

Senate Bill 412

Sponsored by Senator GIROD

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**.

Sets first Tuesday in February of presidential election years as date of presidential primary election.

A BILL FOR AN ACT

1
2 Relating to a presidential primary election; creating new provisions; and amending ORS 246.270,
3 246.560, 247.203, 247.296, 247.410, 247.435, 247.940, 247.945, 248.315, 249.037, 249.170, 249.180,
4 251.026, 251.065, 251.165, 253.030, 253.540, 253.565, 254.016, 254.025, 254.056, 254.069, 254.076,
5 254.115, 254.195, 254.365, 254.370, 254.470, 254.474, 254.555, 260.532 and 316.102.

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

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

8 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in
9 November of each even-numbered year. Except as provided in ORS 254.650, at the general election
10 officers of the state and subdivisions of the state, members of Congress and electors of President
11 and Vice President of the United States as are to be elected in that year shall be elected.

12 (2) The primary election shall be held on the third Tuesday in May of each even-numbered year.
13 At the primary election precinct committeepersons shall be elected and major political party candi-
14 dates **other than candidates for President of the United States** shall be nominated for offices to
15 be filled at the general election held in that year.

16 (3) **The presidential primary election shall be held on the first Tuesday in February of**
17 **each year in which electors of President and Vice President of the United States are to be**
18 **elected. At the presidential primary election, electors may vote for major political party**
19 **candidates for nomination for President of the United States.**

20 (4) **The Secretary of State may adopt rules governing the procedures for conducting a**
21 **presidential primary election under this section.**

22 **SECTION 2.** Except as otherwise provided, as used in the statute laws of this state
23 **“primary election” means the primary election held on the third Tuesday in May of each**
24 **even-numbered year as described in ORS 254.056.**

25 **SECTION 3.** ORS 246.270 is amended to read:

26 246.270. On the day of any primary election, **presidential primary election**, general election
27 or special election held throughout the county, the county clerk's office shall remain open for busi-
28 ness pertaining to the election from 7 a.m. to 8 p.m. of the same day.

29 **SECTION 4.** ORS 246.560 is amended to read:

30 246.560. (1) A voting machine may not be approved by the Secretary of State unless the voting
31 machine is constructed so that it:

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 (a) Secures to the elector secrecy of voting.
- 2 (b) Provides facilities for voting for the candidates of as many political parties or organizations
- 3 as may make nominations and for or against as many measures as may be submitted.
- 4 (c) Permits the elector to vote for any person and as many persons for an office and upon any
- 5 measure for which the elector has the right to vote.
- 6 (d) Permits the elector, except at a primary **or presidential primary** election, to vote for all
- 7 the candidates of one party or in part for the candidates of one party and in part for the candidates
- 8 of one or more other parties.
- 9 (e) Correctly records on a separate ballot the votes cast by each elector for any person and for
- 10 or against any measure.
- 11 (f) Provides that a vote for more than one candidate cannot be cast by one single operation of
- 12 the voting machine or vote tally system except for President and Vice President and electors for
- 13 those offices.
- 14 (g) Provides that straight party pointers shall be disconnected from all candidate pointers.
- 15 (h) Contains a device that will duplicate the votes cast by each elector onto a paper record
- 16 copy.
- 17 (i) Contains a device that will allow each elector to view the elector's paper record copy while
- 18 preventing the elector from directly handling the paper record copy.
- 19 (2) A vote tally system shall be:
- 20 (a) Capable of correctly counting votes on ballots on which the proper number of votes have
- 21 been marked for any office or measure that has been voted.
- 22 (b) Capable of ignoring the votes marked for any office or measure if more than the allowable
- 23 number of votes have been marked, but shall correctly count the properly voted portions of the
- 24 ballot.
- 25 (c) Capable of accumulating a count of the specific number of ballots tallied for a precinct, ac-
- 26 cumulating total votes by candidate for each office, and accumulating total votes for and against
- 27 each measure of the ballots tallied for a precinct.
- 28 (d) Capable of tallying votes from ballots of different political parties, from the same precinct,
- 29 in a primary **or presidential primary** election.
- 30 (e) Capable of accommodating the procedure established under ORS 254.155.
- 31 (f) Capable of automatically producing precinct totals in either printed, marked, or punched
- 32 form, or combinations thereof.

33 **SECTION 5.** ORS 247.203 is amended to read:

34 247.203. An elector who updates a registration during the period extending from the 20th day
 35 before a primary **or presidential primary** election to the date of the primary **or presidential pri-**
 36 **mary** election may not, during that period:

- 37 (1) Change the elector's political party affiliation if the elector's immediate past registration
- 38 record shows the elector was or is registered as affiliated with a political party.
- 39 (2) Terminate affiliation with a political party if the elector's immediate past registration record
- 40 shows the elector was or is registered as affiliated with a political party.
- 41 (3) Adopt a political party affiliation if the elector's immediate past registration shows that the
- 42 elector was not or is not registered as affiliated with a political party.

43 **SECTION 6.** ORS 247.296 is amended to read:

44 247.296. (1) The county clerk shall use records of the United States Postal Service relating to
 45 ballots issued by mail to verify the accuracy of addresses of electors contained in the registration

1 file of the county clerk.

2 (2) Based on information obtained under subsection (1) of this section, the county clerk shall
3 automatically update the registration of an elector under ORS 247.292 or mail a notice described in
4 ORS 247.563.

5 (3) The registration of an elector [*shall*] **may** not be canceled during the 90-day period prior to
6 any primary **election, presidential primary election** or general election based on information ob-
7 tained under this section.

8 **SECTION 7.** ORS 247.410 is amended to read:

9 247.410. A person who is qualified to register, except that the person will have resided in this
10 state less than 20 days before the election, may vote in the election for candidates for nomination
11 or election for President or Vice President of the United States or elector of President and Vice
12 President of the United States if the person:

13 (1) Did not vote for the nomination of such candidates in another state during the six months
14 immediately preceding the person's request for registration to vote for the nomination of such can-
15 didates in the **presidential** primary election in this state; or

16 (2) Did not vote for the election of such candidates in another state during the six months im-
17 mediately preceding the person's request for registration to vote for the election of such candidates
18 in the general election in this state.

19 **SECTION 8.** ORS 247.435 is amended to read:

20 247.435. An elector of this state who moves to another state after the 31st day before a **presi-**
21 **dential** primary or general election for President or for electors of President and Vice President,
22 and who does not qualify to vote in the state of the elector's present residence, may vote for these
23 offices in the **presidential** primary or general election in this state. The ballot for a person voting
24 under this section shall be marked "Presidential only."

25 **SECTION 9.** ORS 247.940 is amended to read:

26 247.940. (1) Not later than the 21st day before any primary election, **presidential primary**
27 **election,** general election or special congressional election, a major political party qualified under
28 ORS 248.006 or its affiliate within the county or a minor political party qualified under ORS 248.008
29 may request from the county clerk a list of active electors, as described in ORS 247.013, of the
30 county. Except as provided in this section, the list shall contain the name, party affiliation, resi-
31 dence or mailing address and precinct name or number of each active elector and shall be arranged
32 in groups by election precinct. The list may not contain any information about participants in the
33 Address Confidentiality Program established under ORS 192.820 to 192.868. A major political party
34 or its affiliate within the county or a minor political party may make no more than two separate
35 requests under this subsection.

36 (2) If the county clerk receives a request under subsection (1) of this section, the clerk shall
37 deliver the list not later than:

38 (a) Ten days after receiving the request; or

39 (b) The date requested, provided that the date requested is more than 10 days after the request
40 was made and at least 10 days before the date of any primary election, **presidential primary**
41 **election,** general election or special congressional election.

42 (3) The county clerk may not charge for preparation or delivery of the list supplied under this
43 section.

44 **SECTION 10.** ORS 247.945 is amended to read:

45 247.945. (1) The county clerk, upon request before the 45th day before a primary **election,**

1 **presidential primary election**, general **election** or special election, shall deliver to any person a
 2 list of electors. The list may not contain any information about participants in the Address
 3 Confidentiality Program established under ORS 192.820 to 192.868. The lists shall be prepared in the
 4 manner requested, limited only to the capabilities of the Secretary of State or the county clerk.

5 (2) The county clerk shall collect and pay into the county treasury a charge for the actual cost
 6 of supplying lists under subsection (1) of this section.

7 (3) The county clerk shall keep a record of all persons to whom a list of electors is delivered
 8 under this section.

9 (4) Upon request, the Secretary of State shall deliver to any person a statewide list of electors.
 10 The secretary shall charge a fee of \$500 for delivering a list under this subsection. The list may not
 11 contain any information about participants in the Address Confidentiality Program established under
 12 ORS 192.820 to 192.868.

13 **SECTION 11.** ORS 248.315 is amended to read:

14 248.315. (1) After a presidential [*preference*] primary election, each major political party whose
 15 national affiliate holds a convention to select its nominee for President of the United States shall
 16 select delegates to the national convention of that party.

17 (2) Delegates to the national convention of a party shall be selected in the manner provided by
 18 party rules, which shall provide all electors registered as members of the party equal opportunity
 19 to participate in the selection of delegates.

20 (3) Delegates to the national convention of the party shall be selected so that the number of
 21 delegates who favor a certain candidate shall represent the proportion of votes received by the
 22 candidate in relation to the other candidates of that party at the presidential [*preference*] primary
 23 election. Each person selected as a delegate shall sign a pledge that the person will continue to
 24 support at the national convention the candidate for President of the United States the person is
 25 selected as favoring until:

26 (a) The candidate is nominated at the convention;

27 (b) The candidate receives less than 35 percent of the votes for nomination at the convention;

28 (c) The candidate releases the delegate from the pledge; or

29 (d) Two convention nominating ballots have been taken.

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

31 249.037. (1) A nominating petition or declaration of candidacy shall be filed not sooner than the
 32 250th day and not later than the 70th day before the date of the primary **or presidential primary**
 33 election.

34 (2) Notwithstanding subsection (1) of this section, a declaration of candidacy for the office of
 35 precinct committeeperson may not be filed before February 1 immediately preceding the primary
 36 election.

37 **SECTION 13.** ORS 249.170 is amended to read:

38 249.170. (1) A candidate who has filed a declaration of candidacy or a nominating petition may
 39 withdraw not later than the 67th day before the date of the primary **or presidential primary**
 40 election by filing a statement of withdrawal with the filing officer with whom the declaration or
 41 petition was filed. The statement shall be made under oath and state the reasons for withdrawal.

42 (2) The official with whom a declaration of candidacy is filed, upon request received not later
 43 than the 67th day before the date of the primary **or presidential primary** election, shall refund the
 44 filing fee of a candidate who dies, withdraws or becomes ineligible for the nomination.

45 **SECTION 14.** ORS 249.180 is amended to read:

1 249.180. Any person who has been nominated at a primary **or presidential primary** election,
2 or any person who has been nominated to fill a vacancy as provided in ORS 188.120 or 249.190 and
3 249.200, may withdraw from nomination by filing a written statement declining the nomination and
4 stating the reason for withdrawal. The statement shall be signed by the candidate and filed not later
5 than the 67th day before the general election with the officer with whom the candidate's declaration
6 of candidacy or nominating petition was filed.

7 **SECTION 15.** ORS 251.026 is amended to read:

8 251.026. (1) The Secretary of State shall prepare and have printed in the voters' pamphlet for
9 the [state] primary election **described in ORS 254.056 (2)**, the general election and any special
10 election described in ORS 251.022 a statement containing, if applicable:

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

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

13 (c) In the voters' pamphlet for the primary election, a statement of the duties and responsibil-
14 ities of a precinct committeeperson to be elected at the primary election.

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

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

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

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

21 (b) Voter registration forms.

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

24 **SECTION 16.** ORS 251.065 is amended to read:

25 251.065. (1) Not later than the 68th day before the primary election, any candidate or agent on
26 behalf of the candidate for nomination or election at the primary election to the office of [*President*
27 *or Vice President of the United States,*] United States Senator, Representative in Congress or any
28 state office as defined in ORS 249.002 may file with the Secretary of State a portrait of the candidate
29 and a printed or typewritten statement of the reasons the candidate should be nominated or elected.
30 A candidate or agent on behalf of the candidate for nomination or election to any county or city
31 office, or to an elected office of a metropolitan service district organized under ORS chapter 268,
32 may file a portrait and statement under this subsection if permitted under ORS 251.067.

33 (2) Not later than the 70th day before the general election, any candidate or agent on behalf
34 of the candidate for election at the general election to the office of President or Vice President of
35 the United States, United States Senator, Representative in Congress or any state office as defined
36 in ORS 249.002 may file with the Secretary of State a portrait of the candidate and a printed or
37 typewritten statement of the reasons the candidate should be elected. A candidate or agent on behalf
38 of the candidate for election to any county or city office, or to an elected office of a metropolitan
39 service district organized under ORS chapter 268, may file a portrait and statement under this sub-
40 section if permitted under ORS 251.067.

41 (3) In the case of a special election to fill a vacancy as described in ORS 251.022, the Secretary
42 of State by rule shall set the deadline for filing with the secretary a portrait of the candidate and
43 a printed or typewritten statement of the reasons the candidate should be nominated or elected.

44 (4) Subject to subsections (1) to (3) of this section, the Secretary of State by rule shall establish
45 the format of the statements permitted under this section.

1 (5) A portrait or statement filed under this section shall be accompanied by a telephone or
2 electronic facsimile transmission machine number where the candidate may be contacted for pur-
3 poses of ORS 251.087.

4 **SECTION 17.** ORS 251.165 is amended to read:

5 251.165. (1) The Secretary of State shall prepare:

6 (a) A list of the names of candidates for nomination or election at the primary election to the
7 offices of [*President or Vice President of the United States,*] United States Senator, Representative
8 in Congress, any state office other than justice of the peace and any county or city office or elected
9 office of a metropolitan service district required to be included under ORS 251.067, or a list of names
10 of candidates for election at the general election to the offices of President or Vice President of the
11 United States, United States Senator, Representative in Congress, any state office other than justice
12 of the peace and any county or city office or elected office of a metropolitan service district re-
13 quired to be included under ORS 251.067, along with a designation of the offices for which the can-
14 didates are competing;

15 (b) All portraits and statements filed under ORS 251.065 and 251.115; and

16 (c) The information specified in ORS 251.185 relating to measures to be voted upon at the
17 election for which the pamphlet is prepared.

18 (2) For a special election described in ORS 251.022, the Secretary of State shall prepare a list
19 of the names of candidates for nomination or election to the offices of United States Senator or
20 Representative in Congress along with all portraits and statements filed for the special election
21 under ORS 251.065.

22 (3) The items specified in subsections (1) and (2) of this section shall be properly compiled, ed-
23 ited, prepared and indexed for printing by the Secretary of State before delivery to the printer.

24 **SECTION 18.** ORS 253.030 is amended to read:

25 253.030. (1) Before an election any elector may apply to the clerk for the absentee ballot of the
26 election.

27 (2) An application for an absentee ballot must be received by the clerk not later than 8 p.m. the
28 day of the election.

29 (3) If an applicant not affiliated with any political party desires to vote in any major political
30 party primary **or presidential primary** election, the applicant may request and shall be sent a
31 ballot for a major political party if that political party has provided under ORS 254.365 for a primary
32 **or presidential primary** election that admits electors not affiliated with any political party.

33 (4) Application for an absentee ballot may be made in any manner designated by the Secretary
34 of State by rule, including in writing, by electronic mail or by using a facsimile machine. As used
35 in this subsection, "facsimile machine" means a machine that electronically transmits or receives
36 facsimiles of documents through connection with a telephone network.

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

39 **SECTION 19.** ORS 253.540 is amended to read:

40 253.540. (1) Any long term absent elector may secure an absentee ballot by submitting an ap-
41 plication as specified in subsection (2) of this section to the clerk of the county of the long term
42 absent elector's residence, or to the Secretary of State. If the application is addressed to the Sec-
43 retary of State, the secretary shall forward it to the appropriate county clerk.

44 (2) An application for an absentee ballot by a long term absent elector shall be made in the form
45 of a written request. The application shall be valid for every subsequent election until the elector

1 otherwise notifies the clerk or is no longer an elector of the county. The application shall be signed
2 by the applicant and contain:

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

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

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

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

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

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

12 (g) If the applicant desires to vote in a primary **or presidential primary** election, a designation
13 of the applicant's political party affiliation or a statement that the applicant is not affiliated with
14 any political party. An applicant not affiliated with any political party may request a ballot for a
15 major political party. The applicant shall be sent the ballot for the political party that the applicant
16 requested if that political party has provided under ORS 254.365 for a primary **or presidential**
17 **primary** election that admits electors not affiliated with any political party.

18 **SECTION 20.** ORS 253.565 is amended to read:

19 253.565. (1) Any long term absent elector may secure a special absentee ballot for a primary
20 election, **presidential primary election** or general election by making an application under this
21 section if the elector believes that:

22 (a) The elector will be residing, stationed or working outside the territorial limits of the United
23 States and the District of Columbia; and

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

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

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

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

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

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

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

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

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

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

43 (i) If the applicant requests a ballot for a primary **or presidential primary** election, a desig-
44 nation of the applicant's political party affiliation or a statement that the applicant is not affiliated
45 with any political party. An applicant not affiliated with any political party may request a ballot for

1 a major political party. The applicant shall be sent the ballot for the political party that the appli-
 2 cant requested if that political party has provided under ORS 254.365 for a primary **or presidential**
 3 **primary** election that admits electors not affiliated with any political party.

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

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

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

12 **SECTION 21.** ORS 254.016 is amended to read:

13 254.016. Any primary election, **presidential primary election**, general election or special
 14 election held in this state shall be conducted under the provisions of this chapter, unless specifically
 15 provided otherwise in the statute laws of this state.

16 **SECTION 22.** ORS 254.025 is amended to read:

17 254.025. (1) Statutes applicable to primary **and presidential primary** elections shall be con-
 18 strued as though the [*primary*] elections are separate elections for each major political party nomi-
 19 nating candidates.

20 (2) The primary **and presidential primary** elections shall be conducted as nearly as possible
 21 according to the theory expressed in the preamble to chapter 1, Oregon Laws 1905.

22 **SECTION 23.** ORS 254.069 is amended to read:

23 254.069. (1) An elector may not participate in more than one nominating process for each par-
 24 tisan public office to be filled at the general election.

25 (2) An elector is considered to have participated in the nominating process for each partisan
 26 public office listed on the ballot at a primary **or presidential primary** election if the elector re-
 27 turned a ballot of a major political party at the primary **or presidential primary** election.

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

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

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

36 (4) If a filing officer described in ORS 249.722 determines that an elector who has signed the
 37 minutes of an assembly of electors under ORS 249.735 or a certificate of nomination under ORS
 38 249.740 has attempted to participate in more than one nominating process for the same office to be
 39 filled at the general election, the signature of the elector may not be considered for purposes of ORS
 40 249.735 or 249.740.

41 **SECTION 24.** ORS 254.076 is amended to read:

42 254.076. The chief elections officer shall keep a register of candidates for nomination at the
 43 primary **or presidential primary** election. The register, if applicable, shall contain for each major
 44 political party:

45 (1) The title of each office for which the major political party will nominate candidates at the

1 primary or **presidential primary** election.

2 (2) The name and mailing address of each candidate for nomination at the primary or **presi-**
 3 **dential primary** election.

4 (3) The name of the major political party with which the candidate is registered as affiliated.

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

6 (5) The date of filing of the completed petition for nomination of the candidate, the number of
 7 valid signatures contained and the number of signatures required.

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

9 (7) Such other information as may aid the chief elections officer in arranging the official ballot
 10 for the primary or **presidential primary** election.

11 **SECTION 25.** ORS 254.115 is amended to read:

12 254.115. (1) The official primary election ballot shall be styled “Official Primary Nominating
 13 Ballot for the _____ Party” [.] and shall state:

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

15 (b) The date of the primary election.

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

19 (d) The names of candidates for election as precinct committeeperson.

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

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

24 (3) The ballot may not contain the name of any person other than those referred to in sub-
 25 sections (1) and (2) of this section. The name of each candidate for whom a nominating petition or
 26 declaration of candidacy has been filed shall be printed on the ballot in [*but*] **only** one place. In the
 27 event that two or more candidates for the same nomination or office have the same or similar sur-
 28 names, the location of their places of residence shall be printed opposite their names to distinguish
 29 one from another.

30 **SECTION 26.** Section 27 of this 2009 Act is added to and made a part of ORS chapter 254.

31 **SECTION 27.** (1) The official presidential primary election ballot shall be styled “Official
 32 **Ballot**” and shall state:

33 (a) **The date of the presidential primary election.**

34 (b) **The names of the candidates for the party nomination for President of the United**
 35 **States who qualified for the ballot under ORS 249.078.**

36 (2) **The name of each candidate shall be printed on the ballot in only one place. In the**
 37 **event that two or more candidates for the nomination have the same or similar surnames,**
 38 **the location of the places of residence of the candidates shall be printed opposite their names**
 39 **to distinguish one from another.**

40 **SECTION 28.** ORS 254.195 is amended to read:

41 254.195. (1) Official ballots shall be printed in black ink upon good quality material. The primary
 42 **or presidential primary** election ballots shall be of different colors for the major political parties.

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

45 **SECTION 29.** ORS 254.365 is amended to read:

1 254.365. (1) An elector is not qualified or permitted to vote at any primary **or presidential**
 2 **primary** election for any candidate of a major political party, and it is unlawful for the elector to
 3 offer to do so, unless:

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

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

10 (2) Except as provided in ORS 254.470 (3), any elector offering to vote at the primary **or pres-**
 11 **idential primary** election shall be given a ballot of the major political party with which the elector
 12 is registered as being affiliated. The elector may not be given a ballot of any other political party
 13 at that primary **or presidential primary** election. An elector not affiliated with any political party
 14 and offering to vote at the primary **or presidential primary** election shall be given the ballot of the
 15 major political party in whose primary **or presidential primary** election the elector wishes to vote
 16 if that party has provided under subsection (3) of this section for a primary **or presidential primary**
 17 election that admits electors not affiliated with any political party. An elector not affiliated with
 18 any political party who is given a ballot of the major political party associates with the party for
 19 the purpose of voting in that primary **or presidential primary** election.

20 (3)(a) Not later than the 90th day before the date of the primary **or presidential primary**
 21 election, a major political party may file with the Secretary of State a certified copy of the current
 22 party rule allowing an elector not affiliated with any political party to vote in the party's primary
 23 **or presidential primary** election. The party may not repeal the rule as filed during the 90 days
 24 before the primary **or presidential primary** election. The rule shall continue to be effective after
 25 the date of the primary **or presidential primary** election until the party gives written notice to the
 26 Secretary of State that the rule has been repealed. Except as provided in paragraph (b) of this sub-
 27 section, a party rule under this subsection may limit the candidates for whom an elector who is not
 28 affiliated with any political party may vote.

29 (b) The party rule shall allow any elector who is permitted to vote for the most numerous
 30 branch of the Legislative Assembly also to vote in federal legislative elections, consistent with sec-
 31 tion 2, Article I, and the Seventeenth Amendment to the United States Constitution.

32 (4) If the primary election ballot includes city, county or nonpartisan offices or measures, and
 33 it is given to an elector who is not eligible to vote for party candidates, the ballot shall be marked
 34 "non-affiliated."

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

36 254.370. The county clerk shall maintain:

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

39 (2) At each primary **or presidential primary** election, a record of the number of electors who
 40 voted from each major political party;

41 (3) A record of all electors registered as not being affiliated with any political party who vote
 42 in a primary **or presidential primary** election of a major political party that has provided under
 43 ORS 254.365 for a primary **or presidential primary** election that admits electors not affiliated with
 44 any political party; and

45 (4) A record of all electors registered as not being affiliated with any political party who vote

1 in the general election.

2 **SECTION 31.** ORS 254.470, as amended by section 5, chapter 53, Oregon Laws 2008, is amended
3 to read:

4 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
5 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
6 dates and times the places of deposit must be open and the security requirements for the places of
7 deposit. At a minimum, the places designated under this section shall be open on the date of the
8 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
9 of deposit designated under this section, the county clerk shall prominently display a sign stating
10 that the location is an official ballot drop site.

11 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the county clerk shall mail
12 by nonforwardable mail an official ballot with a return identification envelope and a secrecy envel-
13 ope not sooner than the 18th day before the date of an election and not later than the 14th day
14 before the date of the election, to each active elector of the electoral district as of the 21st day
15 before the date of the election.

16 (b) If the county clerk determines that an active elector of the electoral district as of the 21st
17 day before the date of the election does not receive daily mail service from the United States Postal
18 Service, the county clerk shall mail by nonforwardable mail an official ballot with a return iden-
19 tification envelope and a secrecy envelope to the elector not sooner than the 20th day before the
20 date of an election and not later than the 18th day before the date of the election.

21 (c) In the case of ballots to be mailed to addresses outside this state to electors who are not
22 long-term absent electors, the county clerk may mail the ballots not sooner than the 29th day before
23 the date of the election.

24 (3) For an election held on the date of a primary **or presidential primary** election:

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

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

32 (c) An elector not affiliated with any political party who wishes to vote in the primary **or**
33 **presidential primary** election of a major political party shall apply to the county clerk in writing.
34 The application shall indicate which major political party ballot the elector wishes to receive. Ex-
35 cept for electors described in subsection (4) of this section, and subject to ORS 247.203, the appli-
36 cation must be received by the county clerk not later than 5 p.m. of the 21st day before the date
37 of the election.

38 (d) If the primary election ballot includes city, county or nonpartisan offices or measures, the
39 county clerk shall mail to each elector who is not eligible to vote for party candidates a ballot
40 limited to those offices and measures for which the elector is eligible to vote.

41 (4) For each elector who updates a voter registration after the deadline in ORS 247.025, the
42 county clerk shall make the official ballot, the return identification envelope and the secrecy en-
43 velope available either by mail or at the county clerk's office or at another place designated by the
44 county clerk. An elector to whom this subsection applies must request a ballot from the county
45 clerk.

1 (5) The ballot shall contain the following warning:
 2 _____
 3

4 Any person who, by use of force or other means, unduly influences an elector to vote in any
 5 particular manner or to refrain from voting is subject to a fine.
 6 _____
 7

8 (6) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
 9 the return identification envelope supplied with the ballot and comply with the instructions provided
 10 with the ballot. The elector may return the marked ballot to the county clerk by United States mail
 11 or by depositing the ballot at the office of the county clerk, at any place of deposit designated by
 12 the county clerk or at any location described in ORS 254.472 or 254.474. The ballot must be returned
 13 in the return identification envelope. If the elector returns the ballot by mail, the elector must
 14 provide the postage. A ballot must be received at the office of the county clerk, at the designated
 15 place of deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the
 16 period determined under subsection (1) of this section on the date of the election.

17 (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not
 18 received by the elector. Replacement ballots shall be issued and processed as described in this
 19 section and ORS 247.307 and 254.480. The county clerk shall keep a record of each replacement
 20 ballot provided under this subsection. Notwithstanding any deadline for mailing ballots in subsection
 21 (2) of this section, a replacement ballot may be mailed, made available in the office of the county
 22 clerk or made available at one central location in the electoral district in which the election is
 23 conducted. The county clerk shall designate the central location. A replacement ballot need not be
 24 mailed after the fifth day before the date of the election.

25 (8) A ballot shall be counted only if:

- 26 (a) It is returned in the return identification envelope;
- 27 (b) The envelope is signed by the elector to whom the ballot is issued; and
- 28 (c) The signature is verified as provided in subsection (9) of this section.

29 (9) The county clerk shall verify the signature of each elector on the return identification en-
 30 velope with the signature on the elector’s registration card, according to the procedure provided by
 31 rules adopted by the Secretary of State. If the county clerk determines that an elector to whom a
 32 replacement ballot has been issued has voted more than once, the county clerk shall count only one
 33 ballot cast by that elector.

34 (10) At 8 p.m. on election day, electors who are at the county clerk’s office, a place of deposit
 35 designated under subsection (1) of this section or any location described in ORS 254.472 or 254.474
 36 and who are in line waiting to vote or deposit a voted ballot shall be considered to have begun the
 37 act of voting.

38 **SECTION 32.** ORS 254.474 is amended to read:

39 254.474. (1) At each primary election, **presidential primary election** and general election, the
 40 county clerk shall maintain voting booths in the county as follows:

41 (a) In each county with 35,000 or more electors in the county, the county clerk shall maintain
 42 a number of voting booths equal to at least one voting booth for every 20,000 electors in the county;
 43 and

44 (b) In each county with fewer than 35,000 electors in the county, the county clerk shall maintain
 45 at least one voting booth.

1 (2) The county clerk may determine the location of the voting booths required under this sec-
 2 tion.

3 **SECTION 33.** ORS 254.555 is amended to read:

4 254.555. (1) Except as provided in ORS 254.548, not later than the 30th day after any election,
 5 the Secretary of State, regarding offices for which the secretary receives filings for nomination,
 6 shall:

7 (a) Canvass the votes for the offices, except the office of Governor after the general election.

8 (b) Enter in a register of nominations after the primary **or presidential primary** election the
 9 name and, if applicable, major political party of each candidate nominated, the office for which the
 10 candidate is nominated, and the date of entry.

11 (c) Prepare and deliver a certificate of nomination or election to each candidate having the most
 12 votes for nomination for or election to the office. The Secretary of State shall sign the certificate
 13 under the seal of the state.

14 (d) Issue a proclamation declaring the election of candidates to the offices.

15 (2) Not later than the 30th day after the election:

16 (a) The Secretary of State, regarding measures for which the secretary as the filing officer, shall
 17 canvass the votes for each measure.

18 (b) The Governor shall issue a proclamation giving the number of votes cast for or against each
 19 such measure, and declaring the approved measures as the law on the effective date of the measure.
 20 If two or more approved measures contain conflicting provisions, the Governor shall proclaim which
 21 is paramount.

22 **SECTION 34.** ORS 260.532 is amended to read:

23 260.532. (1) *[No person shall]* **A person may not** cause to be written, printed, published, posted,
 24 communicated or circulated, any letter, circular, bill, placard, poster, photograph or other publica-
 25 tion, or cause any advertisement to be placed in a publication, or singly or with others pay for any
 26 advertisement, with knowledge or with reckless disregard that the letter, circular, bill, placard,
 27 poster, photograph, publication or advertisement contains a false statement of material fact relating
 28 to any candidate, political committee or measure.

29 (2) As used in subsection (1) of this section, “cause” does not include the broadcast of an ad-
 30 vertisement by a radio or television station or cable television company unless the advertisement
 31 is for:

32 (a) The candidacy of the owner, licensee or operator of the station or company; or

33 (b) A ballot measure of which a chief petitioner is the owner, licensee or operator of the station
 34 or company.

35 (3) A candidate who knows of and consents to a publication or advertisement prohibited by this
 36 section with knowledge or with reckless disregard that it contains a false statement of material fact,
 37 violates this section regardless of whether the candidate has participated directly in the publication
 38 or advertisement.

39 (4) There is a rebuttable presumption that a candidate knows of and consents to any publication
 40 or advertisement prohibited by this section caused by a political committee over which the candi-
 41 date exercises any direction and control.

42 (5) Any candidate or political committee aggrieved by a violation of this section shall have a
 43 right of action against the person alleged to have committed the violation. The aggrieved party may
 44 file the action in the circuit court for any county in this state in which a defendant resides or can
 45 be found or, if the defendant is a nonresident of this state, in the circuit court for any county in

1 which the publication occurred. To prevail in such an action, the plaintiff must show by clear and
2 convincing evidence that the defendant violated subsection (1) of this section.

3 (6) A plaintiff who prevails in an action provided by subsection (5) of this section may recover
4 economic and noneconomic damages, as defined in ORS 31.710, or \$2,500, whichever is greater. The
5 court may award such additional equitable relief as it considers necessary or proper. The equitable
6 relief may include, but is not limited to, a requirement that a retraction of the false statement be
7 disseminated in the manner directed by the court. Proof of entitlement to economic and noneconomic
8 damages must be by a preponderance of evidence. The court shall award the prevailing party rea-
9 sonable attorney fees at trial and on appeal.

10 (7) A political committee has standing to bring an action provided by subsection (5) of this sec-
11 tion as plaintiff in its own name, if its purpose as evidenced by its preelection activities, solicitations
12 and publications has been injured by the violation and if it has fully complied with the provisions
13 of this chapter. In an action brought by a political committee as provided by subsection (5) of this
14 section, the plaintiff may recover economic and noneconomic damages for all injury to the purpose
15 of the committee as provided in subsection (6) of this section.

16 (8) If a judgment is rendered in an action under this section against a defendant who has been
17 nominated to public office or elected to a public office other than state Senator or state Represen-
18 tative, and it is established by clear and convincing evidence that the false statement was delib-
19 erately made or caused to be made by the defendant, the finder of fact shall determine whether the
20 false statement reversed the outcome of the election. If the finder of fact finds by clear and con-
21 vincing evidence that the false statement reversed the outcome of the election, the defendant shall
22 be deprived of the nomination or election and the nomination or office shall be declared vacant.

23 (9) An action under this section must be filed not later than the 30th day after the election re-
24 lating to which a publication or advertisement in violation of this section was made. Proceedings
25 on a complaint filed under this section shall have precedence over all other business on the docket.
26 The courts shall proceed in a manner which will ensure that:

27 (a) Final judgment on a complaint which relates to a primary **or presidential primary** election
28 or nominating election is rendered before the 30th day before the general election; and

29 (b) Final judgment on a complaint which relates to an election to an office is rendered before
30 the term of that office begins.

31 (10) The remedy provided by this section is the exclusive remedy for a violation of this section.

32 **SECTION 35.** ORS 316.102 is amended to read:

33 316.102. (1) A credit against taxes shall be allowed for voluntary contributions in money made
34 in the taxable year:

35 (a) To a major political party qualified under ORS 248.006 or to a committee thereof or to a
36 minor political party qualified under ORS 248.008 or to a committee thereof.

37 (b) To or for the use of a person who [*must be*] **is** a candidate for nomination or election to a
38 federal, state or local elective office in any primary election, **presidential primary election**, gen-
39 eral election or special election in this state. The person must, in the calendar year in which the
40 contribution is made, either be listed on a primary election, **presidential primary election**, general
41 election or special election ballot in this state or have filed in this state one of the following:

42 (A) A prospective petition;

43 (B) A declaration of candidacy;

44 (C) A certificate of nomination; or

45 (D) A designation of a principal campaign committee.

1 (c) To a political committee, as defined in ORS 260.005, if the political committee has certified
2 the name of its treasurer to the filing officer, as defined in ORS 260.005, in the manner provided in
3 ORS chapter 260.

4 (2) The credit allowed by subsection (1) of this section shall be the lesser of:

5 (a) The total contribution, not to exceed \$50 on a separate return; the total contribution, not to
6 exceed \$100 on a joint return; or

7 (b) The tax liability of the taxpayer.

8 (3) The claim for tax credit shall be substantiated by submission, with the tax return, of official
9 receipts of the candidate, agent, political party or committee thereof or political committee to whom
10 contribution was made.

11
