

# House Bill 4143

Sponsored by Representatives DRAZAN, LEVY, SMITH G; Representatives BOSHART DAVIS, GEORGE, GOODWIN, LEWIS, MORGAN, NOBLE, OWENS, RESCHKE, SCHARF, SMITH DB, WILDE, WRIGHT, Senators KENNEMER, THATCHER (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**.

Establishes Superintendent of Public Instruction as statewide elected office.

Directs Superintendent of Public Instruction to convene parent advisory committee to assist superintendent and State Board of Education on statewide education policy.

## A BILL FOR AN ACT

1  
2 Relating to the state administration of education; creating new provisions; amending ORS 171.130,  
3 171.133, 171.735, 173.130, 240.205, 244.042, 244.050, 249.002, 249.056, 249.215, 251.170, 254.005,  
4 258.036, 258.055, 260.005, 260.076, 260.262, 260.368, 292.311, 292.430, 292.930, 326.555, 329.837,  
5 343.465, 343.499, 357.021 and 660.505; and repealing ORS 326.300.

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

7 **SECTION 1. (1) The Superintendent of Public Instruction shall be elected by the electors**  
8 **of this state at the regular general election in the same manner as other state officers are**  
9 **elected.**

10 **(2) The term of the Superintendent of Public Instruction shall commence on the first**  
11 **Monday in January of the year succeeding election. The superintendent shall hold office for**  
12 **the term of four years, and until a successor is elected and qualified.**

13 **(3) At any time when a vacancy may by any cause occur in the office of the Superinten-**  
14 **dent of Public Instruction, the Governor shall appoint a suitable person to be the super-**  
15 **intendent, who shall hold office for the remainder of the term.**

16 **(4) The Superintendent of Public Instruction shall be the administrative head of the De-**  
17 **partment of Education.**

18 **SECTION 2. (1) The first election for the Superintendent of Public Instruction, as pro-**  
19 **vided by section 1 of this 2022 Act, shall be held on the day of the regular general election**  
20 **held throughout this state in 2024.**

21 **(2) The term of office prescribed by section 1 of this 2022 Act applies to any Superinten-**  
22 **dent of Public Instruction who takes office on or after January 6, 2025.**

23 **SECTION 3. ORS 326.300 is repealed and section 4 of this 2022 Act is enacted in lieu**  
24 **thereof.**

25 **SECTION 4. The Superintendent of Public Instruction may appoint deputy superinten-**  
26 **dents of public instruction. A deputy may perform any act or duty of the office of Super-**  
27 **intendent of Public Instruction designated by the superintendent, and the Superintendent of**  
28 **Public Instruction shall be responsible for all acts of a deputy superintendent.**

29 **SECTION 5. Section 4 of this 2022 Act and the repeal of ORS 326.300 by section 3 of this**  
30 **2022 Act become operative on January 6, 2025.**

**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.

**SECTION 6.** 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 **and the Superintendent of Public Instruction.**

(d) The Judicial Department.

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

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

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

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

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

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

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

**SECTION 7.** ORS 171.133 is amended to read:

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

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

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

1 (b) The Public Defense Services Commission; and

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

4 **SECTION 8.** ORS 171.735 is amended to read:

5 171.735. ORS 171.740 and 171.745 do not apply to the following persons:

6 (1) News media, or their employees or agents, that in the ordinary course of business directly  
7 or indirectly urge legislative action but that engage in no other activities in connection with the  
8 legislative action.

9 (2) Any legislative official acting in an official capacity.

10 (3) Any individual who does not receive compensation or reimbursement of expenses for lobby-  
11 ing, who limits lobbying activities solely to formal appearances to give testimony before public ses-  
12 sions of committees of the Legislative Assembly, or public hearings of state agencies, and who, when  
13 testifying, registers an appearance in the records of the committees or agencies.

14 (4) A person who does not:

15 (a) Agree to provide personal services for money or any other consideration for the purpose of  
16 lobbying;

17 (b) Spend more than an aggregate amount of 24 hours during any calendar quarter lobbying; and

18 (c) Spend an aggregate amount in excess of \$100 lobbying during any calendar quarter.

19 (5) The Governor, chief of staff for the Governor, deputy chief of staff for the Governor, legal  
20 counsel to the Governor, deputy legal counsel to the Governor, Secretary of State, Deputy Secretary  
21 of State appointed pursuant to ORS 177.040, State Treasurer, Deputy State Treasurer appointed  
22 pursuant to ORS 178.060, chief of staff for the office of the State Treasurer, Attorney General,  
23 Deputy Attorney General appointed pursuant to ORS 180.130, [*Deputy Superintendent of Public In-*  
24 *struction appointed pursuant to ORS 326.300,*] Commissioner of the Bureau of Labor and Industries,  
25 deputy commissioner of the Bureau of Labor and Industries appointed pursuant to ORS 651.060,  
26 **Superintendent of Public Instruction, deputies of the Superintendent of Public Instruction**  
27 **appointed pursuant to section 4 of this 2022 Act**, members and staff of the Oregon Law Com-  
28 mission who conduct the law revision program of the commission or any judge.

29 **SECTION 9.** ORS 173.130 is amended to read:

30 173.130. (1) The Legislative Counsel shall prepare or assist in the preparation of legislative  
31 measures when requested to do so by a member or committee of the Legislative Assembly.

32 (2) Upon the written request of a state agency, the Legislative Counsel may prepare or assist  
33 in the preparation of legislative measures that have been approved for preparation in writing by the  
34 Governor or the Governor's designated representative. The Legislative Counsel may also prepare  
35 or assist in the preparation of legislative measures that are requested in writing by the Judicial  
36 Department, the Governor, the Secretary of State, the State Treasurer, the Attorney General, [or]  
37 the Commissioner of the Bureau of Labor and Industries **or the Superintendent of Public In-**  
38 **struction.** In accordance with ORS 283.110, the Legislative Counsel may charge the agency or offi-  
39 cer for the services performed.

40 (3) The Legislative Counsel shall give such consideration to and service concerning any measure  
41 or other legislative matter before the Legislative Assembly as is requested by the House of Repre-  
42 sentatives, the Senate or any committee of the Legislative Assembly that has the measure or other  
43 matter under consideration.

44 (4) The Legislative Counsel, pursuant to the policies and directions of the Legislative Counsel  
45 Committee and in conformity with any applicable rules of the House of Representatives or Senate,

1 shall perform or cause to be performed research service requested by any member or committee of  
 2 the Legislative Assembly in connection with the performance of legislative functions. Research as-  
 3 signments made by joint or concurrent resolution of the Legislative Assembly shall be given priority  
 4 over other research requests received by the Legislative Council. The research service to be per-  
 5 formed includes the administrative services incident to the accomplishment of the research requests  
 6 or assignments.

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

13 (6) The Legislative Council may enter into contracts to carry out the functions of the Legisla-  
 14 tive Council.

15 **SECTION 10.** ORS 240.205 is amended to read:

16 240.205. The unclassified service shall comprise:

17 (1) One executive officer and one secretary for each board or commission, the members of which  
 18 are elected officers or are appointed by the Governor.

19 (2) The director of each department of state government, each full-time salaried head of a state  
 20 agency required by law to be appointed by the Governor and each full-time salaried member of a  
 21 board or commission required by law to be appointed by the Governor.

22 (3) The administrator of each division within a department of state government required by law  
 23 to be appointed by the director of the department with the approval of the Governor.

24 (4) Principal assistants and deputies and one private secretary for each executive or adminis-  
 25 trative officer specified in ORS 240.200 (1) and in subsections (1) to (3) of this section. "Deputy"  
 26 means the deputy or deputies to an executive or administrative officer listed in subsections (1) to  
 27 (3) of this section who is authorized to exercise that officer's authority upon absence of the officer.  
 28 "Principal assistant" means a manager of a major agency organizational component who reports  
 29 directly to an executive or administrative officer listed in subsections (1) to (3) of this section or  
 30 deputy and who is designated as such by that executive or administrative officer with the approval  
 31 of the Director of the Oregon Department of Administrative Services.

32 (5) Employees in the Governor's office and the principal assistant and private secretary in the  
 33 Secretary of State's division.

34 (6) The director, principals, instructors and teachers in the school operated under ORS 346.010.

35 (7) Apprentice trainees only during the prescribed length of their course of training.

36 (8) Licensed physicians and dentists employed in their professional capacities and student  
 37 nurses, interns, and patient or adult in custody help in state institutions.

38 (9) Lawyers employed in their professional capacities.

39 (10) All members of the Oregon State Police appointed under ORS 181A.050.

40 *[(11) The Deputy Superintendent of Public Instruction appointed under ORS 326.300 and associate*  
 41 *superintendents in the Department of Education.]*

42 **(11) Deputy superintendents of public instruction appointed under section 4 of this 2022**  
 43 **Act.**

44 (12) Temporary seasonal farm laborers engaged in single phases of agricultural production or  
 45 harvesting.

1 (13) Any individual employed and paid from federal funds received under a federal program in-  
 2 tended primarily to alleviate unemployment. However, persons employed under this subsection shall  
 3 be treated as classified employees for purposes of ORS 243.650 to 243.809.

4 (14) Managers, department heads, directors, producers and announcers of the state radio and  
 5 television network.

6 (15) Employees, including managers, of the foreign trade offices of the Oregon Business Devel-  
 7 opment Department located outside the country.

8 (16) Any other position designated by law as unclassified.

9 **SECTION 11.** ORS 244.042 is amended to read:

10 244.042. (1) Except as provided in subsections (3) and (4) of this section, a public official may  
 11 not solicit or receive, whether directly or indirectly, honoraria for the public official or any member  
 12 of the household of the public official if the honoraria are solicited or received in connection with  
 13 the official duties of the public official.

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

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

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

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

23 (4)(a) The Governor, First Partner, Secretary of State, State Treasurer, Attorney General,  
 24 [and] Commissioner of the Bureau of Labor and Industries **and Superintendent of Public In-**  
 25 **struction** may not solicit or receive an honorarium, money or any other consideration, as defined  
 26 in ORS 171.725, for any speaking engagement or presentation.

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

30 **SECTION 12.** ORS 244.050 is amended to read:

31 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon  
 32 Government Ethics Commission a verified statement of economic interest as required under this  
 33 chapter:

34 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the  
 35 Bureau of Labor and Industries, **Superintendent of Public Instruction**, district attorneys and  
 36 members of the Legislative Assembly.

37 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem  
 38 judicial officer who does not otherwise serve as a judicial officer.

39 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

40 (d) The Deputy Attorney General.

41 (e) The Deputy Secretary of State.

42 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the  
 43 Legislative Policy and Research Director, the Secretary of the Senate, the Chief Clerk of the House  
 44 of Representatives and the Legislative Equity Officer.

45 (g) The president and vice presidents, or their administrative equivalents, in each public uni-

- 1    iversity listed in ORS 352.002.
- 2       (h) The following state officers:
- 3       (A) Adjutant General.
- 4       (B) Director of Agriculture.
- 5       (C) Manager of State Accident Insurance Fund Corporation.
- 6       (D) Water Resources Director.
- 7       (E) Director of Department of Environmental Quality.
- 8       (F) Director of Oregon Department of Administrative Services.
- 9       (G) State Fish and Wildlife Director.
- 10      (H) State Forester.
- 11      (I) State Geologist.
- 12      (J) Director of Human Services.
- 13      (K) Director of the Department of Consumer and Business Services.
- 14      (L) Director of the Department of State Lands.
- 15      (M) State Librarian.
- 16      (N) Administrator of the Oregon Liquor and Cannabis Commission.
- 17      (O) Superintendent of State Police.
- 18      (P) Director of the Public Employees Retirement System.
- 19      (Q) Director of Department of Revenue.
- 20      (R) Director of Transportation.
- 21      (S) Public Utility Commissioner.
- 22      (T) Director of Veterans' Affairs.
- 23      (U) Executive director of Oregon Government Ethics Commission.
- 24      (V) Director of the State Department of Energy.
- 25      (W) Director and each assistant director of the Oregon State Lottery.
- 26      (X) Director of the Department of Corrections.
- 27      (Y) Director of the Oregon Department of Aviation.
- 28      (Z) Executive director of the Oregon Criminal Justice Commission.
- 29      (AA) Director of the Oregon Business Development Department.
- 30      (BB) Director of the Oregon Department of Emergency Management.
- 31      (CC) Director of the Employment Department.
- 32      (DD) State Fire Marshal.
- 33      (EE) Chief of staff for the Governor.
- 34      (FF) Director of the Housing and Community Services Department.
- 35      (GG) State Court Administrator.
- 36      (HH) Director of the Department of Land Conservation and Development.
- 37      (II) Board chairperson of the Land Use Board of Appeals.
- 38      (JJ) State Marine Director.
- 39      (KK) Executive director of the Oregon Racing Commission.
- 40      (LL) State Parks and Recreation Director.
- 41      (MM) Public defense services executive director.
- 42      (NN) Chairperson of the Public Employees' Benefit Board.
- 43      (OO) Director of the Department of Public Safety Standards and Training.
- 44      (PP) Executive director of the Higher Education Coordinating Commission.
- 45      (QQ) Executive director of the Oregon Watershed Enhancement Board.

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

1 (DD) Oregon Growth Board.

2 (EE) Early Learning Council.

3 (FF) The Oversight and Accountability Council.

4 (r) The following officers of the State Treasurer:

5 (A) Deputy State Treasurer.

6 (B) Chief of staff for the office of the State Treasurer.

7 (C) Director of the Investment Division.

8 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725  
9 or 777.915 to 777.953.

10 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

11 (u) Every member of a governing board of a public university listed in ORS 352.002.

12 (v) Every member of the board of directors of an authority created under ORS 465.600 to  
13 465.621.

14 (2) By April 15 next after the date an appointment takes effect, every appointed public official  
15 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-  
16 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070  
17 and 244.090.

18 (3) By April 15 next after the filing deadline for the primary election, each candidate described  
19 in subsection (1) of this section shall file with the commission a statement of economic interest as  
20 required under ORS 244.060, 244.070 and 244.090.

21 (4) Not later than the 40th day before the date of the statewide general election, each candidate  
22 described in subsection (1) of this section who will appear on the statewide general election ballot  
23 and who was not required to file a statement of economic interest under subsections (1) to (3) of this  
24 section shall file with the commission a statement of economic interest as required under ORS  
25 244.060, 244.070 and 244.090.

26 (5) Subsections (1) to (3) of this section apply only to persons who are incumbent, elected or  
27 appointed public officials as of April 15 and to persons who are candidates on April 15.

28 (6) If a statement required to be filed under this section has not been received by the commis-  
29 sion within five days after the date the statement is due, the commission shall notify the public of-  
30 ficial or candidate and give the public official or candidate not less than 15 days to comply with the  
31 requirements of this section. If the public official or candidate fails to comply by the date set by the  
32 commission, the commission may impose a civil penalty as provided in ORS 244.350.

33 **SECTION 13.** ORS 249.002 is amended to read:

34 249.002. As used in this chapter:

35 (1) "Candidate" means an individual whose name is or is expected to be printed on the official  
36 ballot or a write-in candidate.

37 (2) "County clerk" means the county clerk or the county official in charge of elections.

38 (3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-  
39 tution.

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

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

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

45 (7) "Nonpartisan office" means the office of judge, Commissioner of the Bureau of Labor and

1 Industries, **Superintendent of Public Instruction**, any elected office of a metropolitan service  
 2 district under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor,  
 3 county treasurer, sheriff, district attorney or any office designated nonpartisan by a home rule  
 4 charter.

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

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

9 (10) "State office" means Governor, Secretary of State, State Treasurer, Attorney General,  
 10 Commissioner of the Bureau of Labor and Industries, **Superintendent of Public Instruction**, judge,  
 11 state Senator, state Representative or district attorney.

12 **SECTION 14.** ORS 249.056 is amended to read:

13 249.056. (1) At the time of filing a declaration of candidacy a candidate for the following offices  
 14 shall pay to the officer with whom the declaration is filed the following fee:

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

16 (b) Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bu-  
 17 reau of Labor and Industries, **Superintendent of Public Instruction**, Representative in Congress,  
 18 judge of the Supreme Court, Court of Appeals or Oregon Tax Court, or executive officer or auditor  
 19 of a metropolitan service district, \$100.

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

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

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

26 **SECTION 15.** ORS 249.215 is amended to read:

27 249.215. (1) If a vacancy occurs in a state office before the 61st day before the first general  
 28 election to be held during that term of office, the remaining two years of the term of the state office  
 29 shall be filled by the electors at that general election.

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

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

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

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

41 (4) As used in this section, "state office" means the office of Governor, Secretary of State, State  
 42 Treasurer, Attorney General, [and] Commissioner of the Bureau of Labor and Industries **and Su-**  
 43 **perintendent of Public Instruction.**

44 **SECTION 16.** ORS 251.170 is amended to read:

45 251.170. (1) The translation of a state voters' pamphlet or county voters' pamphlet required un-

1 der ORS 251.167 shall be made in the manner described in this section.

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

5 (a) Any official statement or communication made by the Secretary of State, county clerk, filing  
 6 office or other public elections official, including any information described in ORS 251.026 or  
 7 251.315 (1)(a) to (d) and (g) and any other information regarding services offered by elections offices,  
 8 how to cast a ballot and key dates for the election;

9 (b) The ballot title for each measure;

10 (c) The explanatory statement for each measure;

11 (d) The financial estimate for each measure and any statement prepared for a measure under  
 12 ORS 250.125;

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

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

15 (g) Except an argument for a measure prepared by the Legislative Assembly under ORS 251.245,  
 16 any other statement for a measure created by a public body as defined in ORS 174.109.

17 (3) In addition to the materials that the Secretary of State is required to have professionally  
 18 translated under subsection (2) of this section, the Secretary of State shall allow to be included in  
 19 the translated version of each state voters' pamphlet that is made available on the website of the  
 20 Secretary of State or of a county under ORS 251.167:

21 (a) Translations of a candidate statement submitted under ORS 251.065, provided that:

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

23 (B) The translation is filed by a candidate or the principal campaign committee of a candidate  
 24 described in subparagraph (A) of this paragraph;

25 (C) Neither the translation nor the candidate statement submitted under ORS 251.065 is rejected  
 26 under ORS 251.055;

27 (D) The candidate statement meets the requirements of a candidate statement set forth in this  
 28 chapter; and

29 (E) Any translation filed under this paragraph is in one of the five most commonly spoken lan-  
 30 guages in this state, other than English, as listed by the Secretary of State under ORS 251.167.

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

33 (A) The translation is filed by the person who filed the argument in support of or in opposition  
 34 to a state measure under ORS 251.255;

35 (B) Neither the translation nor the argument in support of or in opposition to a state measure  
 36 filed under ORS 251.255 is rejected under ORS 251.055;

37 (C) The statement in support of or in opposition to a state measure meets the requirements of  
 38 a statement in support of or in opposition to a state measure set forth in this chapter; and

39 (D) Any translation filed under this paragraph is in one of the five most commonly spoken lan-  
 40 guages in this state, other than English, as listed by the Secretary of State under ORS 251.167.

41 (c) Translations of any argument for a measure prepared by the Legislative Assembly under ORS  
 42 251.245 submitted by the Legislative Assembly, provided that any translation filed under this para-  
 43 graph is in one of the five most commonly spoken languages in this state, other than English, as  
 44 listed by the Secretary of State under ORS 251.167.

45 (4)(a) A translation that is permitted or required under this section is not required to be iden-

1 tical in words to the original version but must be consistent with the meaning of the original ver-  
 2 sion.

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

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

8 (6) The Secretary of State:

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

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

12 (7) As used in this section, “statewide office” means Governor, Secretary of State, State Treas-  
 13 urer, Attorney General, Commissioner of the Bureau of Labor and Industries, **Superintendent of**  
 14 **Public Instruction** or judge on the Oregon Supreme Court, the Oregon Court of Appeals or the  
 15 Oregon Tax Court.

16 **SECTION 17.** ORS 254.005 is amended to read:

17 254.005. As used in this chapter:

18 (1) “Ballot” means any material on which votes may be cast for candidates or measures. In the  
 19 case of a recall election, “ballot” includes material posted in a voting compartment or delivered to  
 20 an elector by mail.

21 (2) “Chief elections officer” means the:

22 (a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the  
 23 state at large or in a congressional district, or a measure to be voted on in the state at large.

24 (b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a  
 25 county only.

26 (c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be  
 27 voted on in a city only.

28 (3) “County clerk” means the county clerk or the county official in charge of elections.

29 (4) “Elector” means an individual qualified to vote under section 2, Article II, Oregon Consti-  
 30 tution.

31 (5) “Major political party” means a political party that has qualified as a major political party  
 32 under ORS 248.006.

33 (6) “Measure” includes any of the following submitted to the people for their approval or re-  
 34 jection at an election:

35 (a) A proposed law.

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

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

38 (d) Local, special or municipal legislation.

39 (e) A proposition or question.

40 (7) “Minor political party” means a political party that has qualified as a minor political party  
 41 under ORS 248.008.

42 (8) “Nonpartisan office” means the office of judge of the Supreme Court, Court of Appeals, cir-  
 43 cuit court or the Oregon Tax Court, Commissioner of the Bureau of Labor and Industries, **Super-**  
 44 **intendent of Public Instruction**, any elected office of a metropolitan service district under ORS  
 45 chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer,

1 county judge who exercises judicial functions, sheriff, district attorney or any office designated  
 2 nonpartisan by a home rule charter.

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

5 (10) "Regular district election" means the election held each year for the purpose of electing  
 6 members of a district board as defined in ORS 255.005 (2).

7 (11) "Vote tally system" means one or more pieces of equipment necessary to examine and tally  
 8 automatically the marked ballots.

9 (12) "Voting machine" means any device that will record every vote cast on candidates and  
 10 measures and that will either internally or externally total all votes cast on that device.

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

12 258.036. (1) Not later than the 40th day after the election or the seventh day after completion  
 13 of a recount of votes cast in connection with the election, any person authorized to contest a result  
 14 of the election may file a petition of contest. The petition shall be filed with:

15 (a) The Circuit Court for Marion County if the petition involves a state measure, a candidate  
 16 for election to the office of elector of President and Vice President of the United States or a candi-  
 17 dicate for nomination or election to the office of United States Senator, United States Represen-  
 18 tative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, Commissioner  
 19 of the Bureau of Labor and Industries, **Superintendent of Public Instruction** or a position of judge  
 20 on the Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax Court.

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

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

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

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

32 (a) The cause of the contest; and

33 (b) The names of all contestees.

34 **SECTION 19.** ORS 258.055 is amended to read:

35 258.055. (1) Except as provided in subsection (2) of this section, when a contestant files a peti-  
 36 tion of contest with the circuit court described under ORS 258.036, the contestant shall, within three  
 37 business days of filing the petition, publish a notice stating that the petition has been filed and  
 38 identifying the date of the deadline described in this subsection for filing a motion to intervene. The  
 39 notice must be published at least once in the next available issue of a newspaper of general circu-  
 40 lation published in the county where the proceeding is pending. Jurisdiction over the election  
 41 contest shall be complete within 10 days after the notice is published as provided in this subsection.  
 42 Any person interested may at any time before the expiration of the 10 days appear and contest the  
 43 validity of the proceeding, or of any of the acts or things enumerated in the proceeding.

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

45 (a) A state measure.

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

3 (c) The nomination or election of a candidate to the office of United States Senator, United  
 4 States Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney General,  
 5 Commissioner of the Bureau of Labor and Industries, **Superintendent of Public Instruction** or a  
 6 position of judge on the Oregon Supreme Court, the Oregon Court of Appeals or the Oregon Tax  
 7 Court.

8 (d) The recall of a person from the office of Governor, Secretary of State, State Treasurer, At-  
 9 torney General, Commissioner of the Bureau of Labor and Industries, **Superintendent of Public**  
 10 **Instruction** or a position of judge on the Oregon Supreme Court, the Oregon Court of Appeals or  
 11 the Oregon Tax Court.

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

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

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

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

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

34 **SECTION 20.** ORS 260.005 is amended to read:

35 260.005. As used in this chapter:

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

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

41 (B) An individual who has solicited or received and accepted a contribution, made an expendi-  
 42 ture, or given consent to an individual, organization, political party or political committee to solicit  
 43 or receive and accept a contribution or make an expenditure on the individual's behalf to secure  
 44 nomination or election to any public office at any time, whether or not the office for which the in-  
 45 dividual will seek nomination or election is known when the solicitation is made, the contribution

1 is received and retained or the expenditure is made, and whether or not the name of the individual  
 2 is printed on a ballot; or

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

4 (b) For purposes of this section and ORS 260.035 to 260.156, “candidate” does not include a  
 5 candidate for the office of precinct committeeperson.

6 (2) “Committee director” means any person who directly and substantially participates in  
 7 decision-making on behalf of a political committee concerning the solicitation or expenditure of  
 8 funds and the support of or opposition to candidates or measures. The officers of a political party  
 9 shall be considered the directors of any political party committee of that party, unless otherwise  
 10 provided in the party’s bylaws.

11 (3) Except as provided in ORS 260.007, “contribute” or “contribution” includes:

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

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

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

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

21 (4) “Controlled committee” means a political committee that, in connection with the making of  
 22 contributions or expenditures:

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

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

25 (5) “Controlled directly or indirectly by a candidate” means:

26 (a) The candidate, the candidate’s agent, a member of the candidate’s immediate family or any  
 27 other political committee that the candidate controls has a significant influence on the actions or  
 28 decisions of the political committee; or

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

31 (6) “County clerk” means the county clerk or the county official in charge of elections.

32 (7) “Elector” means an individual qualified to vote under Article II, section 2, of the Oregon  
 33 Constitution.

34 (8) Except as provided in ORS 260.007, “expend” or “expenditure” includes the payment or fur-  
 35 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation  
 36 by or on behalf of a candidate, political committee or person in consideration for any services,  
 37 supplies, equipment or other thing of value performed or furnished for any reason, including support  
 38 of or opposition to a candidate, political committee or measure, or for reducing the debt of a candi-  
 39 date for nomination or election to public office. “Expenditure” also includes contributions made  
 40 by a candidate or political committee to or on behalf of any other candidate or political committee.

41 (9) “Filing officer” means:

42 (a) The Secretary of State:

43 (A) Regarding a candidate for public office;

44 (B) Regarding a statement required to be filed under ORS 260.118;

45 (C) Regarding any measure; or

1 (D) Regarding any political committee.

2 (b) In the case of an irrigation district formed under ORS chapter 545, "filing officer" means:

3 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district  
4 formation election where the proposed district is situated wholly in one county;

5 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation  
6 district will be located, regarding any candidate for office or any measure at an irrigation district  
7 formation election where the proposed district is situated in more than one county; or

8 (C) The secretary of the irrigation district for any election other than an irrigation district  
9 formation election.

10 (10) "Independent expenditure" means an expenditure by a person for a communication in sup-  
11 port of or in opposition to a clearly identified candidate or measure that is not made with the co-  
12 operation or with the prior consent of, or in consultation with, or at the request or suggestion of,  
13 a candidate or any agent or authorized committee of the candidate, or any political committee or  
14 agent of a political committee supporting or opposing a measure. For purposes of this subsection:

15 (a) "Agent" means any person who has:

16 (A) Actual oral or written authority, either express or implied, to make or to authorize the  
17 making of expenditures on behalf of a candidate or on behalf of a political committee supporting or  
18 opposing a measure; or

19 (B) Been placed in a position within the campaign organization where it would reasonably ap-  
20 pear that in the ordinary course of campaign-related activities the person may authorize expen-  
21 ditures.

22 (b)(A) "Clearly identified" means, with respect to candidates:

23 (i) The name of the candidate involved appears;

24 (ii) A photograph or drawing of the candidate appears; or

25 (iii) The identity of the candidate is apparent by unambiguous reference.

26 (B) "Clearly identified" means, with respect to measures:

27 (i) The ballot number of the measure appears;

28 (ii) A description of the measure's subject or effect appears; or

29 (iii) The identity of the measure is apparent by unambiguous reference.

30 (c) "Communication in support of or in opposition to a clearly identified candidate or measure"  
31 means:

32 (A)(i) The communication, when taken as a whole and with limited reference to external events,  
33 such as the proximity to the election, could only be interpreted by a reasonable person as containing  
34 advocacy for the election or defeat of a clearly identified candidate for nomination or election to  
35 public office, or the passage or defeat of a clearly identified measure; and

36 (ii) The electoral portion of the communication is unmistakable, unambiguous and suggestive of  
37 only one meaning; or

38 (B)(i) The communication involves aggregate expenditures of more than \$250 by a person;

39 (ii) The communication refers to a clearly identified candidate or measure that will appear on  
40 the ballot or to a political party; and

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

44 (d) "Made with the cooperation or with the prior consent of, or in consultation with, or at the  
45 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any

1 political committee or agent of a political committee supporting or opposing a measure”:

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

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

10 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who  
 11 is or has been an officer of a political committee authorized by the candidate or by a political  
 12 committee or agent of a political committee supporting or opposing a measure, or who is or has been  
 13 receiving any form of compensation or reimbursement from the candidate, the candidate’s principal  
 14 campaign committee or agent or from any political committee or agent of a political committee  
 15 supporting or opposing a measure.

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

18 (11) “Initiative petition” means a petition to initiate a measure for which a prospective petition  
 19 has been filed but that is not yet a measure.

20 (12) “Judge” means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon  
 21 Tax Court.

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

25 (14) “Measure” includes any of the following submitted to the people for their approval or re-  
 26 jection at an election:

- 27 (a) A proposed law.
- 28 (b) An Act or part of an Act of the Legislative Assembly.
- 29 (c) A revision of or amendment to the Oregon Constitution.
- 30 (d) Local, special or municipal legislation.
- 31 (e) A proposition or question.

32 (15) “Occupation” means:

- 33 (a) The nature of an individual’s principal business; and
- 34 (b) If the individual is employed by another person, the business name and address, by city and  
 35 state, of the employer.

36 (16) “Person” means an individual, corporation, limited liability company, labor organization,  
 37 association, firm, partnership, joint stock company, club, organization or other combination of indi-  
 38 viduals having collective capacity.

39 (17) “Petition committee” means an initiative, referendum or recall petition committee organized  
 40 under ORS 260.118.

41 (18) “Political committee” means a combination of two or more individuals, or a person other  
 42 than an individual, that has:

- 43 (a) Received a contribution for the purpose of supporting or opposing a candidate, measure or  
 44 political party; or
- 45 (b) Made an expenditure for the purpose of supporting or opposing a candidate, measure or

1 political party. For purposes of this paragraph, an expenditure does not include:

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

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

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

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

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

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

14 (23) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney  
 15 General, Commissioner of the Bureau of Labor and Industries, **Superintendent of Public Instruc-**  
 16 **tion**, state Senator, state Representative, judge or district attorney.

17 **SECTION 21.** ORS 260.076 is amended to read:

18 260.076. (1) A legislative official, statewide official or candidate therefor, or the official's or  
 19 candidate's principal campaign committee, shall file statements showing contributions received by  
 20 or on behalf of the official, candidate or committee during the period beginning January 1 and end-  
 21 ing upon adjournment of the regular session of the Legislative Assembly, or during any special  
 22 session of the Legislative Assembly.

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

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

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

40 (5) A statement described in subsections (1) to (4) of this section shall be filed with the Secretary  
 41 of State on a form prescribed by the secretary. For contributions received during the period begin-  
 42 ning on January 1 and ending on the first day of the regular session, a statement shall be filed not  
 43 later than two business days after the first day of the regular session. For contributions received  
 44 on or after the first day of the regular session, a statement shall be filed not later than two business  
 45 days after the date a contribution is received. For contributions received during any special session

1 of the Legislative Assembly, a statement shall be filed not later than two business days after the  
 2 date a contribution is received.

3 (6) As used in this section:

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

5 (b) "Statewide official" means the Secretary of State or Secretary of State-elect, State Treasurer  
 6 or State Treasurer-elect, Attorney General or Attorney General-elect, [*and the*] Commissioner of the  
 7 Bureau of Labor and Industries or [*the*] Commissioner-elect of the Bureau of Labor and Industries  
 8 **and Superintendent of Public Instruction or Superintendent-elect of Public Instruction.**

9 **SECTION 22.** ORS 260.262 is amended to read:

10 260.262. (1) As used in this section, "accounts" means:

11 (a) Any contract entered into by a chief petitioner of an initiative or referendum petition relat-  
 12 ing to a state measure and any person for purposes of obtaining signatures on the initiative or ref-  
 13 erendum petition or on a prospective petition for a state measure to be initiated;

14 (b) Any employment manual or training materials provided to persons who obtain signatures on  
 15 the petition or prospective petition;

16 (c) Payroll records for each employee obtaining signatures on the petition or prospective peti-  
 17 tion showing hours worked, number of signatures collected and amounts paid;

18 (d) Records identifying the amount and purpose of each payment made by the chief petitioner  
 19 or any contractor, as defined in ORS 260.563, to any subcontractor, as defined in ORS 260.563, ob-  
 20 taining signatures on the petition or prospective petition; and

21 (e) Copies of signature sheets circulated by persons who are being paid to obtain signatures on  
 22 the petition or prospective petition.

23 (2) For purposes of enforcing section 1b, Article IV of the Oregon Constitution, a chief petitioner  
 24 of an initiative or referendum petition relating to a state measure who pays any person money or  
 25 other valuable consideration to obtain signatures on the petition or prospective petition shall keep  
 26 detailed accounts. The accounts shall be current as of not later than the seventh calendar day after  
 27 the date a payment is made to a person for obtaining signatures on the petition or prospective pe-  
 28 tition.

29 (3) The Secretary of State shall review the accounts of each chief petitioner described in sub-  
 30 section (2) of this section in the manner and according to a regular schedule adopted by the secre-  
 31 tary by rule.

32 (4) In addition to the review conducted under subsection (3) of this section, the secretary, At-  
 33 torney General, [*or*] Commissioner of the Bureau of Labor and Industries **or Superintendent of**  
 34 **Public Instruction** may inspect the accounts of a chief petitioner described in subsection (2) of this  
 35 section under reasonable circumstances at any time before the deadline for filing signatures on the  
 36 petition or during the period specified for retention of the accounts under subsection (5) of this  
 37 section. The right of inspection may be enforced by writ of mandamus issued by any court of com-  
 38 petent jurisdiction.

39 (5) A chief petitioner must preserve the accounts pertaining to an initiative or referendum pe-  
 40 tition relating to a state measure, or to a prospective petition for a state measure to be initiated,  
 41 for at least two years after the deadline for filing the petition for verification of signatures or at  
 42 least two years after the date the last statement is filed under ORS 260.118, whichever is later.

43 (6) If a chief petitioner does not produce accounts under subsection (3) or (4) of this section:

44 (a) There is a rebuttable presumption that a violation of section 1b, Article IV of the Oregon  
 45 Constitution, has occurred; and

1 (b) The chief petitioner may not obtain additional signatures on the petition or prospective pe-  
 2 tition until the chief petitioner is able to supply the accounts to the secretary, Attorney General,  
 3 [or] commissioner **or superintendent**.

4 (7) Accounts are not subject to disclosure under ORS 192.311 to 192.478.

5 **SECTION 23.** ORS 260.368 is amended to read:

6 260.368. For the purpose of investigating violations of section 1b, Article IV of the Oregon  
 7 Constitution, the Secretary of State, Attorney General, [and] Commissioner of the Bureau of Labor  
 8 and Industries **and Superintendent of Public Instruction** may cooperate and share information  
 9 as considered necessary by the secretary, Attorney General, [or] commissioner **or superintendent**.

10 **SECTION 24.** ORS 292.311 is amended to read:

11 292.311. The incumbents of each of the following offices shall be paid an annual salary on a  
 12 monthly basis, as follows:

13 (1) Governor, \$98,600 for the year beginning January 1, 2014, and for each year thereafter. The  
 14 Governor shall also be paid \$1,000 per month regularly for expenses necessarily incurred but not  
 15 otherwise provided for.

16 (2) Secretary of State, \$77,000 for the year beginning January 1, 2014, and for each year there-  
 17 after. The Secretary of State shall also be paid \$250 per month regularly for expenses necessarily  
 18 incurred but not otherwise provided for.

19 (3) State Treasurer, \$77,000 for the year beginning January 1, 2014, and for each year thereafter.  
 20 The State Treasurer shall also be paid \$250 per month regularly for expenses necessarily incurred  
 21 but not otherwise provided for.

22 (4) Attorney General, \$82,200 for the year beginning January 1, 2014, and for each year there-  
 23 after. The Attorney General shall also be paid \$250 per month regularly for expenses necessarily  
 24 incurred but not otherwise provided for.

25 (5) Commissioner of the Bureau of Labor and Industries, \$77,000 for the year beginning January  
 26 1, 2014, and for each year thereafter. The commissioner shall also be paid \$250 per month regularly  
 27 for expenses necessarily incurred but not otherwise provided for.

28 **(6) Superintendent of Public Instruction, \$77,000 for the year beginning January 1, 2025,**  
 29 **and for each year thereafter. The superintendent shall also be paid \$250 per month regularly**  
 30 **for expenses necessarily incurred but not otherwise provided for.**

31 **SECTION 25.** ORS 292.430 is amended to read:

32 292.430. (1) In addition to the annual salaries established as provided in ORS 292.930, the Oregon  
 33 Department of Administrative Services may “pick-up,” assume and pay to the Public Employees Re-  
 34 tirement Fund any employee contributions, otherwise required by ORS 238.200, for the Governor,  
 35 Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and  
 36 Industries, **Superintendent of Public Instruction** and members of the Legislative Assembly.

37 (2) The department may provide health, dental, life and long-term disability insurance without  
 38 cost to the officers referred to in subsection (1) of this section and to judges of the Supreme Court,  
 39 Court of Appeals, Oregon Tax Court and circuit courts in such amounts as are provided from time  
 40 to time to employees in the unclassified service of the state.

41 **SECTION 26.** ORS 292.930 is amended to read:

42 292.930. Each of the following elective officers shall be paid an annual salary on a monthly basis  
 43 as determined by the Legislative Assembly each biennium:

44 (1) Governor.

45 (2) Secretary of State.

- 1 (3) State Treasurer.
- 2 (4) Attorney General.
- 3 (5) Commissioner of the Bureau of Labor and Industries.
- 4 **(6) Superintendent of Public Instruction.**
- 5 [(6)] (7) Chief Judge of the Court of Appeals.
- 6 [(7)] (8) Court of Appeals Judge.
- 7 [(8)] (9) Chief Justice of the Supreme Court.
- 8 [(9)] (10) Supreme Court Judge.
- 9 [(10)] (11) Circuit Court Judge.
- 10 [(11)] (12) Tax Court Judge.

11 **SECTION 27.** ORS 326.555 is amended to read:

12 326.555. There is established a State Council for Educational Opportunity for Military Children,  
 13 as described in Article VIII of the Interstate Compact on Educational Opportunity for Military  
 14 Children under ORS 326.552, consisting of the [Deputy] Superintendent of Public Instruction, the  
 15 members of the State Board of Education, the military family education liaison and the compact  
 16 commissioner. The Governor may appoint other individuals to the state council and shall make a  
 17 good faith effort to ensure that other individuals appointed are individuals who are described in  
 18 Article VIII of the Interstate Compact on Educational Opportunity for Military Children under ORS  
 19 326.552 and who are well informed on the principles of education of military children.

20 **SECTION 28.** ORS 329.837 is amended to read:

21 329.837. The University of Oregon shall report annually on the implementation, longitudinal  
 22 progress and results of the Early Success Reading Initiative to the Governor, **the Superintendent**  
 23 **of Public Instruction** and the appropriate legislative committees.

24 **SECTION 29.** ORS 343.465, as amended by section 45, chapter 631, Oregon Laws 2021, is  
 25 amended to read:

26 343.465. (1) It is the policy of this state to respect the unique nature of each child, family and  
 27 community with particular attention to cultural and linguistic diversity, and to support a system of  
 28 services for preschool children with a disability and their families that:

29 (a) Recognizes the importance of the preschool child’s family, supports and builds on each  
 30 family’s strengths and respects family decision-making and input regarding service options and pub-  
 31 lic policy.

32 (b) Identifies, evaluates and refers services for preschool children with a disability at the earli-  
 33 est possible time.

34 (c) Uses specialized services and all other community services and programs for children, in-  
 35 cluding community preschools, Head Start programs, community health clinics, family support pro-  
 36 grams and other child-oriented agencies.

37 (d) Uses a variety of funding sources for preschool children with a disability and their families,  
 38 including public and private funding, insurance and family resources.

39 (e) Assists families in utilizing necessary services in the most cost-effective and efficient manner  
 40 possible by using a coordinated planning and implementation process.

41 (f) Insures that all children and their families, regardless of disability, risk factors or cultural  
 42 or linguistic differences, are able to utilize services for which they would otherwise be qualified.

43 (g) Encourages services and supports for preschool children with a disability and their families  
 44 in their home communities and in settings with children without a disability.

45 (h) Recognizes the importance of developing and supporting well-trained and competent person-

1 nel to provide services to preschool children with a disability, and their families.

2 (i) Evaluates the system's impact on the child and family, including child progress, service  
3 quality, family satisfaction, transition into public schooling, longitudinal and cumulative reporting  
4 over several biennia and interagency coordination at both the state and local level.

5 (j) Reports information described in paragraph (i) of this subsection to the State Interagency  
6 Coordinating Council, the Governor, **the Superintendent of Public Instruction**, the Department  
7 of Early Learning and Care, the State Board of Education, the public universities listed in ORS  
8 352.002 and the Legislative Assembly each biennium.

9 (2) In carrying out the provisions of subsection (1) of this section, the Department of Education,  
10 the Department of Early Learning and Care, the Department of Human Services and the public  
11 universities listed in ORS 352.002 shall coordinate the provision of services to preschool children  
12 with a disability with other services that are provided to children with a disability, or who are at  
13 risk of developing disabling conditions, and their families. All program planning, standards for ser-  
14 vice, policies regarding services delivery and budget development for services for preschool children  
15 with a disability, children with a disability, and the families of those children shall reflect the policy  
16 outlined in subsection (1) of this section and elaborated through rules and agreements.

17 **SECTION 30.** ORS 343.499, as amended by section 47, chapter 631, Oregon Laws 2021, is  
18 amended to read:

19 343.499. (1)(a) There is created the State Interagency Coordinating Council.

20 (b) The Governor shall appoint members of the council from a list of eligible appointees from  
21 this state that is provided by the council and agencies described in subsection (2) of this section and  
22 shall ensure that the membership of the council reasonably represents the racial, ethnic, linguistic  
23 and geographic population of this state.

24 (c) The Governor shall designate one member of the council to serve as the chairperson, or if  
25 the Governor chooses not to name a chairperson, the council may elect one of its members to serve  
26 as chairperson.

27 (d) Notwithstanding paragraph (c) of this subsection, any member of the council who represents  
28 the Department of Education may not serve as the chairperson of the council.

29 (2) The membership of the council shall be composed as follows:

30 (a) At least 20 percent of the council members shall be parents of children with a disability who  
31 are 12 years of age or younger at the time the council member is appointed. When appointing  
32 council members under this paragraph, the Governor shall ensure that:

33 (A) At least 50 percent of the council members are parents of a child with a disability who is  
34 five years of age or younger at the time the council member is appointed;

35 (B) At least 20 percent of the council members:

36 (i) Are parents of a child with a disability who is three years of age or younger at the time the  
37 council member is appointed; and

38 (ii) Have knowledge of, or experience with, programs or services for infants or toddlers with a  
39 disability; and

40 (C) The council members represent the racial, ethnic and linguistic diversity of children in this  
41 state who are five years of age or younger.

42 (b) At least 20 percent of the council members shall be public or private providers of early  
43 intervention and early childhood special education services.

44 (c) At least one council member shall be from a program responsible for preparing early inter-  
45 vention and early childhood special education educators.

- 1 (d) At least one council member shall be from a Head Start or Early Head Start program.
- 2 (e) At least one council member shall be from a home-based child care program.
- 3 (f) At least one council member shall be from a center-based child care program.
- 4 (g) At least one council member shall be from the committee that serves as the state advisory  
5 council, as described in ORS 326.425 (3).
- 6 (h) At least one council member shall be a member of the State Advisory Council for Special  
7 Education created under ORS 343.287.
- 8 (i) At least one council member shall be from each state agency involved in the provision of,  
9 or payment for, early intervention and early childhood special education services to infants and  
10 toddlers with a disability and their families.
- 11 (j) At least one council member shall be from each state agency responsible for providing pre-  
12 school services to children with a disability.
- 13 (k) At least one council member shall be from each state agency responsible for children's  
14 mental health.
- 15 (L) At least two council members shall be from the Department of Human Services with exper-  
16 tise in foster care or self-sufficiency programs.
- 17 (m) At least one council member shall be from the Department of Early Learning and Care with  
18 expertise in the Child Care and Development Fund.
- 19 (n) At least one council member shall be a representative of the Department of Education with  
20 expertise in the coordination of education of homeless children and youth.
- 21 (o) At least one council member shall be from the Department of Consumer and Business Ser-  
22 vices with expertise in state regulation of private health insurance.
- 23 (p) At least one council member shall be from the Oregon Health Authority with expertise in  
24 Medicaid and the Children's Health Insurance Program.
- 25 (q) At least one council member shall be a representative from a tribal agency responsible for  
26 supporting young children with developmental delays and disabilities, from a tribal council or oth-  
27 erwise representing one or more tribes.
- 28 (3) An individual appointed to represent a state agency under subsection (2) of this section must  
29 have sufficient authority to engage in making and implementing policy on behalf of the agency. The  
30 Governor may appoint a council member to represent more than one program or specialty listed in  
31 subsection (2) of this section.
- 32 (4) In addition to the council members appointed under subsection (2) of this section:
- 33 (a) The Governor may appoint any other council members not listed in subsection (2) of this  
34 section.
- 35 (b) The President of the Senate shall appoint one member from among members of the Senate  
36 to serve as a nonvoting council member.
- 37 (c) The Speaker of the House of Representatives shall appoint one member from among members  
38 of the House of Representatives to serve as a nonvoting council member.
- 39 (5) The State Interagency Coordinating Council shall:
- 40 (a) Advise the Superintendent of Public Instruction, the State Board of Education, the Early  
41 Learning System Director and the Early Learning Council on unmet needs in the early childhood  
42 special education and early intervention programs for children with a disability, review and com-  
43 ment publicly on any rules proposed by the State Board of Education and the distribution of funds  
44 for the programs and assist the state in developing and reporting data on and evaluations of the  
45 programs and services.

1 (b) Advise and assist the represented public agencies regarding the services and programs they  
 2 provide to children with a disability and their families, including public comments on any proposed  
 3 rules affecting the target population and the distribution of funds for such services, and assist each  
 4 agency in developing services that reflect the overall goals for the target population as adopted by  
 5 the council.

6 (c) Advise the Department of Education, the Department of Early Learning and Care and other  
 7 state agencies on the development and implementation of the policies that constitute the statewide  
 8 system.

9 (d) Advise all appropriate public agencies on achieving the full participation, coordination and  
 10 cooperation for implementation of a statewide system that includes but is not limited to:

11 (A) Seeking information from service providers, service coordinators, parents and others about  
 12 any federal, state or local policies that impede timely service delivery; and

13 (B) Taking steps to ensure that any policy problems identified under subparagraph (A) of this  
 14 paragraph are resolved.

15 (e) Advise the Superintendent of Public Instruction and the Early Learning System Director on  
 16 identifying the sources of fiscal and other support for early intervention and early childhood special  
 17 education services, assigning financial responsibility to the appropriate agencies and ensuring that  
 18 the provisions of interagency agreements under ORS 343.511 are carried out.

19 (f) Review and comment on each agency's services and policies regarding services for infants,  
 20 toddlers and preschool children with a disability, or infants, toddlers and preschool children who  
 21 are at risk of developing disabling conditions, and their families to the maximum extent possible to  
 22 assure cost-effective and efficient use of resources.

23 (g) Advise the Department of Education and the Department of Early Learning and Care on the  
 24 preparation of applications and amendments thereto.

25 (h) Advise the Superintendent of Public Instruction and the Early Learning System Director  
 26 regarding transitions of children with a disability, including transitions to kindergarten.

27 (i) Prepare and submit an annual report to the Governor, the [Deputy] Superintendent of Public  
 28 Instruction, the Early Learning System Director, the Early Learning Council, the State Board of  
 29 Education, the Legislative Assembly and the United States Secretary of Education on the status of  
 30 early intervention and early childhood special education services provided within this state.

31 (6) The council may advise appropriate agencies about integration of services for preschool  
 32 children with a disability and at-risk preschool children.

33 (7) Terms of office for council members shall be three years, except that:

34 (a) The representative from the State Advisory Council for Special Education shall serve a  
 35 one-year term; and

36 (b) The representatives from other state agencies and the representatives from the Legislative  
 37 Assembly shall serve indefinite terms.

38 (8) Subject to approval by the Governor, the council may use federal funds appropriated for this  
 39 purpose and available to the council to:

40 (a) Conduct hearings and forums;

41 (b) Reimburse nonagency council members under ORS 292.495 for attending council meetings, for  
 42 performing council duties, and for necessary expenses, including child care for parent members;

43 (c) Pay compensation to a council member if the member is not employed or if the member must  
 44 forfeit wages from other employment when performing official council business;

45 (d) Hire staff; and

1 (e) Obtain the services of such professional, technical and clerical personnel as may be neces-  
 2 sary to carry out its functions.

3 (9) Except as provided in subsection (8) of this section, council members shall serve without  
 4 compensation.

5 (10) The Department of Education shall provide clerical and administrative support, including  
 6 staff, to the council to carry out the performance of the council's function as described in this sec-  
 7 tion.

8 (11) The council shall meet at least quarterly. The meetings shall be announced publicly and,  
 9 to the extent appropriate, be open and accessible to the general public.

10 (12) No member of the council shall cast a vote on any matter that would provide direct finan-  
 11 cial benefit to that member or otherwise give the appearance of a conflict of interest under state  
 12 law.

13 **SECTION 31.** ORS 357.021 is amended to read:

14 357.021. (1) The State Library Board is established, consisting of nine voting members.

15 (2) The Governor, after consultation with the Oregon Library Association, shall appoint seven  
 16 voting members as follows:

17 (a) Two members from two different state agencies;

18 (b) One member representing a public library in eastern Oregon;

19 (c) One member representing a public library in western Oregon;

20 (d) One public member from eastern Oregon;

21 (e) One public member from western Oregon; and

22 (f) One member representing a community college library or a public university library in this  
 23 state.

24 (3) The *[Deputy]* Superintendent of Public Instruction, or a designee of the *[deputy]* superinten-  
 25 dent, shall be a voting member of the board.

26 (4) The administrator of the Commission for the Blind, or a designee of the administrator, shall  
 27 be a voting member of the board.

28 (5) The State Librarian shall serve ex officio as a nonvoting member of the board.

29 (6) A board member described in subsection (2) of this section shall serve a four-year term, but  
 30 a member described in subsection (2) of this section serves at the pleasure of the Governor. Before  
 31 the expiration of the term of a member, the Governor shall appoint a successor whose term begins  
 32 on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause,  
 33 the Governor shall make an appointment to become immediately effective for the unexpired term.

34 (7) A board member described in subsection (2) of this section shall be eligible for reappointment  
 35 for only one additional term, but any person may be reappointed to the board after an interval of  
 36 one year.

37 (8) The appointment of a board member described in subsection (2) of this section is subject to  
 38 confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

39 (9) A member of the State Library Board is entitled to compensation and expenses as provided  
 40 in ORS 292.495.

41 **SECTION 32.** ORS 660.505 is amended to read:

42 660.505. (1) The members of the OregonServes Commission appointed under ORS 660.500 (2)(a)  
 43 must be residents of this state who have a proven commitment to community service and who have  
 44 a demonstrated interest in fostering and nurturing civic engagement as a strategy for strengthening  
 45 communities and promoting the ethic of service in all sectors of this state.

1 (2)(a) The Governor shall appoint as members of the commission:

2 (A) An individual with experience in educational, training and development needs of youth,  
3 particularly disadvantaged youth.

4 (B) An individual with experience in promoting involvement of adults 55 years of age or older  
5 in service and volunteerism.

6 (C) A representative of community-based agencies or organizations within this state.

7 (D) The [Deputy] Superintendent of Public Instruction or designee.

8 (E) A representative of local governments in this state.

9 (F) A representative of local labor unions in this state.

10 (G) A representative of business.

11 (H) An individual between 16 and 25 years of age who is a participant in or supervisor of a  
12 service program for school-age youth, or a campus-based or national service program.

13 (I) A representative of a national service program described in 42 U.S.C. 12572(a).

14 (J) A representative of the volunteer sector.

15 (b) An individual member of the commission may represent more than one of the entities or or-  
16 ganizations required to be represented under this subsection.

17 (3) In addition to appointing members under subsection (2) of this section, the Governor may  
18 appoint as members individuals from the following groups:

19 (a) Educators, including representatives of post-secondary institutions of education and local  
20 education agencies.

21 (b) Experts in the delivery of human, educational, environmental or public safety services to  
22 communities and individuals.

23 (c) Members or representatives of Native American tribes.

24 (d) At-risk or out-of-school youths.

25 (e) Entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C.  
26 4950 et seq.).

27 (4) In making appointments of members described in subsections (2) and (3) of this section, the  
28 Governor shall ensure that:

29 (a) No more than 50 percent of the appointed members are from the same political party; and

30 (b) No more than 25 percent of the appointed members are state employees.

31 (5) To the extent practicable, the Governor shall ensure that the membership of the commission  
32 is diverse with respect to race, ethnicity, age, gender and disability characteristics.

33 **SECTION 33. The amendments to ORS 171.130, 171.133, 171.735, 173.130, 240.205, 244.042,**  
34 **244.050, 249.002, 249.056, 249.215, 251.170, 254.005, 258.036, 258.055, 260.005, 260.076, 260.262,**  
35 **260.368, 292.311, 292.430, 292.930, 326.555, 329.837, 343.465, 343.499, 357.021 and 660.505 by**  
36 **sections 6 to 32 of this 2022 Act apply only to the Superintendent of Public Instruction who**  
37 **takes office on or after January 6, 2025.**

38 **SECTION 34. (1) The Superintendent of Public Instruction shall convene a parent advi-**  
39 **sory committee to assist the superintendent and the State Board of Education on statewide**  
40 **education policy.**

41 **(2) The Superintendent of Public Instruction shall select the members of the parent ad-**  
42 **visory committee, and members serve at the pleasure of the superintendent.**

43 **(3) The parent advisory committee convened under this section must consist of nine**  
44 **members, with one member from each of the following regions:**

45 **(a) Central Oregon, consisting of Crook, Deschutes, Jefferson and Wheeler Counties.**

- 1       **(b) Coastal Oregon, consisting of Clatsop, Columbia, Coos, Curry, Lincoln and Tillamook**
  - 2 **Counties.**
  - 3       **(c) Columbia Gorge, consisting of Gilliam, Hood River, Sherman and Wasco Counties.**
  - 4       **(d) Eastern Oregon, consisting of Baker, Grant, Harney, Lake, Malheur, Morrow,**
  - 5 **Umatilla, Union and Wallowa Counties.**
  - 6       **(e) Southern Oregon, consisting of Douglas, Jackson, Josephine and Klamath Counties.**
  - 7       **(f) Willamette Valley, consisting of Benton, Lane, Linn, Marion, Polk and Yamhill Coun-**
  - 8 **ties.**
  - 9       **(g) Clackamas County.**
  - 10       **(h) Multnomah County.**
  - 11       **(i) Washington County.**
  - 12       **(4) A person is eligible to serve on the parent advisory committee if the person is a par-**
  - 13 **ent or guardian of a student enrolled in a public school of this state.**
  - 14
-