Council.
- 11 (r) The following officers of the State Treasurer:
- 12 (A) Deputy State Treasurer.
- 13 (B) Chief of staff for the office of the State Treasurer.
- 14 (C) Director of the Investment Division.
- 15 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
- 16 or 777.915 to 777.953.
- 17 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- 18 (u) Every member of a governing board of a public university listed in ORS 352.002.
- 19 (v) Every member of the board of directors of an authority created under ORS 465.600 to
- 20 465.621.
- 21 (2) By April 15 next after the date an appointment takes effect, every appointed public official
- 22 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
- 23 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
- 24 and 244.090.
- 25 (3) By April 15 next after the filing deadline for the primary election, each candidate described
- 26 in subsection (1) of this section shall file with the commission a statement of economic interest as
- 27 required under ORS 244.060, 244.070 and 244.090.
- 28 (4) Not later than the 40th day before the date of the statewide general election, each candidate
- 29 described in subsection (1) of this section who will appear on the statewide general election ballot
- 30 and who was not required to file a statement of economic interest under subsections (1) to (3) of this
- 31 section shall file with the commission a statement of economic interest as required under ORS
- 32 244.060, 244.070 and 244.090.
- 33 (5) Subsections (1) to (3) of this section apply only to persons who are incumbent, elected or
- 34 appointed public officials as of April 15 and to persons who are candidates on April 15.
- 35 (6) If a statement required to be filed under this section has not been received by the commis-
- 36 sion within five days after the date the statement is due, the commission shall notify the public of-
- 37 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
- 38 requirements of this section. If the public official or candidate fails to comply by the date set by the
- 39 commission, the commission may impose a civil penalty as provided in ORS 244.350.
- 40 **SECTION 9.** ORS 249.002 is amended to read:
- 41 249.002. As used in this chapter:
- 42 (1) "Candidate" means an individual whose name is or is expected to be printed on the official
- 43 ballot or a write-in candidate.
- 44 (2) "County clerk" means the county clerk or the county official in charge of elections.
- 45 (3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-

1 tution.

2 (4) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
3 Tax Court, or any county judge who exercises judicial functions.

4 (5) "Member" means an individual who is registered as being affiliated with the political party.

5 (6) "Minor political party" means a political party that has qualified as a minor political party
6 under ORS 248.008.

7 (7) "Nonpartisan office" means the office of judge, Commissioner of the Bureau of Labor and
8 Industries, any elected office of a metropolitan service district under ORS chapter 268, justice of the
9 peace, county clerk, county assessor, county surveyor, county treasurer, sheriff, district attorney or
10 any office designated nonpartisan by a home rule charter.

11 (8) "Prospective petition" means the information, except signatures and other identification of
12 petition signers, required to be contained in a completed petition.

13 (9) "Public office" means any national, state, county, city or district office or position, except
14 a political party office, filled by the electors.

15 (10) "State office" means Governor, Secretary of State, State Treasurer, [*Attorney General*,]
16 Commissioner of the Bureau of Labor and Industries, judge, state Senator, state Representative or
17 district attorney.

18 **SECTION 10.** ORS 249.056 is amended to read:

19 249.056. (1) At the time of filing a declaration of candidacy a candidate for the following offices
20 shall pay to the officer with whom the declaration is filed the following fee:

21 (a) United States Senator, \$150.

22 (b) Governor, Secretary of State, State Treasurer, [*Attorney General*,] Commissioner of the Bu-
23 reau of Labor and Industries, Representative in Congress, judge of the Supreme Court, Court of
24 Appeals or Oregon Tax Court, or executive officer or auditor of a metropolitan service district, \$100.

25 (c) County officer, district attorney, county judge who exercises judicial functions or circuit
26 court judge, \$50.

27 (d) State Senator or Representative or councilor of a metropolitan service district under ORS
28 chapter 268, \$25.

29 (2) No filing fee shall be required of persons filing a declaration of candidacy for precinct com-
30 mitteeperson or justice of the peace.

31 **SECTION 11.** ORS 249.215 is amended to read:

32 249.215. (1) If a vacancy occurs in a state office before the 61st day before the first general
33 election to be held during that term of office, the remaining two years of the term of the state office
34 shall be filled by the electors at that general election.

35 (2) The remaining two years of the term of the state office shall commence on the second
36 Monday in January following the general election. Any appointment made to fill the vacancy shall
37 expire when a successor to the office is elected and qualified.

38 (3) Candidates for the remaining two years of the term of the state office under this section shall
39 be nominated as provided in this chapter, with major political parties following the procedure set
40 forth in ORS 249.200, except as follows:

41 (a) A minor political party, by party rule, or an assembly of electors or individual electors, may
42 select a nominee; and

43 (b) The Secretary of State shall accept certificates of nomination and notifications of nominees
44 filed with the secretary pursuant to a schedule for filing set by the secretary, but in any case not
45 later than the 62nd day before the first general election.

1 (4) As used in this section, “state office” means the office of Governor, Secretary of State, State
2 Treasurer[, *Attorney General*] and Commissioner of the Bureau of Labor and Industries.

3 **SECTION 12.** ORS 254.650 is amended to read:

4 254.650. (1) If the Secretary of State determines that a vacancy exists in the nomination of a
5 candidate of a major political party for state office, that the vacancy is due to the death of the
6 candidate and that the vacancy occurred after the 47th day before the date of the general election:

7 (a) The election for that state office may not be held at the general election;

8 (b) The county clerks may not count ballots cast for candidates for that state office at the
9 general election; and

10 (c) The Secretary of State shall order a special election as provided in ORS 254.655.

11 (2) The candidates listed on the ballot at the special election shall be:

12 (a) The candidates who were listed on the general election ballot, other than the candidate
13 whose nomination became vacant; and

14 (b) The candidate selected to fill the vacancy in the nomination as provided in ORS 249.190 or
15 249.205.

16 (3) As used in this section “state office” means the office of Governor, Secretary of State, State
17 Treasurer, [*Attorney General*,] state Senator or state Representative.

18 **SECTION 13.** ORS 258.036 is amended to read:

19 258.036. (1) Not later than the 40th day after the election or the seventh day after completion
20 of a recount of votes cast in connection with the election, any person authorized to contest a result
21 of the election may file a petition of contest. The petition shall be filed with:

22 (a) The Circuit Court for Marion County if the petition involves a state measure, a candidate
23 for election to the office of elector of President and Vice President of the United States or a can-
24 didate for nomination or election to the office of United States Senator, United States Represen-
25 tative in Congress, Governor, Secretary of State, State Treasurer, [*Attorney General*,] Commissioner
26 of the Bureau of Labor and Industries or a position of judge on the Oregon Supreme Court, the
27 Oregon Court of Appeals or the Oregon Tax Court.

28 (b) The circuit court for the county where a majority of the electors in the electoral district
29 reside if the petition involves a candidate for nomination or election to the office of state Senator,
30 state Representative, circuit court judge or district attorney.

31 (c) The circuit court for the county in which the filing officer is located if the petition involves
32 a candidate for nomination or election to county, city or district office or a county, city or district
33 measure. If a district is located in more than one county, the petition shall be filed with the circuit
34 court for the county in which the administrative office of the district is located.

35 (d) The circuit court for the county in which the filing officer authorized to order the recall
36 election is located if the petition involves the recall of a public officer.

37 (2) The petition shall be verified in the manner required for verification of complaints in civil
38 cases and shall specify:

39 (a) The cause of the contest; and

40 (b) The names of all contestees.

41 **SECTION 14.** ORS 258.055 is amended to read:

42 258.055. (1) Except as provided in subsection (2) of this section, when a contestant files a peti-
43 tion of contest with the circuit court described under ORS 258.036, the contestant shall, within three
44 business days of filing the petition, publish a notice stating that the petition has been filed and
45 identifying the date of the deadline described in this subsection for filing a motion to intervene. The

1 notice must be published at least once in the next available issue of a newspaper of general circu-
 2 lation published in the county where the proceeding is pending. Jurisdiction over the election
 3 contest shall be complete within 10 days after the notice is published as provided in this subsection.
 4 Any person interested may at any time before the expiration of the 10 days appear and contest the
 5 validity of the proceeding, or of any of the acts or things enumerated in the proceeding.

6 (2) Subsection (1) of this section does not apply if the contest involves:

7 (a) A state measure.

8 (b) The election of a candidate to the office of elector of President and Vice President of the
 9 United States.

10 (c) The nomination or election of a candidate to the office of United States Senator, United
 11 States Representative in Congress, Governor, Secretary of State, State Treasurer, [*Attorney*
 12 *General,*] Commissioner of the Bureau of Labor and Industries or a position of judge on the Oregon
 13 Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

14 (d) The recall of a person from the office of Governor, Secretary of State, State Treasurer, [*At-*
 15 *torney General,*] Commissioner of the Bureau of Labor and Industries or a position of judge on the
 16 Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

17 (3) Not later than two business days after the contestant files a petition of contest with the
 18 circuit court, the contestant shall serve a copy of the petition by certified mail on each contestee.
 19 If the Secretary of State or county clerk is not a contestee, not later than one business day after
 20 the contestant files a petition of contest with the circuit court, the contestant shall file a copy of
 21 the petition with:

22 (a) The Secretary of State if the petition involves a candidate for state office, the recall of a
 23 person from state office or a state measure; or

24 (b) The county clerk if the petition involves a candidate for county, city or district office, the
 25 recall of a person from county, city or district office or a county, city or district measure. As used
 26 in this paragraph, "county clerk" includes the county clerk of the county in which the administra-
 27 tive office of a city or district is located regarding a measure, a recall or a candidate for an office
 28 to be voted on in a city or district located in more than one county.

29 (4) The circuit court shall fix a time for the hearing by the circuit court of the contest pro-
 30 ceeding, and not later than the fifth day before the hearing shall give written notice of the hearing
 31 to each party to the proceeding. In fixing the time for the hearing, the court shall consider the dates
 32 set in any notice published under subsection (1) of this section and the dates of service on the
 33 contestees. The contest proceeding shall take precedence over all other business on the circuit court
 34 docket.

35 (5) The circuit court shall hear and determine the proceeding without a jury and shall issue
 36 written findings of law and fact. The practice and procedure otherwise applicable to civil cases
 37 shall govern the proceeding, except that the contestant has the burden of proof by clear and con-
 38 vincing evidence.

39 **SECTION 15.** ORS 260.005 is amended to read:

40 260.005. As used in this chapter:

41 (1)(a) "Candidate" means:

42 (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,
 43 nominating petition or certificate of nomination to public office has been filed or whose name is
 44 expected to be or has been presented, with the individual's consent, for nomination or election to
 45 public office;

1 (B) An individual who has solicited or received and accepted a contribution, made an expendi-
 2 ture, or given consent to an individual, organization, political party or political committee to solicit
 3 or receive and accept a contribution or make an expenditure on the individual's behalf to secure
 4 nomination or election to any public office at any time, whether or not the office for which the in-
 5 dividual will seek nomination or election is known when the solicitation is made, the contribution
 6 is received and retained or the expenditure is made, and whether or not the name of the individual
 7 is printed on a ballot; or

8 (C) A public office holder against whom a recall petition has been completed and filed.

9 (b) For purposes of this section and ORS 260.035 to 260.156, "candidate" does not include a
 10 candidate for the office of precinct committeeperson.

11 (2) "Committee director" means any person who directly and substantially participates in
 12 decision-making on behalf of a political committee concerning the solicitation or expenditure of
 13 funds and the support of or opposition to candidates or measures. The officers of a political party
 14 shall be considered the directors of any political party committee of that party, unless otherwise
 15 provided in the party's bylaws.

16 (3) Except as provided in ORS 260.007, "contribute" or "contribution" includes:

17 (a) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compen-
 18 sation or consideration, of money, services other than personal services for which no compensation
 19 is asked or given, supplies, equipment or any other thing of value:

20 (A) For the purpose of influencing an election for public office or an election on a measure, or
 21 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-
 22 itical committee; or

23 (B) To or on behalf of a candidate, political committee or measure; and

24 (b) The excess value of a contribution made for compensation or consideration of less than
 25 equivalent value.

26 (4) "Controlled committee" means a political committee that, in connection with the making of
 27 contributions or expenditures:

28 (a) Is controlled directly or indirectly by a candidate or a controlled committee; or

29 (b) Acts jointly with a candidate or controlled committee.

30 (5) "Controlled directly or indirectly by a candidate" means:

31 (a) The candidate, the candidate's agent, a member of the candidate's immediate family or any
 32 other political committee that the candidate controls has a significant influence on the actions or
 33 decisions of the political committee; or

34 (b) The candidate's principal campaign committee and the political committee both have the
 35 candidate or a member of the candidate's immediate family as a treasurer or director.

36 (6) "County clerk" means the county clerk or the county official in charge of elections.

37 (7) "Elector" means an individual qualified to vote under Article II, section 2, of the Oregon
 38 Constitution.

39 (8) Except as provided in ORS 260.007, "expend" or "expenditure" includes the payment or fur-
 40 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation
 41 by or on behalf of a candidate, political committee or person in consideration for any services,
 42 supplies, equipment or other thing of value performed or furnished for any reason, including support
 43 of or opposition to a candidate, political committee or measure, or for reducing the debt of a can-
 44 didate for nomination or election to public office. "Expenditure" also includes contributions made
 45 by a candidate or political committee to or on behalf of any other candidate or political committee.

- 1 (9) "Filing officer" means:
- 2 (a) The Secretary of State:
- 3 (A) Regarding a candidate for public office;
- 4 (B) Regarding a statement required to be filed under ORS 260.118;
- 5 (C) Regarding any measure; or
- 6 (D) Regarding any political committee.
- 7 (b) In the case of an irrigation district formed under ORS chapter 545, "filing officer" means:
- 8 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district
- 9 formation election where the proposed district is situated wholly in one county;
- 10 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation
- 11 district will be located, regarding any candidate for office or any measure at an irrigation district
- 12 formation election where the proposed district is situated in more than one county; or
- 13 (C) The secretary of the irrigation district for any election other than an irrigation district
- 14 formation election.
- 15 (10) "Independent expenditure" means an expenditure by a person for a communication in sup-
- 16 port of or in opposition to a clearly identified candidate or measure that is not made with the co-
- 17 operation or with the prior consent of, or in consultation with, or at the request or suggestion of,
- 18 a candidate or any agent or authorized committee of the candidate, or any political committee or
- 19 agent of a political committee supporting or opposing a measure. For purposes of this subsection:
- 20 (a) "Agent" means any person who has:
- 21 (A) Actual oral or written authority, either express or implied, to make or to authorize the
- 22 making of expenditures on behalf of a candidate or on behalf of a political committee supporting or
- 23 opposing a measure; or
- 24 (B) Been placed in a position within the campaign organization where it would reasonably ap-
- 25 pear that in the ordinary course of campaign-related activities the person may authorize expen-
- 26 ditures.
- 27 (b)(A) "Clearly identified" means, with respect to candidates:
- 28 (i) The name of the candidate involved appears;
- 29 (ii) A photograph or drawing of the candidate appears; or
- 30 (iii) The identity of the candidate is apparent by unambiguous reference.
- 31 (B) "Clearly identified" means, with respect to measures:
- 32 (i) The ballot number of the measure appears;
- 33 (ii) A description of the measure's subject or effect appears; or
- 34 (iii) The identity of the measure is apparent by unambiguous reference.
- 35 (c) "Communication in support of or in opposition to a clearly identified candidate or measure"
- 36 means:
- 37 (A)(i) The communication, when taken as a whole and with limited reference to external events,
- 38 such as the proximity to the election, could only be interpreted by a reasonable person as containing
- 39 advocacy for the election or defeat of a clearly identified candidate for nomination or election to
- 40 public office, or the passage or defeat of a clearly identified measure; and
- 41 (ii) The electoral portion of the communication is unmistakable, unambiguous and suggestive of
- 42 only one meaning; or
- 43 (B)(i) The communication involves aggregate expenditures of more than \$250 by a person;
- 44 (ii) The communication refers to a clearly identified candidate or measure that will appear on
- 45 the ballot or to a political party; and

1 (iii) The communication is published and disseminated to the relevant electorate within 60 cal-
2 endar days before a primary election, 120 calendar days before a general election or 90 calendar
3 days before an election other than a primary election or a general election.

4 (d) "Made with the cooperation or with the prior consent of, or in consultation with, or at the
5 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
6 political committee or agent of a political committee supporting or opposing a measure":

7 (A) Means any arrangement, coordination or direction by the candidate or the candidate's agent,
8 or by any political committee or agent of a political committee supporting or opposing a measure,
9 prior to the publication, distribution, display or broadcast of the communication. An expenditure
10 shall be presumed to be so made when it is:

11 (i) Based on information about the plans, projects or needs of the candidate, or of the political
12 committee supporting or opposing a measure, and provided to the expending person by the candidate
13 or by the candidate's agent, or by any political committee or agent of a political committee sup-
14 porting or opposing a measure, with a view toward having an expenditure made; or

15 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who
16 is or has been an officer of a political committee authorized by the candidate or by a political
17 committee or agent of a political committee supporting or opposing a measure, or who is or has been
18 receiving any form of compensation or reimbursement from the candidate, the candidate's principal
19 campaign committee or agent or from any political committee or agent of a political committee
20 supporting or opposing a measure.

21 (B) Does not mean providing to the expending person upon request a copy of this chapter or any
22 rules adopted by the Secretary of State relating to independent expenditures.

23 (11) "Initiative petition" means a petition to initiate a measure for which a prospective petition
24 has been filed but that is not yet a measure.

25 (12) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
26 Tax Court.

27 (13) "Mass mailing" means more than 200 substantially similar pieces of mail, but does not in-
28 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other
29 inquiry.

30 (14) "Measure" includes any of the following submitted to the people for their approval or re-
31 jection at an election:

32 (a) A proposed law.

33 (b) An Act or part of an Act of the Legislative Assembly.

34 (c) A revision of or amendment to the Oregon Constitution.

35 (d) Local, special or municipal legislation.

36 (e) A proposition or question.

37 (15) "Occupation" means:

38 (a) The nature of an individual's principal business; and

39 (b) If the individual is employed by another person, the business name and address, by city and
40 state, of the employer.

41 (16) "Person" means an individual, corporation, limited liability company, labor organization,
42 association, firm, partnership, joint stock company, club, organization or other combination of indi-
43 viduals having collective capacity.

44 (17) "Petition committee" means an initiative, referendum or recall petition committee organized
45 under ORS 260.118.

1 (18) "Political committee" means a combination of two or more individuals, or a person other
2 than an individual, that has:

3 (a) Received a contribution for the purpose of supporting or opposing a candidate, measure or
4 political party; or

5 (b) Made an expenditure for the purpose of supporting or opposing a candidate, measure or
6 political party. For purposes of this paragraph, an expenditure does not include:

7 (A) A contribution to a candidate or political committee that is required to report the contri-
8 bution on a statement filed under ORS 260.057 or 260.076 or a certificate filed under ORS 260.112;
9 or

10 (B) An independent expenditure for which a statement is required to be filed by a person under
11 ORS 260.044.

12 (19) "Public office" means any national, state, county, district, city office or position, except a
13 political party office, that is filled by the electors.

14 (20) "Recall petition" means a petition to recall a public officer for which a prospective petition
15 has been filed but that is not yet a measure.

16 (21) "Referendum petition" means a petition to refer a measure for which a prospective petition
17 has been filed but that is not yet a measure.

18 (22) "Regular district election" means the regular district election described in ORS 255.335.

19 (23) "State office" means the office of Governor, Secretary of State, State Treasurer, [*Attorney*
20 *General,*] Commissioner of the Bureau of Labor and Industries, state Senator, state Representative,
21 judge or district attorney.

22 **SECTION 16.** ORS 260.076 is amended to read:

23 260.076. (1) A legislative official, statewide official or candidate therefor, or the official's or
24 candidate's principal campaign committee, shall file statements showing contributions received by
25 or on behalf of the official, candidate or committee during the period beginning January 1 and end-
26 ing upon adjournment of the regular session of the Legislative Assembly, or during any special
27 session of the Legislative Assembly.

28 (2) The Governor, Governor-elect or a candidate for Governor, or the principal campaign com-
29 mittee of the Governor, Governor-elect or candidate, shall file statements showing contributions re-
30 ceived by or on behalf of the Governor, Governor-elect, candidate or committee during the period
31 beginning January 1 and ending 30 business days following adjournment of the regular session of the
32 Legislative Assembly, or during any special session of the Legislative Assembly.

33 (3) A person or political committee affiliated with a political party, caucus of either house of the
34 Legislative Assembly, legislative official, statewide official or the Governor, Governor-elect or candi-
35 didate for Governor shall file statements showing contributions received by the person or committee
36 on behalf of a legislative official, statewide official or candidate therefor, during the period begin-
37 ning January 1 and ending upon adjournment of the regular session of the Legislative Assembly, or
38 during any special session of the Legislative Assembly.

39 (4) A person or political committee affiliated with a political party, caucus of either house of the
40 Legislative Assembly, legislative official, statewide official or the Governor, Governor-elect or candi-
41 didate for Governor shall file statements showing contributions received by the person or committee
42 on behalf of the Governor, Governor-elect or candidate for Governor, during the period beginning
43 January 1 and ending 30 business days following adjournment of the regular session of the Legisla-
44 tive Assembly, or during any special session of the Legislative Assembly.

45 (5) A statement described in subsections (1) to (4) of this section shall be filed with the Secretary

1 of State on a form prescribed by the secretary. For contributions received during the period begin-
 2 ning on January 1 and ending on the first day of the regular session, a statement shall be filed not
 3 later than two business days after the first day of the regular session. For contributions received
 4 on or after the first day of the regular session, a statement shall be filed not later than two business
 5 days after the date a contribution is received. For contributions received during any special session
 6 of the Legislative Assembly, a statement shall be filed not later than two business days after the
 7 date a contribution is received.

8 (6) As used in this section:

9 (a) "Legislative official" means any member or member-elect of the Legislative Assembly.

10 (b) "Statewide official" means the Secretary of State or Secretary of State-elect, State Treasurer
 11 or State Treasurer-elect[, *Attorney General or Attorney General-elect*] and the Commissioner of the
 12 Bureau of Labor and Industries or the Commissioner-elect of the Bureau of Labor and Industries.

13 **SECTION 17.** ORS 292.930 is amended to read:

14 292.930. Each of the following [*elective*] officers shall be paid an annual salary on a monthly
 15 basis as determined by the Legislative Assembly each biennium:

- 16 (1) Governor.
- 17 (2) Secretary of State.
- 18 (3) State Treasurer.
- 19 (4) Attorney General.
- 20 (5) Commissioner of the Bureau of Labor and Industries.
- 21 (6) Chief Judge of the Court of Appeals.
- 22 (7) Court of Appeals Judge.
- 23 (8) Chief Justice of the Supreme Court.
- 24 (9) Supreme Court Judge.
- 25 (10) Circuit Court Judge.
- 26 (11) Tax Court Judge.