

Chapter 177

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Secretary of State

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EXECUTIVE BRANCH; ORGANIZATION

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.

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 Depositing in Supreme Court Library Acts of Congress and the several states. 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 Supreme Court Library.

Note: Section 9, chapter 98, Oregon Laws 1993, provides:

Sec. 9. Custody of deeds, conveyances, leases and other items. Within 90 days after the effective date of this Act [November 4, 1993], the Secretary of State shall deliver to Division of State Lands all deeds, conveyances, leases and other items deposited with the Secretary of State under the provisions of ORS 177.090 (1991 Edition). [1993 c.98 §9]

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]

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]