

Senate Bill 707

Sponsored by Senator BOQUIST (at the request of Richard P. Burke)

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**.

Eliminates primary election as nominating election for major political party candidates. Requires major political parties to nominate candidates in manner provided in party organizational documents.

Directs Secretary of State to adopt rules setting procedures for conduct of partisan primary election for nominations for President of United States.

A BILL FOR AN ACT

Relating to elections; creating new provisions; amending ORS 248.006, 248.007, 248.009, 249.013, 249.016, 249.020, 249.031, 249.035, 249.037, 249.042, 249.046, 249.056, 249.064, 249.076, 249.180, 249.200, 249.705, 249.720, 249.810, 249.842, 249.850, 251.026, 251.065, 253.540, 253.565, 254.056, 254.115, 254.470, 254.555, 254.565, 254.575, 254.650 and 260.005; and repealing ORS 248.012, 248.015, 248.017, 248.023, 248.024, 248.026, 248.027, 248.029, 248.031, 248.033, 248.035, 248.043, 248.045, 248.072, 248.075, 248.085, 249.023, 249.068, 249.190, 254.025, 254.076, 254.365 and 254.370.

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

SECTION 1. ORS 254.056 is amended to read:

254.056. (1) The general election shall be held on the first Tuesday after the first Monday in November of each even-numbered year. Except as provided in ORS 254.650, at the general election officers of the state and subdivisions of the state, members of Congress and electors of President and Vice President of the United States as are to be elected in that year shall be elected.

(2) The primary election shall be held on the third Tuesday in May of each even-numbered year. *[At the primary election precinct committeepersons shall be elected and major political party candidates shall be nominated for offices to be filled at the general election held in that year.]*

SECTION 2. ORS 248.009 is amended to read:

248.009. (1) A **major or** minor political party shall file with the filing officer a copy of its organizational documents establishing its process for nominating candidates for public office. The organizational documents shall be filed not later than 30 days after they are adopted. The nominating process for candidates for election at the general election shall provide an equal opportunity to all registered members of the party within the electoral district to participate in the process of making nominations or selecting the delegates who will make the nominations. A **major or** minor political party shall file copies of any changes to its organizational documents relating to nomination of candidates for public office not later than 30 days after the date any changes were made. The **major or** minor political party shall nominate candidates for public office only in accordance with the procedures set forth in its organizational documents.

(2) A **major or** minor political party shall file with the filing officer a list of any officers selected by the party. The list shall be filed not later than 10 days after any selection is made. A **major or** minor political party shall file copies of any changes to the list of officers not later than

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 10 days after the date any changes were made.

2 (3) Not later than the 10th day before any nominating convention of a **major or** minor political
3 party, notice shall be published at least once in not fewer than three newspapers of general circu-
4 lation within the electoral district for which the nomination will be made. If there are fewer than
5 three newspapers of general circulation within the electoral district, notice shall be published at
6 least once in one newspaper of general circulation within the electoral district for which the nomi-
7 nation will be made and other public notice shall be given that is reasonably calculated to assure
8 that party members in the electoral district receive notice of the convention. The notice shall con-
9 tain the time and place of the convention, and the office or offices for which nominations will be
10 made.

11 **SECTION 3.** ORS 249.705 is amended to read:

12 249.705. A **major political party**, minor political party, assembly of electors or individual elec-
13 tors may nominate one candidate for each partisan public office to be filled at the general election
14 by preparing and filing a certificate of nomination as provided in ORS 249.712 to 249.850.

15 **SECTION 4.** ORS 248.006 is amended to read:

16 248.006. (1) An affiliation of electors becomes a major political party in this state [*and is quali-*
17 *fied to make nominations at a primary election*] when a number of electors equal to at least five
18 percent of the number of electors registered in this state are registered as members of the party not
19 later than the 275th day before the date of a primary election. An affiliation of electors satisfying
20 the requirements of this subsection shall be subject to the provisions of ORS 248.007 on the date the
21 Secretary of State determines the registration requirements are satisfied.

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

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

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

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

41 **SECTION 5.** ORS 248.007 is amended to read:

42 248.007. (1) Subject to ORS 248.005, a major political party may organize and select delegates
43 to national party conventions in any manner.

44 [(2) *The provisions of ORS 248.012 to 248.315 do not apply to a major political party if the party*
45 *has notified the Secretary of State as provided in subsection (5) of this section that the party does not*

1 *intend to be subject to the provisions of ORS 248.012 to 248.315. References to precinct committeepersons in any provisions of ORS chapters 246 to 260 do not apply to a party described in this*
 2 *subsection.]*
 3

4 *[(3) ORS 248.012 to 248.315 apply only to a major political party that has notified the Secretary*
 5 *of State as provided in subsection (5) of this section that the political party intends to be subject to the*
 6 *provisions of ORS 248.012 to 248.315. References to precinct committeepersons in any provisions of*
 7 *ORS chapters 246 to 260 shall apply to a party described in this subsection. If a major political party*
 8 *fails to notify the Secretary of State under this subsection, the party shall be considered subject to the*
 9 *provisions of ORS 248.012 to 248.315.]*

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

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

23 *[(6)] (2) In each even-numbered year, a major political party shall file with the Secretary of State*
 24 *[a statement indicating that the party is operating subject to ORS 248.012 to 248.315 or] a copy of*
 25 *current organizational documents setting forth the manner in which its officers and managing com-*
 26 *mittees are selected or any other manner in which it conducts its affairs. Material described in this*
 27 *subsection shall be filed on the 274th day before the third Tuesday in May of each odd-numbered*
 28 *year.*

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

31 **SECTION 6.** ORS 249.720 is amended to read:

32 249.720. (1) A certificate of nomination shall contain:

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

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

36 (c) The office, and department or position number if any, for which the candidate is nominated.

37 (d) The name of the **major or** minor political party, if any, that nominated the candidate.

38 (e) If the candidate is nominated for a partisan office by an assembly of electors or individual
 39 electors, the word “nonaffiliated” and a statement that the candidate has not been a member of a
 40 major or minor political party during at least 180 days before the deadline for filing the certificate
 41 of nomination.

42 (f) A statement that the candidate will qualify if elected.

43 (g) The signature of the candidate.

44 (h) A statement of the candidate’s occupation, educational and occupational background and
 45 prior governmental experience.

1 (2) For certificates of nomination of candidates for electors of President and Vice President of
2 the United States, the names of the candidates for President and Vice President the candidates
3 represent may be added to the name of the minor political party or the word “nonaffiliated,” as the
4 case may be. The names of all the candidates of a minor political party, or nonaffiliated candidates,
5 for electors of President and Vice President may be upon the same certificate of nomination.

6 (3) A certificate of nomination made by an assembly of electors shall be signed by the presiding
7 officer and secretary of the nominating convention of the assembly. A certificate of nomination made
8 by a **major or** minor political party shall be signed by an officer of the party. An affidavit shall be
9 made on the certificate by the presiding officer and secretary of the nominating convention of the
10 assembly or by the officer of the minor political party and signed and acknowledged by them before
11 a notary public. The affidavit shall be that the statements in the certificate of nomination and re-
12 lated documents are true. With respect to an assembly of electors, the affidavit shall state that the
13 assembly satisfied the requirements of ORS 249.735.

14 **SECTION 7.** ORS 249.810 is amended to read:

15 249.810. (1) Immediately after each certificate of nomination is filed, the filing officer shall enter
16 in the register of nominations:

17 (a) The date the certificate was filed.

18 (b) The name of each candidate.

19 (c) The office for which the candidate is nominated.

20 (d) When applicable, the name of the **major or** minor political party or identification of the as-
21 sembly of electors making the nomination, and the names of the chairperson and secretary certifying
22 it.

23 (e) If the certificate of nomination is made by individual electors, the total number of certified
24 signatures contained in the certificate.

25 (2) As soon as an acceptance or withdrawal of a candidate is filed with a filing officer, it shall
26 be entered in the register of nominations.

27 **SECTION 8.** ORS 249.842 is amended to read:

28 249.842. (1) Subject to subsection (5) of this section, before the date of the general election, a
29 vacancy in a nomination made by a **major or** minor political party may be filled as provided by
30 party rule.

31 (2) Subject to subsection (5) of this section, before the date of the general election, a vacancy
32 in a nomination made by an assembly of electors may be filled by:

33 (a) Reconvening the assembly that made the original nomination to select a new nominee; or

34 (b) A committee to whom the assembly at its convention delegated the authority to fill vacan-
35 cies.

36 (3) An assembly of electors may reconvene under subsection (2) of this section only at the call
37 of the chairperson of the original assembly. An assembly will be considered the assembly that made
38 the original nomination if the chairperson and secretary are the same as those of the original as-
39 sembly.

40 (4) Subject to subsection (5) of this section, before the date of the general election, a vacancy
41 in a nomination made by individual electors may be filled by filing a new certificate of nomination.
42 The certificate of nomination to fill the vacancy shall conform with the requirements of ORS 249.720
43 and 249.740.

44 (5) The Secretary of State by rule may adopt a schedule specifying the period after a vacancy
45 in a nomination occurs within which a certificate of nomination filling the vacancy must be filed.

1 **SECTION 9.** ORS 249.850 is amended to read:

2 249.850. (1) The certificate of nomination to fill the vacancy under ORS 249.842, may be filed
3 directly with the officer with whom the certificate of nomination of the original candidate was filed,
4 or it may be presented in duplicate to any county clerk who shall file one of the certificates in the
5 clerk's office, immediately notify the appropriate filing officer of the nomination and send the du-
6 plicate certificate to the officer by the most expeditious method practicable.

7 (2) Upon receipt of notification that a vacancy has been filled, the filing officer shall certify the
8 name of the person selected to fill the vacancy to be included on the ballot. If the certification of
9 candidates has already been sent to the county clerk, the Secretary of State or city filing officer
10 immediately shall give written certification of the new candidate to each county clerk responsible
11 for preparing ballots on which the office will appear. The certification shall state the name and
12 residence of the candidate nominated to fill the vacancy, the office for which the nomination was
13 made, the name of the **major or** minor political party the candidate represents or the name of the
14 chairperson of the assembly nominating the candidate, and the name of the person for whom the
15 candidate is substituted. Upon receipt of the certification, the county clerk shall place the new
16 candidate's name on the ballot.

17 **SECTION 10.** ORS 249.013 is amended to read:

18 249.013. (1) A person may not be a candidate for more than one lucrative office to be filled at
19 the same election.

20 (2) A person may not file a nominating petition or declaration of candidacy for more than one
21 lucrative office [*or more than one office of precinct committeeperson*] before the date of the election
22 at which a person will be nominated or elected to each office unless the person first files a written
23 withdrawal, under ORS 249.170, of the person's initial filing.

24 (3) If at any time before the date of the election at which a person will be nominated or elected
25 to each office it is determined that a person has filed two or more nominating petitions or declara-
26 tions of candidacy for any lucrative office [*or two or more nominating petitions or declarations of*
27 *candidacy for the office of precinct committeeperson*] without written withdrawal or withdrawals in-
28 tervening, all such filings are invalid and any other filing made by the same person is void.

29 (4)(a) A person may not be a candidate for more than one position on the same district board
30 to be filled at the same election.

31 (b) As used in this subsection, "district board" means the governing body of a district as defined
32 in ORS 255.012.

33 (5) A person may not be a candidate for more than one city office to be filled at the same
34 election.

35 (6) Notwithstanding any provision of this section, in the case of a vacancy to be filled by
36 election, the same person is eligible for nomination and election to both the unexpired and the
37 succeeding terms. The name of the candidate may be placed on the ballot in both places.

38 **SECTION 11.** ORS 249.016 is amended to read:

39 249.016. A candidate [*of a major political party for public office or a candidate*] for nonpartisan
40 office shall be nominated only in the manner provided in ORS 249.016 to 249.205.

41 **SECTION 12.** ORS 249.020 is amended to read:

42 249.020. (1) An eligible elector may become a candidate for nonpartisan office[, *or for the nomi-*
43 *nation to an office by the major political party of which the elector is a member,*] by filing a nominating
44 petition or a declaration of candidacy.

45 (2) At the time of filing, a declaration of candidacy shall be accompanied by the filing fee

1 specified in ORS 249.056.

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

4 **SECTION 13.** ORS 249.031 is amended to read:

5 249.031. (1) [*Except as provided in subsection (2) of this section,*] A nominating petition or decla-
6 ration of candidacy shall contain:

7 (a) The name by which the candidate is commonly known. A candidate may use a nickname in
8 parentheses in connection with the candidate's full name.

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

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

12 [(d) *If the candidate is seeking the nomination of a major political party, the name of the major*
13 *political party of which the candidate will have been a member, subject to the exceptions stated in ORS*
14 *249.046, during at least 180 days before the deadline for filing a nominating petition or declaration of*
15 *candidacy.*]

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

18 [(f) (e) A statement that the candidate will qualify if elected.

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

22 [(h) (f) The signature of the candidate.

23 [(i) (g) A statement of the candidate's occupation, educational and occupational background and
24 prior governmental experience.

25 [(2) *Subsection (1)(i) of this section does not apply to a candidate for election as a precinct com-*
26 *mitteeperson.*]

27 [(3) (2) A declaration of candidacy shall include a statement that the required fee is included
28 with the declaration.

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

32 **SECTION 14.** ORS 249.035 is amended to read:

33 249.035. A nominating petition or declaration of candidacy relating to a candidate for:

34 (1) State office, United States Senator or Representative in Congress shall be filed with the
35 Secretary of State.

36 (2) County office [*or precinct committeeperson*] shall be filed with the county clerk.

37 (3) City office shall be filed with the chief city elections officer.

38 (4) Any elected office of a metropolitan service district under ORS chapter 268 shall be filed
39 with the county clerk of the county in which the administrative office of the district is located.

40 (5) Any other office shall be filed under ORS chapter 255.

41 **SECTION 15.** ORS 249.037 is amended to read:

42 249.037. [(1) *Except as otherwise provided in this section,*] A nominating petition or declaration
43 of candidacy shall be filed not sooner than the 250th day and not later than the 70th day before the
44 date of the primary election.

45 [(2) *If a vacancy occurs in a partisan elective office after the 80th day and before the 70th day*

1 before the primary election, a nominating petition or declaration of candidacy for that office may be
 2 filed not later than the 65th day before the primary election.]

3 [(3) A declaration of candidacy for the office of precinct committeeperson may not be filed before
 4 February 1 immediately preceding the primary election.]

5 **SECTION 16.** ORS 249.042 is amended to read:

6 249.042. When an elector files with the appropriate filing officer the statement and prospective
 7 petition under ORS 249.061, or a declaration of candidacy, it is conclusive evidence that the elector
 8 is a candidate for nomination or election [by the elector's political party or] to the nonpartisan office
 9 stated in the petition or declaration.

10 **SECTION 17.** ORS 249.046 is amended to read:

11 249.046. (1) If a candidate has not been a member of the major political party for at least 180
 12 days before the deadline for filing a [nominating petition or declaration of candidacy] **certificate of**
 13 **nomination**, the candidate [shall not be] **is not** entitled to receive the nomination of that major
 14 political party.

15 (2) If a candidate's registration becomes inactive, the inactive status [shall] **does** not constitute
 16 a lapse of membership in the party if, immediately before the registration became inactive, the
 17 candidate was a member of the party and was not a member of any other political party within the
 18 180 days preceding the deadline for filing a [nominating petition or declaration of candidacy] **certif-**
 19 **icate of nomination**.

20 (3) The requirement that the candidate be qualified by length of membership does not apply to
 21 any candidate whose 18th birthday falls within the period of 180 days or to a write-in candidate.

22 **SECTION 18.** ORS 249.056 is amended to read:

23 249.056. (1) At the time of filing a declaration of candidacy **or certificate of nomination**, a
 24 candidate for the following offices shall pay to the officer with whom the declaration **or certificate**
 25 is filed the following fee:

26 (a) United States Senator, \$150.

27 (b) Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bu-
 28 reau of Labor and Industries, Representative in Congress, judge of the Supreme Court, Court of
 29 Appeals or Oregon Tax Court, or executive officer or auditor of a metropolitan service district, \$100.

30 (c) County officer, district attorney, county judge who exercises judicial functions or circuit
 31 court judge, \$50.

32 (d) State Senator or Representative or councilor of a metropolitan service district under ORS
 33 chapter 268, \$25.

34 (2) No filing fee shall be required of persons filing a declaration of candidacy for [precinct com-
 35 mitteeperson or] justice of the peace.

36 **SECTION 19.** ORS 249.064 is amended to read:

37 249.064. [(1) A nominating petition of a candidate seeking the nomination of a major political party
 38 shall contain a statement that each elector whose signature appears on the petition is a member of the
 39 same major political party as is the candidate.]

40 [(2)] (1) A nominating petition of any candidate shall contain the number of signatures of elec-
 41 tors required by ORS 249.068 or 249.072 and the residence or mailing address and name or number
 42 of the precinct, if known, of each elector whose signature appears.

43 [(3)] (2) Pursuant to ORS 249.008, the county clerks shall certify the signatures contained in the
 44 nominating petition for genuineness.

45 **SECTION 20.** ORS 249.076 is amended to read:

1 249.076. [(1) A person who is not a member of the same major political party as the candidate for
2 nomination by the major political party may not sign the nominating petition of the candidate.]

3 [(2)] Any elector may sign:

4 [(a)] (1) A nominating petition or certificate of nomination of any candidate for nonpartisan of-
5 fice;

6 [(b)] (2) A nominating petition or certificate of nomination of any nonaffiliated candidate; and

7 [(c)] (3) Nominating petitions or certificates of nomination for more than one candidate for the
8 same office.

9 **SECTION 21.** ORS 249.180 is amended to read:

10 249.180. Any person who has been nominated at a primary election, or any person who has been
11 nominated to fill a vacancy as provided in ORS 188.120, [or 249.190 and] 249.200 **or 249.842**, may
12 withdraw from nomination by filing a written statement declining the nomination and stating the
13 reason for withdrawal. The statement shall be signed by the candidate and filed not later than the
14 67th day before the general election with the officer with whom the candidate's declaration of can-
15 didacy or nominating petition was filed.

16 **SECTION 22.** ORS 249.200 is amended to read:

17 249.200. (1) A major political party may nominate a candidate to fill a vacancy in a partisan
18 elective office in the [following manner:]

19 [(a) If the vacancy occurs on or before the 70th day before a primary election, by selecting a nom-
20 inee at the next primary election; or]

21 [(b) If the vacancy occurs after the 70th day before the primary election but before the 61st day
22 before the general election, by selecting a nominee as] **manner** provided by party rule.

23 (2) The procedure under subsection (1) of this section [shall] **does** not apply in any case in which
24 one of the following specific procedures for filling a vacancy applies:

25 (a) The procedure specified in ORS 188.120 for the offices of Representative in Congress and
26 United States Senator.

27 (b) The appointment procedure specified in ORS 171.051 to 171.064 for state legislative office.

28 (c) The procedure specified in ORS chapter 236 for county office.

29 (d) The procedure specified in ORS chapter 221 for city office.

30 (3) A party that selects a nominee under subsection [(1)(b)] (1) of this section, immediately after
31 the nomination, shall notify the filing officer with whom a declaration of candidacy **or certificate**
32 **of nomination** for the office is filed of the name of the nominee by the most expeditious means
33 practicable.

34 (4) The Secretary of State by rule may adopt a schedule specifying the period following a va-
35 cancy within which a major political party that selects a nominee under subsection [(1)(b)] (1) of this
36 section must notify the filing officer of the name of the nominee under subsection (3) of this section.

37 **SECTION 23.** ORS 251.026 is amended to read:

38 251.026. (1) The Secretary of State shall prepare and have printed in the voters' pamphlet for
39 the state primary election, the general election and any special election described in ORS 251.022
40 a statement containing, if applicable:

41 (a) Requirements for a citizen to qualify as an elector.

42 (b) When an elector is required to register or update a registration.

43 [(c) In the voters' pamphlet for the primary election, a statement of the duties and responsibilities
44 of a precinct committeeperson to be elected at the primary election.]

45 [(d)] (c) Any other information the Secretary of State considers relevant to the conduct of the

1 election.

2 (2) The Secretary of State shall include a statement on the cover of the voters' pamphlet that
3 the pamphlet may be used to assist electors in voting.

4 (3) The Secretary of State may include in the voters' pamphlet the following information:

5 (a) Maps showing the boundaries of senatorial and representative districts.

6 (b) Voter registration forms.

7 (c) Elector instructions, including the right of an elector to request a second ballot if the first
8 ballot is spoiled and the right of an elector to seek assistance in marking the ballot.

9 **SECTION 24.** ORS 251.065 is amended to read:

10 251.065. (1)[(a) *Except as provided in paragraph (b) of this subsection,*] Not sooner than the 120th
11 day and not later than the 68th day before the primary election, a candidate or agent on behalf of
12 the candidate for nomination or election at the primary election to the office of President or Vice
13 President of the United States, United States Senator, Representative in Congress or a state office
14 as defined in ORS 249.002 may file with the Secretary of State a portrait of the candidate and a
15 statement of the reasons the candidate should be nominated or elected. A candidate or agent on
16 behalf of the candidate for nomination or election to a county or city office, or to an elected office
17 of a metropolitan service district organized under ORS chapter 268, may file a portrait and state-
18 ment under this subsection if permitted under ORS 251.067.

19 [(b) *A portrait and statement may be filed not later than the 63rd day before the primary election*
20 *in the event of a vacancy described in ORS 249.037 (2).*]

21 (2) Not sooner than the 120th day and not later than the 70th day before the general election,
22 a candidate or agent on behalf of the candidate for election at the general election to the office of
23 President or Vice President of the United States, United States Senator, Representative in Congress
24 or a state office as defined in ORS 249.002 may file with the Secretary of State a portrait of the
25 candidate and a statement of the reasons the candidate should be elected. A candidate or agent on
26 behalf of the candidate for election to a county or city office, or to an elected office of a metropol-
27 itan service district organized under ORS chapter 268, may file a portrait and statement under this
28 subsection if permitted under ORS 251.067.

29 (3) In the case of a special election to fill a vacancy as described in ORS 251.022, the Secretary
30 of State by rule shall set the deadline for filing with the secretary a portrait of the candidate and
31 a statement of the reasons the candidate should be nominated or elected.

32 (4) All portraits and statements described in this section must be filed using an electronic filing
33 system designated by the Secretary of State under ORS 251.014.

34 (5) Subject to the requirements of this section, the Secretary of State by rule shall establish the
35 format of the statements permitted under this section.

36 (6) A portrait or statement filed under this section must be accompanied by a telephone or
37 electronic facsimile transmission machine number where the candidate may be contacted for pur-
38 poses of ORS 251.087.

39 **SECTION 25.** ORS 253.540 is amended to read:

40 253.540. (1) Any military or overseas elector may secure a ballot by submitting an application
41 as specified in subsection (2) of this section to the clerk of the county of the military or overseas
42 elector's residence, or to the Secretary of State. If the application is addressed to the Secretary of
43 State, the secretary shall forward it to the appropriate county clerk.

44 (2) An application for a ballot by a military or overseas elector shall be made in the form of a
45 written request. The application shall be valid for every subsequent election until the elector oth-

erwise notifies the clerk or is no longer an elector of the county. The application shall be signed by the applicant and contain:

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

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

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

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

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

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

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

SECTION 26. ORS 253.565 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

[(i) If the applicant requests a ballot for a primary election, a designation of the applicant's political party affiliation or a statement that the applicant is not affiliated with any political party. An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a primary election that admits electors not affiliated with

1 *any political party.]*

2 (3) An application for a special ballot shall be valid only for the election specified in the appli-
3 cation.

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

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

10 **SECTION 27.** 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 at the primary election whose nominating pe-
16 titions or declarations of candidacy have been made and filed, and who have not died, withdrawn
17 or become disqualified.

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

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

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

23 (3) The ballot may not contain the name of any person other than those referred to in sub-
24 sections (1) and (2) of this section. The name of each candidate for whom a nominating petition or
25 declaration of candidacy has been filed shall be printed on the ballot in but one place. In the event
26 that two or more candidates for the same nomination or office have the same or similar surnames,
27 the location of their places of residence shall be printed with their names to distinguish one from
28 another.

29 **SECTION 28.** ORS 254.470 is amended to read:

30 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
31 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
32 dates and times the places of deposit must be open and the security requirements for the places of
33 deposit. At a minimum, the places designated under this section shall be open on the date of the
34 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
35 of deposit designated under this section, the county clerk shall prominently display a sign stating
36 that the location is an official ballot drop site.

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

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

1 date of an election and not later than the 18th day before the date of the election.

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

5 (3) For an election held on the date of a primary election,[:]

6 [(a) *The county clerk shall mail the official ballot of a major political party to each elector who is*
 7 *registered as being affiliated with the major political party as of the 21st day before the date of the*
 8 *election.*]

9 [(b) *The county clerk shall mail the official ballot of a major political party to an elector not af-*
 10 *iliated with any political party if the elector has applied for the ballot as provided in this subsection*
 11 *and that party has provided under ORS 254.365 for a primary election that admits electors not affil-*
 12 *iated with any political party.*]

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

18 [(d) *If the primary election*] **if the** ballot includes city, county or nonpartisan offices or measures,
 19 the county clerk shall mail to each elector [*who is not eligible to vote for party candidates a ballot*
 20 *limited to*] **a ballot containing** those offices and measures for which the elector is eligible to vote.

21 (4) For each elector who updates a voter registration after the deadline in ORS 247.025, the
 22 county clerk shall make the official ballot, the return identification envelope and the secrecy en-
 23 velope available either by mail or at the county clerk's office or at another place designated by the
 24 county clerk. An elector to whom this subsection applies must request a ballot from the county
 25 clerk.

26 (5) The ballot shall contain the following warning:
 27 _____
 28

29 Any person who, by use of force or other means, unduly influences an elector to vote in any
 30 particular manner or to refrain from voting is subject to a fine.
 31 _____
 32

33 (6)(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
 34 the return identification envelope supplied with the ballot and comply with the instructions provided
 35 with the ballot.

36 (b) The elector may return the marked ballot to the county clerk by United States mail or by
 37 depositing the ballot at the office of the county clerk, at any place of deposit designated by the
 38 county clerk or at any location described in ORS 254.472 or 254.474.

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

41 (d) Subject to paragraph (e) of this subsection, if a person returns a ballot for an elector, the
 42 person shall deposit the ballot in a manner described in paragraph (b) of this subsection not later
 43 than two days after receiving the ballot.

44 (e) A ballot must be received at the office of the county clerk, at the designated place of deposit
 45 or at any location described in ORS 254.472 or 254.474 not later than the end of the period deter-

1 mined under subsection (1) of this section on the date of the election.

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

10 (8) A ballot shall be counted only if:

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

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

13 (c) The signature is verified as provided in subsection (9) of this section.

14 (9) The county clerk shall verify the signature of each elector on the return identification en-
15 velope with the signature on the elector's registration card, according to the procedure provided by
16 rules adopted by the Secretary of State. If the county clerk determines that an elector to whom a
17 replacement ballot has been issued has voted more than once, the county clerk shall count only one
18 ballot cast by that elector.

19 (10) At 8 p.m. on election day, electors who are at the county clerk's office, a place of deposit
20 designated under subsection (1) of this section or any location described in ORS 254.472 or 254.474
21 and who are in line waiting to vote or deposit a voted ballot shall be considered to have begun the
22 act of voting.

23 **SECTION 29.** ORS 254.555 is amended to read:

24 254.555. (1) Except as provided in ORS 254.548, not later than the 30th day after any election,
25 the Secretary of State, regarding offices for which the secretary receives filings for nomination,
26 shall:

27 (a) Canvass the votes for the offices, except the office of Governor after the general election.

28 (b) Enter in a register of nominations after the primary election the name and[, *if applicable,*
29 *major political party of each candidate nominated,*] the office for which the candidate is nominated
30 and the date of entry.

31 (c) Prepare and deliver a certificate of nomination or election to each candidate having the most
32 votes for nomination for or election to the office. The Secretary of State shall sign the certificate
33 under the seal of the state.

34 (d) Issue a proclamation declaring the election of candidates to the offices.

35 (2) Not later than the 30th day after the election:

36 (a) The Secretary of State, regarding measures for which the secretary is the filing officer, shall
37 canvass the votes for each measure.

38 (b) The Governor shall issue a proclamation giving the number of votes cast for or against each
39 such measure, and declaring the approved measures as the law on the effective date of the measure.
40 If two or more approved measures contain conflicting provisions, the Governor shall proclaim which
41 is paramount.

42 **SECTION 30.** ORS 254.565 is amended to read:

43 254.565. Subject to ORS 254.548, the chief city elections officer:

44 (1) After the primary election, shall enter in a register of nominations:

45 (a) The name of each candidate for city office nominated at the primary election.

1 (b) The office for which the candidate is nominated.

2 *[(c) If applicable, the name of the major political party nominating the candidate.]*

3 *[(d)]* (c) The date of the entry.

4 (2) After the general election, shall prepare and deliver a certificate of election to each qualified
5 candidate having the most votes for election to a city office.

6 (3) Not later than the 30th day after any election, shall canvass the vote on each city measure,
7 and if two or more of the approved measures contain conflicting provisions, proclaim which is par-
8 amount.

9 **SECTION 31.** ORS 254.575 is amended to read:

10 254.575. When two or more candidates for the same office, after a full recount of votes, have an
11 equal and the highest number of votes:

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

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

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

19 *[(4) For nomination by one major political party to an office, the elections officer who receives
20 filings for nomination to the office shall have the candidates meet publicly to decide by lot who is
21 nominated.]*

22 **SECTION 32.** ORS 254.650 is amended to read:

23 254.650. (1) If the Secretary of State determines that a vacancy exists in the nomination of a
24 candidate of a major political party for state office, that the vacancy is due to the death of the
25 candidate and that the vacancy occurred after the 47th day before the date of the general election:

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

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

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

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

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

33 (b) The candidate selected to fill the vacancy in the nomination as provided in ORS *[249.190
34 or] 249.205 or 249.842.*

35 (3) As used in this section “state office” means the office of Governor, Secretary of State, State
36 Treasurer, Attorney General, state Senator or state Representative.

37 **SECTION 33.** ORS 260.005 is amended to read:

38 260.005. As used in this chapter:

39 (1)*[(a)]* “Candidate” means:

40 *[(A)]* (a) An individual whose name is printed on a ballot, for whom a declaration of candidacy,
41 nominating petition or certificate of nomination to public office has been filed or whose name is
42 expected to be or has been presented, with the individual’s consent, for nomination or election to
43 public office;

44 *[(B)]* (b) An individual who has solicited *[or received and accepted]* a contribution, made an ex-
45 penditure, or given consent to an individual, organization, political party or political committee to

1 solicit or receive and accept a contribution or make an expenditure on the individual's behalf to
 2 secure nomination or election to any public office at any time, whether or not the office for which
 3 the individual will seek nomination or election is known when the solicitation is made, the contri-
 4 bution is received and retained or the expenditure is made, and whether or not the name of the in-
 5 dividual is printed on a ballot; or

6 [(C)] (c) A public office holder against whom a recall petition has been completed and filed.

7 [(b) For purposes of this section and ORS 260.035 to 260.156, "candidate" does not include a can-
 8 didate for the office of precinct committeeperson.]

9 (2) "Committee director" means any person who directly and substantially participates in
 10 decision-making on behalf of a political committee concerning the solicitation or expenditure of
 11 funds and the support of or opposition to candidates or measures. The officers of a political party
 12 shall be considered the directors of any political party committee of that party, unless otherwise
 13 provided in the party's bylaws.

14 (3) Except as provided in ORS 260.007, "contribute" or "contribution" includes:

15 (a) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compen-
 16 sation or consideration, of money, services other than personal services for which no compensation
 17 is asked or given, supplies, equipment or any other thing of value:

18 (A) For the purpose of influencing an election for public office or an election on a measure, or
 19 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-
 20 itical committee; or

21 (B) To or on behalf of a candidate, political committee or measure; and

22 (b) The excess value of a contribution made for compensation or consideration of less than
 23 equivalent value.

24 (4) "Controlled committee" means a political committee that, in connection with the making of
 25 contributions or expenditures:

26 (a) Is controlled directly or indirectly by a candidate or a controlled committee; or

27 (b) Acts jointly with a candidate or controlled committee.

28 (5) "Controlled directly or indirectly by a candidate" means:

29 (a) The candidate, the candidate's agent, a member of the candidate's immediate family or any
 30 other political committee that the candidate controls has a significant influence on the actions or
 31 decisions of the political committee; or

32 (b) The candidate's principal campaign committee and the political committee both have the
 33 candidate or a member of the candidate's immediate family as a treasurer or director.

34 (6) "County clerk" means the county clerk or the county official in charge of elections.

35 (7) "Elector" means an individual qualified to vote under Article II, section 2, of the Oregon
 36 Constitution.

37 (8) Except as provided in ORS 260.007, "expend" or "expenditure" includes the payment or fur-
 38 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation
 39 by or on behalf of a candidate, political committee or person in consideration for any services,
 40 supplies, equipment or other thing of value performed or furnished for any reason, including support
 41 of or opposition to a candidate, political committee or measure, or for reducing the debt of a can-
 42 didate for nomination or election to public office. "Expenditure" also includes contributions made
 43 by a candidate or political committee to or on behalf of any other candidate or political committee.

44 (9) "Filing officer" means:

45 (a) The Secretary of State:

- 1 (A) Regarding a candidate for public office;
- 2 (B) Regarding a statement required to be filed under ORS 260.118;
- 3 (C) Regarding any measure; or
- 4 (D) Regarding any political committee.
- 5 (b) In the case of an irrigation district formed under ORS chapter 545, “filing officer” means:
- 6 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district
- 7 formation election where the proposed district is situated wholly in one county;
- 8 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation
- 9 district will be located, regarding any candidate for office or any measure at an irrigation district
- 10 formation election where the proposed district is situated in more than one county; or
- 11 (C) The secretary of the irrigation district for any election other than an irrigation district
- 12 formation election.
- 13 (10) “Independent expenditure” means an expenditure by a person for a communication in sup-
- 14 port of or in opposition to a clearly identified candidate or measure that is not made with the co-
- 15 operation or with the prior consent of, or in consultation with, or at the request or suggestion of,
- 16 a candidate or any agent or authorized committee of the candidate, or any political committee or
- 17 agent of a political committee supporting or opposing a measure. For purposes of this subsection:
- 18 (a) “Agent” means any person who has:
- 19 (A) Actual oral or written authority, either express or implied, to make or to authorize the
- 20 making of expenditures on behalf of a candidate or on behalf of a political committee supporting or
- 21 opposing a measure; or
- 22 (B) Been placed in a position within the campaign organization where it would reasonably ap-
- 23 pear that in the ordinary course of campaign-related activities the person may authorize expen-
- 24 ditures.
- 25 (b)(A) “Clearly identified” means, with respect to candidates:
- 26 (i) The name of the candidate involved appears;
- 27 (ii) A photograph or drawing of the candidate appears; or
- 28 (iii) The identity of the candidate is apparent by unambiguous reference.
- 29 (B) “Clearly identified” means, with respect to measures:
- 30 (i) The ballot number of the measure appears;
- 31 (ii) A description of the measure’s subject or effect appears; or
- 32 (iii) The identity of the measure is apparent by unambiguous reference.
- 33 (c) “Communication in support of or in opposition to a clearly identified candidate or measure”
- 34 means:
- 35 (A) The communication, taken in its context, clearly and unambiguously urges the election or
- 36 defeat of a clearly identified candidate for nomination or election to public office, or the passage
- 37 or defeat of a clearly identified measure;
- 38 (B) The communication, as a whole, seeks action rather than simply conveying information; and
- 39 (C) It is clear what action the communication advocates.
- 40 (d) “Made with the cooperation or with the prior consent of, or in consultation with, or at the
- 41 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
- 42 political committee or agent of a political committee supporting or opposing a measure”:
- 43 (A) Means any arrangement, coordination or direction by the candidate or the candidate’s agent,
- 44 or by any political committee or agent of a political committee supporting or opposing a measure,
- 45 prior to the publication, distribution, display or broadcast of the communication. An expenditure

1 shall be presumed to be so made when it is:

2 (i) Based on information about the plans, projects or needs of the candidate, or of the political
3 committee supporting or opposing a measure, and provided to the expending person by the candidate
4 or by the candidate's agent, or by any political committee or agent of a political committee sup-
5 porting or opposing a measure, with a view toward having an expenditure made; or

6 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who
7 is or has been an officer of a political committee authorized by the candidate or by a political
8 committee or agent of a political committee supporting or opposing a measure, or who is or has been
9 receiving any form of compensation or reimbursement from the candidate, the candidate's principal
10 campaign committee or agent or from any political committee or agent of a political committee
11 supporting or opposing a measure.

12 (B) Does not mean providing to the expending person upon request a copy of this chapter or any
13 rules adopted by the Secretary of State relating to independent expenditures.

14 (11) "Initiative petition" means a petition to initiate a measure for which a prospective petition
15 has been filed but that is not yet a measure.

16 (12) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
17 Tax Court.

18 (13) "Mass mailing" means more than 200 substantially similar pieces of mail, but does not in-
19 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other
20 inquiry.

21 (14) "Measure" includes any of the following submitted to the people for their approval or re-
22 jection at an election:

23 (a) A proposed law.

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

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

26 (d) Local, special or municipal legislation.

27 (e) A proposition or question.

28 (15) "Occupation" means:

29 (a) The nature of an individual's principal business; and

30 (b) If the individual is employed by another person, the business name and address, by city and
31 state, of the employer.

32 (16) "Person" means an individual, corporation, limited liability company, labor organization,
33 association, firm, partnership, joint stock company, club, organization or other combination of indi-
34 viduals having collective capacity.

35 (17) "Petition committee" means an initiative, referendum or recall petition committee organized
36 under ORS 260.118.

37 (18) "Political committee" means a combination of two or more individuals, or a person other
38 than an individual, that has:

39 (a) Received a contribution for the purpose of supporting or opposing a candidate, measure or
40 political party; or

41 (b) Made an expenditure for the purpose of supporting or opposing a candidate, measure or
42 political party. For purposes of this paragraph, an expenditure does not include:

43 (A) A contribution to a candidate or political committee that is required to report the contri-
44 bution on a statement filed under ORS 260.057 or 260.076 or a certificate filed under ORS 260.112;
45 or

1 (B) An independent expenditure for which a statement is required to be filed by a person under
2 ORS 260.044.

3 (19) "Public office" means any national, state, county, district, city office or position, except a
4 political party office, that is filled by the electors.

5 (20) "Recall petition" means a petition to recall a public officer for which a prospective petition
6 has been filed but that is not yet a measure.

7 (21) "Referendum petition" means a petition to refer a measure for which a prospective petition
8 has been filed but that is not yet a measure.

9 (22) "Regular district election" means the regular district election described in ORS 255.335.

10 (23) "State office" means the office of Governor, Secretary of State, State Treasurer, Attorney
11 General, Commissioner of the Bureau of Labor and Industries, state Senator, state Representative,
12 judge or district attorney.

13 **SECTION 34. Section 35 of this 2015 Act is added to and made a part of ORS chapter 254.**

14 **SECTION 35. (1) The Secretary of State shall adopt rules setting procedures for the
15 conduct of a primary election for candidates for a major political party nomination for
16 President of the United States.**

17 **(2) The rules shall include, but are not limited to:**

18 **(a) Procedures for a major political party to admit electors not affiliated with any poli-
19 tical party;**

20 **(b) Procedures for delivering ballots to members of the major political party at the pri-
21 mary election;**

22 **(c) Procedures for delivering ballots to electors not affiliated with any political party if
23 the major political party has provided for a primary election that admits electors not affil-
24 iated with any political party; and**

25 **(d) Procedures for applications for ballots by overseas or military electors.**

26 **SECTION 36. ORS 248.012, 248.015, 248.017, 248.023, 248.024, 248.026, 248.027, 248.029,
27 248.031, 248.033, 248.035, 248.043, 248.045, 248.072, 248.075, 248.085, 249.023, 249.068, 249.190,
28 254.025, 254.076, 254.365 and 254.370 are repealed.**