

**PROPOSED AMENDMENTS TO
HOUSE BILL 3287**

1 On page 1 of the printed bill, line 3, delete “249.046, 254.365 and 254.500”
2 and insert “249.046 and 254.365”.

3 Delete lines 5 through 29.

4 Delete pages 2 and 3 and insert:

5 **“SECTION 1. ORS 249.046 is amended to read:**

6 **“249.046. (1) Not later than the 180th day before the primary election,**
7 **a major political party may file with the Secretary of State a certified**
8 **copy of the current party rule establishing the period of time for which**
9 **a candidate, including a write-in candidate, must be a member of the**
10 **party in order to be entitled to receive the nomination of that party.**

11 **“(2)(a) Unless a major political party files a certified rule under**
12 **subsection (1) of this section, [if] a candidate who has not been a member**
13 **of the major political party for at least 180 days before the deadline for filing**
14 **a nominating petition or declaration of candidacy[, the candidate shall] is**
15 **not [be] entitled to receive the nomination of that major political party.**

16 **“(b) If a candidate’s registration becomes inactive, the inactive status**
17 **shall not constitute a lapse of membership in the party if, immediately before**
18 **the registration became inactive, the candidate was a member of the party**
19 **and was not a member of any other political party within the 180 days pre-**
20 **ceding the deadline for filing a nominating petition or declaration of candi-**
21 **dacy.**

22 **“(c) The requirement that the candidate be qualified by length of mem-**

1 bership does not apply:

2 “(A) To any candidate whose 18th birthday falls within the period of 180
3 days; or

4 “(B) **Unless a major political party files a certified rule under sub-**
5 **section (1) of this section,** to a write-in candidate.

6 “**SECTION 2.** ORS 254.365 is amended to read:

7 “254.365. (1) An elector is not qualified or permitted to vote at any pri-
8 mary election for any candidate of a major political party, and it is unlawful
9 for the elector to offer to do so, unless:

10 “(a) The elector is registered as being affiliated with one of the major
11 political parties nominating or electing its candidates for public office at the
12 primary election; or

13 “(b) The elector is registered as not being affiliated with any political
14 party and wishes to vote in the primary election of a major political party
15 that has provided under subsection (3) of this section for a primary election
16 that admits electors not affiliated with any political party.

17 “(2) Except as provided in ORS 254.470 (3), any elector offering to vote
18 at the primary election shall be given a ballot of the major political party
19 with which the elector is registered as being affiliated. The elector may not
20 be given a ballot of any other political party at that primary election. An
21 elector not affiliated with any political party and offering to vote at the
22 primary election shall be given the ballot of the major political party in
23 whose primary election the elector wishes to vote if that party has provided
24 under subsection (3) of this section for a primary election that admits elec-
25 tors not affiliated with any political party. An elector not affiliated with any
26 political party who is given a ballot of the major political party associates
27 with the party for the purpose of voting in that primary election.

28 “(3)[(a)] Not later than the 90th day before the date of the primary
29 election, a major political party may file with the Secretary of State a cer-
30 tified copy of the current party rule:

1 “(a) Allowing an elector not affiliated with any political party to vote in
2 the party’s primary election. The party may not repeal the rule as filed
3 during the 90 days before the primary election. The rule shall continue to
4 be effective after the date of the primary election until the party gives
5 written notice to the Secretary of State that the rule has been repealed.
6 *[Except as provided in paragraph (b) of this subsection,]* A party rule under
7 this *[subsection]* **paragraph** may limit the candidates for whom an elector
8 who is not affiliated with any political party may vote[.], **with the excep-**
9 **tion that the party rule shall allow any elector who is permitted to**
10 **vote for the most numerous branch of the Legislative Assembly also**
11 **to vote in federal legislative elections, consistent with Article I, sec-**
12 **tion 2, and the Seventeenth Amendment to the United States Consti-**
13 **tution.**

14 “(b) Establishing that in order to receive the nomination of the
15 party, a write-in candidate must receive a number of votes equal to a
16 percentage, specified in the party rule, of the total number of electors
17 eligible to vote in the party’s primary election for the office sought.

18 “*[(b) The party rule shall allow any elector who is permitted to vote for the*
19 *most numerous branch of the Legislative Assembly also to vote in federal leg-*
20 *islative elections, consistent with section 2, Article I, and the Seventeenth*
21 *Amendment to the United States Constitution.]*

22 “(4) If the primary election ballot includes city, county or nonpartisan
23 offices or measures, and it is given to an elector who is not eligible to vote
24 for party candidates, the ballot shall be marked ‘non-affiliated.’

25 “**SECTION 3. The amendments to ORS 249.046 and 254.365 by**
26 **sections 1 and 2 of this 2015 Act first apply to primary elections held**
27 **on or after the effective date of this 2015 Act.**

28 “**SECTION 4. This 2015 Act being necessary for the immediate**
29 **preservation of the public peace, health and safety, an emergency is**
30 **declared to exist, and this 2015 Act takes effect on its passage.”.**

