

A-Engrossed
Senate Bill 146

Ordered by the Senate May 24
Including Senate Amendments dated May 24

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SUMMARY

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

Revises provisions relating to qualification and maintenance of status as minor political party.

A BILL FOR AN ACT

1
2 Relating to minor political parties; amending ORS 248.008.

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

4 **SECTION 1.** ORS 248.008 is amended to read:

5 248.008. (1) An affiliation of electors becomes a minor political party in the state, a county or
6 other electoral district, qualified to make nominations for public office in that electoral district and
7 in any other electoral district wholly contained within the electoral district, when *[either of the fol-*
8 *lowing events occurs]* **the affiliation of electors has acted as described in either paragraph (a)**
9 **or (b) of this subsection:**

10 (a)(A) When the affiliation of electors has filed with the Secretary of State a petition with the
11 signatures of at least a number of electors equal to one and one-half percent of the total votes cast
12 in the electoral district for all candidates for Governor at the most recent election at which a can-
13 didate for Governor was elected to a full term.

14 **(B) The petition must contain only original signatures and must be filed not later than**
15 **two years following the date the prospective petition is filed.** The petition *[also]* must state the
16 intention to form a new political party and *[give the designation of it]* **designate a name for the**
17 **political party.** *[The petition must contain only original signatures and must be filed not later than*
18 *two years following the date the prospective petition is filed.]*

19 **(C) Before circulating the petition, the chief sponsor of the petition must file with the**
20 **Secretary of State a signed copy of the prospective petition. The chief sponsor must include**
21 **with the prospective petition a statement declaring whether one or more persons will be paid**
22 **money or other valuable consideration for obtaining signatures of electors on the petition.**
23 **After the prospective petition is filed, the chief sponsor must notify the filing officer not**
24 **later than the 10th day after the chief sponsor first has knowledge or should have had**
25 **knowledge that:**

26 (i) **Any person is being paid for obtaining signatures, when the statement included with**
27 **the prospective petition declared that no person would be paid for obtaining signatures of**
28 **electors.**

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 (ii) **No person is being paid for obtaining signatures, when the statement included with**
 2 **the prospective petition declared that one or more persons would be paid for obtaining sig-**
 3 **natures of electors.**

4 (D) The circulator shall certify on each signature sheet that the circulator witnessed the signing
 5 of the signature sheet by each individual whose signature appears on the signature sheet and that
 6 the circulator believes each individual is an elector registered in the electoral district.

7 (E) The Secretary of State shall verify whether the petition contains the required number of
 8 signatures of electors. The Secretary of State may not accept a petition for filing if it contains less
 9 than 100 percent of the required number of signatures. The Secretary of State by rule shall desig-
 10 nate a statistical sampling technique to verify whether a petition contains the required number of
 11 signatures of electors. A petition may not be rejected for the reason that it contains less than the
 12 required number of signatures unless two separate sampling processes both establish that the peti-
 13 tion lacks the required number of signatures. The second sampling must contain a larger number
 14 of signatures than the first sampling. The Secretary of State may employ professional assistance to
 15 determine the sampling technique. The statistical sampling technique may be the same as that
 16 adopted under ORS 250.105. *[Before circulating the petition, the chief sponsor of the petition must file*
 17 *with the Secretary of State a signed copy of the prospective petition. The chief sponsor must include*
 18 *with the prospective petition a statement declaring whether one or more persons will be paid money or*
 19 *other valuable consideration for obtaining signatures of electors on the petition. After the prospective*
 20 *petition is filed, the chief sponsor must notify the filing officer not later than the 10th day after the chief*
 21 *sponsor first has knowledge or should have had knowledge that:]*

22 [(A) *Any person is being paid for obtaining signatures, when the statement included with the pro-*
 23 *spective petition declared that no such person would be paid.]*

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

26 (b) When the affiliation of electors has polled for any one of its candidates for any public office
 27 in the electoral district at least one percent of the total votes cast in the electoral district for all
 28 candidates for:

29 (A) Presidential elector at the last general election at which candidates for President and Vice
 30 President of the United States were listed on the ballot; or

31 (B) Any single state office to be voted upon in the state at large for which nominations by pol-
 32 itical parties are permitted by law at the most recent election at which a candidate for the office
 33 was elected to a full term.

34 (2) After satisfying either *[requirement of]* subsection (1)(a) or (b) of this section, the minor
 35 political party may nominate candidates for election at the next general election.

36 (3) A filing officer may not accept a certificate of nomination of a candidate nominated by a
 37 minor political party for a subsequent general election unless the minor political party has *[satisfied*
 38 *the requirements of subsection (4)(a) or (b) of this section]* **maintained status as a minor political**
 39 **party as described in subsection (4) of this section.**

40 (4) *[After a minor political party qualifies to nominate candidates for a general election under*
 41 *subsection (1) of this section,]* In order to maintain status as a minor political party for a subsequent
 42 general election:

43 [(a)(A) *Following each general election, at any time during the period beginning on the date of the*
 44 *next primary election and ending on the 90th day before the next general election, a number of electors*
 45 *equal to at least one-tenth of one percent of the total votes cast in the state or electoral district for all*

1 candidates for Governor at the most recent election at which a candidate for Governor was elected to
2 a full term must be registered as members of the party; and]

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

5 [(b)] (a) Following each general election, at any time during the period beginning on the date
6 of the next primary election and ending on the 90th day before the next general election, a number
7 of electors equal to at least one-half of one percent of the total number of registered electors in this
8 state must be registered as members of the party[.]; or

9 (b)(A) Following each general election, at any time during the period beginning on the
10 date of the next primary election and ending on the 90th day before the next general election,
11 a number of electors equal to at least one-tenth of one percent of the total votes cast in the
12 state or electoral district for all candidates for Governor at the most recent election at
13 which a candidate for Governor was elected to a full term must be registered as members
14 of the party; and

15 (B) At least once in a four-year period, a candidate or candidates of the party must poll
16 at least one percent of the total votes cast in the electoral district for all candidates for:

17 (i) Presidential elector at the last general election at which candidates for President and
18 Vice President of the United States were listed on the ballot; or

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

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

25 (6) During the period beginning on the date of the primary election and ending on the 90th day
26 before the date of the general election, the Secretary of State shall determine [not less than] at least
27 once each month whether [the] registration requirements [of subsection (4) of this section] to main-
28 tain status as a minor political party have been satisfied.

29 (7) If [the] a minor political party changes its name, only those electors who register on or after
30 the effective date of the name change as members of the party under the new party name shall be
31 counted as members of the party [under this subsection].

32 [(7)] (8) An affiliation of electors or a minor political party may not **nominate a candidate who**
33 **is the nominee of another political party at the same election in order to** satisfy the one per-
34 cent requirement referred to in subsection (1)(b) or (4)(b)(B) of this section [by nominating a can-
35 didate who is the nominee of another political party at the same election].

36 [(8)] (9) For purposes of this section, “subsequent general election” means any general election
37 that is held after the first general election following qualification as a minor political party under
38 subsection (1) of this section.

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