

**PROPOSED AMENDMENTS TO
HOUSE BILL 4054**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest
2 of the line and insert “creating new provisions; amending ORS 188.120,
3 248.008, 249.088, 249.091, 253.540, 253.565, 253.690, 254.056, 254.115, 254.370,
4 254.470 and 260.695; repealing ORS 254.025 and 254.365; and providing that
5 this Act shall be referred to the people for their approval or rejection.

6 “The Legislative Assembly finds as follows:

7 “(1) All voters must have an equal right to meaningful participation in
8 our election process.

9 “(2) Current election laws give voters who are affiliated with major poli-
10 tical parties the ability to vote at an earlier and critical stage of the partisan
11 election process: the primary. This encourages candidates to appeal to one
12 of these two separate partisan voter groups in order to advance past the
13 primary.

14 “(3) Thirty percent of Oregon’s voters are completely shut out of the
15 taxpayer-funded partisan primary process.

16 “(4) Oregon’s election laws must be revised to permit fair and unified
17 primary elections that:

18 “(a) Require all candidates for partisan office, regardless of political party
19 affiliation or nonaffiliation, to appear on the same unified primary election
20 ballot.

21 “(b) Permit each voter, regardless of political party affiliation or non-
22 affiliation, to vote for one or more candidates for each office.

1 “(c) Result in the two candidates who receive the most votes, regardless
2 of the candidates’ political party affiliation or nonaffiliation, being placed
3 on the general election ballot.

4 “(5) With fair and unified primary elections, every voter gets an equal
5 voice, without regard to political party affiliation or the number or similar-
6 ity of the candidates, and candidates are encouraged to appeal to all
7 voters.”.

8 Delete lines 4 through 25 and delete pages 2 to 7 and insert:

9 **“SECTION 1. Short title. This 2014 Act may be cited as the Fair and
10 Unified Elections Act of 2014.**

11 **“SECTION 2. Sections 3 to 6 of this 2014 Act are added to and made
12 a part of ORS chapter 249.**

13 **“SECTION 3. Statement of intent. (1) The intent of the Fair and
14 Unified Elections Act of 2014 is to create a uniform election system for
15 partisan offices in which each elector has, at the primary election, an
16 equal voice on each candidate’s ability to advance to the general
17 election, without regard to the political party affiliation, or lack of
18 party affiliation, of either the elector or the candidate, and without
19 regard to the number of candidates sharing similar viewpoints. Spe-
20 cifically, each elector may cast a vote in favor of any and all candi-
21 dates the elector approves to advance, and in so doing may approve
22 of more than one candidate for a single office. The two candidates for
23 each office receiving the most votes from all electors will advance to
24 the general election, at which the winner will be the candidate re-
25 ceiving the greatest number of votes cast at the general election. This
26 2014 Act applies to all partisan offices as that term is defined in section
27 4 of this 2014 Act.**

28 **“(2) This 2014 Act does not restrict the right of individuals to join
29 or organize into political parties or the right of association of political
30 parties.**

1 “(3) This 2014 Act does not change current law relating to presi-
2 dential primaries.

3 “SECTION 4. Definition. As used in sections 3 to 6 of this 2014 Act,
4 ‘partisan office’ means the office of United States Senator, Represen-
5 tative in Congress, Governor, Secretary of State, State Treasurer, At-
6 torney General, state Senator and state Representative and any other
7 state, county, city or district office that is not a nonpartisan office
8 nor an office for which nominations to the general election by political
9 parties are expressly authorized by law.

10 “SECTION 5. Particular provisions for partisan offices. (1) Electors
11 may vote for one or more candidates listed on the primary election
12 ballot for a partisan office. An elector may vote for as many of the
13 listed candidates as the elector chooses and in so doing may cast a
14 vote for more than one candidate for a single partisan office, provided
15 that the elector does not cast more than one vote for any individual
16 candidate.

17 “(2) Except as provided in a home rule charter or subsection (3) of
18 this section, for partisan offices, the two candidates receiving the
19 highest number of votes at the primary election shall be the sole
20 candidates who advance to the general election.

21 “(3) If three or more candidates for a partisan office are on the
22 ballot for a primary election and a vacancy occurs in a nomination to
23 the office after the primary election and before the 61st day before the
24 general election, the qualified candidate who received the next highest
25 number of votes at the primary election, if any, shall be the replace-
26 ment nominee. The chief elections officer, as defined in ORS 254.005,
27 shall file the name of the replacement nominee with each appropriate
28 county clerk.

29 “SECTION 6. Filing and nominating processes for partisan offices.
30 Except as provided in this 2014 Act, all provisions of state law that

1 apply to the filing and nomination processes for candidates for non-
2 partisan offices also apply to partisan offices.

3 **“SECTION 7. Sections 8 to 10 of this 2014 Act are added to and made**
4 **a part of ORS chapter 254.**

5 **“SECTION 8. Definition. As used in this chapter, ‘partisan office’**
6 **means the office of United States Senator, Representative in Congress,**
7 **Governor, Secretary of State, State Treasurer, Attorney General, state**
8 **Senator and state Representative and any other state, county, city or**
9 **district office that is not a nonpartisan office nor an office for which**
10 **nominations to the general election by political parties are expressly**
11 **authorized by law.**

12 **“SECTION 9. Election ballots for partisan offices. (1) The provisions**
13 **of this section are intended to provide electors access to information**
14 **in the public record about candidates for partisan offices and the pol-**
15 **itical parties that endorse those candidates, without infringing on the**
16 **rights of political parties and their members to organize and associate.**

17 **“(2) For each primary election that includes a partisan office, the**
18 **county clerk shall print on the ballot:**

19 **“(a)(A) If the candidate for a partisan office is registered as affil-**
20 **iated with a political party on the 70th day before the date of the**
21 **election, following the name of the candidate, the statement ‘Regis-**
22 **tration: _____’ (name of political party); or**

23 **“(B) If the candidate for a partisan office is not registered as affil-**
24 **iated with a political party on the 70th day before the date of the**
25 **election, following the name of the candidate, the statement ‘Regis-**
26 **tration: not a member of a party’ or, if the candidate chooses, no**
27 **statement concerning the candidate’s party registration status;**

28 **“(b) The statement: ‘A candidate’s political party registration**
29 **shown on this ballot for partisan offices indicates the candidate’s party**
30 **registration status as of 70 days prior to the election. It does not imply**

1 the endorsement of the political party identified.’; and

2 “(c) For each candidate for a partisan office, following the name
3 of the candidate, the name of any political party that has officially
4 endorsed the candidate, preceded by the phrase ‘Endorsed by:’. The
5 county clerk shall print only those endorsements that have been re-
6 ceived and accepted by the candidate and for which the chief elections
7 officer has received notice not later than the 61st day before the date
8 of the election.

9 “(3) For each general election that includes a partisan office, the
10 county clerk shall print on the ballot:

11 “(a)(A) If the candidate for a partisan office is registered as affil-
12 iated with a political party on the 70th day before the date of the
13 election, following the name of the candidate, the statement ‘Regis-
14 tration: _____’ (name of political party); or

15 “(B) If the candidate for a partisan office is not registered as affil-
16 iated with a political party on the 70th day before the date of the
17 election, following the name of the candidate, the statement ‘Regis-
18 tration: not a member of a party’ or, if the candidate chooses, no
19 statement concerning the candidate’s party registration status.

20 “(b) The statement: ‘A candidate’s political party registration
21 shown on this ballot for partisan offices indicates the candidate’s party
22 registration status as of 70 days prior to the election. It does not imply
23 the endorsement of the political party identified.’

24 “(c) For each candidate for a partisan office, following the name
25 of the candidate, the name of any political party that has officially
26 endorsed the candidate, preceded by the phrase ‘Endorsed by:’. The
27 county clerk shall print only those endorsements that have been re-
28 ceived and accepted by the candidate and for which the chief elections
29 officer has received notice not later than the 61st day before the date
30 of the election.

1 “(4) As used in this section, ‘political party’ means a party qualified
2 as a major or minor political party in this state under ORS chapter
3 248.

4 “(5) The Secretary of State may adopt rules to implement this sec-
5 tion.

6 “SECTION 10. Election process for partisan offices. Except as pro-
7 vided in this 2014 Act, all provisions of state law that apply to elections
8 and ballots for nonpartisan offices also apply to partisan offices.

9 “SECTION 11. Severability. Section 9 of this 2014 Act and each of
10 its subsections, paragraphs and subparagraphs is severable from this
11 2014 Act. If section 9 of this 2014 Act or any subsection, paragraph or
12 subparagraph in section 9 of this 2014 Act is held unconstitutional, the
13 remaining parts of this 2014 Act shall remain in force.

14 “SECTION 12. ORS 188.120 is amended to read:

15 “188.120. (1) If a vacancy in election or office of Representative in Con-
16 gress or United States Senator occurs before the 61st day before the general
17 election, the Governor shall call a special election to fill that vacancy. If a
18 vacancy in election or office of United States Senator occurs after the 62nd
19 day before the general election but on or before the general election, and if
20 the term of that office is not regularly filled at that election, the Governor
21 shall call a special election to fill the vacancy as soon as practicable after
22 the general election.

23 “(2) If a special election to fill the vacancy in election or office of Rep-
24 resentative in Congress or United States Senator is called before the 80th
25 day after the vacancy occurs, [*each major political party shall select its*
26 *nominee for the office and certify the name of the nominee to the Secretary of*
27 *State. The Secretary of State shall place the name of the nominee on the*
28 *ballot*] **nominations to the election shall take the form of a declaration**
29 **of candidacy or nominating petition, which may be filed by any oth-**
30 **erwise eligible elector.**

1 “(3) If a special election to fill the vacancy in election or office of Rep-
2 resentative in Congress or United States Senator is called after the 79th day
3 after the vacancy occurs, a special primary election shall be conducted by
4 the Secretary of State for the purpose of nominating [*a candidate of each*
5 *major political party*] **candidates to the special election called to fill the**
6 **vacancy**. A declaration of candidacy or nominating petition may be filed not
7 later than the 10th day following the issuance of the writ of election.

8 “(4) **Special elections and special primary elections conducted under**
9 **this section shall be as provided for partisan offices generally, except**
10 **that the Secretary of State may accept nominating petitions, declara-**
11 **tions of candidacy and endorsements according to a schedule for filing**
12 **set by the secretary, and except that, in the case of a special election**
13 **held under subsection (1) of this section, the ballot shall include the**
14 **names of all qualified candidates who have filed declarations of can-**
15 **didacy or nominating petitions.**

16 “(5) As used in this section, ‘partisan office’ has the meaning given
17 that term in section 4 of this 2014 Act.

18 “**SECTION 13. Section 14 of this 2014 Act is added to and made a**
19 **part of ORS chapter 236.**

20 “**SECTION 14. Vacancies in partisan offices. (1) As used in this**
21 **section, ‘partisan office’ has the meaning given that term in section**
22 **4 of this 2014 Act.**

23 “(2) **Notwithstanding ORS 171.051, 171.060, 171.068, 236.100, 236.215**
24 **and 236.217, whenever a vacancy exists in any partisan office in this**
25 **state and is to be filled by appointment, a person who is otherwise el-**
26 **igible may be appointed to fill the vacancy regardless of the person’s**
27 **affiliation or lack of affiliation with a political party, and whenever a**
28 **vacancy exists in any partisan office in this state and is to be filled**
29 **by election, the election procedures for partisan offices shall be fol-**
30 **lowed.**

1 **“SECTION 15. Section 16 of this 2014 Act is added to and made a**
2 **part of ORS 171.051 to 171.064.**

3 **“SECTION 16. State legislative vacancies. In the case of a vacancy**
4 **in the office of state Senator or state Representative that is to be filled**
5 **by an appointing authority as provided in ORS 171.051, the following**
6 **apply:**

7 **“(1) Notwithstanding ORS 171.051, an otherwise eligible person may**
8 **be appointed to fill the vacancy regardless of the person’s affiliation**
9 **or lack of affiliation with a political party.**

10 **“(2) Candidates for the remaining two years of the term of office**
11 **of a state Senator under ORS 171.051 (4) shall be nominated as provided**
12 **for that office in ORS chapter 249, except that the Secretary of State**
13 **shall accept declarations of candidacy and nominating petitions ac-**
14 **cording to a schedule for filing set by the secretary, but in any case**
15 **not later than the 62nd day before the first general election to be held**
16 **during that term of office.**

17 **“(3) ORS 171.060 (1) does not apply to the appointment.**

18 **“(4) The procedure described in ORS 171.060 (2) for a vacancy in the**
19 **office of state Senator or state Representative not affiliated with a**
20 **major political party applies to the appointment.**

21 **“SECTION 17. ORS 254.056 is amended to read:**

22 **“254.056. (1) The general election shall be held on the first Tuesday after**
23 **the first Monday in November of each even-numbered year. Except as pro-**
24 **vided in ORS 254.650, at the general election officers of the state and subdi-**
25 **visions of the state, members of Congress and electors of President and Vice**
26 **President of the United States as are to be elected in that year shall be**
27 **elected.**

28 **“(2) The primary election shall be held on the third Tuesday in May of**
29 **each even-numbered year. At the primary election [*precinct committee*persons**
30 ***shall be elected and major political party candidates shall be nominated for***

1 *offices to be filled at the general election held in that year.]:*

2 **“(a) Nonpartisan candidates shall be nominated or elected by all**
3 **electors, as described in ORS chapter 249;**

4 **“(b) Partisan office candidates shall be nominated by all electors,**
5 **as described in ORS chapter 249, for offices to be filled at the general**
6 **election held in that year;**

7 **“(c) In a presidential election year, delegates to nominating con-**
8 **ventions for the offices of President and Vice President of the United**
9 **States shall be selected as provided in ORS chapters 248 and 249, and**
10 **precinct committeepersons shall be elected by members of major poli-**
11 **tical parties; and**

12 **“(d) Notwithstanding paragraph (c) of this subsection and ORS**
13 **248.015 (1) and (5), if the number of candidates having filed for precinct**
14 **committeeperson is equal to or less than the number of positions to**
15 **be filled at the primary election, no election for precinct committee-**
16 **person shall be held and all candidates having filed shall be issued a**
17 **certificate of election under ORS 248.023.**

18 **“SECTION 18.** ORS 254.115 is amended to read:

19 **“254.115. (1) The official primary election ballot shall be styled ‘[Official]**
20 **Primary [Nominating] Ballot [for the _____ Party.]’ and shall state:**

21 **“(a) The name of the county for which it is intended.**

22 **“(b) The date of the primary election.**

23 **“(c) The names of all candidates for nomination **or election** at the pri-**
24 **mary election **to nonpartisan, partisan or other offices** whose nominating**
25 **petitions or declarations of candidacy have been made and filed, and who**
26 **have not died, withdrawn or become disqualified.**

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

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

30 **“(d) In a presidential election year, the name of each candidate for**

1 a political party nomination for President of the United States who
2 has qualified for the ballot under ORS 249.078, and the names of can-
3 didates for election as precinct committeepersons, if required. Only
4 votes cast by members of the applicable political party shall be tallied
5 and published for any such contest.

6 “(2) The primary election ballot may include any city, county or nonpar-
7 tisan office or the number, ballot title and financial estimates under ORS
8 250.125 of any measure.

9 “(3) The ballot may not contain the name of any person other than those
10 referred to in subsections (1) and (2) of this section. The name of each
11 candidate for whom a nominating petition or declaration of candidacy has
12 been filed shall be printed on the ballot in but one place. In the event that
13 two or more candidates for the same nomination or office have the same or
14 similar surnames, the location of their places of residence shall be printed
15 with their names to distinguish one from another.

16 **“SECTION 19. Sections 20 and 21 of this 2014 Act are added to and**
17 **made a part of ORS chapter 248.**

18 **“SECTION 20. Political party nominations. Notwithstanding ORS**
19 **248.006, 248.007 and 248.008 at the primary election, a political party**
20 **otherwise authorized by law to nominate candidates through the pri-**
21 **mary election may nominate candidates only for an office for which**
22 **nominations to the general election by political parties are expressly**
23 **authorized by law.**

24 **“SECTION 21. Term of office of precinct committeeperson. Not-**
25 **withstanding ORS 248.015, the term of office of a precinct committee-**
26 **person elected under ORS 248.015 before the effective date of this 2014**
27 **Act is four years and expires on the 24th day after the date of the**
28 **primary election held in a presidential election year at which the pre-**
29 **inct committeeperson was last elected.**

30 **“SECTION 22. ORS 248.008 is amended to read:**

1 “248.008. (1) An affiliation of electors becomes a minor political party in
2 the state, a county or other electoral district, qualified to make nominations
3 for public office in that electoral district and in any other electoral district
4 wholly contained within the electoral district, when the affiliation of elec-
5 tors has acted as described in either paragraph (a) or (b) of this subsection:

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

11 “(B) The petition must contain only original signatures and must be filed
12 not later than two years following the date the prospective petition is filed.
13 The petition must state the intention to form a new political party and des-
14 ignate a name for the political party.

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

23 “(i) Any person is being paid for obtaining signatures, when the statement
24 included with the prospective petition declared that no person would be paid
25 for obtaining signatures of electors.

26 “(ii) No person is being paid for obtaining signatures, when the statement
27 included with the prospective petition declared that one or more persons
28 would be paid for obtaining signatures of electors.

29 “(D) The circulator shall certify on each signature sheet that the
30 circulator witnessed the signing of the signature sheet by each individual

1 whose signature appears on the signature sheet and that the circulator be-
2 lieves each individual is an elector registered in the electoral district.

3 “(E) The Secretary of State shall verify whether the petition contains the
4 required number of signatures of electors. The Secretary of State may not
5 accept a petition for filing if it contains less than 100 percent of the required
6 number of signatures. The Secretary of State by rule shall designate a sta-
7 tistical sampling technique to verify whether a petition contains the required
8 number of signatures of electors. A petition may not be rejected for the
9 reason that it contains less than the required number of signatures unless
10 two separate sampling processes both establish that the petition lacks the
11 required number of signatures. The second sampling must contain a larger
12 number of signatures than the first sampling. The Secretary of State may
13 employ professional assistance to determine the sampling technique. The
14 statistical sampling technique may be the same as that adopted under ORS
15 250.105.

16 “(b) When the affiliation of electors has polled for any one of its candi-
17 dates for any public office in the electoral district at least one percent of the
18 total votes cast in the electoral district for all candidates for:

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

22 “(B) Any single state office to be voted upon in the state at large [*for*
23 *which nominations by political parties are permitted by law*] at the most re-
24 cent **primary or general** election at which a candidate for the office was
25 elected to a full term.

26 “(2) After satisfying either subsection (1)(a) or (b) of this section, the
27 minor political party may nominate candidates for election at the next
28 [*general*] **primary election for a partisan office, as defined in section 4**
29 **of this 2014 Act, or general election for President and Vice President**
30 **of the United States.**

1 “(3) A filing officer may not accept a certificate of nomination of a can-
2 didate nominated by a minor political party for a subsequent **primary or**
3 general election unless the minor political party has maintained status as a
4 minor political party as described in subsection (4) of this section.

5 “(4) In order to maintain status as a minor political party for a subse-
6 quent **primary or** general election:

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

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

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

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

25 “(ii) Any single state office to be voted upon in the state at large [*for*
26 *which nominations by political parties are permitted by law*] at the most re-
27 cent **primary or general** election at which a candidate for the office was
28 elected to a full term.

29 “(5) An affiliation of electors that fails to maintain status as a minor
30 political party ceases to be a minor political party on the 90th day before the

1 date of the next general election.

2 “(6) During the period beginning on the date of the primary election and
3 ending on the 90th day before the date of the general election, the Secretary
4 of State shall determine at least once each month whether registration re-
5 quirements to maintain status as a minor political party have been satisfied.

6 “(7) If a minor political party changes its name, only those electors who
7 register on or after the effective date of the name change as members of the
8 party under the new party name shall be counted as members of the party.

9 “(8) An affiliation of electors or a minor political party may not nominate
10 a candidate who is the nominee of another political party at the same
11 election in order to satisfy the one percent requirement referred to in sub-
12 section (1)(b) or (4)(b)(B) of this section.

13 “(9) For purposes of this section, ‘subsequent general election’ means any
14 **primary or** general election that is held after the first general election fol-
15 lowing qualification as a minor political party under subsection (1) of this
16 section.

17 **“SECTION 23.** ORS 249.088 is amended to read:

18 “249.088. (1) Except as provided in ORS 249.091, at the nominating
19 election held on the date of the primary election:

20 **“(a) Electors may vote for one or more candidates listed on the**
21 **primary election ballot for a nonpartisan office. An elector may vote**
22 **for as many of the listed candidates as the elector chooses and in so**
23 **doing may cast a vote for more than one candidate for a single non-**
24 **partisan office, provided that the elector does not cast more than one**
25 **vote for any individual candidate.**

26 “[*a*] **(b) Unless only one [a] candidate for the nonpartisan office re-**
27 **ceives [a majority of the votes cast for the office] votes from a majority of**
28 **the electors, the two candidates who receive the highest number of votes**
29 **are nominated.**

30 “[*b*] **(c) If [a] only one candidate for the nonpartisan office receives [a**

1 *majority of votes cast for the office]* **votes from a majority of the**
2 **electors**, that candidate is elected.

3 “(2) The application of this section is subject to the provisions of a home
4 rule charter.

5 **“SECTION 24.** ORS 249.091 is amended to read:

6 “249.091. (1) If a nominating petition or declaration of candidacy is filed
7 by no more than two candidates for the office of sheriff, county treasurer
8 or county clerk or by no more than two candidates to fill a vacancy in a
9 nonpartisan office:

10 “(a) The candidate or candidates are nominated; and

11 “(b) The name or names of the candidate or candidates may not be printed
12 on the ballot at the nominating election.

13 “(2) If a nominating petition or declaration of candidacy is filed by more
14 than two candidates for the office of sheriff, county treasurer or county clerk
15 or by more than two candidates to fill a vacancy in a nonpartisan office:

16 “(a) Unless **only one** [a] candidate **for the nonpartisan office** receives
17 [a *majority of the votes cast for the office]* **votes from a majority of the**
18 **electors**, the two candidates who receive the highest number of votes are
19 nominated.

20 “(b) If [a] **only one** candidate **for the nonpartisan office** receives [a
21 *majority of the votes cast for the office]* **votes from a majority of the elec-**
22 **tors**, that candidate alone is nominated.

23 “(3) The application of this section is subject to the provisions of a home
24 rule charter.

25 **“SECTION 25. Repeals. ORS 254.025 and 254.365 are repealed.**

26 **“SECTION 26.** ORS 253.540 is amended to read:

27 “253.540. (1) Any military or overseas elector may secure a ballot by
28 submitting an application as specified in subsection (2) of this section to the
29 clerk of the county of the military or overseas elector’s residence, or to the
30 Secretary of State. If the application is addressed to the Secretary of State,

1 the secretary shall forward it to the appropriate county clerk.

2 “(2) An application for a ballot by a military or overseas elector shall be
3 made in the form of a written request. The application shall be valid for
4 every subsequent election until the elector otherwise notifies the clerk or is
5 no longer an elector of the county. The application shall be signed by the
6 applicant and contain:

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

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

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

11 “(d) A statement that for more than 20 days preceding the election the
12 applicant’s home residence has been in this state, and giving the address of
13 the last home residence;

14 “(e) A statement of the facts that qualify the applicant as a military or
15 overseas elector or as the spouse or a dependent of a military or overseas
16 elector; **and**

17 “(f) A statement that the applicant is not requesting a ballot from any
18 other state and is not voting in any other manner in the election except by
19 the requested ballot. [*; and*]

20 “[*(g) If the applicant desires to vote in a primary election, a designation*
21 *of the applicant’s political party affiliation or a statement that the applicant*
22 *is not affiliated with any political party. An applicant not affiliated with any*
23 *political party may request a ballot for a major political party. The applicant*
24 *shall be sent the ballot for the political party that the applicant requested if*
25 *that political party has provided under ORS 254.365 for a primary election that*
26 *admits electors not affiliated with any political party.*]

27 **“SECTION 27.** ORS 253.565 is amended to read:

28 “253.565. (1) Any military or overseas elector may secure a special ballot
29 for a primary election or general election by making an application under
30 this section if the elector believes that:

1 “(a) The elector will be residing, stationed or working outside the terri-
2 torial limits of the United States and the District of Columbia; and

3 “(b) The elector will be unable to vote and return a regular ballot by
4 normal mail delivery within the period provided for regular absent electors.

5 “(2) A military or overseas elector shall make the application for a special
6 ballot in the form of a written request. The elector shall submit the appli-
7 cation before the date of the applicable election to the clerk of the county
8 of the military or overseas elector’s residence or to the Secretary of State.
9 If the application is addressed to the Secretary of State, the secretary shall
10 forward it to the appropriate county clerk. The application shall be signed
11 by the applicant and contain:

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

13 “(b) A designation of the election for which the applicant requests a
14 special ballot;

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

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

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

21 “(f) A statement of the facts that qualify the applicant as a military or
22 overseas elector or as the spouse or a dependent of a military or overseas
23 elector;

24 “(g) A statement of the facts that qualify the applicant to vote by means
25 of a special ballot; **and**

26 “(h) A statement that the applicant is not requesting a ballot from any
27 other state and is not voting in any other manner in the election except by
28 the requested special ballot. [*and*]

29 “*[(i) If the applicant requests a ballot for a primary election, a designation*
30 *of the applicant’s political party affiliation or a statement that the applicant*

1 *is not affiliated with any political party. An applicant not affiliated with any*
2 *political party may request a ballot for a major political party. The applicant*
3 *shall be sent the ballot for the political party that the applicant requested if*
4 *that political party has provided under ORS 254.365 for a primary election that*
5 *admits electors not affiliated with any political party.]*

6 “(3) An application for a special ballot shall be valid only for the election
7 specified in the application.

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

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

15 **“SECTION 28.** ORS 254.370 is amended to read:

16 “254.370. The county clerk shall maintain[:]

17 “[*(1)*] a monthly registration record of all electors registered as not being
18 affiliated with any political party.[:]

19 “[*(2)* *At each primary election, a record of the number of electors who voted*
20 *from each major political party;*]

21 “[*(3)* *A record of all electors registered as not being affiliated with any*
22 *political party who vote in a primary election of a major political party that*
23 *has provided under ORS 254.365 for a primary election that admits electors*
24 *not affiliated with any political party; and]*

25 “[*(4)* *A record of all electors registered as not being affiliated with any*
26 *political party who vote in the general election.]*

27 **“SECTION 29.** ORS 254.470 is amended to read:

28 “254.470. (1) The Secretary of State by rule shall establish requirements
29 and criteria for the designation of places of deposit for the ballots cast in
30 an election. The rules shall also specify the dates and times the places of

1 deposit must be open and the security requirements for the places of deposit.
2 At a minimum, the places designated under this section shall be open on the
3 date of the election for a period of eight or more hours, but must be open
4 until at least 8 p.m. At each place of deposit designated under this section,
5 the county clerk shall prominently display a sign stating that the location
6 is an official ballot drop site.

7 “(2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the
8 county clerk shall mail by nonforwardable mail an official ballot with a re-
9 turn identification envelope and a secrecy envelope not sooner than the 20th
10 day before the date of an election and not later than the 14th day before the
11 date of the election, to each active elector of the electoral district as of the
12 21st day before the date of the election.

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

20 “(c) In the case of ballots to be mailed to addresses outside this state to
21 electors who are not military or overseas electors, the county clerk may mail
22 the ballots not sooner than the 29th day before the date of the election.

23 “[3) *For an election held on the date of a primary election:*]

24 “[a) *The county clerk shall mail the official ballot of a major political*
25 *party to each elector who is registered as being affiliated with the major poli-*
26 *tical party as of the 21st day before the date of the election.*]

27 “[b) *The county clerk shall mail the official ballot of a major political*
28 *party to an elector not affiliated with any political party if the elector has*
29 *applied for the ballot as provided in this subsection and that party has pro-*
30 *vided under ORS 254.365 for a primary election that admits electors not affil-*

1 *ated with any political party.]*

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

9 *“(d) If the primary election ballot includes city, county or nonpartisan of-*
10 *fices or measures, the county clerk shall mail to each elector who is not eligible*
11 *to vote for party candidates a ballot limited to those offices and measures for*
12 *which the elector is eligible to vote.]*

13 *“[(4)] (3) For each elector who updates a voter registration after the*
14 *deadline in ORS 247.025, the county clerk shall make the official ballot, the*
15 *return identification envelope and the secrecy envelope available either by*
16 *mail or at the county clerk’s office or at another place designated by the*
17 *county clerk. An elector to whom this subsection applies must request a*
18 *ballot from the county clerk.*

19 *“[(5)] (4) The ballot shall contain the following warning:*

20 *“*
21 *“Any person who, by use of force or other means, unduly influences an*
22 *elector to vote in any particular manner or to refrain from voting is subject*
23 *to a fine.*

24 *“*
25 *“[(6)(a)] (5)(a) Upon receipt of any ballot described in this section, the*
26 *elector shall mark the ballot, sign the return identification envelope supplied*
27 *with the ballot and comply with the instructions provided with the ballot.*

28 *“(b) The elector may return the marked ballot to the county clerk by*
29 *United States mail or by depositing the ballot at the office of the county*
30 *clerk, at any place of deposit designated by the county clerk or at any lo-*

1 cation described in ORS 254.472 or 254.474.

2 “(c) The ballot must be returned in the return identification envelope. If
3 the elector returns the ballot by mail, the elector must provide the postage.

4 “(d) Subject to paragraph (e) of this subsection, if a person returns a
5 ballot for an elector, the person shall deposit the ballot in a manner de-
6 scribed in paragraph (b) of this subsection not later than two days after re-
7 ceiving the ballot.

8 “(e) A ballot must be received at the office of the county clerk, at the
9 designated place of deposit or at any location described in ORS 254.472 or
10 254.474 not later than the end of the period determined under subsection (1)
11 of this section on the date of the election.

12 “[7] **(6)** An elector may obtain a replacement ballot if the ballot is de-
13 stroyed, spoiled, lost or not received by the elector. Replacement ballots
14 shall be issued and processed as described in this section and ORS 254.480.
15 The county clerk shall keep a record of each replacement ballot provided
16 under this subsection. Notwithstanding any deadline for mailing ballots in
17 subsection (2) of this section, a replacement ballot may be mailed, made
18 available in the office of the county clerk or made available at one central
19 location in the electoral district in which the election is conducted. The
20 county clerk shall designate the central location. A replacement ballot need
21 not be mailed after the fifth day before the date of the election.

22 “[8] **(7)** A ballot shall be counted only if:

23 “(a) It is returned in the return identification envelope;

24 “(b) The envelope is signed by the elector to whom the ballot is issued;
25 and

26 “(c) The signature is verified as provided in subsection [(9)] **(8)** of this
27 section.

28 “[9] **(8)** The county clerk shall verify the signature of each elector on
29 the return identification envelope with the signature on the elector’s regis-
30 tration card, according to the procedure provided by rules adopted by the

1 Secretary of State. If the county clerk determines that an elector to whom
2 a replacement ballot has been issued has voted more than once, the county
3 clerk shall count only one ballot cast by that elector.

4 “[~~(10)~~] (9) At 8 p.m. on election day, electors who are at the county clerk’s
5 office, a place of deposit designated under subsection (1) of this section or
6 any location described in ORS 254.472 or 254.474 and who are in line waiting
7 to vote or deposit a voted ballot shall be considered to have begun the act
8 of voting.

9 **“SECTION 30.** ORS 253.690 is amended to read:

10 “253.690. (1) A military or overseas elector described in ORS 253.510 may
11 cast a ballot using a facsimile machine or by electronic mail as provided in
12 this section. Notwithstanding ORS 254.470 [~~(8)~~] (7), a ballot cast under this
13 section shall be counted only if the ballot:

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

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

19 “(c) The signature is verified as provided in subsection (4) of this section.

20 “(2) Each elector who casts a ballot under this section shall complete and
21 submit a waiver described in this subsection. The elector shall attest to the
22 information supplied on the waiver by signing the completed waiver. The
23 Secretary of State by rule shall design the form of the waiver, which shall
24 include all of the following:

25 “(a) Space for the elector to provide the elector’s full name, residence or
26 mailing address, an electronic mail address, phone or facsimile number where
27 the elector may be contacted and any other necessary information.

28 “(b) A waiver in substantially the following form:

29 “ _____
30 “I, _____, acknowledge that by casting my voted ballot using a

1 facsimile machine or by electronic mail I have waived my right to a secret
2 ballot.

3 “ _____

4 “(c) A statement to notify the elector that the elector’s ballot will not be
5 counted unless the elector has complied with the provisions of this section.

6 “(d) Space for the elector to provide the elector’s signature to attest to
7 the information supplied.

8 “(3)(a) If a ballot is cast under this section using a facsimile machine, the
9 return identification envelope and waiver shall also be submitted using a
10 facsimile machine.

11 “(b) If a ballot is cast under this section by electronic mail, the return
12 identification envelope and waiver shall also be submitted by electronic mail.

13 “(4) The county clerk shall verify the signature of each elector on the
14 return identification envelope transmitted by facsimile machine or electronic
15 mail under this section with the signature on the elector’s registration card,
16 according to the procedure provided by rules adopted by the Secretary of
17 State.

18 “(5) The Secretary of State shall adopt rules to administer this section
19 and to ensure the secrecy of ballots cast using a facsimile machine or by
20 electronic mail to the greatest extent possible.

21 **“SECTION 31.** ORS 260.695 is amended to read:

22 “260.695. (1)(a) If a person prints or circulates an imitation of the ballot
23 or sample ballot:

24 “(A) The imitation ballot or sample ballot and the back of any return
25 envelope enclosed with the ballot or sample ballot shall state the following:
26 ‘THIS IS NOT A REAL BALLOT. DO NOT USE TO VOTE.’ The statement
27 on the imitation ballot or sample ballot shall be in bold print that is at least
28 two times as large as the majority of the text on the ballot or sample ballot
29 or 20-point type, whichever is larger. The statement on the back of a return
30 envelope shall be in bold print that is at least 36-point type.

1 “(B) The word ‘UNOFFICIAL’ must be superimposed on the imitation
2 ballot or sample ballot so that the word extends diagonally across the ballot
3 from one margin of the text to the other. The superimposed word may be
4 printed in lighter ink than other text on the ballot or sample ballot.

5 “(b) For purposes of this subsection, an imitation of the ballot or sample
6 ballot includes an imitation of a portion of the ballot or sample ballot.

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

20 “(3) A person may not obstruct an entrance of a building in which ballots
21 are issued or a place designated for the deposit of ballots under ORS 254.470
22 or any voting booth maintained under ORS 254.474 is located. This sub-
23 section applies during the period beginning on the date that ballots are
24 mailed to electors as provided in ORS 254.470 and ending on election day at
25 8 p.m. or when all persons waiting in line at the building or location who
26 began the act of voting as described in ORS 254.470 [(10)] **(9)** by 8 p.m. have
27 finished voting.

28 “(4) A person may not vote or offer to vote in any election knowing the
29 person is not entitled to vote.

30 “(5) A person may not make a false statement about the person’s inability

1 to mark a ballot.

2 “(6) A person, except an elections official in performance of duties or
3 another person providing assistance to an elector as described in ORS
4 254.445, may not ask a person at any place designated for the deposit of
5 ballots under ORS 254.470 or at any location described in ORS 254.472 or
6 254.474 for whom that person intends to vote, or examine or attempt to ex-
7 amine the person’s ballot.

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

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

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

15 “(10) An elector may not willfully leave at any place designated for the
16 deposit of ballots under ORS 254.470 or at any location described in ORS
17 254.472 or 254.474 anything that will show how the elector’s ballot was
18 marked.

19 “(11) A person, except an elections official in performance of duties, may
20 not remove a ballot from any place designated for the deposit of ballots un-
21 der ORS 254.470 or any location described in ORS 254.472 or 254.474.

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

25 “(13) A person, except an elections official in performance of duties, may
26 not willfully remove, alter or destroy election equipment or supplies, or
27 break the seal or open any sealed package containing election supplies.

28 “(14) A person, except an elections official in performance of duties, may
29 not provide elections advice or attempt to collect voted ballots within any
30 building in which any state or local government elections office designated

1 for the deposit of ballots under ORS 254.470 is located, or within 100 feet
2 measured radially from any entrance to the building.

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

5 “(a) The person prominently displays at the location a sign stating: ‘NOT
6 AN OFFICIAL BALLOT DROP SITE’; and

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

8 **“SECTION 32. Captions. The section captions used in this 2014 Act**
9 **are provided only for the convenience of the reader and do not become**
10 **part of the statutory law of this state or express any legislative intent**
11 **in the enactment of this 2014 Act.**

12 **“SECTION 33. Effect. Sections 3 to 6, 8 to 11, 14, 16, 20 and 21 of this**
13 **2014 Act, the amendments to ORS 188.120, 248.008, 249.088, 249.091,**
14 **253.540, 253.565, 253.690, 254.056, 254.115, 254.370, 254.470 and 260.695 by**
15 **sections 12, 17, 18, 22 to 24 and 26 to 31 of this 2014 Act and the repeal**
16 **of ORS 254.025 and 254.365 by section 25 of this 2014 Act:**

17 **“(1) Apply only to appointments and elections to public office oc-**
18 **curring on or after the date specified in section 35 of this 2014 Act;**

19 **“(2) Apply to a certificate of nomination, nominating petition or**
20 **declaration of candidacy filed before the date specified in section 35**
21 **of this 2014 Act for an election to a partisan office to be conducted on**
22 **or after the date specified in section 35 of this 2014 Act;**

23 **“(3) Apply only to vacancies occurring during terms of office where**
24 **the person originally elected for the term during which the vacancy**
25 **occurred was elected for that term after the date specified in section**
26 **35 of this 2014 Act; and**

27 **“(4) Are not intended to require a change in the composition of any**
28 **committee or commission described in ORS 137.658 or 244.250.**

29 **“SECTION 34. The Seventy-eighth Legislative Assembly shall enact**
30 **any legislation that may be necessary to carry out the provisions of**

1 **this 2014 Act during the 2015 regular session.**

2 **“SECTION 35. This 2014 Act first applies to elections held after**
3 **January 1, 2016.**

4 **“SECTION 36. This 2014 Act shall be submitted to the people for**
5 **their approval or rejection at the next regular general election held**
6 **throughout this state.”.**

7
