

# Chapter 177

2003 EDITION

## Secretary of State

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**EXECUTIVE BRANCH; ORGANIZATION**

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**177.010 Oath and bond.** The Secretary of State, before entering upon the duties of office, shall take and subscribe the oath required by the Constitution, and give a bond, with sufficient sureties, to the State of Oregon, in the sum of \$10,000, conditioned for the faithful discharge of the duties of office as Secretary of State and as Auditor, and that the Secretary of State will deliver over to a successor in the office of the Secretary of State, or to any other person authorized by law to receive the same, all moneys, books, records and all papers pertaining to the office. The bond shall be approved by the Governor and, together with the oath of office, shall be preserved in the executive office. [Amended by 1977 c.366 §1]

**177.020 Successive recoveries on bond.** One recovery had on the official bond given by the Secretary of State shall not render the bond void, but the bond may be prosecuted upon a breach thereof, from time to time, until the whole penalty is collected.

**177.030 Duties of Secretary of State.** The Secretary of State shall:

(1) Keep a record of the official acts of the Oregon Department of Administrative Services and, when required, lay the same and all matters relative thereto before each branch of the legislature.

(2) Affix the seal of the state to, and countersign all commissions and other official acts issued or done by the Governor, approbation by the Governor of the laws excepted, and make a register of such commissions, specifying to whom given or granted, the office conferred, with the date and tenor of the commission, in a book to be provided for that purpose.

(3) Be charged with the safekeeping of all enrolled laws and resolutions and not permit them to be taken out of the office or inspected, except in the presence of the Secretary of State, unless by order of the Governor, or by resolution of one or both houses of the legislature, under penalty of \$100.

(4) Keep the office open during business hours at all times, Sundays excepted. [Amended by 2003 c.14 §72]

**177.040 Deputy Secretary of State.** The Secretary of State may appoint in writing one Deputy Secretary of State who shall hold the office during the pleasure of the Secretary of State. The Secretary of State is responsible for the acts of the Deputy Secretary of State. The Deputy Secretary of State shall qualify by taking the oath of the principal, to be indorsed upon and filed with the certificate of appointment, and when so qualified the Deputy Secretary of State has the power to perform any act or duty of the

Secretary of State pertaining to the office. [Amended by 1981 c.528 §2]

**177.050 Employment of clerks and assistants.** The Secretary of State may employ and appoint necessary personnel, including clerks and assistants, to aid in the performance of the duties of the secretary's office whose compensation shall be paid out of the State Treasury and shall not exceed the appropriation of the Legislative Assembly therefor. The clerks and assistants shall take an oath to support the Oregon Constitution and faithfully to discharge the duties of their positions. [Amended by 1955 c.287 §17; 1981 c.528 §3]

**177.060 Designation of persons to sign in name of Secretary of State.** The Secretary of State may designate one or more of the secretary's clerks or assistants, in the secretary's name, to sign or countersign or sign and countersign vouchers, official acts of the Governor or the Legislative Assembly and other papers, documents and certificates requiring the signature of the Secretary of State. [Amended by 1981 c.528 §4; 1983 c.740 §42]

**177.070 Bonds may be required for clerks or positions.** The Secretary of State may require corporate surety bonds executed by a company licensed to transact business in the State of Oregon for the clerks or positions the Secretary of State deems proper. The surety bonds shall run to the State of Oregon in the amounts the Secretary of State approves. The premiums for the surety bonds shall be paid by the State of Oregon.

**177.080 Acts of Congress and of states to be deposited in State of Oregon Law Library.** The Secretary of State shall cause the Acts of the Congress of the United States, and of the several states, which may be received at the office of the Secretary of State, to be deposited in the State of Oregon Law Library. [Amended by 2001 c.779 §7]

**177.090** [Repealed by 1993 c.98 §26]

**177.100** [Repealed by 1953 c.224 §4]

**177.110 Oregon Guide.** The Secretary of State may provide for the distribution or sale of the Oregon Guide, a publication edited and compiled under the auspices of the United States Government, relating to the scenery, natural resources, history and general information of the State of Oregon, under the terms and conditions deemed advisable by the Oregon State Board of Control. All moneys realized from the sale and distribution of the Oregon Guide shall be placed to the credit of the General Fund.

**177.120 Oregon Blue Book.** (1) The Secretary of State shall compile and issue biennially on or about February 15 of the same year as the regular sessions of the Legislative Assembly, an official directory of all state officers, state institutions, boards

and commissions and district and county officers of the state, to be known as the Oregon Blue Book, and include therein the information regarding their functions that the secretary considers most valuable to the people of the state, together with such other data and information as usually is included in similar publications. The Secretary of State may cause the Oregon Blue Book to be copyrighted.

(2) In order to fully carry out the intent and purposes of this section, the Secretary of State may request of any state, district and county officials any information concerning their offices, institutions or departments that the secretary desires to include in the Oregon Blue Book. The officials shall furnish the information.

(3) The Secretary of State may distribute the Oregon Blue Book free of charge, under such regulations as the secretary may establish, to schools and to federal, state, county and city officials of the State of Oregon. The copies distributed under this subsection shall not be sold.

(4) The Secretary of State shall determine a reasonable price, and charge such price, for each copy of the Oregon Blue Book distributed to the general public. The secretary may also establish a discount price for dealers and shall set the price for resale by dealers in order to maintain a uniform price. The sum collected shall be paid over to the State Treasurer and credited to the Secretary of State Miscellaneous Receipts Account established under ORS 279.833. [Amended by 1953 c.586 §1; 1967 s.s. c.10 §1; 1973 c.126 §1; 1981 c.467 §1; 1991 c.169 §1]

**Note:** The amendments to 177.120 by section 198, chapter 794, Oregon Laws 2003, become operative March 1, 2005, and apply only to public contracts first advertised, but if not advertised then entered into, on or after March 1, 2005. See sections 336 and 337, chapter 794, Oregon Laws 2003. The text that is operative on and after March 1, 2005, is set forth for the user's convenience.

**177.120.** (1) The Secretary of State shall compile and issue biennially on or about February 15 of the same year as the regular sessions of the Legislative Assembly, an official directory of all state officers, state institutions, boards and commissions and district and county officers of the state, to be known as the Oregon Blue Book, and include therein the information regarding their functions that the secretary considers most valuable to the people of the state, together with such other data and information as usually is included in similar publications. The Secretary of State may cause the Oregon Blue Book to be copyrighted.

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#### **177.130 Fees of the Secretary of State.**

(1) The Secretary of State shall establish a schedule of fees to be charged in the office of the Secretary of State for furnishing a copy of, recording, or certifying and affixing the state seal to any document; for issuing certificates of official character; and for affixing the state seal to and countersigning or attesting any document issued by the Governor. The fees shall be reasonably calculated to reimburse the office for the cost thereof. No fee, however, shall be charged for affixing the state seal and countersigning or attesting pardons, commutations, paroles, military commissions, extradition papers, certificates of election to state and district officers and commissions and appointments under which the appointee receives no compensation.

(2) No member of the legislature or state officer shall be charged any fee for any certificate or certified copy relative to the official duties of the member or officer.

(3) This section does not apply to any commission issued by the Governor. [Amended by 1961 c.350 §1; 1975 c.720 §1; 1981 c.11 §3]

**177.140 Secretary of State Administration Division Account.** There is established in the General Fund an account to be known as the Secretary of State Administration Division Account. All moneys received by the Secretary of State for administrative service charges shall be deposited in the account. All moneys in the Secretary of State Administration Division Account are appropriated continuously to the Secretary of State for payment of expenses incurred in performing the duties and functions of the Secretary of State that provide policy directions and centralized support services to the divisions and boards of the agency. [1989 c.112 §5]

**177.150 Record required for Secretary of State Miscellaneous Receipts Account.** The Secretary of State shall cause a record to be kept of all moneys paid into the Secretary of State Miscellaneous Receipts Account established under ORS 279.833. Together with other matters, the record shall indicate, by separate account, the source from which the moneys paid in are derived and the activity or program against which any payment or withdrawal is charged. [1991 c.169 §4]

**Note:** The amendments to 177.150 by section 199, chapter 794, Oregon Laws 2003, become operative March 1, 2005, and apply only to public contracts first advertised, but if not advertised then entered into, on or after March 1, 2005. See sections 336 and 337, chapter 794, Oregon Laws 2003. The text that is operative on and after March 1, 2005, is set forth for the user's convenience.

**177.150.** The Secretary of State shall cause a record to be kept of all moneys paid into the Secretary of State Miscellaneous Receipts Account established under ORS 279A.290. Together with other matters, the record shall indicate, by separate account, the source from which the moneys paid in are derived and the activity or program against which any payment or withdrawal is charged.

**177.170 Government Waste Hotline; purpose; notice.** (1) The Secretary of State shall establish a toll-free telephone line that is available to public employees and members of the public for the purpose of reporting waste, inefficiency or abuse by state agencies, state employees or persons under contract with state agencies.

(2) The toll-free telephone line established under this section shall be known as the Government Waste Hotline. The Secretary of State shall prepare written notices that explain the purpose of the Government Waste Hotline. The notices shall prominently display the telephone number for the Government Waste Hotline. The notice shall be posted in all state offices. If a state office is open to members of the public, the notice shall be posted in a place where the public is most likely to see the notice.

(3) The Secretary of State shall publicize the availability of the Government Waste Hotline through print and electronic media. [1995 c.138 §1]

**177.180 Reports received through Government Waste Hotline; confidentiality; investigation; written determination; annual report to Legislative Assembly.** (1) The Secretary of State shall designate one person employed by the Division of Audits of the Office of the Secretary of State to be responsible for reports of waste, inefficiency or abuse received through the Government Waste Hotline. The person designated under this section shall log all reports received through the Government Waste Hotline.

(2) Notwithstanding any other provision of law, the identity of any person making a report through the Government Waste Hotline shall remain confidential. A report of waste, inefficiency or abuse received through the Government Waste Hotline and any resulting investigation shall remain confidential unless the Secretary of State finds that waste, inefficiency or abuse has occurred and reports these findings as provided under subsection (4) of this section. If the Secretary of State finds that waste, inefficiency or abuse has occurred, a report of waste, inefficiency or abuse received through

the Government Waste Hotline and any resulting investigation shall remain confidential until the investigation described in subsection (3) of this section is complete.

(3) The Secretary of State shall conduct an initial investigation of each report of waste, inefficiency or abuse made by public employees and members of the public through the Government Waste Hotline. Following the initial investigation, the secretary shall determine which reports shall be investigated further and shall assign the investigation to audit staff qualified to conduct waste, inefficiency and abuse investigations. The Secretary of State may audit any state agency if it appears that officers or employees of the agency are engaging in activities that constitute waste, inefficiency or abuse. Notwithstanding any provision of subsection (2) of this section:

(a) If the Secretary of State determines during the investigation that a violation of any provision of ORS chapter 244 may be occurring or may have occurred, the secretary shall notify the Oregon Government Standards and Practices Commission; and

(b) If the Secretary of State determines during the investigation that fraud or other criminal activity may be occurring or may have occurred, the secretary shall notify the appropriate law enforcement agency.

(4) Subject to the confidentiality requirements of subsection (2) of this section, upon completion of an investigation under this section:

(a) The Secretary of State shall make a determination whether officers or employees of a state agency are engaging in activities that constitute waste, inefficiency or abuse;

(b) The Secretary of State shall prepare a written determination and may include other information about the nature of the investigation performed by the Secretary of State or the secretary's determination. If the Secretary of State finds that waste, inefficiency or abuse has occurred and if requested, a copy of the determination with any other information included by the Secretary of State shall be sent to the person who made the report of waste, inefficiency or abuse; and

(c) If the Secretary of State determines that officers or employees of another state agency or public body are involved in activities that constitute waste, inefficiency or abuse, the Secretary of State shall notify the state agency or public body of the determination and deliver a copy of the secretary's findings to the agency or body.

(5) A written summary prepared by the Secretary of State under this section is a

public record, and shall be made readily available for public inspection.

(6) The Secretary of State shall prepare an annual report and submit it to each regular session of the Legislative Assembly and to appropriate interim committees of the Legislative Assembly. The report shall describe the number, nature and resolution of reports made through the Government Waste Hotline and shall identify savings resulting from improved efficiencies or the elimination of waste or abuse resulting from reports received and investigations conducted under this section and ORS 177.170. The report shall also list the number and nature of any positive reports received relating to state agencies, state employees or persons under contract with state agencies. [1995 c.138 §2]

**177.190 Purchase of state flags for Armed Forces by Secretary of State.** Upon written request and at the discretion of the Secretary of State, the Secretary of State is authorized to purchase and furnish an Oregon State Flag to units or to individual Oregon members of the Armed Forces of the United States serving at home or abroad. The cost of furnishing such flags shall be paid out of funds appropriated or made available from other sources to the Secretary of State to carry out the purpose of this section. [Formerly 279.795]

**Note:** Until March 1, 2005, 177.190 is part of ORS chapter 279. See sections 185 and 337, chapter 794, Oregon Laws 2003. See Preface to Oregon Revised Statutes for further explanation.

**177.200 Portfolio-based management of information technology resources.** (1) The Secretary of State shall implement portfolio-based management of information technology resources, as described in this section, to:

(a) Ensure that the Office of the Secretary of State links its information technology investments with business plans;

(b) Facilitate risk assessment of information technology projects and investments;

(c) Ensure that the office justifies information technology investments on the basis of sound business cases;

(d) Ensure that the office facilitates development and review of information technology performance related to business operations;

(e) Identify projects that can cross agency and program lines to leverage resources; and

(f) Assist in state government-wide planning for common, shared information technology infrastructure.

(2) The Secretary of State shall integrate strategic and business planning, technology planning and budgeting and project expenditure processes into the Secretary of State's information technology portfolio-based management.

(3) The Secretary of State shall conduct and maintain a continuous inventory of current and planned investments in information technology, a compilation of information about those assets and the total life cycle cost of those assets.

(4) The Secretary of State shall develop and implement standards, processes and procedures for the required inventory and for the management of the information technology portfolio.

(5) As used in this section, "information technology" has the meaning given that term in ORS 184.473. [2001 c.936 §7]