

# Senate Bill 910

Sponsored by COMMITTEE ON RULES (at the request of Governor John A. Kitzhaber)

## 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. Provides that when one candidate for voter choice office receives majority of votes at primary election, name of that candidate alone is printed on general election ballot.

Allows political parties to file party rule with Secretary of State describing qualifications candidate must satisfy to be listed on ballot as party member. Allows party to notify chief elections officer that candidate for voter choice office is ineligible to be listed on ballot as party member.

## 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, 249.215, 249.722, 249.735, 249.737, 249.740, 249.830,  
5 249.850, 251.022, 253.030, 253.540, 253.565, 253.690, 254.005, 254.056, 254.076, 254.115, 254.135,  
6 254.195, 254.235, 254.365, 254.370, 254.470, 254.575, 254.650, 260.112 and 260.695; and repealing  
7 ORS 249.068, 249.200 and 254.025.

## Be It Enacted by the People of the State of Oregon:

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

8  
9  
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**

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

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

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

9       **(2) Subject to subsection (5) of this section and the provisions of a home rule charter, for**  
 10 **voter choice offices, the two candidates receiving the highest number of votes at the primary**  
 11 **election shall be nominated to the general election.**

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

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

19       **(5) When a candidate for voter choice office receives a majority of the votes cast for the**  
 20 **office at the primary election, that candidate's name shall be the only one printed for that**  
 21 **office on the ballot for the general election.**

22       **SECTION 3.** ORS 249.002, as amended by section 2, chapter 18, Oregon Laws 2010, is amended  
 23 to read:

24       249.002. As used in this chapter:

25       (1) "Candidate" means an individual whose name is or is expected to be printed on the official  
 26 ballot.

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

28       (3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-  
 29 tution.

30       (4) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon  
 31 Tax Court, or any county judge who exercises judicial functions.

32       (5) "Member" means an individual who is registered as being affiliated with the political party.

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

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

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

41       (9) "Public office" means any national, state, county, city or district office or position, except  
 42 a political party office, filled by the electors.

43       (10) "State office" means Governor, Secretary of State, State Treasurer, Attorney General,  
 44 Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, judge,  
 45 state Senator, state Representative or district attorney.

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

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

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

7 **SECTION 4.** ORS 254.005, as amended by section 3, chapter 18, Oregon Laws 2010, is amended  
 8 to read:

9 254.005. As used in this chapter:

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

13 (2) **“Chief elections officer” means the:**

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

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

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

20 (3) **“County clerk” means the county clerk or the county official in charge of elections.**

21 (4) **“Elector” means an individual qualified to vote under section 2, Article II, Oregon Consti-**  
 22 **tution.**

23 (5) **“Major political party” means a political party that has qualified as a major political party**  
 24 **under ORS 248.006.**

25 (6) **“Measure” includes any of the following submitted to the people for their approval or re-**  
 26 **jection at an election:**

27 (a) **A proposed law.**

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

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

30 (d) **Local, special or municipal legislation.**

31 (e) **A proposition or question.**

32 (7) **“Minor political party” means a political party that has qualified as a minor political party**  
 33 **under ORS 248.008.**

34 (8) **“Nonpartisan office” means the office of judge of the Supreme Court, Court of Appeals, cir-**  
 35 **cuit court or the Oregon Tax Court, Superintendent of Public Instruction, Commissioner of the Bu-**  
 36 **reau of Labor and Industries, any elected office of a metropolitan service district under ORS chapter**  
 37 **268, justice of the peace, county clerk, county assessor, county surveyor, county treasurer, county**  
 38 **judge who exercises judicial functions, sheriff, district attorney or any office designated nonpartisan**  
 39 **by a home rule charter.**

40 (9) **“Prospective petition” means the information, except signatures and other identification of**  
 41 **petition signers, required to be contained in a completed petition.**

42 (10) **“Regular district election” means the election held each year for the purpose of electing**  
 43 **members of a district board as defined in ORS 255.005 (2).**

44 (11) **“Vote tally system” means one or more pieces of equipment necessary to examine and tally**  
 45 **automatically the marked ballots.**

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

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

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

7       [(12)] **(13) “Voting machine” means any device that will record every vote cast on candidates**  
 8 **and measures and that will either internally or externally total all votes cast on that device.**

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

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

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

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

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

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

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

36       248.007. (1) Subject to ORS 248.005, a major political party may organize and select delegates  
 37 to national party conventions in any manner.

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

43       (3) ORS 248.012 to 248.315 apply only to a major political party that has notified the Secretary  
 44 of State as provided in subsection (5) of this section that the political party intends to be subject  
 45 to the provisions of ORS 248.012 to 248.315. References to precinct committeepersons in any pro-

visions of ORS chapters 246 to 260 shall apply to a party described in this subsection. If a major political party fails to notify the Secretary of State under this subsection, the party shall be considered subject to the provisions of ORS 248.012 to 248.315.

(4) A major political party shall notify the Secretary of State as provided in subsection (5) of this section if the party does not intend to be subject to the provisions of ORS 248.012 to 248.315 except that the party intends to elect precinct committeepersons. If a party notifies the Secretary of State under this subsection, the party shall elect precinct committeepersons only as provided in ORS 248.015 and shall elect precinct committeepersons in the same manner in all precincts in this state.

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

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

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

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

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

(a) When the affiliation of electors has filed with the Secretary of State a petition with the signatures of at least a number of electors equal to one and one-half percent of the total votes cast in the *[electoral district]* **state** for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term. The petition also must state the intention to form a new political party and give the designation of it. The petition must contain only original signatures and must be filed not later than two years following the date the prospective petition is filed. The circulator shall certify on each signature sheet that the circulator witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet and that the circulator believes each individual is an elector registered in the *[electoral district]* **state**. The Secretary of State shall verify whether the petition contains the required number of signatures of electors. The Secretary of State may not accept a petition for filing if it contains less than 100 percent of the required number of signatures. The Secretary of State by rule shall designate a statistical sampling technique to verify whether a petition contains the required number of signatures of electors. A petition may not be rejected for the reason that it contains less than the required

1 number of signatures unless two separate sampling processes both establish that the petition lacks  
 2 the required number of signatures. The second sampling must contain a larger number of signatures  
 3 than the first sampling. The Secretary of State may employ professional assistance to determine the  
 4 sampling technique. The statistical sampling technique may be the same as that adopted under ORS  
 5 250.105. Before circulating the petition, the chief sponsor of the petition must file with the Secretary  
 6 of State a signed copy of the prospective petition. The chief sponsor must include with the pro-  
 7 spective petition a statement declaring whether one or more persons will be paid money or other  
 8 valuable consideration for obtaining signatures of electors on the petition. After the prospective  
 9 petition is filed, the chief sponsor must notify the filing officer not later than the 10th day after the  
 10 chief sponsor first has knowledge or should have had knowledge that:

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

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

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

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

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

23 (2) After satisfying either requirement of subsection (1) of this section, the minor political party  
 24 may nominate candidates for election at the next general election **at which a President and Vice**  
 25 **President of the United States are to be elected.**

26 (3) A filing officer may not accept a certificate of nomination of a candidate nominated by a  
 27 minor political party for a subsequent general election **at which a President and Vice President**  
 28 **of the United States are to be elected** unless the minor political party has satisfied the require-  
 29 ments of subsection (4)(a) or (b) of this section.

30 (4) After a minor political party qualifies to nominate candidates [*for a general election*] under  
 31 subsection (1) of this section, in order to maintain status as a minor political party for a subsequent  
 32 general election:

33 (a)(A) Following each general election **held in a year when a President and Vice President**  
 34 **of the United States are to be elected**, at any time during the period beginning on the date of the  
 35 next primary election **held in a year when a President and Vice President of the United States**  
 36 **are to be elected** and ending on the 90th day before the next general election, a number of electors  
 37 equal to at least one-tenth of one percent of the total votes cast in the state [*or electoral district*]  
 38 for all candidates for Governor at the most recent election at which a candidate for Governor was  
 39 elected to a full term must be registered as members of the party; and

40 (B) A candidate or candidates of the party must poll a number of votes described in subsection  
 41 (1)(b) of this section at each subsequent general election; or

42 (b) Following each general election, at any time during the period beginning on the date of the  
 43 next primary election **held in a year when a President and Vice President of the United States**  
 44 **are to be elected** and ending on the 90th day before the next general election, a number of electors  
 45 equal to at least one-half of one percent of the total number of registered electors in this state must

1 be registered as members of the party.

2 (5) An affiliation of electors that fails to maintain its status as a minor political party, as de-  
3 scribed in subsection (4) of this section, ceases to be a minor political party on the 90th day before  
4 the date of the next general election.

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

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

15 (8) For purposes of this section, “subsequent general election” means any general election that  
16 is held after the first general election following qualification as a minor political party under sub-  
17 section (1) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5        (h) The signature of the candidate.

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

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

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

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

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

16       249.042. When an elector files with the appropriate filing officer the statement and prospective  
17 petition under ORS 249.061, or a declaration of candidacy, it is conclusive evidence that the elector  
18 is a candidate for nomination or election *[by the elector's political party or]* to the **voter choice or**  
19 nonpartisan office stated in the petition 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]* **is 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 or mailing address and name or number  
38 of the precinct, if known, of each elector whose signature appears.

39       *[(3)]* **(2)** Pursuant to ORS 249.008, the county clerks shall certify the signatures contained in the  
40 nominating petition for genuineness.

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*] **an** office not provided for in subsection  
 15 **(1) or (2)** of this section shall contain at least 500 signatures of electors in the electoral district,  
 16 or a number of signatures of electors equal to at least one percent of the vote cast in the electoral  
 17 district for all candidates for Governor at the most recent election at which a candidate for Gov-  
 18 ernor 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.*]

40 **Any elector may sign a nominating petition or certificate of nomination of any candidate**  
 41 **for nonpartisan office or voter choice office and may sign petitions or certificates for more**  
 42 **than one candidate for the same office.**

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

44 249.180. (1) Any person who has been nominated at a primary election, or any person who has  
 45 been nominated to fill a vacancy as provided in ORS 188.120 or 249.190 [*and 249.200*], may withdraw

1 from nomination by filing a written statement declining the nomination and stating the reason for  
2 withdrawal.

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

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

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

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

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

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

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

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

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

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

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

1       171.051. (1) When any vacancy occurs in the Legislative Assembly due to death or recall or by  
2 reason of resignation filed in writing with the Secretary of State, or **if** a person is declared dis-  
3 qualified by the house to which the person was elected, the vacancy shall be filled by appointment  
4 if:

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

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

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

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

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

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

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

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

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

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

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

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

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

2        171.060. [(1) *When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or*  
3        *Representative affiliated with a major political party and that vacancy is to be filled by an appointing*  
4        *authority as provided in ORS 171.051, the Secretary of State forthwith shall notify the person desig-*  
5        *nated by the party to receive such notice. The party shall pursuant to party rule nominate not fewer*  
6        *than three nor more than five qualified persons to fill the vacancy. The nominating procedure shall*  
7        *reflect the principle of one-person, one-vote to accord voting weight in proportion to the number of party*  
8        *members represented. At the request of a party making a nomination, the county clerks of each county*  
9        *constituting the district in which the vacancy exists shall assist the party in determining the number*  
10        *of electors registered as members of the party in the district. A person shall not be nominated to fill*  
11        *the vacancy unless the person signs a written statement indicating that the person is willing to serve*  
12        *in the office of Senator or Representative. As soon as the nominees have been appointed, but no later*  
13        *than 20 days after the vacancy occurs, the party shall notify the Secretary of State of the persons*  
14        *nominated. The notification shall be accompanied by the signed written statement of each nominee in-*  
15        *dicating that the nominee is willing to serve in the office of Senator or Representative. The Secretary*  
16        *of State shall notify the county courts or boards of county commissioners of the counties constituting*  
17        *the district in which the vacancy exists of the nominees and of the number of votes apportioned to each*  
18        *member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The*  
19        *Secretary of State shall set a time for the meeting of the county courts or boards of county commis-*  
20        *sioners in order to fill the vacancy and by rule shall establish procedures for the conduct of the meet-*  
21        *ing. If the district is composed of more than one county, the Secretary of State shall name a temporary*  
22        *chairperson and designate a meeting place within the district where the county courts or boards of*  
23        *county commissioners shall convene for the purpose of filling the vacancy, pursuant to ORS 171.051*  
24        (2).]

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

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

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

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

45        (2) [*Each person nominated by a major political party to fill a vacancy in the Legislative Assembly*

1 *occurring as described by ORS 171.051]* **A person appointed to fill a vacancy in the Legislative**  
 2 **Assembly** in a district created by reapportionment must be registered to vote in the district from  
 3 which the former **state** Senator or **state** Representative was elected [*and must have been a member*  
 4 *of the same major political party at least 180 days before the date the vacancy to be filled occurred].*

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

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

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

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

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

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

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

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

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

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

25 249.735. (1) An assembly of electors is an organized body[:]

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

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

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

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

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

44 (4) Proof of publication of notice in subsection (3) of this section shall be made by affidavit of  
 45 the owner, editor, publisher, manager, advertising manager, principal clerk of any of them, or the

1 printer or printer's foreman of the newspaper in which the notice is published. The affidavit shall  
2 show publication and shall be filed with the filing officer with the certificate of nomination.

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (a) Any person is being paid for obtaining signatures, when the statement included with the

1 prospective certificate declared that no such person would be paid.

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

4 (4) The circulator shall certify on each signature sheet that the circulator:

5 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on  
 6 the signature sheet; and

7 (b) Believes each individual is an elector registered in the electoral district.

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

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

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

14 249.830. (1) A person who has been nominated and has accepted the nomination under ORS  
 15 249.712 may withdraw from the nomination by filing with the [*officer with whom the certificate of*  
 16 *nomination was filed*] **Secretary of State** a written statement declining the nomination and stating  
 17 the reason for withdrawal.

18 (2) The statement must be:

19 (a) Signed by the person withdrawing from the nomination; and

20 (b) Filed not later than the 67th day before the general election.

21 [(3) *The statement may be sent to the Secretary of State through a county clerk, as provided by*  
 22 *ORS 249.850.*]

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

24 249.850. (1) The certificate of nomination to fill the vacancy under ORS 249.842[, *may be filed*  
 25 *directly with the officer with whom the certificate of nomination of the original candidate was filed, or*  
 26 *it may be presented in duplicate to any county clerk who shall file one of the certificates in the clerk's*  
 27 *office, immediately notify the appropriate filing officer of the nomination and send the duplicate certif-*  
 28 *icate to the officer by the most expeditious method practicable*] **shall be filed with the Secretary of**  
 29 **State.**

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

35 (3) The certification shall state:

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

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

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

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

41 (4) Upon receipt of the certification, the county clerk shall place the new candidate’s name on  
 42 the ballot.

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

44 251.022. (1) If a special election or special primary election is held under ORS 188.120 for the  
 45 purpose of filling a vacancy in election or office of United States Senator or Representative in

1 Congress, or for nominating [*a candidate of each major political party*] **candidates** to fill the vacancy,  
2 the Secretary of State shall prepare a voters' pamphlet for each election.

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

6 **SECTION 29.** ORS 253.030 is amended to read:

7 253.030. (1) Before an election any elector may apply to the clerk for the absentee ballot of the  
8 election.

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

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

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

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

22 **SECTION 30.** ORS 253.540 is amended to read:

23 253.540. (1) Any long term absent elector may secure an absentee ballot by submitting an ap-  
24 plication as specified in subsection (2) of this section to the clerk of the county of the long term  
25 absent elector's residence, or to the Secretary of State. If the application is addressed to the Sec-  
26 retary of State, the secretary shall forward it to the appropriate county clerk.

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

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

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

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

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

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

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

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

1 any political party.

2 **SECTION 31.** ORS 253.565 is amended to read:

3 253.565. (1) Any long term absent elector may secure a special absentee ballot for a primary  
4 election or general election by making an application under this section if the elector believes that:

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

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

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

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

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

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

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

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

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

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

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

26 (i) If the applicant requests a ballot for a primary election **held in a year when a President**  
27 **or Vice President of the United States are to be elected**, a designation of the applicant's political  
28 party affiliation or a statement that the applicant is not affiliated with any political party. An ap-  
29 plicant not affiliated with any political party may request a ballot for a major political party. The  
30 applicant shall be sent the ballot for the political party that the applicant requested if that political  
31 party has provided under ORS 254.365 for a primary election that admits electors not affiliated with  
32 any political party.

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

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

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

41 **SECTION 32.** 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 election. The register, if applicable, shall contain [*for each major political party*]:

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

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

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

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

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

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

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

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

11 254.115. (1) The official primary election ballot shall be styled "Official Primary Nominating  
12 Ballot for the \_\_\_\_\_ Party." and shall state:

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

14 (b) The date of the primary election.

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

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

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

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

22 **(e) The names of candidates for election as precinct committeeperson and, in a year when**  
23 **a President and Vice President of the United States are to be elected, the names of candi-**  
24 **dates for the political party nomination for President of the United States who qualified for**  
25 **the ballot under ORS 249.078, all listed separately on a ballot page labeled "Official Primary**  
26 **Ballot for the \_\_\_\_\_ Party" and made available only to members of the applicable political**  
27 **party.**

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

30 **(a) If the candidate is registered as a member of a political party not later than the 70th**  
31 **day before the date of the primary election, the statement "Member of \_\_\_\_\_" (official**  
32 **party name); or**

33 **(b) If the candidate is registered as not affiliated with any political party not later than**  
34 **the 70th day before the date of the primary election, the statement "Not affiliated with any**  
35 **political party."**

36 **(3) Not later than the 90th day before the date of the primary election, a political party**  
37 **shall file with the Secretary of State a certified copy of the current party rule specifying**  
38 **qualifications that a candidate must satisfy to be eligible to be listed on the ballot as a**  
39 **member of the political party. Not later than the 63rd day before the date of the primary**  
40 **election, a political party may notify the chief elections officer that a candidate for nomi-**  
41 **nation to a voter choice office has been determined by the party to be ineligible to be listed**  
42 **on the ballot as a member of the political party in accordance with party rules.**

43 **(4) At least once on each ballot that contains a voter choice office, the county clerk shall**  
44 **print the statement "The listing of the political party membership status of a candidate for**  
45 **voter choice office is provided for elector information purposes only and does not in itself**

1 **imply formal support or endorsement by the political party listed.”**

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

4 *[(3)]* **(5)** The ballot may not contain the name of any person other than those referred to in  
5 *[subsections (1) and (2)]* **subsection (1)** of this section. The name of each candidate for whom a  
6 nominating petition or declaration of candidacy has been filed shall be printed on the ballot in but  
7 one place. In the event that two or more candidates for the same nomination or office have the same  
8 or similar surnames, the location of their places of residence shall be printed opposite their names  
9 to distinguish one from another.

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

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

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*  
30 *nonpartisan office according to the following rules:]*

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

33 *[(B) For a candidate not affiliated with a political party who is nominated by more than one minor*  
34 *political party, the names of not more than three minor political parties selected by the candidate shall*  
35 *be added opposite the name of the candidate;]*

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

39 *[(D) For a candidate who is a member of a political party who is nominated by more than one*  
40 *political party of which the candidate is not a member, the names of not more than three political*  
41 *parties selected by the candidate shall be added opposite the name of the candidate;]*

42 *[(E) For a candidate who is nominated only by a political party of which the candidate is a mem-*  
43 *ber, the name of the political party of which the candidate is a member shall be added opposite the*  
44 *name of the candidate; and]*

45 *[(F) For a candidate who is nominated by a political party of which the candidate is a member and*

1 *by any political party or parties of which the candidate is not a member, the name of the political party*  
 2 *of which the candidate is a member and the names of not more than two other political parties selected*  
 3 *by the candidate shall be added opposite the name of the candidate.]*

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

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

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

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

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

17 **(a) If the candidate is registered as a member of a political party not later than the 70th**  
 18 **day before the date of the general or special election, the statement “Member of \_\_\_\_\_”**  
 19 **(official party name); or**

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

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

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

28 254.195. (1) Official ballots shall be printed in black ink upon good quality material. **In a year**  
 29 **when a President and Vice President of the United States are to be elected,** the primary  
 30 election ballots shall be of different colors for the major political parties.

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

33 **SECTION 36.** ORS 254.235 is amended to read:

34 254.235. (1) Not later than seven days before an election in which voting machines or vote tally  
 35 systems are used, the county clerk shall:

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

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

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

42 **(a) At a primary election held in a year when a President and Vice President of the**  
 43 **United States are to be elected,** the county clerk shall mail to each affiliate of a major or minor  
 44 political party within the county that has notified the clerk that notice is desired[,], a notice of the  
 45 time and place where the vote tally system will be publicly tested. One representative of each party

1 is entitled to be present to ensure that the testing is done properly[.]; and

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

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

7 **SECTION 37.** ORS 254.365 is amended to read:

8 254.365. (1) **At a primary election held in a year when a President and Vice President of**  
 9 **the United States are to be elected**, an elector is not qualified or permitted to vote at *[any]* **the**  
 10 primary election for any candidate of a major political party, and it is unlawful for the elector to  
 11 offer to do so, unless:

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

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

17 (2) Except as provided in ORS 254.470 (3), **at a primary election held in a year when a**  
 18 **President and Vice President of the United States are to be elected**, any elector offering to vote  
 19 at the primary election shall be given a ballot of the major political party with which the elector  
 20 is registered as being affiliated. The elector may not be given a ballot of any other political party  
 21 at that primary election. An elector not affiliated with any political party and offering to vote at  
 22 the primary election shall be given the ballot of the major political party in whose primary election  
 23 the elector wishes to vote if that party has provided under subsection (3) of this section for a pri-  
 24 mary election that admits electors not affiliated with any political party. An elector not affiliated  
 25 with any political party who is given a ballot of the major political party associates with the party  
 26 for the purpose of voting in that primary election.

27 (3)*[(a)]* Not later than the 90th day before the date of the primary election **held in a year when**  
 28 **a President and Vice President of the United States are to be elected**, a major political party  
 29 may file with the Secretary of State a certified copy of the current party rule allowing an elector  
 30 not affiliated with any political party to vote in the party's primary election. The party may not  
 31 repeal the rule as filed during the 90 days before the primary election. The rule shall continue to  
 32 be effective after the date of the primary election until the party gives written notice to the Secre-  
 33 tary of State that the rule has been repealed. *[Except as provided in paragraph (b) of this subsection,*  
 34 *a party rule under this subsection may limit the candidates for whom an elector who is not affiliated*  
 35 *with any political party may vote.]*

36 *[(b)]* *The party rule shall allow any elector who is permitted to vote for the most numerous branch*  
 37 *of the Legislative Assembly also to vote in federal legislative elections, consistent with section 2, Article*  
 38 *I, and the Seventeenth Amendment to the United States Constitution.]*

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

42 **SECTION 38.** ORS 254.370 is amended to read:

43 254.370. The county clerk shall maintain:

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

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

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

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

7 [(4)] (3) A record of all electors registered as not being affiliated with any political party who  
 8 vote in the general election.

9 **SECTION 39.** ORS 254.470 is amended to read:

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

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

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

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

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

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

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

39 (c) An elector not affiliated with any political party who wishes to vote in the primary election  
 40 of a major political party shall apply to the county clerk in writing. The application shall indicate  
 41 which major political party ballot the elector wishes to receive. Except for electors described in  
 42 subsection [(4)] (5) of this section, and subject to ORS 247.203, the application must be received by  
 43 the county clerk not later than 5 p.m. of the 21st day before the date of the election.

44 (d) If the primary election ballot includes city, county or nonpartisan offices or measures, the  
 45 county clerk shall mail to each elector who is not eligible to vote for party candidates a ballot

1 limited to those offices and measures for which the elector is eligible to vote.

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

6 [(4)] (5) For each elector who updates a voter registration after the deadline in ORS 247.025, the  
 7 county clerk shall make the official ballot, the return identification envelope and the secrecy en-  
 8 velope available either by mail or at the county clerk’s office or at another place designated by the  
 9 county clerk. An elector to whom this subsection applies must request a ballot from the county  
 10 clerk.

11 [(5)] (6) The ballot shall contain the following warning:  
 12 \_\_\_\_\_  
 13

14 Any person who, by use of force or other means, unduly influences an elector to vote in any  
 15 particular manner or to refrain from voting is subject to a fine.  
 16 \_\_\_\_\_  
 17

18 [(6)] (7) Upon receipt of any ballot described in this section, the elector shall mark the ballot,  
 19 sign the return identification envelope supplied with the ballot and comply with the instructions  
 20 provided with the ballot. The elector may return the marked ballot to the county clerk by United  
 21 States mail or by depositing the ballot at the office of the county clerk, at any place of deposit  
 22 designated by the county clerk or at any location described in ORS 254.472 or 254.474. The ballot  
 23 must be returned in the return identification envelope. If the elector returns the ballot by mail, the  
 24 elector must provide the postage. A ballot must be received at the office of the county clerk, at the  
 25 designated place of deposit or at any location described in ORS 254.472 or 254.474 not later than the  
 26 end of the period determined under subsection (1) of this section on the date of the election.

27 [(7)] (8) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or  
 28 not received by the elector. Replacement ballots shall be issued and processed as described in this  
 29 section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided  
 30 under this subsection. Notwithstanding any deadline for mailing ballots in subsection (2) of this  
 31 section, a replacement ballot may be mailed, made available in the office of the county clerk or made  
 32 available at one central location in the electoral district in which the election is conducted. The  
 33 county clerk shall designate the central location. A replacement ballot need not be mailed after the  
 34 fifth day before the date of the election.

35 [(8)] (9) A ballot shall be counted only if:

- 36 (a) It is returned in the return identification envelope;
- 37 (b) The envelope is signed by the elector to whom the ballot is issued; and
- 38 (c) The signature is verified as provided in subsection [(9)] (10) of this section.

39 [(9)] (10) The county clerk shall verify the signature of each elector on the return identification  
 40 envelope with the signature on the elector’s registration card, according to the procedure provided  
 41 by rules adopted by the Secretary of State. If the county clerk determines that an elector to whom  
 42 a replacement ballot has been issued has voted more than once, the county clerk shall count only  
 43 one ballot cast by that elector.

44 [(10)] (11) At 8 p.m. on election day, electors who are at the county clerk’s office, a place of  
 45 deposit designated under subsection (1) of this section or any location described in ORS 254.472 or

1 254.474 and who are in line waiting to vote or deposit a voted ballot shall be considered to have  
 2 begun the act of voting.

3 **SECTION 40.** ORS 254.575 is amended to read:

4 254.575. When two or more candidates for the same office, after a full recount of votes, have an  
 5 equal and the highest number of votes:

6 (1) For election to state Senator or Representative, a party office, or a public office for which  
 7 the elections officer is other than the Secretary of State, the elections officer shall have the candi-  
 8 dates meet publicly to decide by lot who is elected.

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

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

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

17 **SECTION 41.** ORS 246.560 is amended to read:

18 246.560. (1) A voting machine may not be approved by the Secretary of State unless the voting  
 19 machine is constructed so that it:

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

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

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

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

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

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

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

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

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

38 (2) A vote tally system shall be:

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

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

44 (c) Capable of accumulating a count of the specific number of ballots tallied for a precinct, ac-  
 45 cumulating total votes by candidate for each office, and accumulating total votes for and against

1 each measure of the ballots tallied for a precinct.

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

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

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

8 **SECTION 42.** ORS 254.650 is amended to read:

9 254.650. (1) If the Secretary of State determines that a vacancy exists in the nomination of a  
10 candidate [*of a major political party*] for state office, that the vacancy is due to the death of the  
11 candidate and that the vacancy occurred after the 47th day before the date of the general election:

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

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

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

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

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

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

21 (3) As used in this section "state office" means the office of Governor, Secretary of State, State  
22 Treasurer, Attorney General, state Senator or state Representative.

23 **SECTION 43.** ORS 260.112 is amended to read:

24 260.112. (1)(a) A candidate or a treasurer of a political committee who expects neither the ag-  
25 gregate contributions to be received nor the aggregate expenditures to be made by or on behalf of  
26 the candidate or political committee to exceed \$2,000 in total amount during the calendar year shall  
27 file a certificate to that effect with the Secretary of State. The candidate or treasurer shall make  
28 the certificate according to the best of the knowledge or belief of the candidate or treasurer. A  
29 candidate or treasurer filing a certificate under this section is not required to file statements under  
30 ORS 260.057.

31 (b) A treasurer of a petition committee organized under ORS 260.118 who expects neither the  
32 aggregate contributions to be received nor the aggregate expenditures to be made by a chief  
33 petitioner or the treasurer to exceed \$2,000 in total amount during the calendar year shall file a  
34 certificate to that effect with the Secretary of State. The treasurer shall make the certificate ac-  
35 cording to the best of the knowledge or belief of the treasurer. A treasurer filing a certificate under  
36 this section is not required to file statements under ORS 260.118.

37 (2) A certificate described in subsection (1) of this section shall be filed:

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

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

45 (c) By a treasurer of a petition committee, not sooner than the date that a chief petitioner or

1 the treasurer files a statement of organization under ORS 260.118, and not later than seven calendar  
 2 days after a chief petitioner or the treasurer receives a contribution or makes an expenditure.

3 (3) A candidate, political committee or petition committee under this section must keep contri-  
 4 bution and expenditure records during the calendar year.

5 (4) If at any time following the filing of a certificate under this section and during the calendar  
 6 year either the aggregate contributions or aggregate expenditures exceed \$2,000, the candidate or  
 7 treasurer shall do all of the following:

8 (a) File a statement under ORS 260.057 or 260.118 within seven calendar days after either the  
 9 aggregate contributions or aggregate expenditures exceed \$2,000. The statement must reflect all  
 10 contributions received and expenditures made by or on behalf of the candidate, political committee  
 11 or petition committee to that date, beginning January 1 of the calendar year.

12 (b) If necessary, file additional statements under ORS 260.057 or 260.118.

13 (5) This section does not apply to a candidate for federal office.

14 (6) As used in this section, "contribution" and "expenditure" include a contribution or expendi-  
 15 ture to or on behalf of an initiative, referendum or recall petition.

16 **SECTION 44.** ORS 253.690, as amended by section 5, chapter 9, Oregon Laws 2010, is amended  
 17 to read:

18 253.690. (1) A long term absent elector described in ORS 253.510 may cast a ballot using a fac-  
 19 simile machine as provided in this section. Notwithstanding ORS 254.470 [(8)] (9), a ballot cast under  
 20 this section shall be counted only if the ballot:

21 (a) Is received in the office of the county clerk not later than 8 p.m. on the day of the election;

22 (b) Is accompanied by a return identification envelope containing the signature of the elector  
 23 and a signed waiver described in subsection (2) of this section; and

24 (c) The signature is verified as provided in subsection (3) of this section.

25 (2) Each elector who casts a ballot under this section shall complete and submit using a fac-  
 26 simile machine a waiver described in this subsection. The elector shall attest to the information  
 27 supplied on the waiver by signing the completed waiver. The Secretary of State by rule shall design  
 28 the form of the waiver, which shall include all of the following:

29 (a) Space for the elector to provide the elector's full name, residence or mailing address, a phone  
 30 or facsimile number where the elector may be contacted and any other necessary information.

31 (b) A waiver in substantially the following form:

32 \_\_\_\_\_  
 33  
 34 I, \_\_\_\_\_, acknowledge that by casting my voted ballot using a facsimile machine I have  
 35 waived my right to a secret ballot.  
 36 \_\_\_\_\_

37  
 38 (c) A statement to notify the elector that the elector's ballot will not be counted unless the  
 39 elector has complied with the provisions of this section.

40 (d) Space for the elector to provide the elector's signature to attest to the information supplied.

41 (3) The county clerk shall verify the signature of each elector on the return identification en-  
 42 velope transmitted by facsimile machine under this section with the signature on the elector's reg-  
 43 istration card, according to the procedure provided by rules adopted by the Secretary of State.

44 (4) The Secretary of State shall adopt rules to administer this section and to ensure the secrecy  
 45 of ballots cast using a facsimile machine to the greatest extent possible.

1       **SECTION 45.** ORS 260.695, as amended by section 1, chapter 35, Oregon Laws 2010, is amended  
2 to read:

3       260.695. (1)(a) If a person prints or circulates an imitation of the ballot or sample ballot:

4       (A) The imitation ballot or sample ballot and the back of any return envelope enclosed with the  
5 ballot or sample ballot shall state the following: “THIS IS NOT A REAL BALLOT. DO NOT USE  
6 TO VOTE.” The statement on the imitation ballot or sample ballot shall be in bold print that is at  
7 least two times as large as the majority of the text on the ballot or sample ballot or 20-point type,  
8 whichever is larger. The statement on the back of a return envelope shall be in bold print that is  
9 at least 36-point type.

10       (B) The word “UNOFFICIAL” must be superimposed on the imitation ballot or sample ballot so  
11 that the word extends diagonally across the ballot from one margin of the text to the other. The  
12 superimposed word may be printed in lighter ink than other text on the ballot or sample ballot.

13       (b) For purposes of this subsection, an imitation of the ballot or sample ballot includes an imi-  
14 tation of a portion of the ballot or sample ballot.

15       (2) A person may not do any electioneering, including circulating any cards or handbills, or so-  
16 liciting of signatures to any petition, within any building in which any state or local government  
17 elections office designated for the deposit of ballots under ORS 254.470 is located, or within 100 feet  
18 measured radially from any entrance to the building. A person may not do any electioneering by  
19 public address system located more than 100 feet from an entrance to the building if the person is  
20 capable of being understood within 100 feet of the building. The electioneering need not relate to  
21 the election being conducted. This subsection applies during the period beginning on the date that  
22 ballots are mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or  
23 when all persons waiting in line at the building who began the act of voting as described in ORS  
24 254.470 [(10)] (11) by 8 p.m. have finished voting.

25       (3) A person may not obstruct an entrance of a building in which ballots are issued or a place  
26 designated for the deposit of ballots under ORS 254.470 or any voting booth maintained under ORS  
27 254.474 is located. This subsection applies during the period beginning on the date that ballots are  
28 mailed to electors as provided in ORS 254.470 and ending on election day at 8 p.m. or when all  
29 persons waiting in line at the building or location who began the act of voting as described in ORS  
30 254.470 [(10)] (11) by 8 p.m. have finished voting.

31       (4) A person may not vote or offer to vote in any election knowing the person is not entitled  
32 to vote.

33       (5) A person may not make a false statement about the person’s inability to mark a ballot.

34       (6) A person, except an elections official in performance of duties or another person providing  
35 assistance to an elector as described in ORS 254.445, may not ask a person at any place designated  
36 for the deposit of ballots under ORS 254.470 or at any location described in ORS 254.472 or 254.474  
37 for whom that person intends to vote, or examine or attempt to examine the person’s ballot.

38       (7) A person may not show the person’s own marked ballot to another person to reveal how it  
39 was marked.

40       (8) An elections official, other than in the performance of duties, may not disclose to any person  
41 any information by which it can be ascertained for whom any elector has voted.

42       (9) A person, except an elections official in performance of duties, may not do anything to a  
43 ballot to permit identification of the person who voted.

44       (10) An elector may not willfully leave at any place designated for the deposit of ballots under  
45 ORS 254.470 or at any location described in ORS 254.472 or 254.474 anything that will show how the

1 elector's ballot was marked.

2 (11) A person, except an elections official in performance of duties, may not remove a ballot  
3 from any place designated for the deposit of ballots under ORS 254.470 or any location described in  
4 ORS 254.472 or 254.474.

5 (12) A person, except an elections official in performance of duties or a person authorized by  
6 that official, may not willfully deface, remove, alter or destroy a posted election notice.

7 (13) A person, except an elections official in performance of duties, may not willfully remove,  
8 alter or destroy election equipment or supplies, or break the seal or open any sealed package con-  
9 taining election supplies.

10 (14) A person, except an elections official in performance of duties, may not provide elections  
11 advice or attempt to collect voted ballots within any building in which any state or local govern-  
12 ment elections office designated for the deposit of ballots under ORS 254.470 is located, or within  
13 100 feet measured radially from any entrance to the building.

14 (15) A person, except an elections official in performance of duties, may not establish a location  
15 to collect ballots voted by electors unless:

16 (a) The person prominently displays at the location a sign stating: "NOT AN OFFICIAL BAL-  
17 LOT DROP SITE"; and

18 (b) The sign is printed in all capital letters in bold 50-point type.

19 **SECTION 46.** ORS 249.215 is amended to read:

20 249.215. (1) If a vacancy occurs in a state office before the 61st day before the first general  
21 election to be held during that term of office, the remaining two years of the term of the state office  
22 shall be filled by the electors at that general election.

23 (2) The remaining two years of the term of the state office shall commence on the second  
24 Monday in January following the general election. Any appointment made to fill the vacancy shall  
25 expire when a successor to the office is elected and qualified.

26 (3) Candidates for the remaining two years of the term of the state office under this section shall  
27 be nominated as provided in this chapter except [*as follows:*]

28 [*(a) A major political party or a minor political party, by party rule, or an assembly of electors*  
29 *or individual electors, may select a nominee; and]*

30 [*(b)*] **that** the Secretary of State shall accept certificates of nomination and notifications of  
31 nominees filed with the secretary pursuant to a schedule for filing set by the secretary, but in any  
32 case not later than the 62nd day before the first general election.

33 (4) As used in this section, "state office" means the office of Governor, Secretary of State, State  
34 Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries and Superinten-  
35 dent of Public Instruction.

36 **SECTION 47. ORS 249.068, 249.200 and 254.025 are repealed.**

37 **SECTION 48. The amendments to ORS 171.051, 171.060, 171.068, 188.120, 246.560, 248.006,**  
38 **248.007, 248.008, 249.002, 249.016, 249.020, 249.031, 249.042, 249.046, 249.064, 249.072, 249.076,**  
39 **249.088, 249.180, 249.205, 249.215, 249.722, 249.735, 249.737, 249.740, 249.830, 249.850, 251.022,**  
40 **253.030, 253.540, 253.565, 253.690, 254.005, 254.056, 254.076, 254.115, 254.135, 254.195, 254.235,**  
41 **254.365, 254.370, 254.470, 254.575, 254.650, 260.112 and 260.695 by sections 1 to 46 of this 2011**  
42 **Act and the repeal of ORS 249.068, 249.200 and 254.025 by section 47 of this 2011 Act:**

43 (1) **Apply only to nominations for, and appointments and elections to, public office oc-**  
44 **curring on or after the effective date of this 2011 Act;**

45 (2) **Apply to a certificate of nomination, nominating petition or declaration of candidacy**

1 **filed before the effective date of this 2011 Act for an election to a voter choice office to be**  
2 **conducted on or after the effective date of this 2011 Act;**

3 **(3) Apply to political parties formed prior to, on or after the effective date of this 2011**  
4 **Act; and**

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

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