

Senate Bill 53

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Public Commission on the Oregon Legislature)

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**.

Designates United States Senator, Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, state Senator, state Representative and any state, county, city or district office as voter choice offices. Excludes nonpartisan offices.

Allows voters at primary election to vote for any candidate for voter choice office, without regard to political party affiliation, or lack of affiliation, of voter or candidate. Specifies that two candidates for voter choice office receiving highest number of votes at primary election are nominated for office at general election.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; amending ORS 171.051, 171.060, 171.068, 188.120,
3 246.560, 248.006, 248.007, 248.008, 249.002, 249.016, 249.020, 249.031, 249.042, 249.046, 249.064,
4 249.072, 249.076, 249.088, 249.180, 249.205, 249.722, 249.735, 249.737, 249.740, 249.830, 249.850,
5 251.022, 253.030, 253.540, 253.565, 254.005, 254.056, 254.076, 254.115, 254.135, 254.195, 254.205,
6 254.235, 254.365, 254.370, 254.470, 254.480, 254.575, 254.650 and 260.112; and repealing ORS
7 249.068, 249.200, 254.025 and 254.069.

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

9 **SECTION 1.** ORS 254.056 is amended to read:

10 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in
11 November of each even-numbered year. Except as provided in ORS 254.650, at the general election
12 officers of the state and subdivisions of the state, members of Congress and electors of President
13 and Vice President of the United States as are to be elected in that year shall be elected.

14 (2) The primary election shall be held on the third Tuesday in May of each even-numbered year.
15 At the primary election [*precinct committeepersons shall be elected and major political party candi-*
16 *dates shall be nominated for offices to be filled at the general election held in that year*]:

17 (a) **Precinct committeepersons shall be elected by members of major political parties;**

18 (b) **Nonpartisan candidates shall be nominated for offices to be filled at the general**
19 **election held in that year or elected by all electors, as provided in ORS 249.088;**

20 (c) **Voter choice office candidates shall be nominated by all electors, as described in ORS**
21 **chapter 249, for offices to be filled at the general election held in that year;**

22 (d) **In a year in which a President and Vice President of the United States are to be**
23 **elected, major political party candidates for the offices of President and Vice President of the**
24 **United States shall be nominated to the general election ballot by members of their respec-**
25 **tive political parties; and**

26 (e) **An elector may vote for any candidate for a voter choice office, without regard to the**
27 **political party affiliation, or lack of political party affiliation, of the elector or the**

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 **candidate.**

2 **SECTION 2.** ORS 249.088 is amended to read:

3 249.088. (1) *[Unless otherwise provided by a home rule charter, at the nominating election held on*
 4 *the date of the primary election, two candidates shall be nominated for the nonpartisan office.]* **Subject**
 5 **to subsections (3) and (4) of this section and the provisions of a home rule charter, for non-**
 6 **partisan offices, the two candidates receiving the highest number of votes at the primary**
 7 **election shall be nominated to the general election.**

8 **(2) Except as provided by a home rule charter, for voter choice offices, the two candi-**
 9 **dates receiving the highest number of votes at the primary election shall be nominated to**
 10 **the general election.**

11 **(3) [However,] Except as provided in subsection (4) of this section,** when a candidate[[] *other*
 12 *than a candidate for the office of sheriff, a candidate for the office of county clerk, a candidate for the*
 13 *office of county treasurer or a candidate to fill a vacancy,]* **for nonpartisan office** receives a majority
 14 of the votes cast for the office at the ^[nominating] **primary** election, that candidate is elected.

15 ^[(2)] **(4)** When a candidate for the office of sheriff, ^[the office of] county clerk^[, the office of] **or**
 16 county treasurer or a candidate to fill a vacancy receives a majority of votes cast for the office at
 17 the nominating election, that candidate alone is nominated.

18 **SECTION 3.** ORS 249.002 is amended to read:

19 249.002. As used in this chapter:

20 (1) “Candidate” means an individual whose name is or is expected to be printed on the official
 21 ballot.

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

23 (3) “Elector” means an individual qualified to vote under section 2, Article II, Oregon Consti-
 24 tution.

25 (4) “Judge” means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
 26 Tax Court, or any county judge who exercises judicial functions.

27 (5) “Member” means an individual who is registered as being affiliated with the political party.

28 (6) “Minor political party” means a political party that has qualified as a minor political party
 29 under ORS 248.008.

30 (7) “Nonpartisan office” means the office of judge, Superintendent of Public Instruction, Com-
 31 missioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district
 32 under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county
 33 treasurer, sheriff, district attorney or any office designated nonpartisan by a home rule charter.

34 (8) “Prospective petition” means the information, except signatures and other identification of
 35 petition signers, required to be contained in a completed petition.

36 (9) “Public office” means any national, state, county, city or district office or position, except
 37 a political party office, filled by the electors.

38 (10) “State office” means Governor, Secretary of State, State Treasurer, Attorney General,
 39 Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, judge,
 40 state Senator, state Representative or district attorney.

41 **(11) “Voter choice office” means the office of United States Senator, Representative in**
 42 **Congress, Governor, Secretary of State, State Treasurer, Attorney General, state Senator**
 43 **or state Representative or any state, county, city or district office that is not:**

44 **(a) A nonpartisan office; or**

45 **(b) An office for which nominations to the general election by political parties are oth-**

erwise authorized by law.

SECTION 4. ORS 254.005 is amended to read:

254.005. As used in this chapter:

(1) "Ballot" means any material on which votes may be cast for candidates or measures. In the case of a recall election, "ballot" includes material posted in a voting compartment or delivered to an elector by mail.

(2) "Ballot label" means the material containing the names of candidates or the measures to be voted on.

(3) "Chief elections officer" means the:

(a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the state at large or in a congressional district, or a measure to be voted on in the state at large.

(b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a county only.

(c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be voted on in a city only.

(4) "County clerk" means the county clerk or the county official in charge of elections.

(5) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

(6) "Major political party" means a political party that has qualified as a major political party under ORS 248.006.

(7) "Measure" includes any of the following submitted to the people for their approval or rejection at an election:

(a) A proposed law.

(b) An Act or part of an Act of the Legislative Assembly.

(c) A revision of or amendment to the Oregon Constitution.

(d) Local, special or municipal legislation.

(e) A proposition or question.

(8) "Minor political party" means a political party that has qualified as a minor political party under ORS 248.008.

(9) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court, Superintendent of Public Instruction, Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district under ORS chapter 268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer, county judge who exercises judicial functions, sheriff, district attorney or any office designated nonpartisan by a home rule charter.

(10) "Prospective petition" means the information, except signatures and other identification of petition signers, required to be contained in a completed petition.

(11) "Regular district election" means the election held each year for the purpose of electing members of a district board as defined in ORS 255.005 (2).

(12) "Vote tally system" means one or more pieces of equipment necessary to examine and tally automatically the marked ballots.

(13) "Voter choice office" means the office of United States Senator, Representative in Congress, Governor, Secretary of State, State Treasurer, Attorney General, state Senator or state Representative or any state, county, city or district office that is not:

(a) A nonpartisan office; or

1 **(b) An office for which nominations to the general election by political parties are oth-**
2 **erwise authorized by law.**

3 [(13)] (14) “Voting machine” means any device that will record every vote cast on candidates
4 and measures and that will either internally or externally total all votes cast on that device.

5 **SECTION 5.** ORS 248.006 is amended to read:

6 248.006. (1) An affiliation of electors becomes a major political party in this state [*and is quali-*
7 *fied to make nominations at a primary election*] when a number of electors equal to at least five
8 percent of the number of electors registered in this state are registered as members of the party not
9 later than the 275th day before the date of a primary election. An affiliation of electors satisfying
10 the requirements of this subsection shall be subject to the provisions of ORS 248.007 on the date the
11 Secretary of State determines the registration requirements are satisfied.

12 (2) The number of electors described in subsection (1) of this section shall be calculated based
13 on the number of electors registered in this state and eligible to vote, as reported on the official
14 abstracts of the election, at the general election immediately preceding the deadline specified in
15 subsection (1) of this section.

16 (3) After an affiliation of electors becomes a major political party under subsection (1) of this
17 section, in order to maintain status as a major political party subject to ORS 248.007, the party must
18 satisfy the registration requirement of subsection (1) of this section not later than the 275th day
19 before each primary election.

20 (4) An affiliation of electors ceases to be a major political party if the registration requirements
21 of subsection (1) of this section are not satisfied by the 275th day before each primary election. The
22 affiliation of electors ceases to be a major political party on the date the Secretary of State deter-
23 mines that the registration requirement is not satisfied.

24 (5) When an affiliation of electors has not satisfied the registration requirement of subsection
25 (1) of this section for the first time, at the request of a representative of the affiliation of electors,
26 the Secretary of State shall determine not less than once each month whether at least five percent
27 of the number of eligible electors registered in this state are registered as members of the party.
28 After an affiliation of electors has qualified as a major political party, the Secretary of State shall
29 determine on the 274th day before each primary election whether the major political party has sat-
30 isfied the registration requirements described in subsection (3) of this section.

31 **SECTION 6.** ORS 248.007 is amended to read:

32 248.007. (1) Subject to ORS 248.005, a major political party may organize and select delegates
33 to national party conventions in any manner.

34 (2) The provisions of ORS 248.012 to 248.315 do not apply to a major political party if the party
35 has notified the Secretary of State as provided in subsection (5) of this section that the party does
36 not intend to be subject to the provisions of ORS 248.012 to 248.315. References to precinct com-
37 mitteepersons in any provisions of ORS chapters 246 to 260 do not apply to a party described in this
38 subsection.

39 (3) ORS 248.012 to 248.315 apply only to a major political party that has notified the Secretary
40 of State as provided in subsection (5) of this section that the political party intends to be subject
41 to the provisions of ORS 248.012 to 248.315. References to precinct committeepersons in any pro-
42 visions of ORS chapters 246 to 260 shall apply to a party described in this subsection. If a major
43 political party fails to notify the Secretary of State under this subsection, the party shall be con-
44 sidered subject to the provisions of ORS 248.012 to 248.315.

45 (4) A major political party shall notify the Secretary of State as provided in subsection (5) of this

1 section if the party does not intend to be subject to the provisions of ORS 248.012 to 248.315 except
 2 that the party intends to elect precinct committeepersons. If a party notifies the Secretary of State
 3 under this subsection, the party shall elect precinct committeepersons only as provided in ORS
 4 248.015 and shall elect precinct committeepersons in the same manner in all precincts in this state.

5 (5) Not later than the 274th day before the date of the primary election, a major political party
 6 shall notify the Secretary of State in writing whether or not the party intends to be subject to the
 7 provisions of ORS 248.012 to 248.315 or whether the party intends to elect precinct committeeper-
 8 sons under subsection (4) of this section. If the major political party does not intend to be subject
 9 to the provisions of ORS 248.012 to 248.315 or intends to elect precinct committeepersons under
 10 subsection (4) of this section, the party shall file with the Secretary of State, at the same time notice
 11 is given under this subsection, a copy of its organizational documents setting forth the manner in
 12 which its officers and managing committees are selected or any other manner in which it conducts
 13 its affairs.

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

20 *[(7) A major political party subject to the provisions of this section shall nominate candidates of*
 21 *the major political party, for other than political party office, at the primary election.]*

22 **SECTION 7.** ORS 248.008 is amended to read:

23 248.008. (1) An affiliation of electors becomes a minor political party in *[the state, a county or*
 24 *other electoral district,]* **this state**, qualified to make nominations for public office in *[that electoral*
 25 *district and in any other electoral district wholly contained within the electoral district]* **this state in**
 26 **years in which a President and Vice President of the United States are to be elected**, when
 27 either of the following events occurs:

28 (a) When the affiliation of electors has filed with the Secretary of State a petition with the
 29 signatures of at least a number of electors equal to one and one-half percent of the total votes cast
 30 in the *[electoral district]* **state** for all candidates for Governor at the most recent election at which
 31 a candidate for Governor was elected to a full term. The petition also shall state the intention to
 32 form a new political party and give the designation of it. The filed petition shall contain only ori-
 33 ginal signatures. The petition shall be filed not later than two years following the date the pro-
 34 spective petition is filed. The circulator shall certify on each signature sheet that the individuals
 35 signed the sheet in the presence of the circulator and that the circulator believes each individual
 36 is an elector registered in the *[electoral district]* **state**. The Secretary of State shall verify whether
 37 the petition contains the required number of signatures of electors. The petition shall not be ac-
 38 cepted for filing if it contains less than 100 percent of the required number of signatures. The Sec-
 39 retary of State by rule shall designate a statistical sampling technique to verify whether a petition
 40 contains the required number of signatures of electors. A petition shall not be rejected for the
 41 reason that it contains less than the required number of signatures unless two separate sampling
 42 processes both establish that the petition lacks the required number of signatures. The second
 43 sampling must contain a larger number of signatures than the first sampling. The Secretary of State
 44 may employ professional assistance to determine the sampling technique. The statistical sampling
 45 technique may be the same as that adopted under ORS 250.105. Before circulating the petition, the

1 chief sponsor of the petition shall file with the Secretary of State a signed copy of the prospective
 2 petition. The chief sponsor shall include with the prospective petition a statement declaring whether
 3 one or more persons will be paid money or other valuable consideration for obtaining signatures of
 4 electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the
 5 filing officer not later than the 10th day after the chief sponsor first has knowledge or should have
 6 had knowledge that:

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

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

11 (b) When the affiliation of electors has polled for [*any one of its candidates for any public office*
 12 *in the electoral district*] **its candidate for President of the United States** at least one percent of
 13 the total votes cast in the [*electoral district*] **state** for all candidates for[:]

14 [(A)] presidential elector at the last general election at which candidates for President and Vice
 15 President of the United States were listed on the ballot[; or].

16 [(B) *Any single state office to be voted upon in the state at large for which nominations by political*
 17 *parties are permitted by law at the most recent election at which a candidate for the office was elected*
 18 *to a full term.*]

19 (2) After satisfying either requirement of subsection (1) of this section, the minor political party
 20 may nominate candidates at the next general election **at which a President and Vice President**
 21 **of the United States are to be elected** if at any time during the period beginning on the date of
 22 the next primary election **held in a year when a President and Vice President of the United**
 23 **States are to be elected** and ending on the 90th day before the next general election, a number
 24 of electors equal to at least one-tenth of one percent of the total votes cast in the state [*or electoral*
 25 *district*] for all candidates for Governor at the most recent election at which a candidate for Gov-
 26 ernor was elected to a full term are registered as members of the party.

27 (3) A filing officer [*shall*] **may** not accept a certificate of nomination of a candidate nominated
 28 by a minor political party unless the minor political party has satisfied the registration requirement
 29 of subsection (2) of this section.

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

32 (a) A candidate or candidates of the party must poll a number of votes described in subsection
 33 (1)(b) of this section at each subsequent general election **held in a year when a President and**
 34 **Vice President of the United States are to be elected** and, following each general election, the
 35 registration requirement of subsection (2) of this section must be satisfied; or

36 (b) Following each general election **held in a year when a President and Vice President of**
 37 **the United States are to be elected**, at any time during the period beginning on the date of the
 38 next primary election **held in a year when a President and Vice President of the United States**
 39 **are to be elected** and ending on the 90th day before the next general election, a number of electors
 40 equal to at least one-half of one percent of the total number of registered electors in this state must
 41 be registered as members of the party.

42 (5) An affiliation of electors ceases to be a minor political party in the state [*or electoral*
 43 *district*] if:

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

1 the registration requirement; or

2 (b) Except as provided in subsection (4)(b) of this section, in the case of a minor political party
3 qualified to nominate candidates, a candidate or candidates of the minor political party do not sat-
4 isfy the one percent requirement specified in subsection (1)(b) of this section at the next general
5 election **held in a year when a President and Vice President of the United States are to be**
6 **elected.** The affiliation of electors ceases to be a minor political party on the date of the election.

7 (6) During the period beginning on the date of the primary election **held in a year when a**
8 **President and Vice President of the United States are to be elected** and ending on the 90th day
9 before the date of the general election, the Secretary of State shall determine not less than once
10 each month whether the registration requirement of subsection (2) or (4)(b) of this section has been
11 satisfied. If the party changes its name, only those electors who register on or after the effective
12 date of the name change as members of the party under the new party name shall be counted as
13 members of the party under this subsection.

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

17 **SECTION 8.** ORS 249.016 is amended to read:

18 249.016. A candidate [*of a major political party for public*] **for voter choice** office or a candidate
19 for nonpartisan office shall be nominated only in the manner provided in ORS 249.016 to 249.205.

20 **SECTION 9.** ORS 249.020 is amended to read:

21 249.020. (1) An eligible elector may become a candidate for nonpartisan office, or for [*the nomi-*
22 *nation to an office by the major political party of which the elector is a member*] **voter choice**
23 **office**, by filing a nominating petition or a declaration of candidacy.

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

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

28 **SECTION 10.** ORS 249.031 is amended to read:

29 249.031. (1) Except as provided in subsection (2) of this section, a nominating petition or decla-
30 ration of candidacy shall contain:

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

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

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

36 (d) If the candidate is seeking [*the nomination of a major political party*] **nomination to a voter**
37 **choice office, and the candidate is a member of a major or minor political party**, the name of
38 the major **or minor** political party of which the candidate [*will have been a member, subject to the*
39 *exceptions stated in ORS 249.046, during at least 180 days before the deadline for filing a nominating*
40 *petition or declaration of candidacy*] **is a member.**

41 **(e) If the candidate is seeking nomination to a voter choice office and the candidate is**
42 **not a member of a political party, a statement that the candidate is nonaffiliated.**

43 [(e)] (f) A statement that the candidate is willing to accept the nomination or election or, re-
44 garding a candidate for precinct committeeperson, that the candidate accepts the office if elected.

45 [(f)] (g) A statement that the candidate will qualify if elected.

1 [(g) *If the candidate is seeking the nomination of a major political party, a statement that the*
 2 *candidate, if not nominated, will not accept the nomination or indorsement of any political party other*
 3 *than the one of which the candidate is a member on the date the petition or declaration is filed.*]

4 (h) The signature of the candidate.

5 (i) A statement of the candidate's occupation, educational and occupational background and
 6 prior governmental experience.

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

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

11 (4) If required by the national rules of the major political party, the declaration of a candidate
 12 for election as a precinct committeeperson shall include the name of the individual the candidate
 13 supports for President of the United States or "uncommitted" or "no preference."

14 **SECTION 11.** ORS 249.042 is amended to read:

15 249.042. When an elector files with the appropriate filing officer a signed copy of the elector's
 16 prospective petition for nomination under ORS 249.061, or a declaration of candidacy, [*it shall be*]
 17 **the signed copy is** conclusive evidence that the elector is a candidate for nomination or election
 18 [*by the elector's political party or*] to the **voter choice office or** nonpartisan office stated in the pe-
 19 tition or declaration.

20 **SECTION 12.** ORS 249.046 is amended to read:

21 249.046. (1) If a candidate has not been a member of the major political party for at least 180
 22 days before the deadline for filing a nominating petition or declaration of candidacy, the candidate
 23 shall not be entitled to receive the nomination of that major political party.

24 (2) If a [*candidate's*] **candidate is registered as a member of a political party and the** reg-
 25 istration **of the candidate** becomes inactive, the inactive status [*shall*] **does** 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 (4) **This section does not apply to a candidate for a voter choice office.**

32 **SECTION 13.** ORS 249.064 is amended to read:

33 249.064. [(1) *A nominating petition of a candidate seeking the nomination of a major political party*
 34 *shall contain a statement that each elector whose signature appears on the petition is a member of the*
 35 *same major political party as is the candidate.*]

36 [(2)] (1) A nominating petition of any candidate shall contain the number of signatures of elec-
 37 tors required by ORS [249.068 or] 249.072 and the residence address and name or number of the
 38 precinct, if known, of each elector whose signature appears.

39 [(3)] (2) The signatures contained in the nominating petition shall be certified for genuineness
 40 by the county clerks under ORS 249.008.

41 **SECTION 14.** ORS 249.072 is amended to read:

42 249.072. (1) [*If the nonpartisan office is to be voted for in the state at large, the*] **A** nominating
 43 petition **for an office to be voted for in the state at large or for a candidate for Representative**
 44 **in Congress** shall contain at least 1,000 signatures of electors, or a number of signatures [*of*
 45 *electors*] equal to at least one percent of the vote cast in the state **or congressional district, as**

1 **the case may be**, for all candidates for Governor at the most recent election at which a candidate
 2 for Governor was elected to a full term, whichever is less. **If the office is to be voted for in the**
 3 **state at large**, the signatures shall include those of electors registered in each of at least five
 4 percent of the precincts in each of at least seven counties. **If the office is to be voted for in a**
 5 **congressional district, the signatures shall include those of electors registered in at least five**
 6 **percent of the precincts in each of at least one-fourth of the counties in the congressional**
 7 **district.**

8 **(2) In the case of a candidate for Representative in Congress, for an election next fol-**
 9 **lowing any change in the boundaries of a congressional district, there shall be at least 1,000**
 10 **signatures of electors, or the number of signatures equal to at least one percent of the av-**
 11 **erage number of votes cast in all congressional districts in this state for all candidates for**
 12 **Governor at the most recent election at which a candidate for Governor was elected to a full**
 13 **term, whichever is less.**

14 [(2)] (3)(a) The nominating petition for [*a nonpartisan office*] **an office** not provided for in sub-
 15 section (1) or (2) of this section shall contain at least 500 signatures of electors in the electoral
 16 district, or a number of signatures of electors equal to at least one percent of the vote cast in the
 17 electoral district for all candidates for Governor at the most recent election at which a candidate
 18 for Governor was elected to a full term, whichever is less. [*In addition:*]

19 **(b) In the case of a candidate for state Senator or state Representative, for an election**
 20 **next following any change in the boundaries of the districts of state Senators or state Rep-**
 21 **resentatives under section 6, Article IV of the Oregon Constitution, the nominating petition**
 22 **shall contain at least 500 signatures.**

23 [(a)] (c) If an office under this subsection is to be voted for in more than one county, the sig-
 24 natures shall include those of electors registered in each of at least six percent of the precincts in
 25 the electoral district that are located in each of two or more of the counties, or portions of the
 26 counties, within which the electoral district is located. If six percent of the precincts of the electoral
 27 district in one of the counties or portion thereof does not constitute a whole precinct, the nomi-
 28 nating petition shall contain signatures from at least one precinct in that county.

29 [(b)] (d) If the office is to be voted for in only one county or in a city, the signatures shall in-
 30 clude those of electors registered in each of at least 10 percent of the precincts in the electoral
 31 district.

32 **SECTION 15.** ORS 249.076 is amended to read:

33 249.076. [(1) *A person who is not a member of the same major political party as the candidate for*
 34 *nomination by the major political party may not sign the nominating petition of the candidate.*]

35 [(2) *Any elector may sign:*]

36 [(a) *A nominating petition or certificate of nomination of any candidate for nonpartisan office;*]

37 [(b) *A nominating petition or certificate of nomination of any nonaffiliated candidate; and*]

38 [(c) *Nominating petitions or certificates of nomination for more than one candidate for the same*
 39 *office.*] **Any elector may sign a nominating petition or certificate of nomination of any candi-**
 40 **date for nonpartisan office or voter choice office and may sign petitions or certificates for**
 41 **more than one candidate for the same office.**

42 **SECTION 16.** ORS 249.180 is amended to read:

43 249.180. (1) Any person who has been nominated at a primary election, or any person who has
 44 been nominated to fill a vacancy as provided in ORS 188.120 or 249.190 [*and 249.200*], may withdraw
 45 from nomination by filing a written statement declining the nomination and stating the reason for

1 withdrawal.

2 (2) The statement shall be signed by the candidate and filed not later than the 67th day before
3 the general election with the officer with whom the candidate's declaration of candidacy or nomi-
4 nating petition was filed.

5 **SECTION 17.** ORS 249.205 is amended to read:

6 249.205. (1) If the only candidate nominated to a nonpartisan office **or voter choice office** dies,
7 withdraws or becomes ineligible, or if a vacancy occurs in the nonpartisan office **or voter choice**
8 **office** after the 70th day before the [*nominating*] **primary** election and [*on or*] before the [62nd] **61st**
9 day before the general election, a candidate for the office may file a declaration of candidacy in the
10 manner provided for nonpartisan office **or voter choice office** or shall be nominated by nominating
11 petition in the manner provided for nonpartisan office **or voter choice office**.

12 (2) The Secretary of State by rule may adopt a schedule for filing nominating petitions or dec-
13 larations of candidacy under **subsection (1) of** this section. The schedule may specify the period
14 within which nominating petitions or declarations of candidacy must be filed after a vacancy occurs.

15 (3) **Notwithstanding ORS 254.065, if a vacancy in a nomination to a voter choice office**
16 **occurs before the 61st day before the general election, the qualified candidate, if any, who**
17 **received the next highest number of votes at the primary election shall be the replacement**
18 **nominee. The filing officer shall file the name of the replacement nominee with each appro-**
19 **priate county clerk.**

20 **SECTION 18.** ORS 188.120 is amended to read:

21 188.120. (1) If a vacancy in election or office of Representative in Congress or United States
22 Senator occurs before the 61st day before the general election, the Governor shall call a special
23 election to fill that vacancy. If a vacancy in election or office of United States Senator occurs after
24 the 62nd day before the general election but on or before the general election, and if the term of
25 that office is not regularly filled at that election, the Governor shall call a special election to fill
26 the vacancy as soon as practicable after the general election.

27 (2) If a special election to fill the vacancy in election or office of Representative in Congress
28 or United States Senator is called before the 80th day after the vacancy occurs, [*each major political*
29 *party shall select its nominee for the office and certify the name of the nominee to the Secretary of State.*
30 *The Secretary of State shall place the name of the nominee on the ballot*] **the candidate who receives**
31 **the highest number of votes is elected. A declaration of candidacy or nominating petition**
32 **may be filed not later than the 10th day following the issuance of the writ of election. The**
33 **Secretary of State shall place on the ballot the names of qualified electors who have filed**
34 **otherwise sufficient declarations or petitions.**

35 (3) If a special election to fill the vacancy in election or office of Representative in Congress
36 or United States Senator is called after the 79th day after the vacancy occurs, a special primary
37 election shall be conducted by the Secretary of State for the purpose of nominating [*a candidate of*
38 *each major political party*] **candidates.** A declaration of candidacy or nominating petition may be
39 filed not later than the 10th day following the issuance of the writ of election.

40 (4) **The nomination of candidates for special elections conducted under this section shall**
41 **be as provided in ORS chapter 249, except that the Secretary of State may accept nominating**
42 **petitions and declarations of candidacy according to a schedule for filing set by the Secretary**
43 **of State by rule.**

44 **SECTION 19.** ORS 171.051 is amended to read:

45 171.051. (1) When any vacancy occurs in the Legislative Assembly due to death or recall or by

1 reason of resignation filed in writing with the Secretary of State, or **if** a person is declared dis-
 2 qualified by the house to which the person was elected, the vacancy shall be filled by appointment
 3 if:

4 (a) The vacancy occurs during any session of the Legislative Assembly;

5 (b) The vacancy occurs in the office of a state Representative before the 61st day before the
 6 general election to be held during that term of office;

7 (c) The vacancy occurs in the office of a state Senator before the 61st day before the first gen-
 8 eral election to be held during that term of office;

9 (d) The vacancy occurs in the office of a state Senator at any time after the 62nd day before the
 10 first general election and before the 61st day before the second general election to be held during
 11 that term of office; or

12 (e) A special session of the Legislative Assembly will be convened before a successor to the of-
 13 fice can be elected and qualified.

14 (2) The person appointed under the provisions of subsection (1) of this section shall be a citizen
 15 qualified to hold the office[,] **and** an elector of the affected legislative district [*and a member of the*
 16 *same political party for at least 180 days before the date on which the vacancy occurred. The political*
 17 *affiliation of a person appointed under subsection (1) of this section shall be determined under ORS*
 18 *236.100]. The appointment shall be made by the county courts or boards of county commissioners*
 19 *of the affected counties pursuant to ORS 171.060 to 171.064. [When the provisions of ORS 171.060 (1)*
 20 *are applicable, the appointment shall be made from a list of not fewer than three nor more than five*
 21 *nominees who have signed written statements indicating that they are willing to serve furnished by the*
 22 *Secretary of State. If fewer than three names of nominees are furnished, a list shall not be considered*
 23 *to have been submitted and the county courts or boards of county commissioners shall fill the*
 24 *vacancy.] The vacancy must be filled by appointment within 30 days after its occurrence or not later*
 25 *than the time set for the convening of the special session described in subsection (1)(e) of this sec-*
 26 *tion when that is the basis for filling the vacancy.*

27 (3) If the appointing authority required by this section to fill the vacancy does not do so within
 28 the time allowed, the Governor shall fill the vacancy by appointment within 10 days.

29 (4) Notwithstanding any appointment under the provisions of subsection (1)(c) of this section,
 30 when a vacancy occurs in the office of a state Senator before the 61st day before the first general
 31 election to be held during that term of office, the remaining two years of the term of office shall
 32 be filled by the electors of the affected legislative district at the first general election.

33 (5) Candidates for the remaining two years of the term of office of a state Senator under sub-
 34 section (4) of this section shall be nominated as provided in ORS chapter 249, [*except as follows:*]

35 [*(a) A major political party, minor political party, assembly of electors or individual electors may*
 36 *select a nominee for any vacancy occurring before the 61st day before the first general election; and]*

37 [*(b) The Secretary of State shall accept certificates of nomination and notifications of nominees se-*
 38 *lected by party rule and filed with the secretary] **except that the Secretary of State shall accept**
 39 **nominating petitions and declarations of candidacy** pursuant to a schedule for filing set by the
 40 Secretary of State but in any case not later than the 62nd day before the first general election.*

41 (6) The remaining two years of the term of office of a state Senator under subsection (4) of this
 42 section will commence on the second Monday in January following the general election. Any ap-
 43 pointment under the provisions of subsection (1)(c) of this section shall expire when a successor to
 44 the office is elected and qualified.

45 **SECTION 20.** ORS 171.060 is amended to read:

1 171.060. [(1) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or
 2 Representative affiliated with a major political party and that vacancy is to be filled by an appointing
 3 authority as provided in ORS 171.051, the Secretary of State forthwith shall notify the person desig-
 4 nated by the party to receive such notice. The party shall pursuant to party rule nominate not fewer
 5 than three nor more than five qualified persons to fill the vacancy. The nominating procedure shall
 6 reflect the principle of one-person, one-vote to accord voting weight in proportion to the number of party
 7 members represented. At the request of a party making a nomination, the county clerks of each county
 8 constituting the district in which the vacancy exists shall assist the party in determining the number
 9 of electors registered as members of the party in the district. A person shall not be nominated to fill
 10 the vacancy unless the person signs a written statement indicating that the person is willing to serve
 11 in the office of Senator or Representative. As soon as the nominees have been appointed, but no later
 12 than 20 days after the vacancy occurs, the party shall notify the Secretary of State of the persons
 13 nominated. The notification shall be accompanied by the signed written statement of each nominee in-
 14 dicating that the nominee is willing to serve in the office of Senator or Representative. The Secretary
 15 of State shall notify the county courts or boards of county commissioners of the counties constituting
 16 the district in which the vacancy exists of the nominees and of the number of votes apportioned to each
 17 member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The
 18 Secretary of State shall set a time for the meeting of the county courts or boards of county commis-
 19 sioners in order to fill the vacancy and by rule shall establish procedures for the conduct of the meet-
 20 ing. If the district is composed of more than one county, the Secretary of State shall name a temporary
 21 chairperson and designate a meeting place within the district where the county courts or boards of
 22 county commissioners shall convene for the purpose of filling the vacancy, pursuant to ORS 171.051
 23 (2).]

24 [(2)] (1) When any vacancy **described** [as is mentioned] in ORS 171.051 exists in the office of
 25 **state** Senator or **state** Representative [not affiliated with a major political party] and that vacancy
 26 is to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State forth-
 27 with shall notify the county courts or boards of county commissioners of the counties constituting
 28 the district in which the vacancy occurs of the vacancy and of the number of votes apportioned to
 29 each member of the county courts or boards of county commissioners under ORS 171.062 and
 30 171.064. The Secretary of State shall set a time for a meeting of the county courts or boards of
 31 county commissioners and by rule shall establish procedures for the conduct of the meeting. If the
 32 district is composed of more than one county, the Secretary of State shall name a temporary chair-
 33 person and designate a meeting place within the district where the county courts or boards of
 34 county commissioners shall convene for the purpose of appointing a person to fill the vacancy.

35 [(3)] (2) A written statement signed by a majority of those qualified to vote upon the filling of
 36 any vacancy naming the person selected to fill the vacancy and directed to the Secretary of State
 37 is conclusive evidence of the filling of the vacancy by the appointing authority named therein.

38 **SECTION 21.** ORS 171.068 is amended to read:

39 171.068. (1) For purposes of ORS 171.060, 171.062 and 171.064, the county court or the board of
 40 county commissioners [which shall] **that must** fill the vacancy in the Legislative Assembly in a
 41 district created by reapportionment shall be the county court or board of county commissioners of
 42 each county any part of which is in the district that is created by the reapportionment and includes
 43 the residence from which the former **state** Senator or **state** Representative was elected.

44 (2) [Each person nominated by a major political party to fill a vacancy in the Legislative Assembly
 45 occurring as described by ORS 171.051] **A person appointed to fill a vacancy in the Legislative**

1 **Assembly** in a district created by reapportionment must be registered to vote in the district from
 2 which the former **state** Senator or **state** Representative was elected [*and must have been a member*
 3 *of the same major political party at least 180 days before the date the vacancy to be filled occurred*].

4 (3) This section [*shall apply*] **applies** only to a vacancy in the Legislative Assembly occurring
 5 after the primary election next following reapportionment and before a person has been elected and
 6 qualified to fill the vacancy.

7 **SECTION 22.** ORS 249.722 is amended to read:

8 249.722. (1) Except as provided in subsection (3) of this section, a certificate of nomination of a
 9 candidate for public office shall be filed not sooner than the 15th day after the date of the primary
 10 election and not later than the 70th day before the date of the general election.

11 [(2) *A certificate of nomination of a candidate for:*]

12 [(a) *State office, United States Senator or Representative in Congress shall be filed with the Sec-*
 13 *retary of State.*]

14 [(b) *County office shall be filed with the county clerk.*]

15 [(c) *City office shall be filed with the chief city elections officer.*]

16 **(2) Certificates of nomination of candidates for electors of President and Vice President**
 17 **of the United States shall be filed with the Secretary of State.**

18 (3) For a special election, including an election to fill a vacancy that occurs after the 70th day
 19 before the general election, the Secretary of State by rule may adopt a schedule specifying the pe-
 20 riod within which a certificate of nomination must be filed. If the Secretary of State does not adopt
 21 a rule under this subsection, a certificate of nomination must be filed before the 61st day preceding
 22 the election.

23 **SECTION 23.** ORS 249.735 is amended to read:

24 249.735. (1) An assembly of electors is an organized body[:]

25 [(a)] of not fewer than 1,000 electors of the state for a statewide nomination.

26 [(b) *Of not fewer than 500 electors of the congressional district for which the nomination for Rep-*
 27 *resentative in Congress is made.*]

28 [(c) *Of not fewer than 250 electors of the county or any other district for which the nomination is*
 29 *made.*]

30 (2) An assembly of electors may nominate candidates at a nominating convention. The conven-
 31 tion shall be held in one day and [*last not*] **may not last** longer than 12 hours. The signature,
 32 printed name and residence or mailing address of each member of the assembly shall be recorded
 33 at the convention and entered of record in the minutes by the secretary of the assembly. Not less
 34 than the minimum number of electors required to constitute an assembly of electors must have re-
 35 corded their signatures in the minutes of the assembly and must be present when the assembly
 36 nominates a candidate. The candidate receiving the highest number of votes of the assembly for the
 37 office [*shall be*] **is** the nominee of the assembly.

38 (3) Not later than the 10th day before the meeting of an assembly of electors, notice shall be
 39 published at least once in not less than three newspapers of general circulation within the electoral
 40 district for which the nomination will be made. The notice shall contain the time and place the as-
 41 sembly will meet, the office or offices for which nominations will be made, and the names and ad-
 42 dresses of not fewer than 25 electors qualified to vote in the assembly who desire that it be held.

43 (4) Proof of publication of notice in subsection (3) of this section shall be made by affidavit of
 44 the owner, editor, publisher, manager, advertising manager, principal clerk of any of them, or the
 45 printer or printer's foreman of the newspaper in which the notice is published. The affidavit shall

1 show publication and shall be filed with the filing officer with the certificate of nomination.

2 (5) Not later than the 10th day before the meeting of an assembly of electors, a copy of the
3 notice under subsection (3) of this section shall be delivered to the filing officer who will supervise
4 the conduct of the nominating convention.

5 (6) The presiding officer of an assembly of electors shall deliver the signatures of assembly
6 members entered in the minutes to the appropriate county clerks of the counties in which the as-
7 sembly members live. The signatures shall be certified by the appropriate county clerk under ORS
8 249.008. A copy of the minutes, certified by the secretary of the assembly, and the certificate of the
9 county clerk shall be filed with the filing officer with the certificate of nomination.

10 (7) If the assembly of electors designates a committee to whom the assembly delegated the au-
11 thority to fill vacancies as provided in ORS 249.842, a notice containing the names of the members
12 of the committee shall be delivered to the filing officer with the certificate of nomination.

13 **SECTION 24.** ORS 249.737 is amended to read:

14 249.737. [(1)] The [filing officer for the office for which nominations will be considered by an as-
15 sembly of electors] **Secretary of State** shall supervise the conduct of the nominating convention.
16 The [filing officer] **secretary** shall [insure] **ensure** that when the assembly of electors makes a
17 nomination, the number of electors required to be present at the nominating convention for the
18 purpose of constituting an assembly is at least equal to each of the following:

19 [(a)] (1) The number of signatures of assembly members in the minutes of the assembly.

20 [(b)] (2) The number of electors present at the nominating convention.

21 [(2) If an assembly of electors will consider nominations for an office for which the Secretary of
22 State is the filing officer and an office for which the county clerk or chief city elections officer is the
23 filing officer, the Secretary of State shall be the supervising officer under subsection (1) of this
24 section.]

25 [(3) If an assembly of electors will consider nominations for an office for which the county clerk
26 is the filing officer and an office for which the chief city elections officer is the filing officer, the county
27 clerk shall be the supervising officer under subsection (1) of this section.]

28 **SECTION 25.** ORS 249.740 is amended to read:

29 249.740. (1) A certificate of nomination made by individual electors shall contain a number of
30 signatures of electors in the electoral district equal to not less than one percent of the total votes
31 cast in the electoral district for which the nomination is intended to be made, for all candidates for
32 presidential electors at the last general election.

33 (2) Each elector signing a certificate of nomination made by individual electors shall include the
34 residence or mailing address of the elector. [Except for] A certificate of nomination of candidates for
35 electors of President and Vice President of the United States[, a certificate of nomination] made by
36 individual electors [shall] **may** contain the name of [only] **more than** one candidate.

37 (3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certif-
38 icate shall file a signed copy of the prospective certificate with the [filing officer referred to in ORS
39 249.722] **Secretary of State**. The chief sponsor of the certificate shall include with the prospective
40 certificate a statement declaring whether one or more persons will be paid money or other valuable
41 consideration for obtaining signatures of electors on the certificate. After the prospective certificate
42 is filed, the chief sponsor shall notify the [filing officer] **secretary** not later than the 10th day after
43 the chief sponsor first has knowledge or should have had knowledge that:

44 (a) Any person is being paid for obtaining signatures, when the statement included with the
45 prospective certificate declared that no such person would be paid.

1 (b) No person is being paid for obtaining signatures, when the statement included with the pro-
2 spective certificate declared that one or more such persons would be paid.

3 (4) The circulator shall certify on each signature sheet that the individuals signed the sheet in
4 the presence of the circulator and that the circulator believes each individual is an elector regis-
5 tered in the electoral district.

6 (5) The signatures contained in each certificate of nomination made by individual electors shall
7 be certified for genuineness by the county clerk under ORS 249.008.

8 (6) As used in this section, "prospective certificate" means the information, except signatures
9 and other identification of certificate signers, required to be contained in a completed certificate
10 of nomination.

11 **SECTION 26.** ORS 249.830 is amended to read:

12 249.830. Any person who has been nominated and has accepted the nomination under ORS
13 249.712 may withdraw from nomination not later than the 67th day before the general election by
14 filing with the *[officer with whom the certificate of nomination was filed]* **Secretary of State** a writ-
15 ten statement declining the nomination and stating the reason for withdrawal. The statement shall
16 be signed and acknowledged by the candidate before a notary public. *[The withdrawal may be sent*
17 *to the Secretary of State through a county clerk, as provided by ORS 249.850.]*

18 **SECTION 27.** ORS 249.850 is amended to read:

19 249.850. (1) The certificate of nomination to fill the vacancy under ORS 249.842~~], may be filed~~
20 ~~directly with the officer with whom the certificate of nomination of the original candidate was filed, or~~
21 ~~it may be presented in duplicate to any county clerk who shall file one of the certificates in the clerk's~~
22 ~~office, immediately notify the appropriate filing officer of the nomination and send the duplicate certifi-~~
23 ~~cate to the officer by the most expeditious method practicable]~~ **shall be filed with the Secretary of**
24 **State.**

25 (2) Upon receipt of notification that a vacancy has been filled, the *[filing officer]* **secretary** shall
26 certify the name of the person selected to fill the vacancy to be included on the ballot. *[If the cer-*
27 *tification of candidates has already been sent to the county clerk, the Secretary of State or city filing*
28 *officer]* **The secretary** immediately shall give written certification of the new candidate to each
29 county clerk responsible for preparing ballots on which the office will appear.

30 (3) The certification shall state:

31 (a) The name and residence **address** of the candidate nominated to fill the vacancy[.];

32 (b) The office for which the nomination was made[.];

33 (c) The name of the minor political party the candidate represents or the name of the chair-
34 person of the assembly nominating the candidate[.]; and

35 (d) The name of the person for whom the candidate is substituted.

36 (4) Upon receipt of the certification, the county clerk shall place the new candidate's name on
37 the ballot.

38 **SECTION 28.** ORS 251.022 is amended to read:

39 251.022. (1) If a special election or special primary election is held under ORS 188.120 for the
40 purpose of filling a vacancy in election or office of United States Senator or Representative in
41 Congress, or for nominating *[a candidate of each major political party]* **candidates** to fill the vacancy,
42 the Secretary of State shall prepare a voters' pamphlet for each election.

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

SECTION 29. ORS 253.030 is amended to read:

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

(2) An application for an absentee ballot must:

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

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

(3) If an applicant not affiliated with any political party desires to vote in any major political party primary election **held in a year when a President and Vice President of the United States are to be elected**, the applicant may request and shall be sent a ballot for a major political party if that political party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

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

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

SECTION 30. ORS 253.540 is amended to read:

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

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

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

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

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

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

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

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

(g) If the applicant desires to vote in a primary election **held in a year when a President and Vice President of the United States are to be elected**, a designation of the applicant's political party affiliation or a statement that the applicant is not affiliated with any political party. An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

SECTION 31. ORS 253.565 is amended to read:

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

(a) The elector will be residing, stationed or working outside the territorial limits of the United

1 States and the District of Columbia; and

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

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

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

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

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

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

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

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

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

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

21 (i) If the applicant requests a ballot for a primary election **held in a year when a President**
 22 **and Vice President of the United States are to be elected**, a designation of the applicant’s poli-
 23 tical party affiliation or a statement that the applicant is not affiliated with any political party. An
 24 applicant not affiliated with any political party may request a ballot for a major political party. The
 25 applicant shall be sent the ballot for the political party that the applicant requested if that political
 26 party has provided under ORS 254.365 for a primary election that admits electors not affiliated with
 27 any political party.

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

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

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

36 **SECTION 32.** ORS 254.076 is amended to read:

37 254.076. The chief elections officer shall keep a register of candidates for nomination at the
 38 primary election. The register, if applicable, shall contain [*for each major political party*]:

39 (1) The title of each office for which [*the major political party will nominate*] candidates **will be**
 40 **nominated** at the primary election.

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

42 (3) The name of the [*major*] political party, **if any**, with which the candidate is registered as
 43 affiliated.

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

45 (5) The date of filing of the completed petition for nomination of the candidate, the number of

1 valid signatures contained and the number of signatures required.

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

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

5 **SECTION 33.** ORS 254.115 is amended to read:

6 254.115. (1) The official primary election ballot or ballot label shall be styled “Official Primary
7 Nominating Ballot [*for the _____ Party.*]” and shall state:

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

9 (b) The date of the primary election.

10 (c) The names of all candidates for nomination **or election** at the primary election **to nonpar-**
11 **tisan office or voter choice office** whose nominating petitions or declarations of candidacy have
12 been made and filed, and who have not died, withdrawn or become disqualified.

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

14 [*(e) The names of candidates for the party nomination for President of the United States who*
15 *qualified for the ballot under ORS 249.078.*]

16 **(d) The number, ballot title and financial estimates under ORS 250.125 of any measure.**

17 **(e) The names of candidates for election as precinct committeeperson and, in a year when**
18 **a President and Vice President of the United States are to be elected, the names of candi-**
19 **dates for the political party nomination for President of the United States who qualified for**
20 **the ballot under ORS 249.078, all listed separately on a ballot page labeled “Official Primary**
21 **Ballot for the _____ Party” and made available only to members of the applicable political**
22 **party.**

23 **(2) For a voter choice office, the county clerk shall print on the ballot, following the**
24 **name of the candidate:**

25 **(a) If the candidate is registered as a member of a political party not later than the 70th**
26 **day before the date of the primary election, the statement “Member of _____” (official**
27 **party name); or**

28 **(b) If the candidate is registered as not affiliated with any political party not later than**
29 **the 70th day before the date of the primary election, the statement “Not affiliated with any**
30 **political party.”**

31 **(3) At least once on each ballot that contains a voter choice office, the county clerk shall**
32 **print the statement “The listing of the political party membership status of a candidate for**
33 **voter choice office is provided for elector information purposes only and does not in itself**
34 **imply formal support or endorsement by the political party listed.”**

35 [(2)] **(4) If the election is conducted at polling places as provided in this chapter, any ballot to**
36 **be issued at a polling place shall also state the number or name of the precinct for which it is in-**
37 **tended.**

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

40 [(4)] **(5) The ballot [shall] may not contain the name of any person other than those referred to**
41 **in [subsections (1) and (3)] subsection (1) of this section. The name of each candidate for whom a**
42 **nominating petition or declaration of candidacy has been filed shall be printed on the ballot in but**
43 **one place. In the event that two or more candidates for the same nomination or office have the same**
44 **or similar surnames, the location of their places of residence shall be printed opposite their names**
45 **to distinguish one from another.**

1 **SECTION 34.** ORS 254.135 is amended to read:

2 254.135. (1) The official general or special election ballot or ballot label shall be styled “Official
3 Ballot” and shall state:

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

5 (b) The date of the election.

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

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

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

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

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

24 [(A) *For a candidate not affiliated with a political party who is nominated by a minor political*
25 *party, the name of the minor political party shall be added opposite the name of the candidate;*]

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

29 [(C) *For a candidate who is a member of a political party who is nominated by a political party*
30 *of which the candidate is not a member, the name of the political party that nominated the candidate*
31 *shall be added opposite the name of the candidate;*]

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

35 [(E) *For a candidate who is nominated by a political party of which the candidate is a member,*
36 *the name of the political party of which the candidate is a member shall be added opposite the name*
37 *of the candidate.*]

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

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

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

1 [(e)] (d) If two or more candidates for the same office have the same or similar surnames, the
 2 location of their places of residence shall be printed opposite their names to distinguish one from
 3 another.

4 (5) **For a voter choice office, the county clerk shall print on the ballot, following the**
 5 **name of the candidate:**

6 (a) **If the candidate is registered as a member of a political party not later than the 70th**
 7 **day before the date of the general or special election, the statement “Member of _____”**
 8 **(official party name); or**

9 (b) **If the candidate is registered as not affiliated with any political party not later than**
 10 **the 70th day before the date of the general or special election, the statement “Not affiliated**
 11 **with any political party.”**

12 (6) **At least once on each ballot that contains a voter choice office, the county clerk shall**
 13 **print the statement “The listing of the political party membership status of a candidate for**
 14 **voter choice office is provided for elector information purposes only and does not in itself**
 15 **imply formal support or endorsement by the political party listed.”**

16 **SECTION 35.** ORS 254.195 is amended to read:

17 254.195. (1) Official ballots and ballot labels shall be printed in black ink upon good quality
 18 material. **In a year when a President and Vice President of the United States are to be**
 19 **elected**, the primary election ballots or ballot labels shall be of different colors for the major poli-
 20 tical parties.

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

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

29 **SECTION 36.** ORS 254.205 is amended to read:

30 254.205. (1) For any election conducted at polling places, the county clerk shall produce a fac-
 31 simile, except as to size, of the ballot in a manner described in this section. For any primary election
 32 **held in a year when a President and Vice President of the United States are to be elected**, a
 33 facsimile of the ballot shall include the ballot of each major political party.

34 (2) The facsimile shall be:

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

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

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

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

42 (b) The facsimile shall be published or inserted in at least one issue of one newspaper in each
 43 county with a population of less than 10,000, or in each county in which no more than one news-
 44 paper is published. The facsimile shall be published or inserted in at least one issue of two news-
 45 papers in each county with a population of 10,000 or more in which more than one newspaper is

1 published. The county governing body, at the first regular meeting each year, shall select the
2 newspaper or newspapers of general circulation in the county in which the facsimile shall be pub-
3 lished or inserted and shall notify the county clerk of the selection.

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

7 (d) The facsimile shall not be published in any newspaper unless the newspaper agrees that no
8 paid political advertisement shall be placed on the same page as the facsimile or on the page facing
9 the facsimile. If a newspaper selected under paragraph (b) or (c) of this subsection does not so agree,
10 the county governing body shall select another newspaper in the county with as nearly as possible
11 the same qualifications for the publication of the facsimile.

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

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

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

20 **SECTION 37.** ORS 254.235 is amended to read:

21 254.235. (1) Not later than five business days before an election in which voting machines or
22 vote tally systems are used, the county clerk shall:

23 (a) Conduct a preparatory test of the machine and system for logic and accuracy to ensure that
24 each ballot format, where appropriate, correctly tallies ballots in each electoral contest by precinct;
25 and

26 (b) Conduct a public certification test for the vote tally system using a selection of precincts,
27 ballot formats and electoral districts from the preparatory test conducted under this subsection.

28 (2) Prior to the public certification test under subsection (1)(b) of this section[.]:

29 **(a) At a primary election held in a year when a President and Vice President of the**
30 **United States are to be elected,** the county clerk shall mail to each affiliate of a major or minor
31 political party within the county that has notified the clerk that notice is desired[,] a notice of the
32 time and place where the vote tally system will be publicly tested. One representative of each party
33 is entitled to be present to ensure that the testing is done properly[.]; **and**

34 **(b) [In nonpartisan elections]** Each candidate **for nonpartisan office or voter choice office** may
35 designate one representative who *[has the same powers as the political party representatives]* **is en-**
36 **titled to be present to ensure that the testing is done properly.**

37 **(3)** The party and candidate representatives **described in subsection (2) of this section** shall
38 certify that they have witnessed the testing. The certificates shall be filed with the county clerk.

39 [(3)] **(4)** In an election where voting machines are used, the county clerk shall prepare a certif-
40 icate that the ballot labels have been properly placed in the machine.

41 **SECTION 38.** ORS 254.365 is amended to read:

42 254.365. (1) **At a primary election held in a year when a President and Vice President of**
43 **the United States are to be elected,** an elector *[shall not be]* **is not** qualified or permitted to vote
44 at *[any]* **the** primary election for any candidate of a major political party, and it shall be unlawful
45 for the elector to offer to do so, unless:

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

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

6 (2) Except as provided in ORS 254.470 (4), **at a primary election held in a year when a**
7 **President and Vice President of the United States are to be elected**, any elector offering to vote
8 at the primary election shall be given a ballot of the major political party with which the elector
9 is registered as being affiliated. The elector *[shall]* **may** not be given a ballot of any other political
10 party at that primary election. An elector not affiliated with any political party and offering to vote
11 at the primary election shall be given the ballot of the major political party in whose primary
12 election the elector wishes to vote if that party has provided under subsection (3) of this section for
13 a primary election that admits electors not affiliated with any political party. An elector not affil-
14 iated with any political party who is given a ballot of the major political party associates with the
15 party for the purpose of voting in that primary election.

16 (3) Not later than the 90th day before the date of the primary election **held in a year when a**
17 **President and Vice President of the United States are to be elected**, a major political party
18 may file with the Secretary of State a certified copy of the current party rule allowing an elector
19 not affiliated with any political party to vote in the party's primary election. The party *[shall]* **may**
20 not repeal the rule as filed during the 90 days before the primary election. The rule shall continue
21 to be effective after the date of the primary election until the party gives written notice to the
22 Secretary of State that the rule has been repealed. *[A party rule under this subsection may limit the*
23 *candidates for whom an elector who is not affiliated with any political party may vote. The party rule*
24 *shall, however, allow any elector who is permitted to vote for the most numerous branch of the Legis-*
25 *lative Assembly to also vote in federal legislative elections, consistent with section 2, Article I, and the*
26 *Seventeenth Amendment to the United States Constitution.]*

27 *[(4) If the primary election ballot includes city, county or nonpartisan offices or measures, and it*
28 *is given to an elector who is not eligible to vote for party candidates, the ballot shall be marked "lim-*
29 *ited."]*

30 **SECTION 39.** ORS 254.370 is amended to read:

31 254.370. The county clerk shall maintain:

32 (1) A monthly registration record of all electors registered as not being affiliated with any pol-
33 itical party;

34 (2) At each primary election[,] **held in a year when a President and Vice President of the**
35 **United States are to be elected:**

36 (a) A record of the number of electors who voted from each major political party; **and**

37 [(3)] (b) A record of all electors registered as not being affiliated with any political party who
38 vote in a primary election of a major political party that has provided under ORS 254.365 for a
39 primary election that admits electors not affiliated with any political party; and

40 [(4)] (3) A record of all electors registered as not being affiliated with any political party who
41 vote in the general election.

42 **SECTION 40.** ORS 254.470 is amended to read:

43 254.470. (1) An election by mail shall be conducted as provided in this section. The Secretary
44 of State may adopt rules governing the procedures for conducting an election by mail.

45 (2) The Secretary of State by rule shall establish requirements and criteria for the designation

1 of places of deposit for the ballots cast in the election. The rules shall also specify the dates and
 2 times the places of deposit must be open and the security requirements for the places of deposit.
 3 At a minimum, the places designated under this section shall be open on the date of the election for
 4 a period of eight or more hours, but must be open until at least 8 p.m. At each place of deposit
 5 designated under this section, the county clerk shall prominently display a sign stating that the lo-
 6 cation is an official ballot drop site.

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

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

18 (c) Notwithstanding paragraph (a) of this subsection, the Secretary of State by rule shall specify
 19 the date on which all ballots shall be mailed for any state election conducted by mail under ORS
 20 254.465 (2).

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

24 (4) For *[an election held on the date of]* a primary election **held in a year when a President**
 25 **and Vice President of the United States are to be elected:**

26 (a) The county clerk shall mail the official ballot of a major political party to each elector who
 27 is registered as being affiliated with the major political party as of the 21st day before the date of
 28 the election.

29 (b) The county clerk shall mail the official ballot of a major political party to an elector not
 30 affiliated with any political party if the elector has applied for the ballot as provided in this sub-
 31 section and that party has provided under ORS 254.365 for a primary election that admits electors
 32 not affiliated with any political party.

33 (c) An elector not affiliated with any political party who wishes to vote in the primary election
 34 of a major political party shall apply to the county clerk in writing. The application shall indicate
 35 which major political party ballot the elector wishes to receive. Except for electors described in
 36 subsection *[(5)]* (6) of this section, and subject to ORS 247.203, the application must be received by
 37 the county clerk not later than 5 p.m. of the 21st day before the date of the election.

38 (d) If the primary election ballot includes city, county or nonpartisan offices **or voter choice**
 39 **offices** or measures, an elector not eligible to vote for party candidates shall be mailed a ballot
 40 limited to those offices and measures for which the elector is eligible to vote.

41 (5) **For a primary election not held in a year when a President and Vice President of the**
 42 **United States are to be elected, the county clerk shall mail the ballot containing nonpartisan**
 43 **offices, voter choice offices and measures to every elector, without regard to the political**
 44 **party affiliation or lack of political party affiliation of the elector.**

45 *[(5)]* (6) For each elector who updates a voter registration after the deadline in ORS 247.025, the

1 county clerk shall make the official ballot, the return identification envelope and the secrecy en-
 2 velope available either by mail or at the county clerk’s office or at another place designated by the
 3 county clerk. An elector to whom this subsection applies must request a ballot from the county
 4 clerk.

5 [(6)] (7) The ballot or ballot label shall contain the following warning:
 6 _____
 7

8 Any person who, by use of force or other means, unduly influences an elector to vote in any
 9 particular manner or to refrain from voting is subject to a fine.
 10 _____
 11

12 [(7)] (8) Upon receipt of any ballot described in this section, the elector shall mark the ballot,
 13 sign the return identification envelope supplied with the ballot and comply with the instructions
 14 provided with the ballot. The elector may return the marked ballot to the county clerk by United
 15 States mail or by depositing the ballot at the office of the county clerk, at any place of deposit
 16 designated by the county clerk or at any location described in ORS 254.472 or 254.474. The ballot
 17 must be returned in the return identification envelope. If the elector returns the ballot by mail, the
 18 elector must provide the postage. A ballot must be received at the office of the county clerk, the
 19 designated place of deposit or at any location described in ORS 254.472 or 254.474 not later than the
 20 end of the period determined under subsection (2) of this section on the date of the election.

21 [(8)] (9) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or
 22 not received by the elector. Replacement ballots shall be issued and processed as described in this
 23 section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided
 24 under this subsection. Notwithstanding any deadline for mailing ballots in subsection (3) or (4) of
 25 this section, a replacement ballot may be mailed, made available in the office of the county clerk
 26 or made available at one central location in the electoral district in which the election is conducted.
 27 The county clerk shall designate the central location. A replacement ballot need not be mailed after
 28 the fifth day before the date of the election.

29 [(9)] (10) A ballot shall be counted only if:

- 30 (a) It is returned in the return identification envelope;
- 31 (b) The envelope is signed by the elector to whom the ballot is issued; and
- 32 (c) The signature is verified as provided in subsection [(10)] (11) of this section.

33 [(10)] (11) The county clerk shall verify the signature of each elector on the return identification
 34 envelope with the signature on the elector’s registration card, according to the procedure provided
 35 by rules adopted by the Secretary of State. If the county clerk determines that an elector to whom
 36 a replacement ballot has been issued has voted more than once, the county clerk shall count only
 37 one ballot cast by that elector.

38 [(11)] (12) At 8 p.m. on election day, electors who are at the county clerk’s office, a site desig-
 39 nated under subsection (2) of this section or any location described in ORS 254.472 or 254.474 and
 40 who are in line waiting to vote or deposit a voted ballot shall be considered to have begun the act
 41 of voting.

42 **SECTION 41.** ORS 254.480 is amended to read:

43 254.480. (1) In an election conducted by mail, an elector may obtain a replacement ballot de-
 44 scribed in ORS 254.470 [(8)]. To vote a replacement ballot, the elector must complete and sign a
 45 replacement ballot request form. The request for a replacement ballot may be made electronically,

1 by telephone, in writing, in person or by other means designated by the Secretary of State by rule.

2 (2) The replacement ballot request form shall be mailed or made available to the elector along
3 with the replacement ballot.

4 (3) Upon receiving a request for a replacement ballot, the county clerk shall:

5 (a) Verify the registration of the elector and ensure that another ballot has not been returned
6 by the elector;

7 (b) Note in the list of electors that the elector has requested a replacement ballot;

8 (c) Mark the return identification envelope clearly so that it may be readily identified as a re-
9 placement ballot; and

10 (d) Issue the replacement ballot by mail or other means.

11 (4) The completed and signed replacement ballot request form and the voted replacement ballot
12 must be received at the office of the county clerk, a place of deposit designated by the county clerk
13 or at any location described in ORS 254.472 or 254.474 not later than the end of the period deter-
14 mined under ORS 254.470 (2) on the date of the election.

15 (5) Upon receiving a voted replacement ballot, the county clerk shall verify that a completed
16 and signed replacement ballot request form has been received by the county clerk or is included
17 with the voted replacement ballot. If a request form has been completed and signed by the elector
18 and received by the county clerk, the county clerk shall process the ballot. If the request form is
19 not completed or signed by the elector or received by the county clerk, the county clerk may not
20 process the ballot.

21 **SECTION 42.** ORS 254.575 is amended to read:

22 254.575. When two or more candidates for the same office, after a full recount of votes, have an
23 equal and the highest number of votes:

24 (1) For election to state Senator or **state** Representative, a party office, or a public office for
25 which the elections officer is other than the Secretary of State, the elections officer shall have the
26 candidates meet publicly to decide by lot who is elected.

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

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

31 (4) For nomination **to a public office** by one major political party [*to an office*] **at a primary**
32 **election held in a year when a President and Vice President of the United States are to be**
33 **elected**, the [*elections officer who receives filings for nomination to the office*] **Secretary of State**
34 shall have the candidates meet publicly to decide by lot who is nominated.

35 **SECTION 43.** ORS 246.560 is amended to read:

36 246.560. (1) A voting machine may not be approved by the Secretary of State unless the voting
37 machine is constructed so that it:

38 (a) Secures to the elector secrecy of voting.

39 (b) Provides facilities for voting for the candidates of as many political parties or organizations
40 as may make nominations and for or against as many measures as may be submitted.

41 (c) Permits the elector to vote for any person and as many persons for an office and upon any
42 measure for which the elector has the right to vote.

43 (d) Permits the elector, except at a primary election **held in a year when a President and Vice**
44 **President of the United States are to be elected**, to vote for all the candidates of one party or
45 in part for the candidates of one party and in part for the candidates of one or more other parties.

1 (e) Correctly records on a separate ballot the votes cast by each elector for any person and for
 2 or against any measure.

3 (f) Provides that a vote for more than one candidate cannot be cast by one single operation of
 4 the voting machine or vote tally system except for President and Vice President and electors for
 5 those offices.

6 (g) Provides that straight party pointers shall be disconnected from all candidate pointers.

7 (h) Contains a device that will duplicate the votes cast by each elector onto a paper record
 8 copy.

9 (i) Contains a device that will allow each elector to view the elector’s paper record copy while
 10 preventing the elector from directly handling the paper record copy.

11 (2) A vote tally system shall be:

12 (a) Capable of correctly counting votes on ballots on which the proper number of votes have
 13 been marked for any office or measure that has been voted.

14 (b) Capable of ignoring the votes marked for any office or measure if more than the allowable
 15 number of votes have been marked, but shall correctly count the properly voted portions of the
 16 ballot.

17 (c) Capable of accumulating a count of the specific number of ballots tallied for a precinct, ac-
 18 cumulating total votes by candidate for each office, and accumulating total votes for and against
 19 each measure of the ballots tallied for a precinct.

20 (d) Capable of tallying votes from ballots of different political parties, from the same precinct,
 21 in a primary election **held in a year when a President and Vice President of the United States**
 22 **are to be elected.**

23 (e) Capable of accommodating the procedure established under ORS 254.155.

24 (f) Capable of automatically producing precinct totals in either printed, marked, or punched
 25 form, or combinations thereof.

26 **SECTION 44.** ORS 254.650 is amended to read:

27 254.650. (1) If the Secretary of State determines that a vacancy exists in the nomination of a
 28 candidate [*of a major political party*] for state office, that the vacancy is due to the death of the
 29 candidate and that the vacancy occurred after the 30th day before the date of the general election:

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

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

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

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

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

37 (b) The candidate selected to fill the vacancy in the nomination as provided in ORS [249.190
 38 *or*] 249.205.

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

41 **SECTION 45.** ORS 260.112, as amended by section 36a, chapter 809, Oregon Laws 2005, is
 42 amended to read:

43 260.112. (1) A candidate or a treasurer of a political committee who expects neither the aggre-
 44 gate contributions to be received nor the aggregate expenditures to be made by or on behalf of the
 45 candidate or political committee to exceed \$2,000 in total amount during the calendar year shall file

1 a certificate to that effect with the Secretary of State. The candidate or treasurer shall make the
 2 certificate according to the best of the knowledge or belief of the candidate or treasurer. A candi-
 3 date or treasurer filing a certificate under this section is not required to file statements under ORS
 4 260.057. The certificate shall be filed:

5 (a) By a candidate, not sooner than the date on which the candidate files a declaration of can-
 6 didacy or nominating petition, accepts a nomination or is nominated to fill a vacancy in a nomi-
 7 nation [*or in a partisan elective office*], and not later than seven calendar days after the candidate
 8 receives a contribution or makes an expenditure.

9 (b) By a treasurer of a political committee, not sooner than the date that the political committee
 10 files a statement of organization under ORS 260.042, and not later than seven calendar days after
 11 the political committee receives a contribution or makes an expenditure.

12 (2) A candidate or political committee under this section must keep contribution and expenditure
 13 records during the calendar year.

14 (3) If at any time following the filing of a certificate under subsection (1) of this section and
 15 during the calendar year either the aggregate contributions or aggregate expenditures exceed
 16 \$2,000, the candidate or treasurer shall do all of the following:

17 (a) File a statement under ORS 260.057 within seven calendar days after either the aggregate
 18 contributions or aggregate expenditures exceed \$2,000. The statement shall reflect all contributions
 19 received and expenditures made by or on behalf of the candidate or political committee to that date,
 20 beginning January 1 of the calendar year.

21 (b) If necessary, file additional statements under ORS 260.057.

22 (4) This section does not apply to a candidate for federal office.

23 **SECTION 46. ORS 249.068, 249.200, 254.025 and 254.069 are repealed.**

24 **SECTION 47. The amendments to ORS 171.051, 171.060, 171.068, 188.120, 246.560, 248.006,**
 25 **248.007, 248.008, 249.002, 249.016, 249.020, 249.031, 249.042, 249.046, 249.064, 249.072, 249.076,**
 26 **249.088, 249.180, 249.205, 249.722, 249.735, 249.737, 249.740, 249.830, 249.850, 251.022, 253.030,**
 27 **253.540, 253.565, 254.005, 254.056, 254.076, 254.115, 254.135, 254.195, 254.205, 254.235, 254.365,**
 28 **254.370, 254.470, 254.480, 254.575, 254.650 and 260.112 by sections 1 to 45 of this 2007 Act and**
 29 **the repeal of ORS 249.068, 249.200, 254.025 and 254.069 by section 46 of this 2007 Act:**

30 (1) **Apply only to nominations for, and appointments and elections to, public office oc-**
 31 **curring on or after the effective date of this 2007 Act;**

32 (2) **Apply to a certificate of nomination, nominating petition or declaration of candidacy**
 33 **filed before the effective date of this 2007 Act for an election to a voter choice office to be**
 34 **conducted on or after the effective date of this 2007 Act;**

35 (3) **Apply to political parties formed prior to, on or after the effective date of this 2007**
 36 **Act; and**

37 (4) **Are not intended to require a change in the composition of any committee or com-**
 38 **mission described in ORS 137.658, 244.250 or 442.035.**