

Senate Bill 263

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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**.

Provides that words "nonaffiliated/independent" follow name of candidate who is nominated for partisan office by assembly of electors or individual electors on certificate of nomination and ballot. Prohibits use of word "independent" in name of major or minor political party.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to political parties; creating new provisions; amending ORS 249.720 and 254.135; and de-
3 claring an emergency.

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

SECTION 1. The Legislative Assembly finds that:

5
6 **(1) Use of the word "independent" in the name of a political party causes widespread**
7 **voter confusion and threatens the integrity and administration of the election laws; and**

8 **(2) Until 2005, election laws used the term "independent" to identify a person not affil-**
9 **iated with a political party.**

SECTION 2. ORS 254.135 is amended to read:

10 254.135. (1) The official general or special election ballot shall be styled "Official Ballot" and
11 shall state:

12
13 (a) The name of the county for which it is intended.

14 (b) The date of the election.

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16 been made and accepted and who have not died, withdrawn or become disqualified.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

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

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

27 (3)(a) The name of each candidate nominated shall be printed upon the ballot in but one place,
28 without regard to how many times the candidate may have been nominated. The name of a political
29 party, or names of political parties, shall be added opposite the name of a candidate for other than

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 nonpartisan office according to the following rules:

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

4 (B) For a candidate not affiliated with a political party who is nominated by more than one
5 minor political party, the names of not more than three minor political parties selected by the can-
6 didate shall be added opposite the name of the candidate;

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

10 (D) For a candidate who is a member of a political party who is nominated by more than one
11 political party of which the candidate is not a member, the names of not more than three political
12 parties selected by the candidate shall be added opposite the name of the candidate;

13 (E) For a candidate who is nominated only by a political party of which the candidate is a
14 member, the name of the political party of which the candidate is a member shall be added opposite
15 the name of the candidate; and

16 (F) For a candidate who is nominated by a political party of which the candidate is a member
17 and by any political party or parties of which the candidate is not a member, the name of the poli-
18 tical party of which the candidate is a member and the names of not more than two other political
19 parties selected by the candidate shall be added opposite the name of the candidate.

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

23 (c) The word "incumbent" shall follow the name of each candidate for the Supreme Court, Court
24 of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the Secretary
25 of State under ORS 254.085.

26 (d) The [*word "nonaffiliated"*] **words "nonaffiliated/independent"** shall follow the name of each
27 candidate who is not affiliated with a political party and who is nominated by an assembly of elec-
28 tors or individual electors.

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

31 **SECTION 3.** ORS 249.720 is amended to read:

32 249.720. (1) A certificate of nomination shall contain:

33 (a) The name by which the candidate is commonly known. A candidate may use a nickname in
34 parentheses in connection with the full name.

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

36 (c) The office, and department or position number if any, for which the candidate is nominated.

37 (d) The name of the minor political party, if any, that nominated the candidate.

38 (e) If the candidate is nominated for a partisan office by an assembly of electors or individual
39 electors, the [*word "nonaffiliated"*] **"nonaffiliated/independent"** and a statement that the candidate
40 has not been a member of a major or minor political party during at least 180 days before the
41 deadline for filing the certificate of nomination.

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

43 (g) The signature of the candidate.

44 (h) A statement of the candidate's occupation, educational and occupational background and
45 prior governmental experience.

1 (2) For certificates of nomination of candidates for electors of President and Vice President of
 2 the United States, the names of the candidates for President and Vice President the candidates
 3 represent may be added to the name of the minor political party or the word “nonaffiliated,” as the
 4 case may be. The names of all the candidates of a minor political party, or nonaffiliated candidates,
 5 for electors of President and Vice President may be upon the same certificate of nomination.

6 (3) A certificate of nomination made by an assembly of electors shall be signed by the presiding
 7 officer and secretary of the nominating convention of the assembly. A certificate of nomination made
 8 by a minor political party shall be signed by an officer of the party. An affidavit shall be made on
 9 the certificate by the presiding officer and secretary of the nominating convention of the assembly
 10 or by the officer of the minor political party and signed and acknowledged by them before a notary
 11 public. The affidavit shall be that the statements in the certificate of nomination and related docu-
 12 ments are true. With respect to an assembly of electors, the affidavit shall state that the assembly
 13 satisfied the requirements of ORS 249.735.

14 **SECTION 4. The word “independent” may not be included or used as any part of the**
 15 **name of a major or minor political party.**

16 **SECTION 5. (1) Notwithstanding ORS 248.008 (6), a minor political party may change the**
 17 **name of the party to exclude the word “independent,” and the change shall not affect the**
 18 **membership of the party.**

19 **(2) This section is repealed on January 1, 2012.**

20 **SECTION 6. This 2011 Act being necessary for the immediate preservation of the public**
 21 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
 22 **on its passage.**

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