

House Bill 3040

Sponsored by Representative BARKER; Representatives BOQUIST, BUCKLEY, GIROD, KRIEGER, NELSON, RILEY, ROBLAN, SHIELDS, WITT, Senators AVAKIAN, BURDICK, G GEORGE, L GEORGE, WESTLUND

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**.

Directs general or special election ballots to list name of candidate for partisan office for each nomination candidate receives, with name of each political party that nominated candidate printed opposite one of listings of candidate's name. Allows candidate to decline to be listed as nominee of political party.

Specifies that votes cast for candidate of affiliation of electors or minor political party on ballot line marked for that affiliation or party count towards vote requirement for minor political party formation.

Specifies that multiple votes for candidate on same ballot for same office count as vote for candidate without party designation.

A BILL FOR AN ACT

1
2 Relating to elections; amending ORS 248.008, 254.135 and 254.505.

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

4 **SECTION 1.** ORS 254.135 is amended to read:

5 254.135. (1) The official general or special election ballot or ballot label shall be styled "Official
6 Ballot" and shall state:

7 (a) The name of the county for which it is intended.

8 (b) The date of the election.

9 (c) The names of all candidates for offices to be filled at the election whose nominations have
10 been made and accepted and who have not died, withdrawn or become disqualified. The ballot or
11 ballot label may not contain the name of any other person.

12 (d) The number, ballot title and financial estimates under ORS 250.125 of any measure to be
13 voted on at the election.

14 (2) If the election is conducted at polling places as provided in this chapter, any ballot to be
15 issued at a polling place shall also state the number or name of the precinct for which it is intended.

16 (3) The names of candidates for President and Vice President of the United States shall be
17 printed in groups together, under their political party designations. The names of the electors may
18 not be printed on the general election ballot. A vote for the candidates for President and Vice
19 President shall be a vote for the group of presidential electors supporting those candidates and se-
20 lected as provided by law. The general election ballot shall state that electors of President and Vice
21 President are being elected and that a vote for the candidates for President and Vice President shall
22 be a vote for the electors supporting those candidates.

23 *[(4)(a) The name of each candidate nominated shall be printed upon the ballot or ballot label in
24 but one place, without regard to how many times the candidate may have been nominated. The name
25 of a political party shall be added opposite the name of a candidate for other than nonpartisan office
26 according to the following rules:]*

27 *[(A) For a candidate not affiliated with a political party who is nominated by a minor political*

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 party, the name of the minor political party shall be added opposite the name of the candidate;]

2 [(B) For a candidate not affiliated with a political party who is nominated by more than one minor
3 political party, the name of the minor political party selected by the candidate shall be added opposite
4 the name of the candidate;]

5 [(C) For a candidate who is a member of a political party who is nominated by a political party
6 of which the candidate is not a member, the name of the political party that nominated the candidate
7 shall be added opposite the name of the candidate;]

8 [(D) For a candidate who is a member of a political party who is nominated by more than one
9 political party of which the candidate is not a member, the name of the political party selected by the
10 candidate shall be added opposite the name of the candidate; and]

11 [(E) For a candidate who is nominated by a political party of which the candidate is a member,
12 the name of the political party of which the candidate is a member shall be added opposite the name
13 of the candidate.]

14 [(b) If a candidate is required to select the name of a political party to be added on the ballot under
15 paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection not later
16 than the 61st day before the day of the election.]

17 **(4)(a) The name of each candidate nominated for other than nonpartisan office shall be
18 printed upon the ballot or ballot label in one place for each nomination the candidate has
19 received. The name of each political party that nominated the candidate shall be added op-
20 posite one of the printings of the name of the candidate.**

21 **(b) The name of each candidate for nonpartisan office shall be printed upon the ballot or
22 ballot label in but one place.**

23 **(c) If a candidate for other than nonpartisan office does not wish to be identified on the
24 ballot or ballot label as the nominee of a specific political party, the candidate must notify
25 the filing officer of this decision not later than the 61st day before the day of the election.
26 If the candidate notifies the filing officer under this paragraph, the filing officer may not add
27 the name of that political party opposite the name of the candidate on the ballot or ballot
28 label.**

29 [(c)] **(5)** The word “incumbent” shall follow the name of each candidate for the Supreme Court,
30 Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Sec-
31 retary of State under ORS 254.085.

32 [(d)] **(6)** The word “nonaffiliated” shall follow the name of each candidate who is not affiliated
33 with a political party and who is nominated by an assembly of electors or individual electors.

34 [(e)] **(7)** If two or more candidates for the same office have the same or similar surnames, the
35 location of their places of residence shall be printed opposite their names to distinguish one from
36 another.

37 **SECTION 2.** ORS 248.008 is amended to read:

38 248.008. (1) An affiliation of electors becomes a minor political party in the state, a county or
39 other electoral district, qualified to make nominations for public office in that electoral district and
40 in any other electoral district wholly contained within the electoral district, when either of the
41 following events occurs:

42 (a) When the affiliation of electors has filed with the Secretary of State a petition with the
43 signatures of at least a number of electors equal to one and one-half percent of the total votes cast
44 in the electoral district for all candidates for Governor at the most recent election at which a can-
45 didate for Governor was elected to a full term. The petition also shall state the intention to form

1 a new political party and give the designation of it. The filed petition shall contain only original
2 signatures. The petition shall be filed not later than two years following the date the prospective
3 petition is filed. The circulator shall certify on each signature sheet that the individuals signed the
4 sheet in the presence of the circulator and that the circulator believes each individual is an elector
5 registered in the electoral district. The Secretary of State shall verify whether the petition contains
6 the required number of signatures of electors. The petition shall not be accepted for filing if it
7 contains less than 100 percent of the required number of signatures. The Secretary of State by rule
8 shall designate a statistical sampling technique to verify whether a petition contains the required
9 number of signatures of electors. A petition shall not be rejected for the reason that it contains less
10 than the required number of signatures unless two separate sampling processes both establish that
11 the petition lacks the required number of signatures. The second sampling must contain a larger
12 number of signatures than the first sampling. The Secretary of State may employ professional as-
13 sistance to determine the sampling technique. The statistical sampling technique may be the same
14 as that adopted under ORS 250.105. Before circulating the petition, the chief sponsor of the petition
15 shall file with the Secretary of State a signed copy of the prospective petition. The chief sponsor
16 shall include with the prospective petition a statement declaring whether one or more persons will
17 be paid money or other valuable consideration for obtaining signatures of electors on the petition.
18 After the prospective petition is filed, the chief sponsor shall notify the filing officer not later than
19 the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

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

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

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

27 (A) Presidential elector at the last general election at which candidates for President and Vice
28 President of the United States were listed on the ballot; or

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

32 (2) After satisfying either requirement of subsection (1) of this section, the minor political party
33 may nominate candidates at the next general election if at any time during the period beginning on
34 the date of the next primary election and ending on the 90th day before the next general election,
35 a number of electors equal to at least one-tenth of one percent of the total votes cast in the state
36 or electoral district for all candidates for Governor at the most recent election at which a candidate
37 for Governor was elected to a full term are registered as members of the party.

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

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

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

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

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

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

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

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

20 (7) *[An affiliation of electors or a minor political party may not satisfy the one percent requirement*
 21 *referred to in subsection (1)(b) of this section by nominating a candidate who is the nominee of another*
 22 *political party at the same election]* **For purposes of satisfying the one percent requirement re-**
 23 **ferred to in subsection (1)(b) of this section, only votes cast for a candidate of an affiliation**
 24 **of electors or a minor political party on the ballot line marked under ORS 254.135 for that**
 25 **affiliation or political party name shall be counted.**

26 **SECTION 3.** ORS 254.505 is amended to read:

27 254.505. (1) Only official ballots *[shall]* **may** be counted. Any vote from which it is impossible
 28 to determine the elector’s choice for the office or measure *[shall]* **may** not be counted. Any ballot
 29 that has a sticker or other device in violation of ORS 254.405 (2) *[shall be void and shall]* **is void**
 30 **and may** not be counted. Counting board clerks shall disregard misspelling or abbreviations of the
 31 names of candidates if it can be ascertained from the ballot for whom the vote was intended.

32 **(2) If an elector votes for a candidate more than once on the same ballot for the same**
 33 **office by voting for the candidate opposite multiple, different political party affiliations, the**
 34 **ballot shall be counted as if the elector voted for the candidate only once on a ballot line**
 35 **without any party designation.**

36 *[(2)]* **(3)** When ballots are counted by counting boards, the board chairperson, using ink, imme-
 37 diately shall initial the back of the wholly or partially void ballot and write on it “Not counted
 38 for _____” (stating the office or measure). The election board shall seal the wholly void ballots
 39 in an envelope.