

# Senate Bill 742

Sponsored by Senator STARR; Senators ATKINSON, BEYER, G GEORGE, KRUSE, WHITSETT

## 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**.

Deletes requirement that ballot listing candidate for nomination or election to office of judge indicate whether candidate is incumbent.

### A BILL FOR AN ACT

1  
2 Relating to judicial ballots; amending ORS 254.085, 254.125 and 254.135.

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

4 **SECTION 1.** ORS 254.085 is amended to read:

5 254.085. (1) [*The Secretary of State,*] Not later than the 61st day before the date of a primary or  
6 general election, **the Secretary of State** shall file with each county clerk:

7 (a) A statement of the state and congressional district offices to be filled or for which candi-  
8 dates are to be nominated in the county at the election;[,]

9 (b) Information concerning all candidates for the offices;[,] and

10 (c) The state measures to be voted on.

11 (2) *The information concerning candidates for the Supreme Court, Court of Appeals, Oregon Tax*  
12 *Court and circuit court shall include a designation of incumbent for each candidate who is the regu-*  
13 *larly elected or appointed judge of the court to which the candidate seeks election. If a candidate was*  
14 *regularly elected or appointed to a specific position or department on the court, the candidate shall be*  
15 *designated as the incumbent only if the person is a candidate for that position or department.]*

16 [(3)] (2) [*Included with each state measure shall be*] **The secretary shall include with each**  
17 **state measure:**

18 (a) The measure number;[,]

19 (b) The ballot title prepared by the Attorney General under ORS 250.067 (2) or, if the Supreme  
20 Court has reviewed the title under ORS 250.085, the title certified by the court; and

21 (c) The financial estimates **prepared** under ORS 250.125.

22 (3) The Secretary of State shall keep a copy of the [*statement*] **material filed with the county**  
23 **clerk under this section.**

24 **SECTION 2.** ORS 254.125 is amended to read:

25 254.125. (1) The names of candidates for a nonpartisan office at a nominating election held on  
26 the date of the primary election shall be listed without political party designation on a nominating  
27 ballot or ballot label under the title, and department or position number if any, of the office.

28 (2) At the primary election or general election,[:]

29 [(a)] the names of candidates who are opposed for nomination or election to the Supreme Court,  
30 Court of Appeals, Oregon Tax Court and circuit court shall be printed on the ballot before the  
31 names of candidates for those offices who are unopposed.[: and]

**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        *[(b) The word “incumbent” shall follow the name of each candidate for the Supreme Court, Court*  
 2 *of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Secretary of*  
 3 *State under ORS 254.085.]*

4        **SECTION 3.** ORS 254.135 is amended to read:

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

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

8        (b) The date of the election.

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

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

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

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

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

27        (A) For a candidate not affiliated with a political party who is nominated by a minor political  
 28 party, the name of the minor political party shall be added opposite the name of the candidate;

29        (B) For a candidate not affiliated with a political party who is nominated by more than one  
 30 minor political party, the name of the minor political party selected by the candidate shall be added  
 31 opposite the name of the candidate;

32        (C) For a candidate who is a member of a political party who is nominated by a political party  
 33 of which the candidate is not a member, the name of the political party that nominated the candi-  
 34 date shall be added opposite the name of the candidate;

35        (D) For a candidate who is a member of a political party who is nominated by more than one  
 36 political party of which the candidate is not a member, the name of the political party selected by  
 37 the candidate shall be added opposite the name of the candidate; and

38        (E) For a candidate who is nominated by a political party of which the candidate is a member,  
 39 the name of the political party of which the candidate is a member shall be added opposite the name  
 40 of the candidate.

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

44        *[(c) The word “incumbent” shall follow the name of each candidate for the Supreme Court, Court*  
 45 *of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Secretary of*

1 *State under ORS 254.085.]*

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

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

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