

House Bill 3471

Sponsored by Representative CANNON; Representatives BARNHART, BOONE, C EDWARDS, GALIZIO, GIROD, GREENLICK, KRIEGER, NOLAN, ROSENBAUM, SHIELDS, Senators MONNES ANDERSON, MONROE (at the request of Multnomah County Democratic Central Committee)

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**.

Changes title of "precinct committeeperson" to "precinct representative."

A BILL FOR AN ACT

1
2 Relating to precinct representatives; creating new provisions; and amending ORS 246.310, 248.007,
3 248.015, 248.017, 248.023, 248.024, 248.026, 248.027, 248.029, 248.031, 248.033, 248.035, 248.043,
4 248.045, 249.013, 249.031, 249.035, 249.037, 249.056, 251.026, 253.055, 254.056, 254.115, 254.195 and
5 260.005.

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

7 **SECTION 1.** ORS 248.015 is amended to read:

8 248.015. (1) A precinct [*committeeperson*] **representative** shall be a representative of the major
9 political party in the precinct. At the primary election a major political party shall elect from its
10 members a [*committeeperson*] **precinct representative** of each sex for every 500 electors, or major
11 fraction thereof, who are registered in the precinct on January 31 of the year of the primary
12 election. In any event the political party members of a precinct shall be entitled to elect not less
13 than one [*committeeperson*] **precinct representative** of each sex in the precinct. [*No*] **A** person
14 [*shall*] **may not** hold office as [*committeeperson*] **precinct representative** in more than one precinct.

15 (2) A member of a major political party may become a candidate for precinct [*committeeperson*]
16 **representative** of the precinct in which the person is registered, or of a precinct within the same
17 county adjoining that precinct, by filing a declaration of candidacy described in ORS 249.031, except
18 as provided in subsection (3) of this section.

19 (3) ORS 249.031 (1)(i) [*shall*] **does** not apply to declarations of candidacy for candidates for pre-
20 cinct [*committeeperson*] **representative**.

21 (4) A member of the major political party who has been a member of that party for 180 days
22 before the primary election may be elected by write-in votes as precinct [*committeeperson*] **repre-**
23 **sentative** of the precinct in which the member is registered, or of a precinct within the same county
24 adjoining that precinct.

25 (5) Unless a qualified person receives at least three votes, [*no*] **a** person [*shall*] **may not** be
26 deemed to have been elected as precinct [*committeeperson*] **representative** and the office of [*com-*
27 *mitteeperson*] **precinct representative** [*shall*] **will** be vacant.

28 (6) The term of office of a precinct [*committeeperson*] **representative** is from the 24th day after
29 the date of the primary election until the 24th day after the date of the next following primary
30 election.

31 (7) A precinct [*committeeperson shall*] **representative may** not be considered a public officer.

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

SECTION 2. ORS 248.017 is amended to read:

248.017. Notwithstanding any provision of ORS 248.015, an otherwise qualified person who will attain the age of 18 years after the deadline for filing a declaration of candidacy for the office of precinct [committeeperson] **representative** and on or before the date of the primary election, and who is registered as a member of the major political party not later than the date of the primary election, is eligible to file a nominating petition for the office of precinct [committeeperson] **representative**, to be listed on the ballot and to be elected to the office, including by write-in votes.

SECTION 3. ORS 248.023 is amended to read:

248.023. (1) Not later than the 20th day after a primary election, the county clerk shall mail a certificate of election to each newly elected precinct [committeeperson] **representative** within the county. The clerk also shall mail an "Acceptance of Office" form to each person elected by write-in votes to the office of [committeeperson] **precinct representative**. The form [shall] **must** include a statement to be signed by the person elected that the person is qualified to hold the office.

(2) A person elected by write-in votes to the office of precinct [committeeperson] **representative** shall be certified for the office by filing with the county clerk, not later than the 27th day after the date of the primary election, a signed "Acceptance of Office" form.

(3) Not later than the 31st day after a primary election, the county clerk shall prepare, maintain and furnish to the chairpersons of the respective retiring county central committees within the county and the chairpersons of the state central committees, a list of the party precinct [committeepersons] **representatives** elected and certified. At the same time the county clerk shall declare the other offices of [committeeperson] **precinct representative** vacant.

SECTION 4. ORS 248.024 is amended to read:

248.024. (1) A precinct [committeeperson] **representative** may resign from the office by filing a written notification of resignation with the county clerk. Upon receipt of this notification, the county clerk shall:

(a) Remove the name of the person from the list of [committeepersons] **precinct representatives**.

(b) Declare that office vacant.

(c) Notify the appropriate county central committee.

(2) When a precinct [committeeperson] **representative** ceases to be registered in the precinct in which the [committeeperson] **precinct representative** was elected or a precinct adjoining that precinct within the same county, changes political party registration or dies, the county central committee shall notify the county clerk of the fact. Upon receipt of this notification, if the county clerk determines that the notification is correct, the clerk shall:

(a) Remove the name of the person from the list of [committeepersons] **precinct representatives**.

(b) Declare that office vacant.

SECTION 5. ORS 248.026 is amended to read:

248.026. (1) The members of a county central committee may select a member of the major political party who is registered in the precinct in which the vacancy exists, or registered in a precinct within the same county adjoining that precinct, to fill a vacancy in the office of precinct [committeeperson] **representative**.

(2) When a county central committee votes to select a person to fill a vacancy in the office of precinct [committeeperson] **representative**, the chairperson of the committee shall give written notice to the county clerk of the proposed selection. The selection shall take effect when the county

1 clerk upon timely verification of eligibility, places the name of the person selected on the list of
 2 [committeepersons] **precinct representatives**. The county clerk shall then send written notice of the
 3 selection to the person and the county central committee.

4 (3) A person selected to fill a vacancy in the office of precinct [committeeperson] **representative**
 5 may be removed from office at the pleasure of the central committee, but, except as provided in
 6 subsection (4) of this section, otherwise shall hold the office for the unexpired term and shall have
 7 the powers, duties and privileges of an elected [committeeperson] **precinct representative**.

8 (4) A person selected to fill a vacancy in the office of precinct [committeeperson] **representative**
 9 may not vote on the election of county central committee officers at the organizational meeting of
 10 the committee as provided in ORS 248.035. A person selected to fill a vacancy in the office of pre-
 11 cinct [committeeperson] **representative** may vote to fill any vacancy in a committee office after the
 12 organizational meeting.

13 **SECTION 6.** ORS 248.027 is amended to read:

14 248.027. A precinct [committeeperson] **representative** who represents a precinct which is subse-
 15 quently combined, consolidated or abolished shall continue to be a member of the county central
 16 committee until the end of that [committeeperson's] **precinct representative's** regular term of office.

17 **SECTION 7.** ORS 248.029 is amended to read:

18 248.029. (1) Except as provided in this section, the provisions for recall of a public officer under
 19 ORS 249.002 to 249.013 and 249.865 to 249.877, apply to a recall election of a precinct [committee-
 20 person] **representative**.

21 (2) A precinct [committeeperson] **representative** may be recalled by a petition signed by the
 22 number of party members equal to not less than 25 percent of the number of party members who
 23 voted in the precinct as it existed at the preceding primary election. The petitioners shall state in
 24 not more than 200 words on the recall petition the reasons for the recall. If the [committeeperson]
 25 **precinct representative** resigns, the resignation shall take effect on the date of the resignation. If
 26 the [committeeperson] **precinct representative** does not resign before the fifth day after the petition
 27 is filed with the county clerk, a special election shall be ordered by the county clerk to be held not
 28 later than the 25th day after the petition is filed to determine whether the [committeeperson] **pre-**
 29 **cinct representative** will be recalled. The recall election shall be held in the precinct as it existed
 30 when the [committeeperson] **precinct representative** was elected. On the ballot shall be printed the
 31 reasons for the recall stated in the recall petition, and, in not more than 200 words, the [com-
 32 mitteeperson's] **precinct representative's** justification of the [committeeperson's] **precinct repre-**
 33 **sentative's** actions in office. The [committeeperson] **precinct representative** shall continue to
 34 perform duties of the office until the result of the special election is declared.

35 (3) The cost of the election shall be paid by the county central committee of the party of the
 36 [committeeperson] **precinct representative**.

37 **SECTION 8.** ORS 246.310 is amended to read:

38 246.310. (1) Not later than the 30th day before the primary election:

39 (a) The county clerk shall appoint persons to serve on election boards. There shall be at least
 40 one election board for each polling place.

41 (b) The county clerk may appoint more than one election board for any precinct in which 100
 42 or more ballots were cast at the last general election or in which there are more than 200 electors.

43 (2) The election board shall consist of a day board to issue ballots and may include a counting
 44 board to count ballots. A day board shall consist of three or more clerks. A counting board shall
 45 consist of four or more clerks. [No] **An** election board clerk [shall] **may not** serve on the day board

1 and the counting board at the same time. The county clerk shall designate one clerk of each day
 2 board and one clerk of each counting board as chairperson.

3 (3) The county clerk shall appoint the election board clerks for a term of two years. The county
 4 clerk may withdraw the appointment of a clerk at any time. Clerks may be reappointed for more
 5 than one term.

6 (4) Except as provided in this subsection, an election board clerk [*shall*] **must** be an elector of
 7 the county, [*shall*] **must** be able to read, write and speak English and may not serve at a polling
 8 place in an electoral district in which the election board clerk is a candidate for any office, except
 9 precinct [*committeeperson*] **representative**, to be voted on in that election. The clerks of a day
 10 board or a counting board may not all be members of the same political party. The Secretary of
 11 State shall adopt by rule standards under which county clerks may employ persons to serve as
 12 election board clerks who are not electors of the county but who are residents of the county and
 13 who are at least 16 years of age. A person who is the spouse, child, son or daughter-in-law, parent,
 14 mother or father-in-law, sibling, brother or sister-in-law, aunt, uncle, niece, nephew, stepparent or
 15 stepchild of a candidate on the ballot at an election may not serve as election board clerk at a
 16 polling place where the candidate may be voted on, unless the candidate is a candidate for precinct
 17 [*committeeperson*] **representative** and is the only such relative who is a candidate on the ballot in
 18 the same election. The county clerk shall appoint board clerks who have the necessary capacity
 19 and ability to carry out their functions with sufficient skill and dispatch.

20 (5) In the event of a vacancy in the office of board clerk, the county clerk shall appoint a
 21 qualified person to fill the vacancy.

22 **SECTION 9.** ORS 248.007 is amended to read:

23 248.007. (1) Subject to ORS 248.005, a major political party may organize and select delegates
 24 to national party conventions in any manner.

25 (2) The provisions of ORS 248.012 to 248.315 do not apply to a major political party if the party
 26 has notified the Secretary of State as provided in subsection (5) of this section that the party does
 27 not intend to be subject to the provisions of ORS 248.012 to 248.315. References to precinct [*com-*
 28 *mitteepersons*] **representatives** in any provisions of ORS chapters 246 to 260 do not apply to a party
 29 described in this subsection.

30 (3) ORS 248.012 to 248.315 apply only to a major political party that has notified the Secretary
 31 of State as provided in subsection (5) of this section that the political party intends to be subject
 32 to the provisions of ORS 248.012 to 248.315. References to precinct [*committeepersons*] **represen-**
 33 **tatives** in any provisions of ORS chapters 246 to 260 shall apply to a party described in this sub-
 34 section. If a major political party fails to notify the Secretary of State under this subsection, the
 35 party shall be considered subject to the provisions of ORS 248.012 to 248.315.

36 (4) A major political party shall notify the Secretary of State as provided in subsection (5) of this
 37 section if the party does not intend to be subject to the provisions of ORS 248.012 to 248.315 except
 38 that the party intends to elect precinct [*committeepersons*] **representatives**. If a party notifies the
 39 Secretary of State under this subsection, the party shall elect precinct [*committeepersons*] **repre-**
 40 **sentatives** only as provided in ORS 248.015 and shall elect precinct [*committeepersons*] **represen-**
 41 **tatives** in the same manner in all precincts in this state.

42 (5) Not later than the 274th day before the date of the primary election, a major political party
 43 shall notify the Secretary of State in writing whether or not the party intends to be subject to the
 44 provisions of ORS 248.012 to 248.315 or whether the party intends to elect precinct
 45 [*committeepersons*] **representatives** under subsection (4) of this section. If the major political party

1 does not intend to be subject to the provisions of ORS 248.012 to 248.315 or intends to elect precinct
2 [*committeepersons*] **representatives** under subsection (4) of this section, the party shall file with the
3 Secretary of State, at the same time notice is given under this subsection, a copy of its organiza-
4 tional documents setting forth the manner in which its officers and managing committees are se-
5 lected or any other manner in which it conducts its affairs.

6 (6) In each even-numbered year, a major political party shall file with the Secretary of State a
7 statement indicating that the party is operating subject to ORS 248.012 to 248.315 or a copy of
8 current organizational documents setting forth the manner in which its officers and managing com-
9 mittees are selected or any other manner in which it conducts its affairs. Material described in this
10 subsection [*shall*] **must** be filed on the 274th day before the third Tuesday in May of each odd-
11 numbered year.

12 (7) A major political party subject to the provisions of this section shall nominate candidates
13 of the major political party, for other than political party office, at the primary election.

14 **SECTION 10.** ORS 248.031 is amended to read:

15 248.031. The precinct [*committeepersons*] **representatives** of the county shall constitute the
16 county central committee of their party. The county central committee of each major political party
17 is the highest party authority in county party matters and may adopt rules or resolutions for any
18 matter of party government within the county which is not controlled by the laws of this state.

19 **SECTION 11.** ORS 248.033 is amended to read:

20 248.033. (1) The organizational meeting of a county central committee shall be held no less fre-
21 quently than every 25 months.

22 (2) The retiring county central committee shall prepare a written notice designating the time,
23 date and place of the meeting and file a copy of the notice with the county clerk not later than the
24 40th day before the date of the meeting. The retiring county central committee also shall mail a
25 copy of the notice to the state central committee.

26 (3) Upon request of a county central committee, the county clerk shall provide the county cen-
27 tral committee, without charge, a list of the names, addresses and other contact information, in-
28 cluding electronic mail addresses or telephone numbers, of persons holding the office of precinct
29 [*committeeperson*] **representative** for that major political party on the date the clerk receives notice
30 of an organizational meeting under subsection (2) of this section.

31 (4) The chairperson of the retiring county central committee shall mail a copy of the notice of
32 the time, date and place of the meeting, not later than the 10th day before the meeting, to each
33 member of the county central committee. If permitted by the bylaws of the county central committee,
34 the county central committee may notify members by means other than by mail.

35 **SECTION 12.** ORS 248.035 is amended to read:

36 248.035. (1) At the organizational meeting of a county central committee:

37 (a) The officers of the retiring county central committee shall make available to the committee
38 the property, records and funds owned or controlled by the retiring committee.

39 (b) The committee next shall elect a chairperson, vice chairperson and other officers the com-
40 mittee considers necessary. The persons elected to the offices need not be members of the county
41 central committee. The committee shall determine the term of each office. Only a newly elected
42 precinct [*committeeperson*] **representative** may vote on the election of committee officers.

43 (2) The elected chairperson, within 48 hours of the chairperson's election, shall send a list of the
44 officers of the committee to the county clerk and to the state central committee.

45 (3) Only a newly elected precinct [*committeeperson*] **representative** or a person appointed or

1 selected to fill a vacancy in the office of *[committeeperson]* **precinct representative** may vote to fill
 2 a vacancy in a committee office. Immediately before a meeting of the county central committee at
 3 which there may be an election to fill a vacancy in a committee office, the chairperson shall obtain
 4 from the county clerk a list of committee members. The list shall determine the eligibility of a
 5 *[committeeperson]* **precinct representative** to vote to fill a vacancy in a committee office.

6 **SECTION 13.** ORS 248.043 is amended to read:

7 248.043. If a newly elected county central committee fails to meet or to organize or if no person
 8 within a county is elected by a major political party as a precinct *[committeeperson]*
 9 **representative**, the chairperson of the retiring state central committee shall appoint a temporary
 10 chairperson of the county central committee. The temporary chairperson shall call an organizational
 11 meeting and organize the committee as provided by applicable provisions of ORS 248.033 and
 12 248.035. A temporary chairperson appointed when no precinct *[committeeperson]* **representative** is
 13 elected may appoint members to fill the vacancies in the office of *[committeeperson]* **precinct rep-**
 14 **resentative** for the precinct in which the persons are registered. A person so appointed may be
 15 removed from office at the pleasure of the central committee, but otherwise shall hold the office of
 16 *[committeeperson]* **precinct representative** for the unexpired term and shall have the powers, duties
 17 and privileges of a *[committeeperson]* **precinct representative**. When a person is appointed to the
 18 office of *[committeeperson]* **precinct representative** pursuant to this subsection, the temporary
 19 chairperson shall notify, in writing, the county clerk of the appointment. The county clerk shall
 20 place the name of the person appointed on the list of *[committeepersons]* **precinct representatives**.

21 **SECTION 14.** ORS 248.045 is amended to read:

22 248.045. Proxies *[in no instance shall be permitted to]* **may not** participate at any county central
 23 committee meeting. At any meeting of the county central committee, the committee may:

24 (1) Adopt, amend or repeal bylaws or rules for the government of the political party in the
 25 county.

26 (2) By the adoption of bylaws or of a resolution, select an executive committee and authorize
 27 the executive committee to exercise those powers delegated to it by the central committee including,
 28 but not limited to, the power to fill a vacancy in the office of *[committeeperson]* **precinct repre-**
 29 **sentative** pursuant to ORS 248.026. *[In no event may]* The central committee **may not** delegate,
 30 *[or]* **nor may** the executive committee exercise, the power to elect a person to, or fill a vacancy in
 31 a committee office. The persons selected as the executive committee need not be members of the
 32 county central committee.

33 (3) Except as provided by ORS 248.035 (3), grant participation and voting privileges to a:

- 34 (a) Person who holds a public office or an office of a political party.
- 35 (b) Person who has been nominated for a public office at the preceding primary election.
- 36 (c) Member of the executive committee of the county central committee.

37 **SECTION 15.** ORS 249.013 is amended to read:

38 249.013. (1) *[No]* **A** person *[shall]* **may not** be a candidate for more than one lucrative office to
 39 be filled at the same election.

40 (2) *[No]* **A** person *[shall]* **may not** file a nominating petition or declaration of candidacy for more
 41 than one lucrative office or more than one office of precinct *[committeeperson]* **representative** be-
 42 fore the date of the election at which a person will be nominated or elected to each office unless
 43 the person first files a written withdrawal, under ORS 249.170, of the person's initial filing.

44 (3) If at any time before the date of the election at which a person will be nominated or elected
 45 to each office it is determined that a person has filed two or more nominating petitions or declara-

1 tions of candidacy for any lucrative office or two or more nominating petitions or declarations of
 2 candidacy for the office of precinct [*committeeperson*] **representative** without written withdrawal
 3 or withdrawals intervening, all such filings shall be invalid and any other filing made by the same
 4 person shall be void.

5 (4)(a) [*No*] **A** person [*shall*] **may not** be a candidate for more than one district office to be filled
 6 at the same election. This paragraph does not apply to a district that has fewer than 10,000 electors
 7 residing within the district.

8 (b) [*No*] **A** person [*shall*] **may not** be a candidate for more than one position on the same district
 9 board to be filled at the same election.

10 (c) As used in this subsection, “district” means a district as defined in ORS 255.012.

11 (5) [*No*] **A** person [*shall*] **may not** be a candidate for more than one city office to be filled at
 12 the same election.

13 (6) Notwithstanding any provision of this section, in the case of a vacancy to be filled by
 14 election, the same person is eligible for nomination and election to both the unexpired and the
 15 succeeding terms. The name of the candidate may be placed on the ballot in both places.

16 **SECTION 16.** ORS 249.031 is amended to read:

17 249.031. (1) Except as provided in subsection (2) of this section, a nominating petition or decla-
 18 ration of candidacy shall contain:

19 (a) The name by which the candidate is commonly known. A candidate may use a nickname in
 20 parentheses in connection with the candidate’s full name.

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

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

24 (d) If the candidate is seeking the nomination of a major political party, the name of the major
 25 political party of which the candidate will have been a member, subject to the exceptions stated in
 26 ORS 249.046, during at least 180 days before the deadline for filing a nominating petition or decla-
 27 ration of candidacy.

28 (e) A statement that the candidate is willing to accept the nomination or election or, regarding
 29 a candidate for precinct [*committeeperson*] **representative**, that the candidate accepts the office if
 30 elected.

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

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

36 (h) The signature of the candidate.

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

39 (2) Subsection (1)(i) of this section does not apply to a candidate for election as a precinct
 40 [*committeeperson*] **representative**.

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

43 (4) If required by the national rules of the major political party, the declaration of a candidate
 44 for election as a precinct [*committeeperson shall*] **representative must** include the name of the in-
 45 dividual the candidate supports for President of the United States or “uncommitted” or “no prefer-

1 ence.”

2 **SECTION 17.** ORS 249.035 is amended to read:

3 249.035. A nominating petition or declaration of candidacy relating to a candidate for:

4 (1) State office, United States Senator or Representative in Congress shall be filed with the
5 Secretary of State.

6 (2) County office or precinct [*committeeperson*] **representative** shall be filed with the county
7 clerk.

8 (3) City office shall be filed with the chief city elections officer.

9 (4) Any elected office of a metropolitan service district under ORS chapter 268 shall be filed
10 with the county clerk of the county in which the administrative office of the district is located.

11 (5) Any other office shall be filed under ORS chapter 255.

12 **SECTION 18.** ORS 249.037 is amended to read:

13 249.037. (1) A nominating petition or declaration of candidacy shall be filed not sooner than the
14 250th day and not later than the 70th day before the date of the primary election.

15 (2) Notwithstanding subsection (1) of this section, a declaration of candidacy for the office of
16 precinct [*committeeperson*] **representative** may not be filed before February 1 immediately preceding
17 the primary election.

18 **SECTION 19.** ORS 249.056 is amended to read:

19 249.056. (1) At the time of filing a declaration of candidacy a candidate for the following offices
20 shall pay to the officer with whom the declaration is filed the following fee:

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

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

26 (c) County office, district attorney or circuit court judge, \$50.

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

29 (2) No filing fee shall be required of persons filing a declaration of candidacy for precinct
30 [*committeeperson*] **representative** or justice of the peace.

31 **SECTION 20.** ORS 251.026 is amended to read:

32 251.026. (1) The Secretary of State shall prepare and have printed in the voters’ pamphlet for
33 the state primary election, the general election and any special election described in ORS 251.022
34 a statement containing, if applicable:

35 (a) Requirements for a citizen to qualify as an elector.

36 (b) When an elector is required to register or update a registration.

37 (c) In the voters’ pamphlet for the primary election, a statement of the duties and responsibil-
38 ities of a precinct [*committeeperson*] **representative** to be elected at the primary election.

39 (d) Any other information the Secretary of State considers relevant to the conduct of the
40 election.

41 (2) The Secretary of State shall include a statement on the cover of the voters’ pamphlet that
42 the pamphlet may be used to assist electors in voting.

43 (3) The Secretary of State may include in the voters’ pamphlet the following information:

44 (a) Maps showing the boundaries of senatorial and representative districts.

45 (b) Voter registration forms.

1 (c) Elector instructions, including the right of an elector to request a second ballot if the first
 2 ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

3 **SECTION 21.** ORS 253.055 is amended to read:

4 253.055. (1) Absentee ballots may be the regular ballots used at the election or special ballots
 5 and, except as provided in subsections (2) and (3) of this section, shall be in substantially the same
 6 form as the regular ballots used at the election.

7 (2) In counties in which voting machines are used, paper ballots may be used as absentee ballots.

8 (3) Ballot stubs are not required on absentee ballots.

9 (4) The ballot delivered to each absent elector shall contain the names and other information
 10 concerning all candidates and the information concerning all measures for which the absent elector
 11 is entitled to vote. In lieu of the names and other information concerning candidates for precinct
 12 [*committeeperson*] **representative**, blank spaces shall be provided on the ballot, in which the absent
 13 elector may write the name of a candidate for that office.

14 **SECTION 22.** ORS 254.056 is amended to read:

15 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in
 16 November of each even-numbered year. Except as provided in ORS 254.650, at the general election
 17 officers of the state and subdivisions of the state, members of Congress and electors of President
 18 and Vice President of the United States as are to be elected in that year shall be elected.

19 (2) The primary election shall be held on the third Tuesday in May of each even-numbered year.
 20 At the primary election precinct [*committeepersons*] **representatives** shall be elected and major
 21 political party candidates shall be nominated for offices to be filled at the general election held in
 22 that year.

23 **SECTION 23.** ORS 254.115 is amended to read:

24 254.115. (1) The official primary election ballot or ballot label shall be styled "Official Primary
 25 Nominating Ballot for the_____ Party." and shall state:

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

27 (b) The date of the primary election.

28 (c) The names of all candidates for nomination at the primary election whose nominating pe-
 29 titions or declarations of candidacy have been made and filed, and who have not died, withdrawn
 30 or become disqualified.

31 (d) The names of candidates for election as precinct [*committeeperson*] **representative**.

32 (e) The names of candidates for the party nomination for President of the United States who
 33 qualified for the ballot under ORS 249.078.

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

36 (3) The primary election ballot may include any city, county or nonpartisan office or the number,
 37 ballot title and financial estimates under ORS 250.125 of any measure.

38 (4) The ballot [*shall*] **may** not contain the name of any person other than those referred to in
 39 subsections (1) and (3) of this section. The name of each candidate for whom a nominating petition
 40 or declaration of candidacy has been filed shall be printed on the ballot in but one place. In the
 41 event that two or more candidates for the same nomination or office have the same or similar sur-
 42 names, the location of their places of residence shall be printed opposite their names to distinguish
 43 one from another.

44 **SECTION 24.** ORS 254.195 is amended to read:

45 254.195. (1) Official ballots and ballot labels shall be printed in black ink upon good quality

1 material. The primary election ballots or ballot labels shall be of different colors for the major pol-
 2 itical parties.

3 (2) If the election is conducted at polling places, sample ballots shall be prepared for the infor-
 4 mation of the elector. The sample ballot shall contain the offices, candidates, measures and other
 5 information on the ballots or ballot labels of the precincts for which the sample ballot is issued. The
 6 sample ballot need not contain the office of, or candidates for, precinct [*committeeperson*] **repre-**
 7 **sentative**. The sample ballots shall be identified as such, and printed on cheaper, colored paper to
 8 distinguish them from official ballots. A sample ballot shall not be voted or counted.

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

11 **SECTION 25.** ORS 260.005, as amended by section 21, chapter 809, Oregon Laws 2005, is
 12 amended to read:

13 260.005. As used in this chapter:

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

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

19 (B) An individual who has solicited or received and accepted a contribution, made an expendi-
 20 ture, or given consent to an individual, organization, political party or political committee to solicit
 21 or receive and accept a contribution or make an expenditure on the individual's behalf to secure
 22 nomination or election to any public office at any time, whether or not the office for which the in-
 23 dividual will seek nomination or election is known when the solicitation is made, the contribution
 24 is received and retained or the expenditure is made, and whether or not the name of the individual
 25 is printed on a ballot; or

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

27 (b) For purposes of this section and ORS 260.035 to 260.159, "candidate" does not include a
 28 candidate for the office of precinct [*committeeperson*] **representative**.

29 (2) "Committee director" means any person who directly and substantially participates in
 30 decision-making on behalf of a political committee concerning the solicitation or expenditure of
 31 funds and the support of or opposition to candidates or measures. The officers of a political party
 32 shall be considered the directors of any political party committee of that party, unless otherwise
 33 provided in the party's bylaws.

34 (3)(a) Except as provided in ORS 260.007, "contribute" or "contribution" includes:

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

38 (i) For the purpose of influencing an election for public office or an election on a measure, or
 39 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-
 40 itical committee; or

41 (ii) To or on behalf of a candidate, political committee or measure; and

42 (B) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforcea-
 43 ble, to make a contribution.

44 (b) Regarding a contribution made for compensation or consideration of less than equivalent
 45 value, only the excess value of it shall be considered a contribution.

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

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

4 (B) Acts jointly with a candidate or controlled committee.

5 (b) For purposes of this subsection, a candidate controls a political committee if:

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

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

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

12 (6) “Elector” means an individual qualified to vote under section 2, Article II of the Oregon
 13 Constitution.

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

21 (8) “Filing officer” means:

22 (a) The Secretary of State:

23 (A) Regarding a candidate for public office;

24 (B) Regarding a statement required to be filed under ORS 260.118 by the chief petitioners of a
 25 statewide initiative or referendum petition or by the chief petitioners of a recall petition relating
 26 to a person holding state office;

27 (C) Regarding any measure; or

28 (D) Regarding any political committee.

29 (b) The county clerk, regarding a statement required to be filed under ORS 260.118 by:

30 (A) The chief petitioners of a county initiative or referendum petition;

31 (B) The chief petitioners of a district initiative or referendum petition where the district is sit-
 32 uated wholly within one county; or

33 (C) The chief petitioners of a recall petition relating to a county public office holder or a district
 34 public office holder where the district is situated wholly within one county.

35 (c) The chief city elections officer, regarding a statement required to be filed under ORS 260.118
 36 by:

37 (A) The chief petitioners of a city initiative or referendum petition; or

38 (B) The chief petitioners of a recall petition relating to a city public office holder.

39 (d) The county clerk of the county in which the office of the chief administrative officer or ad-
 40 ministrative board is located, when the district is situated in more than one county, regarding a
 41 statement required to be filed under ORS 260.118 by:

42 (A) The chief petitioners of a district initiative or referendum petition; or

43 (B) The chief petitioners of a recall petition relating to a district public office holder.

44 (e) Notwithstanding paragraphs (a) to (d) of this subsection, in the case of an irrigation district
 45 formed under ORS chapter 545:

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

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

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

8 (9) “Independent expenditure” means an expenditure by a person for a communication in support
9 of or in opposition to a clearly identified candidate or measure that is not made with the cooper-
10 ation or with the prior consent of, or in consultation with, or at the request or suggestion of, a
11 candidate or any agent or authorized committee of the candidate, or any political committee or
12 agent of a political committee supporting or opposing a measure. For purposes of this subsection:

13 (a) A communication is “in support of or in opposition to” a candidate or measure if:

14 (A) The communication, taken in its context, clearly and unambiguously urges the election or
15 defeat of a clearly identified candidate for nomination or election to public office, or the passage
16 or defeat of a clearly identified measure;

17 (B) The communication, as a whole, seeks action rather than simply conveying information; and

18 (C) It is clear what action the communication advocates.

19 (b) “Agent” means any person who has:

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

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

26 (c) “Clearly identified” means, with respect to candidates:

27 (A) The name of the candidate involved appears;

28 (B) A photograph or drawing of the candidate appears; or

29 (C) The identity of the candidate is apparent by unambiguous reference.

30 (d) “Clearly identified” means, with respect to measures:

31 (A) The ballot number of the measure appears;

32 (B) A description of the measure’s subject or effect appears; or

33 (C) The identity of the measure is apparent by unambiguous reference.

34 (e) “Made with the cooperation or with the prior consent of, or in consultation with, or at the
35 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
36 political committee or agent of a political committee supporting or opposing a measure”:

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

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

45 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who

1 is or has been an officer of a political committee authorized by the candidate or by a political
 2 committee or agent of a political committee supporting or opposing a measure, or who is or has been
 3 receiving any form of compensation or reimbursement from the candidate, the candidate's principal
 4 campaign committee or agent or from any political committee or agent of a political committee
 5 supporting or opposing a measure; and

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

8 (10) "Initiative petition" means a petition to initiate a measure for which a prospective petition
 9 has been filed but that is not yet a measure.

10 (11) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
 11 Tax Court.

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

15 (13) "Measure" includes any of the following submitted to the people for their approval or re-
 16 jection at an election:

- 17 (a) A proposed law.
- 18 (b) An Act or part of an Act of the Legislative Assembly.
- 19 (c) A revision of or amendment to the Oregon Constitution.
- 20 (d) Local, special or municipal legislation.
- 21 (e) A proposition or question.

22 (14) "Occupation" means:

23 (a) The nature of an individual's principal business; and

24 (b) If the individual is employed by another person, the business name and address, by city and
 25 state, of the employer.

26 (15) "Person" means an individual, corporation, limited liability company, labor organization,
 27 association, firm, partnership, joint stock company, club, organization or other combination of indi-
 28 viduals having collective capacity.

29 (16)(a) "Political committee" means a combination of two or more individuals, or a person other
 30 than an individual, that has:

31 (A) Received a contribution for the purpose of supporting or opposing a candidate, measure or
 32 political party; or

33 (B) Made an expenditure for the purpose of supporting or opposing a candidate, measure or
 34 political party.

35 (b) For purposes of paragraph (a)(B) of this subsection, an expenditure does not include:

36 (A) A contribution to a candidate or political committee that is required to report the contri-
 37 bution on a statement filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS
 38 260.112; or

39 (B) An independent expenditure for which a statement is required to be filed by a person under
 40 ORS 260.044 (1).

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

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

45 (19) "Referendum petition" means a petition to refer a measure for which a prospective petition

1 has been filed but that is not yet a measure.

2 (20) "Regular district election" means the regular district election described in ORS 255.335.

3 (21) "Slate mailer" means a mass mailing that supports or opposes a total of three or more
4 candidates or measures.

5 (22)(a) "Slate mailer organization" means, except as provided in paragraph (b) of this subsection,
6 any person who directly or indirectly:

7 (A) Is involved in the production of one or more slate mailers and exercises control over the
8 selection of the candidates and measures to be supported or opposed in the slate mailers; and

9 (B) Receives or is promised payment for producing one or more slate mailers or for endorsing
10 or opposing, or refraining from endorsing or opposing, a candidate or measure in one or more slate
11 mailers.

12 (b) Notwithstanding paragraph (a) of this subsection, "slate mailer organization" does not in-
13 clude:

14 (A) A political committee organized by a political party; or

15 (B) A political committee organized by the caucus of either the Senate or the House of Repre-
16 sentatives of the Legislative Assembly.

17 (23) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney
18 General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction,
19 state Senator, state Representative, judge or district attorney.

20 **SECTION 26. (1) The amendments to ORS 246.310, 248.007, 248.015, 248.017, 248.023,**
21 **248.024, 248.026, 248.027, 248.029, 248.031, 248.033, 248.035, 248.043, 248.045, 249.013, 249.031,**
22 **249.035, 249.037, 249.056, 251.026, 253.055, 254.056, 254.115, 254.195 and 260.005 by sections 1 to**
23 **25 of this 2007 Act are intended to change the name "precinct committeeperson" to "precinct**
24 **representative."**

25 **(2) For the purpose of harmonizing and clarifying statute sections published in Oregon**
26 **Revised Statutes, the Legislative Counsel may substitute for words designating "precinct**
27 **committeeperson," wherever they occur in Oregon Revised Statutes, other words designating**
28 **"precinct representative."**

29 _____