

# Senate Bill 685

Sponsored by Senator PROZANSKI (at the request of Greg Fox)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows voter at primary election to write in name of candidate for office listed on primary election ballot who is not affiliated with major political party. Provides that write-in vote counts as signature on certificate of nomination for that candidate.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to elections; creating new provisions; amending ORS 249.008, 249.722, 249.740, 254.069,  
3 254.145 and 254.500; and declaring an emergency.

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

5 **SECTION 1.** ORS 254.069 is amended to read:

6 254.069. (1) An elector may not participate in more than one nominating process for each par-  
7 tisan public office to be filled at the general election.

8 (2) **Subject to subsection (5) of this section**, an elector is considered to have participated in  
9 the nominating process for each partisan public office listed on the ballot at a primary election if  
10 the elector returned a ballot of a major political party at the primary election.

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

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

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

19 (4) If a filing officer described in ORS 249.722 determines that an elector who has signed the  
20 minutes of an assembly of electors under ORS 249.735 or a certificate of nomination under ORS  
21 249.740 has attempted to participate in more than one nominating process for the same office to be  
22 filled at the general election, the signature of the elector may not be considered for purposes of ORS  
23 249.735 or 249.740.

24 (5) **An elector who returns a ballot of a major political party at the primary election may**  
25 **write in the name of a candidate for election to an office listed on the primary election ballot**  
26 **who is not a member of the major political party listed on the ballot under ORS 254.115. If**  
27 **the candidate for whom a write-in vote is cast under this subsection has filed a certificate**  
28 **of nomination described in ORS 249.740 not later than the date of the primary election, the**  
29 **county clerk shall consider the write-in vote to be a valid signature on the certificate of**  
30 **nomination for purposes of ORS 249.008.**

**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        **SECTION 2.** ORS 254.500 is amended to read:

2        254.500. (1) This section governs the tally of votes cast for persons whose names were not  
3 printed on the ballot but are written in by electors. **Except as provided in subsection (3) of this**  
4 **section,** all [*such*] write-in votes for each office on the ballot shall be tallied together, except as  
5 follows:

6        (a) If the total number of write-in votes for candidates for the same nomination or office equals  
7 or exceeds the number of votes cast for any candidate for the same nomination or office on the  
8 ballot who appears to have been nominated or elected, the county clerk shall tally all write-in votes  
9 cast for the office to show the total number of votes cast for each write-in candidate.

10        (b) If no names of candidates are printed on the ballot for an office, the county clerk shall tally  
11 the votes cast for each candidate for the office who received a vote.

12        (2) [*No*] **Any** person other than the county clerk, a member of a counting board or any other  
13 elections official designated by the county clerk may **not** tally write-in votes.

14        (3) **At the primary election, the county clerk shall tally the write-in votes cast for each**  
15 **candidate for election to an office listed on the primary election ballot who is not a member**  
16 **of the major political party listed on the ballot under ORS 254.115. If the candidate for whom**  
17 **a write-in vote is cast under this subsection has filed a certificate of nomination described**  
18 **in ORS 249.740 not later than the date of the primary election, the county clerk shall con-**  
19 **sider the write-in vote to be a valid signature on the certificate of nomination for purposes**  
20 **of ORS 249.008.**

21        **SECTION 3.** ORS 254.145 is amended to read:

22        254.145. (1) **Except as provided in this subsection,** the names of candidates for nomination for  
23 or election to each office shall be arranged on the ballot or ballot label in the order determined  
24 under ORS 254.155. The names of candidates for the offices of President and Vice President of the  
25 United States[, *however,*] shall be arranged in groups.

26        (2) Except as provided in **this section and** ORS 254.125, 254.135, [*and this section, no*] informa-  
27 tion about the candidate, including any title or designation, other than the candidate's name,  
28 [*shall*] **may not** appear on the ballot.

29        (3) In a precinct in which voting machines are used, spaces shall be provided, either on the  
30 ballot or on separate material delivered to the elector with the ballot, in which the elector may  
31 write the names of persons for any offices appearing on the ballot label. In other precincts, at the  
32 end of the list of candidates for each office shall be a blank space in which the elector may write  
33 the name of any person not printed on the ballot.

34        (4)(a) **At the primary election, in precincts using voting machines, spaces shall be pro-**  
35 **vided, either on the ballot or on separate material delivered to the elector with the ballot,**  
36 **in which the elector may write the name of a person who is not a member of the major**  
37 **political party listed on the ballot under ORS 254.115, who is a candidate for any office ap-**  
38 **pearing on the ballot and who has filed a certificate of nomination as described in ORS**  
39 **254.069 (5).**

40        (b) **At the primary election, in other precincts, at the end of the list of candidates for**  
41 **each office shall be a blank space in which the elector may write the name of any person**  
42 **who is not a member of the major political party listed on the ballot under ORS 254.115, who**  
43 **is a candidate for any office appearing on the ballot and who has filed a certificate of nomi-**  
44 **nation as described in ORS 254.069 (5).**

45        (5) On the left margin of the ballot or ballot label the name of each group or candidate may be

1 numbered. The blank spaces *[shall]* **may** not be numbered. A particular number *[shall]* **may** not be  
 2 used to designate more than one candidate at any election.

3 [(2)] (6) The names of all candidates for the same office shall be listed in the same column on  
 4 the ballot or ballot label. If more than one column is needed to list names of all candidates for that  
 5 office, the names may be arranged in one or more columns in block form. The block shall be set  
 6 apart by rulings under the title of the office. If a blank space follows the list of candidates, the space  
 7 shall be in the same column as the names of candidates for that office. If blocks of columns are used,  
 8 blank spaces shall be included within the ruled block.

9 [(3)] (7) In precincts using voting machines, the ballot label shall be clearly marked to indicate  
 10 when names of candidates for the office are continued on the following page.

11 [(4)] (8) When a measure is submitted to the people, the number, ballot title and financial esti-  
 12 mates under ORS 250.125 of each measure shall be printed after the list of candidates. A measure  
 13 referred by the Legislative Assembly shall be designated "Referred to the People by the Legislative  
 14 Assembly." A state measure referred by petition shall be designated "Referendum Order by Petition  
 15 of the People." A state measure proposed by initiative petition shall be designated "Proposed by  
 16 Initiative Petition."

17 [(5)] (9) For an election conducted at polling places under this chapter, each official ballot shall  
 18 have a removable stub. The stub on the ballots for a precinct shall be numbered consecutively.

19 [(6)] (10) The ballot shall be printed to give the elector a clear opportunity to designate the  
 20 elector's choice for candidates and approval or rejection of measures submitted. In precincts not  
 21 using voting machines the elector shall indicate a preference by making a cross or check mark in-  
 22 side a voting square corresponding to the candidate or answer for which the elector wishes to vote.  
 23 A voting square may be printed on the blank, write-in vote spaces. However, the elector is not re-  
 24 quired to place a mark in the voting square corresponding to a name written in a blank space. On  
 25 the ballot or ballot label shall be printed words to aid the elector, such as "Vote for one," "Vote  
 26 for three," and regarding measures, "Yes" and "No."

27 **SECTION 4.** ORS 249.008 is amended to read:

28 249.008. (1) Except as provided in subsection (2) of this section, before a nominating petition,  
 29 minutes of an assembly of electors, or petition by individual electors is offered for filing, the county  
 30 clerk of each county in which the signatures were secured shall compare the signatures of electors  
 31 on the petition or minutes with the signatures of the electors on the elector registration cards. Any  
 32 petition or minutes submitted for verification under this section shall contain only original signa-  
 33 tures. The county clerk shall attach to the petition or minutes a certificate stating the number of  
 34 signatures believed to be genuine. The certificate is prima facie evidence of the facts stated in it.  
 35 A signature not included in the number certified to be genuine *[shall]* **may** not be counted by the  
 36 officer with whom the petition is filed. *[No]* **A** signature in violation of the provisions of this chapter  
 37 *[shall]* **may not** be counted.

38 (2) If the total number of signatures presented to a county clerk for verification is 15,000 or  
 39 more, the county clerk may use a statistical sampling technique authorized by the Secretary of State  
 40 to verify the signatures. The sample shall be drawn from at least 100 percent of the number of sig-  
 41 natures required for nomination.

42 (3) After signatures of electors on a nominating petition, minutes of an assembly of electors or  
 43 petition by individual electors are submitted for verification, *[no]* **an** elector who signed the petition  
 44 or minutes may **not** remove the signature of the elector from the petition or minutes.

45 **(4) Notwithstanding subsections (1) to (3) of this section, votes cast for candidates de-**

1 **scribed in ORS 254.069 (5) count as valid signatures on a petition by individual electors.**

2 **SECTION 5.** ORS 249.740 is amended to read:

3 249.740. (1) A certificate of nomination made by individual electors shall contain a number of  
4 signatures of electors in the electoral district equal to not less than one percent of the total votes  
5 cast in the electoral district for which the nomination is intended to be made, for all candidates for  
6 presidential electors at the last general election.

7 (2) Each elector signing a certificate of nomination made by individual electors shall include the  
8 residence or mailing address of the elector. Except for a certificate of nomination of candidates for  
9 electors of President and Vice President of the United States, a certificate of nomination made by  
10 individual electors [*shall*] **may** contain the name of only one candidate.

11 (3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certif-  
12 icate shall file a signed copy of the prospective certificate with the filing officer referred to in ORS  
13 249.722. The chief sponsor of the certificate shall include with the prospective certificate a state-  
14 ment declaring whether one or more persons will be paid money or other valuable consideration for  
15 obtaining signatures of electors on the certificate. After the prospective certificate is filed, the chief  
16 sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has  
17 knowledge or should have had knowledge that:

18 (a) Any person is being paid for obtaining signatures, when the statement included with the  
19 prospective certificate declared that no [*such*] person would be paid.

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

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

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

27 **(6) Notwithstanding subsections (1) to (5) of this section, votes cast for candidates de-**  
28 **scribed in ORS 254.069 (5) count as valid signatures on a certificate of nomination under this**  
29 **section.**

30 [(6)] (7) As used in this section, "prospective certificate" means the information, except signa-  
31 tures and other identification of certificate signers, required to be contained in a completed certif-  
32 icate of nomination.

33 **SECTION 6.** ORS 249.722 is amended to read:

34 249.722. (1) Except as provided in subsection (3) of this section, a certificate of nomination of a  
35 candidate for public office shall be filed not sooner than the [*15th day after the date of the primary*  
36 *election*] **415th day** and not later than the 70th day before the date of the general election.

37 (2) A certificate of nomination of a candidate for:

38 (a) State office, United States Senator or Representative in Congress shall be filed with the  
39 Secretary of State.

40 (b) County office shall be filed with the county clerk.

41 (c) City office shall be filed with the chief city elections officer.

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

1 the election.

2 **SECTION 7. The amendments to ORS 249.008, 249.722, 249.740, 254.069, 254.145 and 254.500**  
3 **by sections 1 to 6 of this 2007 Act apply to certificates of nomination filed prior to, on or**  
4 **after the effective date of this 2007 Act for an election to be held on or after the effective**  
5 **date of this 2007 Act.**

6 **SECTION 8. This 2007 Act being necessary for the immediate preservation of the public**  
7 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
8 **on its passage.**

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