

Senate Bill 146

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SUMMARY

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

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*] **may become** a minor political party in the state,
6 a county or other electoral district, qualified to make nominations for public office in that electoral
7 district and in any other electoral district wholly contained within the electoral district, [*when ei-*
8 *ther of the following events occurs:*] **only as described in subsection (2) of this section.**

9 [(a)] **(2)(a)** [*When the*] **An** affiliation of electors **that wishes to become a minor political party**
10 **shall file** [*has filed*] with the Secretary of State a petition with the signatures of at least a number
11 of electors equal to one and one-half percent of the total votes cast in the electoral district for all
12 candidates for Governor at the most recent election at which a candidate for Governor was elected
13 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 **(A) Any person is being paid for obtaining signatures, when the statement included with**
27 **the prospective petition declared that no person would be paid.**

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

30 **(d) The circulator shall certify on each signature sheet that the circulator witnessed the signing**
31 **of the signature sheet by each individual whose signature appears on the signature sheet and that**

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 the circulator believes each individual is an elector registered in the electoral district.

2 (e) The Secretary of State shall verify whether the petition contains the required number of
3 signatures of electors. The secretary [of State] may not accept a petition for filing if it contains less
4 than 100 percent of the required number of signatures.

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

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

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

22 [(b) When the affiliation of electors has polled for any one of its candidates for any public office
23 in the electoral district at least one percent of the total votes cast in the electoral district for all can-
24 didates for:]

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

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

30 [(2)] (3)(a) After satisfying [either requirement of subsection (1)] **the requirements of subsection**
31 **(2)** of this section, the minor political party may nominate candidates for election at the next gen-
32 eral election.

33 [(3)] (b) A filing officer may not accept a certificate of nomination of a candidate nominated by
34 a minor political party for a subsequent general election unless the minor political party has [sat-
35 isfied the requirements of subsection (4)(a) or (b) of this section] **maintained status as a minor pol-**
36 **itical party as described in subsection (4) of this section.**

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

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

45 [(B) A candidate or candidates of the party must poll a number of votes described in subsection

1 *(1)(b) of this section at each subsequent general election; or]*

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

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

12 **(B) At each subsequent general election, a candidate or candidates of the party must poll**
 13 **at least one percent of the total votes cast in the electoral district for all candidates for:**

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

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

19 (5) An affiliation of electors that fails to maintain *[its]* status as a minor political party¹, *as de-*
 20 *scribed in subsection (4) of this section,* ceases to be a minor political party on the 90th day before
 21 the date of the next general election **and may not nominate candidates for public office in that**
 22 **electoral district or in any other electoral district contained within the electoral district.**

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

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

30 *[(7)] (8) [An affiliation of electors or]* A minor political party may not **nominate a candidate**
 31 **who is the nominee of another political party at the same election in order to** satisfy the one
 32 percent requirement referred to in *[subsection (1)(b)]* **subsection (4)(b)(B)** of this section *[by nomi-*
 33 *nating a candidate who is the nominee of another political party at the same election]*.

34 *[(8)] (9)* For purposes of this section, “subsequent general election” means any general election
 35 that is held after the first general election following qualification as a minor political party under
 36 subsection *[(1)] (2)* of this section.

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