

Senate Bill 651

Sponsored by Senators FERRIOLI, WINTERS; Senators BAERTSCHIGER JR, BOQUIST, GIROD, HANSELL, KNOPP, KRUSE, OLSEN, THOMSEN, WHITSETT

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**.

Requires that candidate for state Senate or state Representative receive majority of votes cast in general election to be elected. If no candidate receives majority of votes cast, requires runoff election.

Specifies procedures for runoff election.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to elections for members of Legislative Assembly; creating new provisions; amending ORS
3 254.065; and declaring an emergency.

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

5 **SECTION 1.** ORS 254.065 is amended to read:

6 254.065. (1) **Except as provided in subsection (2) of this section**, when one person is to be
7 nominated for or elected to an office, the person receiving the highest number of votes shall be
8 nominated or elected. When more than one person is to be nominated for or elected to a single of-
9 fice, the persons receiving the higher number of votes shall be nominated or elected. This subsection
10 does not apply to a candidate for election to an office at a general election if the election for the
11 office must be held at a special election as described in ORS 254.650.

12 **(2) When one person is to be elected to the office of state Senator or state Represen-**
13 **tative, the person who receives a majority of the votes cast for the office is elected. If no**
14 **person receives a majority of the votes cast for the office, a second election shall be held as**
15 **described in section 3 of this 2015 Act between the persons receiving the highest and second**
16 **highest number of votes. The person receiving the highest number of votes at the second**
17 **election is elected.**

18 [(2)] (3) No measure shall be adopted unless it receives an affirmative majority of the total votes
19 cast on the measure. If two or more conflicting laws, or amendments to the Constitution or charter,
20 are approved at the same election, the law, or amendment, receiving the greatest number of affir-
21 mative votes shall be paramount regarding each conflict, even though the law, or amendment, may
22 not have received the greatest majority of affirmative votes.

23 **SECTION 2.** Section 3 of this 2015 Act is added to and made a part of ORS chapter 254.

24 **SECTION 3.** (1) **This section applies if no person receives a majority of the votes cast at**
25 **the general election for election to the office of state Senator or state Representative.**

26 **(2) Notwithstanding ORS 258.161:**

27 **(a) Any demand for a recount of ballots for election to an office described in subsection**
28 **(1) of this section shall be filed in the office of the Secretary of State not later than the 10th**
29 **day after the date of the general election; 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 (b) A demand for a recount shall specify that 100 percent of the precincts in which votes
 2 were cast for the office be recounted.

3 (3) If the Secretary of State determines that a candidate at the general election for
 4 election to an office listed in subsection (1) of this section has not received a majority of the
 5 votes cast for the office, the Secretary of State shall order a runoff election. The secretary
 6 shall issue the order not later than the 10th day after the date of the general election or one
 7 day after a recount is completed if a demand for a recount is filed under subsection (2) of
 8 this section.

9 (4) The runoff election shall be held on the first Tuesday after the first Monday in De-
 10 cember following the date of the general election.

11 (5) Notwithstanding ORS 253.065, for electors with mailing addresses outside this state,
 12 ballots shall be delivered not later than the 14th day before the date of the runoff election.

13 (6) There shall be no state voters' pamphlet for any runoff election called under this
 14 section.

15 (7) Notwithstanding ORS 254.545, not later than noon of the second day after the date
 16 of the runoff election, the county clerk shall deliver to the Secretary of State a copy of the
 17 abstracts for the offices voted upon at the runoff election.

18 (8) Notwithstanding ORS 254.555, not later than 5 p.m. of the third business day after the
 19 date of the runoff election, the Secretary of State shall issue a proclamation declaring the
 20 election of candidates to offices.

21 (9) Notwithstanding ORS 258.161, a recount shall not be conducted for any runoff election
 22 under this section unless the recount is required by ORS 258.280.

23 (10) The cost of all runoff elections necessary under this section shall be paid by the
 24 state.

25 (11) The ballot at a runoff election described in this section may not contain any measure
 26 or any candidate other than those candidates for which a runoff election is necessary.

27 (12) For purposes of filling a vacancy, the candidates at a runoff election under this
 28 section shall be considered nominees. A vacancy in a nomination shall be filed in the manner
 29 provided in ORS chapter 249.

30 (13) The Secretary of State may adopt rules governing the procedures for conducting a
 31 runoff election required by this section. The Secretary of State by rule may modify the pro-
 32 visions of ORS chapters 249, 253 and 254, except for this section.

33 (14) Write-in ballots shall not be counted in a runoff election described in this section.

34 **SECTION 4.** Section 3 of this 2015 Act and the amendments to ORS 254.065 by section 1
 35 of this 2015 Act become operative January 1, 2016.

36 **SECTION 5.** This 2015 Act being necessary for the immediate preservation of the public
 37 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
 38 on its passage.