

House Bill 2900

Sponsored by Representative BARKER (at the request of Richard Burke, Libertarian Party of Oregon)

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**.

Allows minor political party to nominate candidates at primary election if minor political party has existed for 12 consecutive years with same name and maintains number of registered members equal to at least one-half of one percent of total number of registered voters in state.

A BILL FOR AN ACT

1
2 Relating to political parties; creating new provisions; and amending ORS 188.120, 248.008, 248.009,
3 249.016, 249.020, 249.031, 249.046, 249.048, 249.064, 249.068, 249.076, 249.190, 249.200, 251.022,
4 253.030, 253.540, 253.565, 254.025, 254.056, 254.069, 254.076, 254.195, 254.205, 254.365, 254.370,
5 254.470, 254.555, 254.565, 254.575 and 254.650.

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

7 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 248.**

8 **SECTION 2. (1) A minor political party may nominate candidates at a primary election**
9 **when the Secretary of State determines that:**

10 (a) **The minor political party has maintained status as a minor political party in this state**
11 **for at least 12 consecutive years;**

12 (b) **The minor political party has not changed the name of the party during the 12 con-**
13 **secutive years; and**

14 (c) **A number of electors equal to at least one-half of one percent of the total number**
15 **of electors registered in this state are registered as members of the minor political party**
16 **not later than the 275th day before the date of the primary election.**

17 (2) **The Secretary of State shall calculate the number of electors described in subsection**
18 **(1) of this section based on the number of electors registered in this state and eligible to**
19 **vote, as reported on the official abstracts of the election, at the general election immediately**
20 **preceding the deadline specified in subsection (1) of this section.**

21 (3) **After a minor political party becomes eligible to nominate candidates at the primary**
22 **election under subsection (1) of this section, in order to maintain eligibility, the party must**
23 **satisfy the registration requirement of subsection (1) of this section not later than the 275th**
24 **day before each primary election.**

25 (4) **A minor political party that may nominate candidates at the primary election ceases**
26 **to be eligible to nominate candidates at the primary election if the registration requirements**
27 **of subsection (1) of this section are not satisfied by the 275th day before each primary**
28 **election or if the minor political party changes its name. The political party ceases to be el-**
29 **igible to nominate candidates at the primary election on the date the Secretary of State de-**
30 **termines that the registration requirement is not satisfied or that the minor political party**
31 **changed its name. The party shall be considered a minor political party subject to the re-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **quirements of ORS 248.008.**

2 **(5) When a minor political party has not satisfied the registration requirement of sub-**
 3 **section (1) of this section for the first time, at the request of a representative of the minor**
 4 **political party, the Secretary of State shall determine not less than once each month**
 5 **whether at least one-half of one percent of the total number of electors registered in this**
 6 **state are registered as members of the party. After a minor political party has qualified**
 7 **under this section, the Secretary of State shall determine on the 274th day before each pri-**
 8 **mary election whether the minor political party has satisfied the registration requirements**
 9 **described in subsection (3) of this section.**

10 **SECTION 3.** ORS 248.008 is amended to read:

11 248.008. (1) An affiliation of electors becomes a minor political party in the state, a county or
 12 other electoral district, qualified to make nominations for public office in that electoral district and
 13 in any other electoral district wholly contained within the electoral district, when either of the
 14 following events occurs:

15 (a) When the affiliation of electors has filed with the Secretary of State a petition with the
 16 signatures of at least a number of electors equal to one and one-half percent of the total votes cast
 17 in the electoral district for all candidates for Governor at the most recent election at which a can-
 18 didate for Governor was elected to a full term. The petition also shall state the intention to form
 19 a new political party and give the designation of it. The filed petition shall contain only original
 20 signatures. The petition shall be filed not later than two years following the date the prospective
 21 petition is filed. The circulator shall certify on each signature sheet that the individuals signed the
 22 sheet in the presence of the circulator and that the circulator believes each individual is an elector
 23 registered in the electoral district. The Secretary of State shall verify whether the petition contains
 24 the required number of signatures of electors. The petition shall not be accepted for filing if it
 25 contains less than 100 percent of the required number of signatures. The Secretary of State by rule
 26 shall designate a statistical sampling technique to verify whether a petition contains the required
 27 number of signatures of electors. A petition shall not be rejected for the reason that it contains less
 28 than the required number of signatures unless two separate sampling processes both establish that
 29 the petition lacks the required number of signatures. The second sampling must contain a larger
 30 number of signatures than the first sampling. The Secretary of State may employ professional as-
 31 sistance to determine the sampling technique. The statistical sampling technique may be the same
 32 as that adopted under ORS 250.105. Before circulating the petition, the chief sponsor of the petition
 33 shall file with the Secretary of State a signed copy of the prospective petition. The chief sponsor
 34 shall include with the prospective petition a statement declaring whether one or more persons will
 35 be paid money or other valuable consideration for obtaining signatures of electors on the petition.
 36 After the prospective petition is filed, the chief sponsor shall notify the filing officer not later than
 37 the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

38 (A) Any person is being paid for obtaining signatures, when the statement included with the
 39 prospective petition declared that no such person would be paid.

40 (B) No person is being paid for obtaining signatures, when the statement included with the
 41 prospective petition declared that one or more such persons would be paid.

42 (b) When the affiliation of electors has polled for any one of its candidates for any public office
 43 in the electoral district at least one percent of the total votes cast in the electoral district for all
 44 candidates for:

45 (A) Presidential elector at the last general election at which candidates for President and Vice

1 President of the United States were listed on the ballot; or

2 (B) Any single state office to be voted upon in the state at large for which nominations by pol-
 3 itical parties are permitted by law at the most recent election at which a candidate for the office
 4 was elected to a full term.

5 (2) **Except as provided in section 2 of this 2007 Act**, after satisfying either requirement of
 6 subsection (1) of this section, the minor political party may nominate candidates at the next general
 7 election if at any time during the period beginning on the date of the next primary election and
 8 ending on the 90th day before the next general election, a number of electors equal to at least
 9 one-tenth of one percent of the total votes cast in the state or electoral district for all candidates
 10 for Governor at the most recent election at which a candidate for Governor was elected to a full
 11 term are registered as members of the party.

12 (3) A filing officer shall not accept a certificate of nomination of a candidate nominated by a
 13 minor political party unless the minor political party has satisfied the registration requirement of
 14 subsection (2) of this section.

15 (4) After a minor political party qualifies to nominate candidates, in order to maintain status
 16 as a minor political party:

17 (a) A candidate or candidates of the party must poll a number of votes described in subsection
 18 (1)(b) of this section at each subsequent general election and following each general election, the
 19 registration requirement of subsection (2) of this section must be satisfied; or

20 (b) Following each general election, at any time during the period beginning on the date of the
 21 next primary election and ending on the 90th day before the next general election, a number of
 22 electors equal to at least one-half of one percent of the total number of registered electors in this
 23 state must be registered as members of the party.

24 (5) An affiliation of electors ceases to be a minor political party in the state or electoral district
 25 if:

26 (a) The registration requirement of subsection (2) or (4)(b) of this section is not satisfied. The
 27 affiliation of electors ceases to be a minor political party on the date of the deadline for satisfying
 28 the registration requirement; or

29 (b) Except as provided in subsection (4)(b) of this section, in the case of a minor political party
 30 qualified to nominate candidates, a candidate or candidates of the minor political party do not sat-
 31 isfy the one percent requirement specified in subsection (1)(b) of this section at the next general
 32 election. The affiliation of electors ceases to be a minor political party on the date of the election.

33 (6) During the period beginning on the date of the primary election and ending on the 90th day
 34 before the date of the general election, the Secretary of State shall determine not less than once
 35 each month whether the registration requirement of subsection (2) or (4)(b) of this section has been
 36 satisfied. If the party changes its name, only those electors who register on or after the effective
 37 date of the name change as members of the party under the new party name shall be counted as
 38 members of the party under this subsection.

39 (7) An affiliation of electors or a minor political party may not satisfy the one percent require-
 40 ment referred to in subsection (1)(b) of this section by nominating a candidate who is the nominee
 41 of another political party at the same election.

42 **SECTION 4.** ORS 248.009 is amended to read:

43 248.009. (1) A minor political party shall file with the filing officer a copy of its organizational
 44 documents establishing its process for nominating candidates for public office. The organizational
 45 documents shall be filed not later than 30 days after they are adopted. **Except as provided in**

1 **section 2 of this 2007 Act**, the nominating process for candidates for election at the general
 2 election shall provide an equal opportunity to all registered members of the party within the elec-
 3 toral district to participate in the process of making nominations or selecting the delegates who will
 4 make the nominations. A minor political party shall file copies of any changes to its organizational
 5 documents relating to nomination of candidates for public office not later than 30 days after the date
 6 any changes were made. The minor political party shall nominate candidates for public office only
 7 in accordance with the procedures set forth in its organizational documents.

8 (2) A minor political party shall file with the filing officer a list of any officers selected by the
 9 party. The list shall be filed not later than 10 days after any selection is made. A minor political
 10 party shall file copies of any changes to the list of officers not later than 10 days after the date any
 11 changes were made.

12 (3) Not later than the 10th day before any nominating convention of a minor political party,
 13 notice shall be published at least once in not fewer than three newspapers of general circulation
 14 within the electoral district for which the nomination will be made. If there are fewer than three
 15 newspapers of general circulation within the electoral district, notice shall be published at least
 16 once in one newspaper of general circulation within the electoral district for which the nomination
 17 will be made and other public notice shall be given that is reasonably calculated to assure that
 18 party members in the electoral district receive notice of the convention. The notice shall contain
 19 the time and place of the convention, and the office or offices for which nominations will be made.

20 **SECTION 5.** ORS 249.016 is amended to read:

21 249.016. A candidate of a major political party for public office, **a minor political party qual-**
 22 **ified to nominate candidates at the primary election under section 2 of this 2007 Act** or a
 23 candidate for nonpartisan office shall be nominated only in the manner provided in ORS 249.016 to
 24 249.205.

25 **SECTION 6.** ORS 249.020 is amended to read:

26 249.020. (1) An eligible elector may become a candidate for nonpartisan office, or for the nomi-
 27 nation to an office by the major political party **or minor political party qualified to nominate**
 28 **candidates at the primary election under section 2 of this 2007 Act** of which the elector is a
 29 member, by filing a nominating petition or a declaration of candidacy.

30 (2) At the time of filing, a declaration of candidacy shall be accompanied by the filing fee
 31 specified in ORS 249.056.

32 (3) At the time of filing, a nominating petition shall contain the signature sheets described under
 33 ORS 249.064.

34 **SECTION 7.** ORS 249.031 is amended to read:

35 249.031. (1) Except as provided in subsection (2) of this section, a nominating petition or decla-
 36 ration of candidacy shall contain:

37 (a) The name by which the candidate is commonly known. A candidate may use a nickname in
 38 parentheses in connection with the candidate's full name.

39 (b) Address information as required by the Secretary of State by rule.

40 (c) The office and department or position number, if any, for which the candidate seeks nomi-
 41 nation.

42 (d) If the candidate is seeking the nomination of a major political party **or of a minor political**
 43 **party qualified to nominate candidates at the primary election under section 2 of this 2007**
 44 **Act**, the name of the major **or minor** political party of which the candidate will have been a mem-
 45 ber, subject to the exceptions stated in ORS 249.046, during at least 180 days before the deadline for

1 filing a nominating petition or declaration of candidacy.

2 (e) A statement that the candidate is willing to accept the nomination or election or, regarding
3 a candidate for precinct committeeperson, that the candidate accepts the office if elected.

4 (f) A statement that the candidate will qualify if elected.

5 (g) If the candidate is seeking the nomination of a major political party, a statement that the
6 candidate, if not nominated, will not accept the nomination or indorsement of any political party
7 other than the one of which the candidate is a member on the date the petition or declaration is
8 filed.

9 (h) The signature of the candidate.

10 (i) A statement of the candidate’s occupation, educational and occupational background and
11 prior governmental experience.

12 (2) Subsection (1)(i) of this section does not apply to a candidate for election as a precinct
13 committeeperson.

14 (3) A declaration of candidacy shall include a statement that the required fee is included with
15 the declaration.

16 (4) If required by the national rules of the major political party, the declaration of a candidate
17 for election as a precinct committeeperson shall include the name of the individual the candidate
18 supports for President of the United States or “uncommitted” or “no preference.”

19 **SECTION 8.** ORS 249.046 is amended to read:

20 249.046. (1) If a candidate has not been a member of the major political party **or of the minor**
21 **political party qualified to nominate candidates at the primary election under section 2 of**
22 **this 2007 Act** for at least 180 days before the deadline for filing a nominating petition or declaration
23 of candidacy, the candidate [*shall*] **is** not be entitled to receive the nomination of that [*major*] poli-
24 tical party.

25 (2) If a candidate’s registration becomes inactive, the inactive status shall not constitute a lapse
26 of membership in the party if, immediately before the registration became inactive, the candidate
27 was a member of the party and was not a member of any other political party within the 180 days
28 preceding the deadline for filing a nominating petition or declaration of candidacy.

29 (3) The requirement that the candidate be qualified by length of membership does not apply to
30 any candidate whose 18th birthday falls within the period of 180 days or to a write-in candidate.

31 **SECTION 9.** ORS 249.048 is amended to read:

32 249.048. A candidate for nomination of a major political party **or of a minor political party**
33 **qualified to nominate candidates at the primary election under section 2 of this 2007 Act** to
34 a public office who fails to receive the nomination may not be the candidate of any other political
35 party or a nonaffiliated candidate for the same office at the succeeding general election. The filing
36 officer may not certify the name of the candidate.

37 **SECTION 10.** ORS 249.064 is amended to read:

38 249.064. (1) A nominating petition of a candidate seeking the nomination of a major political
39 party **or of a minor political party qualified to nominate candidates at the primary election**
40 **under section 2 of this 2007 Act** shall contain a statement that each elector whose signature ap-
41 pears on the petition is a member of the same [*major*] political party as is the candidate.

42 (2) A nominating petition of any candidate shall contain the number of signatures of electors
43 required by ORS 249.068 or 249.072 and the residence address and name or number of the precinct,
44 if known, of each elector whose signature appears.

45 (3) The signatures contained in the nominating petition shall be certified for genuineness by the

1 county clerks under ORS 249.008.

2 **SECTION 11.** ORS 249.068 is amended to read:

3 249.068. (1) Except as otherwise provided for a candidate for nonpartisan office in ORS 249.072:

4 (a) A nominating petition for an office to be voted for in the state at large or for a candidate
5 for Representative in Congress shall contain signatures of members of the same [*major*] political
6 party as the candidate. Except as provided in this subsection, there shall be at least 1,000 signatures
7 or the number of signatures at least equal to two percent of the vote cast in the state or congres-
8 sional district, as the case may be, for the candidates of that [*major*] political party for presidential
9 electors at the last presidential election, whichever is less;

10 (b) For an election next following any change in the boundaries of a congressional district, there
11 shall be at least 1,000 signatures or the number of signatures at least equal to two percent of the
12 average number of votes cast in all congressional districts in this state, as the case may be, for the
13 candidates of that [*major*] political party for presidential electors at the last presidential election,
14 whichever is less;

15 (c) In the case of a candidate nominated by a [*major*] political party that did not nominate
16 presidential electors at the last presidential election, there shall be at least 1,000 signatures; and

17 (d) If the office is one to be voted for in the state at large, the signatures shall include those
18 of electors registered in at least five percent of the precincts in each of at least seven counties. If
19 the office is one to be voted for in a congressional district the signatures shall include those of
20 electors registered in at least five percent of the precincts in each of at least one-fourth of the
21 counties in the congressional district.

22 (2) Except as otherwise provided in this section or for a candidate for nonpartisan office in ORS
23 249.072:

24 (a) A nominating petition for an office not provided for in subsection (1) of this section shall
25 contain the signatures of electors who are members of the same [*major*] political party as the can-
26 didate. There shall be at least 500 signatures or the number of signatures at least equal to two
27 percent of the vote in the electoral district for the candidates of that [*major*] political party for
28 presidential electors at the last presidential election, whichever is less;

29 (b) In the case of [*major*] political party candidates for the office of state Senator or state Rep-
30 resentative, for an election next following any change in the boundaries of the districts of state
31 Senators or state Representatives under section 6, Article IV of the Oregon Constitution, there shall
32 be at least 500 signatures or the number of signatures at least equal to two percent of the average
33 number of votes cast in all state senatorial or state representative districts in this state, as the case
34 may be, for the candidates of that [*major*] political party for presidential electors at the last presi-
35 dential election, whichever is less;

36 (c) In the case of a candidate nominated by a [*major*] political party that did not nominate
37 presidential electors at the last presidential election, there shall be at least 500 signatures;

38 (d) If the office under this subsection is to be voted for in more than one county, the signatures
39 shall include those of electors registered in at least six percent of the precincts in the electoral
40 district that are located in each of two or more of the counties, or portions of the counties, within
41 which the electoral district is located. If six percent of the precincts of the electoral district in one
42 of the counties or portion thereof does not constitute a whole precinct, the nominating petition shall
43 contain signatures from at least one precinct in that county; and

44 (e) If the office is to be voted for in only one county or in a city, the signatures shall include
45 those of electors registered in at least 10 percent of the precincts in the electoral district.

1 **SECTION 12.** ORS 249.076 is amended to read:

2 249.076. (1) A person who is not a member of the same major political party, **or of the same**
 3 **minor political party qualified to nominate candidates at the primary election under section**
 4 **2 of this 2007 Act**, as the candidate for nomination by the [*major*] political party may not sign the
 5 nominating petition of the candidate.

6 (2) Any elector may sign:

7 (a) A nominating petition or certificate of nomination of any candidate for nonpartisan office;

8 (b) A nominating petition or certificate of nomination of any nonaffiliated candidate; and

9 (c) Nominating petitions or certificates of nomination for more than one candidate for the same
 10 office.

11 **SECTION 13.** ORS 249.190 is amended to read:

12 249.190. (1) Except as provided in ORS 254.650, a vacancy in the nomination of a major political
 13 party candidate **or of a candidate nominated by a minor political party qualified to nominate**
 14 **candidates at the primary election under section 2 of this 2007 Act**, may be filled before the
 15 date of the general election by that political party in a manner prescribed by party rule.

16 (2) Immediately after selecting a new nominee, the party, by the most expeditious means prac-
 17 ticable, shall notify the filing officer with whom a declaration of candidacy for the office is filed of
 18 the name of the nominee.

19 (3) The Secretary of State by rule may adopt a schedule specifying the period following a va-
 20 cancy within which a [*major*] political party must notify the filing officer of the name of the new
 21 nominee.

22 **SECTION 14.** ORS 249.200 is amended to read:

23 249.200. (1) A major political party **or a minor political party qualified to nominate candi-**
 24 **dates at the primary election under section 2 of this 2007 Act**, may nominate a candidate to fill
 25 a vacancy in a partisan elective office in the following manner:

26 (a) If the vacancy occurs on or before the 70th day before a primary election, by selecting a
 27 nominee at the next primary election; or

28 (b) If the vacancy occurs after the 70th day before the primary election but before the 61st day
 29 before the general election, by selecting a nominee as provided by party rule.

30 (2) The procedure under subsection (1) of this section [*shall*] **does** not apply in any case in which
 31 one of the following specific procedures for filling a vacancy applies:

32 (a) The procedure specified in ORS 188.120 for the offices of Representative in Congress and
 33 United States Senator.

34 (b) The appointment procedure specified in ORS 171.051 to 171.064 for state legislative office.

35 (c) The procedure specified in ORS chapter 236 for county office.

36 (d) The procedure specified in ORS chapter 221 for city office.

37 (3) A party that selects a nominee under subsection (1)(b) of this section, immediately after the
 38 nomination, shall notify the filing officer with whom a declaration of candidacy for the office is filed
 39 of the name of the nominee by the most expeditious means practicable.

40 (4) The Secretary of State by rule may adopt a schedule specifying the period following a va-
 41 cancy within which a [*major*] political party that selects a nominee under subsection (1)(b) of this
 42 section must notify the filing officer of the name of the nominee under subsection (3) of this section.

43 **SECTION 15.** ORS 251.022 is amended to read:

44 251.022. (1) If a special election or special primary election is held under ORS 188.120 for the
 45 purpose of filling a vacancy in election or office of United States Senator or Representative in

1 Congress, or for nominating a candidate of each major political party **or each minor political party**
 2 **qualified to nominate candidates at the primary election under section 2 of this 2007 Act**, to
 3 fill the vacancy, the Secretary of State shall prepare a voters' pamphlet for each election.

4 (2) A voters' pamphlet prepared under subsection (1) of this section shall contain information
 5 about the candidates for nomination or election to the office of United States Senator or Represen-
 6 tative in Congress at the special election or special primary election.

7 **SECTION 16.** ORS 253.030 is amended to read:

8 253.030. (1) Before an election any elector may apply to the clerk for the absentee ballot of the
 9 election.

10 (2) An application for an absentee ballot must:

11 (a) Be in writing and signed by the applicant; and

12 (b) Be received by the clerk not later than 8 p.m. the day of the election.

13 (3) If an applicant not affiliated with any political party desires to vote in any major political
 14 party primary election **or in the primary election of a minor political party qualified to nomi-**
 15 **nate candidates at the primary election under section 2 of this 2007 Act**, the applicant may
 16 request and shall be sent a ballot for a [*major*] political party if that political party has provided
 17 under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

18 (4) Application for an absentee ballot may be made by using a facsimile machine. As used in this
 19 subsection, "facsimile machine" means a machine that electronically transmits or receives facsimiles
 20 of documents through connection with a telephone network.

21 (5) If an elector desires, the elector's application shall be valid for every subsequent election
 22 until the elector otherwise notifies the clerk or is no longer an elector of the county.

23 **SECTION 17.** ORS 253.540 is amended to read:

24 253.540. (1) Any long term absent elector may secure an absentee ballot by submitting an ap-
 25 plication as specified in subsection (2) of this section to the clerk of the county of the long term
 26 absent elector's residence, or to the Secretary of State. If the application is addressed to the Sec-
 27 retary of State, the secretary shall forward it to the appropriate county clerk.

28 (2) An application for an absentee ballot by a long term absent elector shall be made in the form
 29 of a written request. The application shall be valid for every subsequent election until the elector
 30 otherwise notifies the clerk or is no longer an elector of the county. The application shall be signed
 31 by the applicant and contain:

32 (a) The name and current mailing address of the applicant;

33 (b) A statement that the applicant is a citizen of the United States;

34 (c) A statement that the applicant will be 18 years of age or older on the date of the election;

35 (d) A statement that for more than 20 days preceding the election the applicant's home residence
 36 has been in this state, and giving the address of the last home residence;

37 (e) A statement of the facts that qualify the applicant as a long term absent elector or as the
 38 spouse or a dependent of a long term absent elector;

39 (f) A statement that the applicant is not requesting a ballot from any other state and is not
 40 voting in any other manner in the election except by the requested absentee ballot; and

41 (g) If the applicant desires to vote in a primary election, a designation of the applicant's political
 42 party affiliation or a statement that the applicant is not affiliated with any political party. An ap-
 43 plicant not affiliated with any political party may request a ballot for a major political party **or for**
 44 **a minor political party qualified to nominate candidates at the primary election under section**
 45 **2 of this 2007 Act**. The applicant shall be sent the ballot for the political party that the applicant

1 requested if that political party has provided under ORS 254.365 for a primary election that admits
 2 electors not affiliated with any political party.

3 **SECTION 18.** ORS 253.565 is amended to read:

4 253.565. (1) Any long term absent elector may secure a special absentee ballot for a primary
 5 election or general election by making an application under this section if the elector believes that:

6 (a) The elector will be residing, stationed or working outside the territorial limits of the United
 7 States and the District of Columbia; and

8 (b) The elector will be unable to vote and return a regular absentee ballot by normal mail de-
 9 livery within the period provided for regular absentee ballots.

10 (2) A long term absent elector shall make the application for a special absentee ballot in the
 11 form of a written request. The elector shall submit the application before the date of the applicable
 12 election to the clerk of the county of the long term absent elector's residence or to the Secretary
 13 of State. If the application is addressed to the Secretary of State, the secretary shall forward it to
 14 the appropriate county clerk. The application shall be signed by the applicant and contain:

15 (a) The name and current mailing address of the applicant;

16 (b) A designation of the election for which the applicant requests a special absentee ballot;

17 (c) A statement that the applicant is a citizen of the United States;

18 (d) A statement that the applicant will be 18 years of age or older on the date of the election;

19 (e) A statement that for more than 20 days preceding the election the applicant's home residence
 20 has been in this state, and giving the address of the last home residence;

21 (f) A statement of the facts that qualify the applicant as a long term absent elector or as the
 22 spouse or a dependent of a long term absent elector;

23 (g) A statement of the facts that qualify the applicant to vote by means of a special absentee
 24 ballot;

25 (h) A statement that the applicant is not requesting a ballot from any other state and is not
 26 voting in any other manner in the election except by the requested special absentee ballot; and

27 (i) If the applicant requests a ballot for a primary election, a designation of the applicant's pol-
 28 itical party affiliation or a statement that the applicant is not affiliated with any political party.

29 An applicant not affiliated with any political party may request a ballot for a major political party
 30 **or for a minor political party qualified to nominate candidates at the primary election under**
 31 **section 2 of this 2007 Act.** The applicant shall be sent the ballot for the political party that the
 32 applicant requested if that political party has provided under ORS 254.365 for a primary election
 33 that admits electors not affiliated with any political party.

34 (3) An application for a special absentee ballot shall be valid only for the election specified in
 35 the application.

36 (4) The county clerk shall list on the special absentee ballot the offices and measures scheduled
 37 to appear on the regular ballot, if known when the ballot is prepared, and provide space in which
 38 the elector may write in the elector's preference.

39 (5) The elector may write in the name of any eligible candidate for each office to be filled or for
 40 which nominations will be made at the election, and may vote on any measure submitted at the
 41 election.

42 **SECTION 19.** ORS 254.025 is amended to read:

43 254.025. (1) Statutes applicable to primary elections shall be construed as though the primary
 44 elections are separate elections for:

45 (a) Each major political party nominating candidates; **and**

1 **(b) Each minor political party qualified to nominate candidates under section 2 of this**
 2 **2007 Act.**

3 (2) The primary elections shall be conducted as nearly as possible according to the theory ex-
 4 pressed in the preamble to chapter 1, Oregon Laws 1905.

5 **SECTION 20.** ORS 254.056 is amended to read:

6 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in
 7 November of each even-numbered year. Except as provided in ORS 254.650, at the general election
 8 officers of the state and subdivisions of the state, members of Congress and electors of President
 9 and Vice President of the United States as are to be elected in that year shall be elected.

10 (2) The primary election shall be held on the third Tuesday in May of each even-numbered year.
 11 At the primary election:

12 (a) Precinct committeepersons shall be elected; *[and]*

13 (b) Major political party candidates shall be nominated for offices to be filled at the general
 14 election held in that year; **and**

15 (c) **Candidates of minor political parties qualified to nominate candidates under section**
 16 **2 of this 2007 Act shall be nominated for offices to be filled at the general election held in**
 17 **that year.**

18 **SECTION 21.** ORS 254.069 is amended to read:

19 254.069. (1) An elector may not participate in more than one nominating process for each par-
 20 tisan public office to be filled at the general election.

21 (2) An elector is considered to have participated in the nominating process for each partisan
 22 public office listed on the ballot at a primary election if the elector returned a ballot of a major
 23 political party **or of a minor political party qualified to nominate candidates under section 2**
 24 **of this 2007 Act** at the primary election.

25 (3) An elector is considered to have participated in the nominating process for a partisan public
 26 office listed on the ballot at the general election if:

27 (a) A minor political party nominated a candidate for that office in the manner specified by the
 28 party in documents filed under ORS 248.009 and the elector participated in the nominating process;
 29 or

30 (b) The elector participated in the nominating process for that office by signing the minutes of
 31 an assembly of electors under ORS 249.735 or by signing a certificate of nomination made by indi-
 32 vidual electors under ORS 249.740.

33 (4) If a filing officer described in ORS 249.722 determines that an elector who has signed the
 34 minutes of an assembly of electors under ORS 249.735 or a certificate of nomination under ORS
 35 249.740 has attempted to participate in more than one nominating process for the same office to be
 36 filled at the general election, the signature of the elector may not be considered for purposes of ORS
 37 249.735 or 249.740.

38 **SECTION 22.** ORS 254.076 is amended to read:

39 254.076. The chief elections officer shall keep a register of candidates for nomination at the
 40 primary election. The register, if applicable, shall contain for each major political party:

41 (1) The title of each office for which the major political party **or a minor political party**
 42 **qualified to nominate candidates under section 2 of this 2007 Act** will nominate candidates at
 43 the primary election.

44 (2) The name and mailing address of each candidate for nomination at the primary election.

45 (3) The name of the major political party **or the minor political party qualified to nominate**

1 **candidates under section 2 of this 2007 Act** with which the candidate is registered as affiliated.

2 (4) The date of filing of the prospective petition for nomination of the candidate.

3 (5) The date of filing of the completed petition for nomination of the candidate, the number of
4 valid signatures contained and the number of signatures required.

5 (6) The date of filing of the declaration of candidacy of the candidate.

6 (7) Such other information as may aid the chief elections officer in arranging the official ballot
7 or ballot label for the primary election.

8 **SECTION 23.** ORS 254.195 is amended to read:

9 254.195. (1) Official ballots and ballot labels shall be printed in black ink upon good quality
10 material. The primary election ballots or ballot labels shall be of different colors for the major pol-
11 itical parties **and the minor political parties qualified to nominate candidates under section 2**
12 **of this 2007 Act.**

13 (2) If the election is conducted at polling places, sample ballots shall be prepared for the infor-
14 mation of the elector. The sample ballot shall contain the offices, candidates, measures and other
15 information on the ballots or ballot labels of the precincts for which the sample ballot is issued. The
16 sample ballot need not contain the office of, or candidates for, precinct committeeperson. The sample
17 ballots shall be identified as such, and printed on cheaper, colored paper to distinguish them from
18 official ballots. A sample ballot shall not be voted or counted.

19 (3) The governing body of a city, county or district may mail sample ballots to all electors
20 within the city, county or district to assist the electors' preparation for voting.

21 **SECTION 24.** ORS 254.205 is amended to read:

22 254.205. (1) For any election conducted at polling places, the county clerk shall produce a fac-
23 simile, except as to size, of the ballot in a manner described in this section. For any primary
24 election, a facsimile of the ballot shall include the ballot of each major political party **and each**
25 **minor political party qualified to nominate candidates under section 2 of this 2007 Act.**

26 (2) The facsimile shall be:

27 (a) Published or inserted in one or more newspapers as described in subsection (3) of this sec-
28 tion; or

29 (b) Distributed to each residential postal mailing address within the electoral district for which
30 the election is being held.

31 (3) If the facsimile is published or inserted in a newspaper:

32 (a) The facsimile shall be published or inserted not later than the fourth day nor earlier than
33 the 15th day before the election.

34 (b) The facsimile shall be published or inserted in at least one issue of one newspaper in each
35 county with a population of less than 10,000, or in each county in which no more than one news-
36 paper is published. The facsimile shall be published or inserted in at least one issue of two news-
37 papers in each county with a population of 10,000 or more in which more than one newspaper is
38 published. The county governing body, at the first regular meeting each year, shall select the
39 newspaper or newspapers of general circulation in the county in which the facsimile shall be pub-
40 lished or inserted and shall notify the county clerk of the selection.

41 (c) The county governing body may require publication or insertion of the facsimile in additional
42 newspapers and shall select the newspapers at the same time as provided in paragraph (b) of this
43 subsection. The county governing body shall notify the county clerk of any additional selections.

44 (d) The facsimile shall not be published in any newspaper unless the newspaper agrees that no
45 paid political advertisement shall be placed on the same page as the facsimile or on the page facing

1 the facsimile. If a newspaper selected under paragraph (b) or (c) of this subsection does not so agree,
 2 the county governing body shall select another newspaper in the county with as nearly as possible
 3 the same qualifications for the publication of the facsimile.

4 (4) A facsimile distributed to each residential post office mailing address within the electoral
 5 district for which the election is being held shall have postage prepaid and shall be considered to
 6 give notice when mailed. Facsimile ballots mailed under this subsection shall be mailed not sooner
 7 than the 15th day nor later than the 10th day before the election. Proof of mailing shall be by affi-
 8 davit of the county clerk.

9 (5) A facsimile printed in a county voters' pamphlet prepared and distributed in accordance with
 10 ORS chapter 251 shall be considered to satisfy the requirements of this section.

11 (6) As used in this section, "electoral district" means a county, city or district.

12 **SECTION 25.** ORS 254.365 is amended to read:

13 254.365. (1) An elector [*shall not be*] **is not** qualified or permitted to vote at any primary election
 14 for any candidate of a major political party **or of a minor political party qualified to nominate**
 15 **candidates under section 2 of this 2007 Act**, and it shall be unlawful for the elector to offer to
 16 do so, unless:

17 (a) The elector is registered as being affiliated with one of the major **or minor** political parties
 18 nominating or electing its candidates for public office at the primary election; or

19 (b) The elector is registered as not being affiliated with any political party and wishes to vote
 20 in the primary election of a major **or minor** political party that has provided under subsection (3)
 21 of this section for a primary election that admits electors not affiliated with any political party.

22 (2) Except as provided in ORS 254.470 (4), any elector offering to vote at the primary election
 23 shall be given a ballot of the major political party **or the minor political party qualified to**
 24 **nominate candidates under section 2 of this 2007 Act** with which the elector is registered as
 25 being affiliated. The elector [*shall*] **may** not be given a ballot of any other political party at that
 26 primary election. An elector not affiliated with any political party and offering to vote at the pri-
 27 mary election shall be given the ballot of the major **or minor** political party in whose primary
 28 election the elector wishes to vote if that party has provided under subsection (3) of this section for
 29 a primary election that admits electors not affiliated with any political party. An elector not affil-
 30 iated with any political party who is given a ballot of [*the major*] **a major or minor** political party
 31 associates with the party for the purpose of voting in that primary election.

32 (3) Not later than the 90th day before the date of the primary election, a major political party
 33 **or minor political party qualified to nominate candidates at the primary election under sec-**
 34 **tion 2 of this 2007 Act** may file with the Secretary of State a certified copy of the current party
 35 rule allowing an elector not affiliated with any political party to vote in the party's primary
 36 election. The party shall not repeal the rule as filed during the 90 days before the primary election.
 37 The rule shall continue to be effective after the date of the primary election until the party gives
 38 written notice to the Secretary of State that the rule has been repealed. A party rule under this
 39 subsection may limit the candidates for whom an elector who is not affiliated with any political
 40 party may vote. The party rule shall, however, allow any elector who is permitted to vote for the
 41 most numerous branch of the Legislative Assembly to also vote in federal legislative elections,
 42 consistent with section 2, Article I, and the Seventeenth Amendment to the United States Consti-
 43 tution.

44 (4) If the primary election ballot includes city, county or nonpartisan offices or measures, and
 45 it is given to an elector who is not eligible to vote for party candidates, the ballot shall be marked

1 “limited.”

2 **SECTION 26.** ORS 254.370 is amended to read:

3 254.370. The county clerk shall maintain:

4 (1) A monthly registration record of all electors registered as not being affiliated with any political party;

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6 (2) At each primary election, a record of the number of electors who voted from each major political party **and each minor political party qualified to nominate candidates at the primary election under section 2 of this 2007 Act;**

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8
9 (3) A record of all electors registered as not being affiliated with any political party who vote in a primary election of a major **or minor** political party that has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party; and

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11
12 (4) A record of all electors registered as not being affiliated with any political party who vote in the general election.

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14 **SECTION 27.** ORS 254.470 is amended to read:

15 254.470. (1) An election by mail shall be conducted as provided in this section. The Secretary of State may adopt rules governing the procedures for conducting an election by mail.

16
17 (2) The Secretary of State by rule shall establish requirements and criteria for the designation of places of deposit for the ballots cast in the election. The rules shall also specify the dates and times the places of deposit must be open and the security requirements for the places of deposit. At a minimum, the places designated under this section shall be open on the date of the election for a period of eight or more hours, but must be open until at least 8 p.m. At each place of deposit designated under this section, the county clerk shall prominently display a sign stating that the location is an official ballot drop site.

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23 (3)(a) Except as provided in paragraphs (b), (c) and (d) of this subsection, the county clerk shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope not sooner than the 18th day before the date of an election conducted by mail and not later than the 14th day before the date of the election, to each active elector of the electoral district as of the 21st day before the date of the election.

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29 (b) Notwithstanding paragraph (a) of this subsection, if the county clerk determines that an active elector of the electoral district as of the 21st day before the date of the election does not receive daily mail service from the United States Postal Service, the county clerk shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope to the elector not sooner than the 20th day before the date of an election conducted by mail and not later than the 18th day before the date of the election.

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35 (c) Notwithstanding paragraph (a) of this subsection, the Secretary of State by rule shall specify the date on which all ballots shall be mailed for any state election conducted by mail under ORS 254.465 (2).

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38 (d) Notwithstanding paragraph (a) of this subsection, in the case of ballots to be mailed to addresses outside this state to electors who are not long-term absent electors, the county clerk may mail the ballots not sooner than the 29th day before the date of the election.

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41 (4) For an election held on the date of a primary election:

42 (a) The county clerk shall mail the official ballot of a major political party **or a minor political party qualified to nominate candidates at the primary election under section 2 of this 2007 Act** to each elector who is registered as being affiliated with the major **or minor** political party as of the 21st day before the date of the election.

1 (b) The county clerk shall mail the official ballot of a major political party **or a minor political**
 2 **party qualified to nominate candidates at the primary election under section 2 of this 2007**
 3 **Act** to an elector not affiliated with any political party if the elector has applied for the ballot as
 4 provided in this subsection and that party has provided under ORS 254.365 for a primary election
 5 that admits electors not affiliated with any political party.

6 (c) An elector not affiliated with any political party who wishes to vote in the primary election
 7 of a major political party **or a minor political party qualified to nominate candidates at the**
 8 **primary election under section 2 of this 2007 Act** shall apply to the county clerk in writing. The
 9 application shall indicate which [*major*] political party ballot the elector wishes to receive. Except
 10 for electors described in subsection (5) of this section, and subject to ORS 247.203, the application
 11 must be received by the county clerk not later than 5 p.m. of the 21st day before the date of the
 12 election.

13 (d) If the primary election ballot includes city, county or nonpartisan offices or measures, an
 14 elector not eligible to vote for party candidates shall be mailed a ballot limited to those offices and
 15 measures for which the elector is eligible to vote.

16 (5) For each elector who updates a voter registration after the deadline in ORS 247.025, the
 17 county clerk shall make the official ballot, the return identification envelope and the secrecy en-
 18 velope available either by mail or at the county clerk's office or at another place designated by the
 19 county clerk. An elector to whom this subsection applies must request a ballot from the county
 20 clerk.

21 (6) The ballot or ballot label shall contain the following warning:

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 24 Any person who, by use of force or other means, unduly influences an elector to vote in any
 25 particular manner or to refrain from voting is subject to a fine.

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 28 (7) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
 29 the return identification envelope supplied with the ballot and comply with the instructions provided
 30 with the ballot. The elector may return the marked ballot to the county clerk by United States mail
 31 or by depositing the ballot at the office of the county clerk, at any place of deposit designated by
 32 the county clerk or at any location described in ORS 254.472 or 254.474. The ballot must be returned
 33 in the return identification envelope. If the elector returns the ballot by mail, the elector must
 34 provide the postage. A ballot must be received at the office of the county clerk, the designated place
 35 of deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the period
 36 determined under subsection (2) of this section on the date of the election.

37 (8) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not
 38 received by the elector. Replacement ballots shall be issued and processed as described in this
 39 section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided
 40 under this subsection. Notwithstanding any deadline for mailing ballots in subsection (3) or (4) of
 41 this section, a replacement ballot may be mailed, made available in the office of the county clerk
 42 or made available at one central location in the electoral district in which the election is conducted.
 43 The county clerk shall designate the central location. A replacement ballot need not be mailed after
 44 the fifth day before the date of the election.

45 (9) A ballot shall be counted only if:

- 1 (a) It is returned in the return identification envelope;
- 2 (b) The envelope is signed by the elector to whom the ballot is issued; and
- 3 (c) The signature is verified as provided in subsection (10) of this section.

4 (10) The county clerk shall verify the signature of each elector on the return identification en-
5 velope with the signature on the elector's registration card, according to the procedure provided by
6 rules adopted by the Secretary of State. If the county clerk determines that an elector to whom a
7 replacement ballot has been issued has voted more than once, the county clerk shall count only one
8 ballot cast by that elector.

9 (11) At 8 p.m. on election day, electors who are at the county clerk's office, a site designated
10 under subsection (2) of this section or any location described in ORS 254.472 or 254.474 and who are
11 in line waiting to vote or deposit a voted ballot shall be considered to have begun the act of voting.

12 **SECTION 28.** ORS 254.555 is amended to read:

13 254.555. (1) Except as provided in ORS 254.548, not later than the 30th day after any election,
14 the Secretary of State, regarding offices for which the secretary receives filings for nomination,
15 shall:

16 (a) Canvass the votes for the offices, except the office of Governor after the general election.

17 (b) Enter in a register of nominations after the primary election the name and, if applicable,
18 [major] political party of each candidate nominated, the office for which the candidate is nominated,
19 and the date of entry.

20 (c) Prepare and deliver a certificate of nomination or election to each candidate having the most
21 votes for nomination for or election to the office. The Secretary of State shall sign the certificate
22 under the seal of the state.

23 (d) Issue a proclamation declaring the election of candidates to the offices.

24 (2) Not later than the 30th day after the election:

25 (a) The Secretary of State, regarding measures for which the secretary as the filing officer, shall
26 canvass the votes for each measure.

27 (b) The Governor shall issue a proclamation giving the number of votes cast for or against each
28 such measure, and declaring the approved measures as the law on the effective date of the measure.
29 If two or more approved measures contain conflicting provisions, the Governor shall proclaim which
30 is paramount.

31 **SECTION 29.** ORS 254.565 is amended to read:

32 254.565. Subject to ORS 254.548, the chief city elections officer:

33 (1) After the primary election, shall enter in a register of nominations:

34 (a) The name of each candidate for city office nominated at the primary election.

35 (b) The office for which the candidate is nominated.

36 (c) If applicable, the name of the [major] political party nominating the candidate.

37 (d) The date of the entry.

38 (2) After the general election, shall prepare and deliver a certificate of election to each qualified
39 candidate having the most votes for election to a city office.

40 (3) Not later than the 30th day after any election, shall canvass the vote on each city measure,
41 and if two or more of the approved measures contain conflicting provisions, proclaim which is par-
42 amount.

43 **SECTION 30.** ORS 254.575 is amended to read:

44 254.575. When two or more candidates for the same office, after a full recount of votes, have an
45 equal and the highest number of votes:

1 (1) For election to state Senator or Representative, a party office, or a public office for which
 2 the elections officer is other than the Secretary of State, the elections officer shall have the candi-
 3 dates meet publicly to decide by lot who is elected.

4 (2) For election to a public office other than Governor or those referred to in subsection (1) of
 5 this section, the Secretary of State by proclamation shall order a new election to fill the office.

6 (3) For election to Governor, the Legislative Assembly at the beginning of the next regular
 7 session shall meet jointly and elect one of the candidates.

8 (4) For nomination by one major political party **or by a minor political party qualified to**
 9 **nominate candidates at the primary election under section 2 of this 2007 Act** to an office, the
 10 elections officer who receives filings for nomination to the office shall have the candidates meet
 11 publicly to decide by lot who is nominated.

12 **SECTION 31.** ORS 254.650 is amended to read:

13 254.650. (1) If the Secretary of State determines that a vacancy exists in the nomination of a
 14 candidate of a major political party **or of a minor political party qualified to nominate candi-**
 15 **dates at the primary election under section 2 of this 2007 Act** for state office, that the vacancy
 16 is due to the death of the candidate and that the vacancy occurred after the 30th day before the
 17 date of the general election:

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

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

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

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

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

25 (b) The candidate selected to fill the vacancy in the nomination as provided in ORS 249.190 or
 26 249.205.

27 (3) As used in this section “state office” means the office of Governor, Secretary of State, State
 28 Treasurer, Attorney General, state Senator or state Representative.

29 **SECTION 32.** ORS 188.120 is amended to read:

30 188.120. (1) If a vacancy in election or office of Representative in Congress or United States
 31 Senator occurs before the 61st day before the general election, the Governor shall call a special
 32 election to fill that vacancy. If a vacancy in election or office of United States Senator occurs after
 33 the 62nd day before the general election but on or before the general election, and if the term of
 34 that office is not regularly filled at that election, the Governor shall call a special election to fill
 35 the vacancy as soon as practicable after the general election.

36 (2) If a special election to fill the vacancy in election or office of Representative in Congress
 37 or United States Senator is called before the 80th day after the vacancy occurs, each major political
 38 party **and each minor political party qualified to nominate candidates at the primary election**
 39 **under section 2 of this 2007 Act** shall select its nominee for the office and certify the name of the
 40 nominee to the Secretary of State. The Secretary of State shall place the name of the nominee on
 41 the ballot.

42 (3) If a special election to fill the vacancy in election or office of Representative in Congress
 43 or United States Senator is called after the 79th day after the vacancy occurs, a special primary
 44 election shall be conducted by the Secretary of State for the purpose of nominating a candidate of
 45 each major political party **and each minor political party qualified to nominate candidates at**

1 **the primary election under section 2 of this 2007 Act.** A declaration of candidacy or nominating
2 petition may be filed not later than the 10th day following the issuance of the writ of election.

3 **SECTION 33. Section 2 of this 2007 Act and the amendments to ORS 188.120, 248.008,**
4 **248.009, 249.016, 249.020, 249.031, 249.046, 249.048, 249.064, 249.068, 249.076, 249.190, 249.200,**
5 **251.022, 253.030, 253.540, 253.565, 254.025, 254.056, 254.069, 254.076, 254.195, 254.205, 254.365,**
6 **254.370, 254.470, 254.555, 254.565, 254.575 and 254.650 by sections 3 to 32 of this 2007 Act apply**
7 **to minor political parties that qualify as minor political parties on or after the effective date**
8 **of this 2007 Act.**

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