

# Senate Bill 229

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Secretary of State Jeanne P. Atkins)

## 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**.

Removes requirement that person elected to county office provide county clerk with certificate of election.

Requires certain election documents to be filed electronically.

Changes certain ballot markings from "Presidential only" to "Federal only."

Alters certain filing deadlines.

Removes requirement that signature sheets for initiative or referral petition or prospective petition be attached to full and correct copy of measure.

Requires Secretary of State to establish process for modifying petition and prospective petition templates.

Requires that one copy of prospective initiative and referral petitions, rather than two copies, be sent to required officials.

Permits district attorney to make clerical corrections to ballot title for district measure.

Requires all estimates, portraits, statements and arguments for voters' pamphlet to be filed electronically.

Clarifies how candidates, principal campaign committees, political committees and petition committees may use amounts received as contributions.

Permits use of campaign moneys in connection with most legal proceedings relating to election laws.

Provides that person who fails to file required statement or certificate has 20 days from date notice is sent by Secretary of State to request hearing.

Provides that Secretary of State, rather than county clerk, is responsible for signature verification for state candidate petitions.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to elections; amending ORS 204.020, 221.031, 246.021, 247.420, 248.006, 248.007, 249.005,  
3 249.008, 249.020, 249.037, 249.064, 249.078, 249.170, 249.180, 249.735, 249.740, 249.830, 250.045,  
4 250.052, 250.065, 250.067, 250.075, 250.141, 250.175, 250.185, 250.275, 250.285, 251.065, 251.115,  
5 251.255, 254.115, 254.135, 254.515, 254.529, 254.565, 255.085, 255.145, 255.295, 260.037, 260.043,  
6 260.054, 260.055, 260.057, 260.078, 260.232, 260.241, 260.407 and 260.715; repealing ORS 247.435;  
7 and prescribing an effective date.

### 8 **Be It Enacted by the People of the State of Oregon:**

9 **SECTION 1.** ORS 204.020 is amended to read:

10 204.020. (1) The term of office of each officer elected pursuant to ORS 204.005 commences on the  
11 first Monday of January next following election to office.

12 (2) Before entering upon any elective office listed in ORS 204.005, the person *[elected]* **who has**  
13 **received a certificate of election** must qualify by filing with the county clerk of the county in  
14 which the person is elected the person's *[certificate of election, with an]* oath of office, *[indorsed*  
15 *thereon, and]* subscribed by the *[elected]* person, to the effect that the person will support the Con-  
16 stitution of the United States and of this state, and faithfully carry out the office being assumed.

17 The person shall also give and file the undertaking provided for under subsection (3) of this section.

18 (3) A county governing body may require, by ordinance, for the filing by each officer under ORS

**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.

1 204.005, prior to that officer assuming office, of an official undertaking with such surety as the  
 2 governing body determines necessary or of an irrevocable letter of credit issued by an insured in-  
 3 stitution, as defined in ORS 706.008, in either case in a reasonable amount with the county govern-  
 4 ing body.

5 **SECTION 2.** ORS 246.021 is amended to read:

6 246.021. (1) Except as provided in ORS 247.012 and subsection (2) of this section, an election  
 7 document and an accompanying payment of fees required to be filed with the Secretary of State,  
 8 county clerk or other filing officer must be delivered to and actually received at the office of the  
 9 designated officer not later than 5 p.m. of the day the document or fee is due or, if the day due is  
 10 a Saturday, Sunday or holiday, on the next business day.

11 (2) If, at 5 p.m. of the day an election document is due, an individual is physically present in the  
 12 office of the secretary, county clerk or other filing officer and in line waiting to deliver the docu-  
 13 ment, the individual is considered to have begun the act of delivering the document and is permitted  
 14 to file it.

15 (3) Except as provided in ORS 253.690, any election document required to be filed with the filing  
 16 officer other than ballots, voter registration cards or petitions requiring signatures of electors may  
 17 also be filed by means of an electronic facsimile transmission machine **or electronic mail**. If an  
 18 election document is required to be filed by a specified time, the entire document must be received  
 19 [in] **at** the office of the filing officer not later than 5 p.m. of the day the document is due or, if the  
 20 day due is a Saturday, Sunday or holiday, on the next business day.

21 (4) Notwithstanding any provision of subsections (1) to (3) of this section, if a statement is re-  
 22 quired to be filed electronically under ORS 260.057:

23 (a) The statement must be received electronically at the office of the Secretary of State not later  
 24 than 11:59 p.m. of the day the statement is due or, if the day due is a Saturday, Sunday or holiday,  
 25 on the next business day; and

26 (b) The Secretary of State may not accept the filing of the statement in any form other than an  
 27 electronic format.

28 (5) As used in this section, "election document" includes, but is not limited to, a declaration of  
 29 candidacy for nomination for public or political party office, completed nominating petitions, state-  
 30 ments and portraits for voters' pamphlets, statements of election campaign contributions and  
 31 expenditures, and initiative, referendum or recall petitions.

32 **SECTION 3.** ORS 247.420 is amended to read:

33 247.420. (1) A county clerk shall give a ballot marked "[*Presidential*] **Federal** only" to any per-  
 34 son eligible under ORS 247.410 who personally appears in the office of the county clerk, completes  
 35 a registration card and verifies eligibility to vote under ORS 247.410.

36 (2) No person shall supply any information under subsection (1) of this section, knowing it to  
 37 be false.

38 **SECTION 4.** ORS 254.515 is amended to read:

39 254.515. Ballots marked "[*Presidential*] **Federal** only" may be counted only for the offices for  
 40 which the elector is entitled to vote. Votes on the ballot for other offices may not be counted.

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

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

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  
6 to the provisions of ORS 248.012 to 248.315. References to precinct committeepersons in any pro-  
7 visions of ORS chapters 246 to 260 shall apply to a party described in this subsection. If a major  
8 political party fails to notify the Secretary of State under this subsection, the party shall be con-  
9 sidered subject to the 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  
12 that the party intends to elect precinct committeepersons. If a party notifies the Secretary of State  
13 under this subsection, the party shall elect precinct committeepersons only as provided in ORS  
14 248.015 and shall elect precinct committeepersons in the same manner in all precincts in this state.

15 (5) Not later than the [274th] **271st** day before the date of the primary election, a major political  
16 party shall notify the Secretary of State in writing whether or not the party intends to be subject  
17 to the provisions of ORS 248.012 to 248.315 or whether the party intends to elect precinct com-  
18 mitteepersons under subsection (4) of this section. If the major political party does not intend to be  
19 subject to the provisions of ORS 248.012 to 248.315 or intends to elect precinct committeepersons  
20 under subsection (4) of this section, the party shall file with the Secretary of State, at the same time  
21 notice is given under this subsection, a copy of its organizational documents setting forth the man-  
22 ner in which its officers and managing committees are selected or any other manner in which it  
23 conducts its affairs.

24 (6) In each even-numbered year, a major political party shall file with the Secretary of State a  
25 statement indicating that the party is operating subject to ORS 248.012 to 248.315 or a copy of  
26 current organizational documents setting forth the manner in which its officers and managing com-  
27 mittees are selected or any other manner in which it conducts its affairs. Material described in this  
28 subsection shall be filed [on the 274th] **between the 271st and the 277th** day before the third  
29 Tuesday in May of each odd-numbered year.

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

32 **SECTION 6.** ORS 248.006 is amended to read:

33 248.006. (1) An affiliation of electors becomes a major political party in this state and is qualified  
34 to make nominations at a primary election when a number of electors equal to at least five percent  
35 of the number of electors registered in this state are registered as members of the party not later  
36 than the 275th day before the date of a primary election. An affiliation of electors satisfying the  
37 requirements of this subsection shall be subject to the provisions of ORS 248.007 on the date the  
38 Secretary of State determines the registration requirements are satisfied.

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

43 (3) After an affiliation of electors becomes a major political party under subsection (1) of this  
44 section, in order to maintain status as a major political party subject to ORS 248.007, the party must  
45 satisfy the registration requirement of subsection (1) of this section not later than the 275th day

1 before each primary election.

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

6 (5) When an affiliation of electors has not satisfied the registration requirement of subsection  
7 (1) of this section for the first time, at the request of a representative of the affiliation of electors,  
8 the Secretary of State shall determine not less than once each month whether at least five percent  
9 of the number of eligible electors registered in this state are registered as members of the party.  
10 After an affiliation of electors has qualified as a major political party, the Secretary of State shall  
11 determine on the [274th] **271st** day before each primary election whether the major political party  
12 has satisfied the registration requirements described in subsection (3) of this section.

13 **SECTION 7.** ORS 249.020 is amended to read:

14 249.020. (1) An eligible elector may become a candidate for nonpartisan office, or for the nomi-  
15 nation to an office by the major political party of which the elector is a member, by filing a nomi-  
16 nating petition or a declaration of candidacy.

17 (2) At the time of filing, a declaration of candidacy shall be accompanied by the filing fee  
18 specified in ORS 249.056.

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

21 **(4) A nominating petition or declaration of candidacy must be filed using the electronic**  
22 **filing system adopted by the Secretary of State under ORS 251.014 if the petition or declara-**  
23 **tion is filed for:**

24 **(a) A primary election; and**

25 **(b) An office for which the Secretary of State is designated as the filing officer under**  
26 **ORS 249.035.**

27 **SECTION 8.** ORS 249.037 is amended to read:

28 249.037. (1) Except as otherwise provided in this section, a nominating petition or declaration  
29 of candidacy shall be filed not sooner than the 250th day and not later than the 70th day before the  
30 date of the primary election.

31 (2) If a vacancy occurs in a partisan elective office after the 80th day and before the 70th day  
32 before the primary election, a nominating petition or declaration of candidacy for that office may  
33 be filed not later than the [65th] **64th** day before the primary election.

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

36 **SECTION 9.** ORS 249.170 is amended to read:

37 249.170. (1) A candidate who has filed a declaration of candidacy or a nominating petition may  
38 withdraw not later than the [67th] **63rd** day before the date of the primary election by filing a  
39 statement of withdrawal with the filing officer with whom the declaration or petition was filed. The  
40 statement shall be made under oath and state the reasons for withdrawal.

41 (2) The official with whom a declaration of candidacy is filed, upon request received not later  
42 than the [67th] **63rd** day before the date of the primary election, shall refund the filing fee of a  
43 candidate who dies, withdraws or becomes ineligible for the nomination.

44 **SECTION 10.** ORS 249.180 is amended to read:

45 249.180. Any person who has been nominated at a primary election, or any person who has been

1 nominated to fill a vacancy as provided in ORS 188.120 or 249.190 and 249.200, may withdraw from  
2 nomination by filing a written statement declining the nomination and stating the reason for with-  
3 drawal. The statement shall be signed by the candidate and filed not later than the [67th] **63rd** day  
4 before the general election with the officer with whom the candidate's declaration of candidacy or  
5 nominating petition was filed.

6 **SECTION 11.** ORS 249.830 is amended to read:

7 249.830. (1) A person who has been nominated and has accepted the nomination under ORS  
8 249.712 may withdraw from the nomination by filing with the officer with whom the certificate of  
9 nomination was filed a written statement declining the nomination and stating the reason for with-  
10 drawal.

11 (2) The statement must be:

12 (a) Signed by the person withdrawing from the nomination; and

13 (b) Filed not later than the [67th] **63rd** day before the general election.

14 (3) The statement may be sent to the Secretary of State through a county clerk, as provided by  
15 ORS 249.850.

16 **SECTION 12.** ORS 250.045 is amended to read:

17 250.045. (1) Before circulating a petition to initiate or refer a state measure under section 1,  
18 Article IV, Oregon Constitution, the petitioner shall file with the Secretary of State a prospective  
19 petition. The prospective petition for a state measure to be initiated shall contain the signatures of  
20 at least 1,000 electors. [*The signature sheets must be attached to a full and correct copy of the measure*  
21 *to be initiated.*]

22 (2) Before obtaining signatures on a prospective petition for a state measure to be initiated, the  
23 chief petitioners shall file with the secretary a statement declaring whether one or more persons  
24 will be paid money or other valuable consideration for obtaining signatures of electors on the pro-  
25 spective petition. After a statement has been filed under this subsection, the chief petitioners shall  
26 notify the secretary not later than the 10th day after any of the chief petitioners first has knowledge  
27 or should have had knowledge that:

28 (a) Any person is being paid for obtaining signatures, when the statement filed under this sub-  
29 section declared that no such person would be paid.

30 (b) No person is being paid for obtaining signatures, when the statement filed under this sub-  
31 section declared that one or more such persons would be paid.

32 (3) The secretary by rule shall establish procedures for verifying whether a prospective petition  
33 for a state measure to be initiated contains the required number of signatures of electors.

34 (4) The secretary shall date and time stamp the prospective petition and specify the form on  
35 which the initiative or referendum petition shall be printed for circulation as provided in ORS  
36 250.052. The secretary shall retain the prospective petition.

37 (5) The chief petitioner may amend the state measure to be initiated that has been filed with the  
38 secretary without filing another prospective petition, if:

39 (a) The Attorney General certifies to the secretary that the proposed amendment will not sub-  
40 stantially change the substance of the measure; and

41 (b) The deadline for submitting written comments on the draft title has not passed.

42 (6) The cover of an initiative or referendum petition shall designate the name and residence  
43 address of not more than three persons as chief petitioners and shall contain instructions for per-  
44 sons obtaining signatures of electors on the petition. The instructions shall be adopted by the sec-  
45 retary by rule. The cover of a referendum petition shall contain the final measure summary

1 described in ORS 250.065 (1). If a petition seeking a different ballot title is not filed with the Su-  
2 preme Court by the deadline for filing a petition under ORS 250.085, the cover of an initiative peti-  
3 tion shall contain the latest ballot title certified by the Attorney General under ORS 250.067 (2).  
4 However, if the Supreme Court has reviewed the ballot title, the cover of the initiative petition shall  
5 contain the title certified by the court.

6 (7) The chief petitioners shall include with the prospective petition a statement declaring  
7 whether one or more persons will be paid money or other valuable consideration for obtaining sig-  
8 natures of electors on the initiative or referendum petition. After the prospective petition is filed,  
9 the chief petitioners shall notify the filing officer not later than the 10th day after any of the chief  
10 petitioners first has knowledge or should have had knowledge that:

11 (a) Any person is being paid for obtaining signatures, when the statement included with the  
12 prospective petition declared that no such person would be paid.

13 (b) No person is being paid for obtaining signatures, when the statement included with the pro-  
14 spective petition declared that one or more such persons would be paid.

15 (8)(a) Each sheet of signatures on an initiative petition shall contain the caption of the ballot  
16 title. Each sheet of signatures on a referendum petition shall contain the subject expressed in the  
17 title of the Act to be referred.

18 (b) Each sheet of signatures on an initiative or referendum petition shall:

19 (A) Contain a notice describing the meaning of the color of the signature sheet in accordance  
20 with ORS 250.052; and

21 (B) If one or more persons will be paid for obtaining signatures of electors on the petition,  
22 contain a notice stating: "Some Circulators For This Petition Are Being Paid." The notice shall be  
23 in boldfaced type and shall be prominently displayed on the sheet.

24 (c) The secretary by rule shall adopt a method of designation to distinguish signature sheets of  
25 referendum petitions containing the same subject reference and being circulated during the same  
26 period.

27 (9) The reverse side of the cover of an initiative or referendum petition shall be used for ob-  
28 taining signatures on the initiative or referendum petition.

29 (10) Not more than 20 signatures on the signature sheet of the initiative or referendum petition  
30 may be counted. The circulator shall certify on each signature sheet of the initiative or referendum  
31 petition that the circulator:

32 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on  
33 the signature sheet; and

34 (b) Believes each individual is an elector.

35 (11) The person obtaining signatures on the petition **or prospective petition** shall carry at least  
36 one full and correct copy of the measure to be initiated or referred and shall allow any person to  
37 review a copy upon request of the person.

38 **SECTION 13.** ORS 221.031 is amended to read:

39 221.031. (1) Before circulating a petition to incorporate unincorporated territory as a city, the  
40 petitioners shall file a petition for incorporation in a form prescribed by rule of the Secretary of  
41 State with:

42 (a) The county clerk of the county in which the proposed city lies; or

43 (b) If the proposed city lies in more than one county, the county clerk of the county in which  
44 the largest part of its territory lies.

45 (2) The county clerk shall immediately date and time stamp the prospective petition and shall

1 authorize the circulation of the petition when the economic feasibility statement required by ORS  
 2 221.035 is filed with the county clerk. The county clerk shall retain the prospective petition and  
 3 economic feasibility statement and shall immediately send two copies of the prospective petition to  
 4 the appropriate county court.

5 (3)(a) A petition for incorporation filed with the county clerk under subsection (1) of this section  
 6 shall designate the name and residence address of not more than three persons as chief petitioners,  
 7 who shall be electors registered within the boundaries of the proposed city.

8 (b) The petition shall contain the name of the proposed city.

9 (c) The petition shall include a proposed permanent rate limit for operating taxes that would  
 10 generate operating tax revenues sufficient to support an adequate level of municipal services. The  
 11 tax rate limit shall be expressed in dollars per thousand dollars of assessed value. The tax rate limit  
 12 shall be calculated for the latest tax year for which the assessed value of the proposed city is  
 13 available.

14 (d) There shall be attached to the cover sheet of the petition a map indicating the exterior  
 15 boundaries of the proposed city. The map shall not exceed 14 inches by 17 inches in size and shall  
 16 be used in lieu of a metes and bounds or legal description of the proposed city.

17 (e) If the territory proposed to be incorporated is within the jurisdiction of a local government  
 18 boundary commission, the petition shall be accompanied by the economic feasibility analysis re-  
 19 quired under ORS 199.476 (1). Notwithstanding subsection (2) of this section, unless the economic  
 20 feasibility analysis is approved by the local government boundary commission as provided in ORS  
 21 199.522, the county clerk shall not authorize the circulation of the petition.

22 (f) If the petitioners propose not to extinguish a special district pursuant to ORS 222.510 (2) or  
 23 a county service district pursuant to ORS 451.585 (1), the petition shall include a statement of this  
 24 proposal.

25 (4) *[Each sheet of signatures shall be attached to a full and correct copy of the petition for incor-*  
 26 *poration.]* **The circulator shall carry at least one full and correct copy of the petition for in-**  
 27 **corporation and shall allow any person to review a copy upon request of the person.** Not more  
 28 than 20 signatures on each sheet of the petition for incorporation shall be counted. The circulator  
 29 shall certify on each signature sheet that the circulator witnessed the signing of the signature sheet  
 30 by each individual whose signature appears on the signature sheet and that the circulator believes  
 31 each individual is an elector registered in the county. If the territory proposed to be incorporated  
 32 is within the jurisdiction of a local government boundary commission, each signature sheet shall  
 33 contain a statement that the economic feasibility analysis for the proposed city was approved by the  
 34 boundary commission, that the analysis is available for inspection at the offices of the boundary  
 35 commission and that subsequent to the gathering of the petitions the boundary commission must  
 36 review and finally approve the proposal prior to submission at an election.

37 **SECTION 14.** ORS 250.052 is amended to read:

38 250.052. (1)(a) For each state initiative, referendum or recall petition, the Secretary of State  
 39 shall prepare official templates of the cover and signature sheets for the petition. Except as pro-  
 40 vided in this section, templates of cover and signature sheets for state initiative and referendum  
 41 petitions are subject to the requirements of ORS 250.045. The templates of signature sheets to be  
 42 used by persons who are being paid to obtain signatures on the petition shall be a different color  
 43 from the sheets to be used by persons who are not being paid to obtain signatures on the petition.

44 (b) For each prospective petition for a state measure to be initiated the secretary shall prepare  
 45 official templates of the cover and signature sheets. The templates of signature sheets to be used

1 by persons who are being paid to obtain signatures on the prospective petition shall be a different  
 2 color from the sheets to be used by persons who are not being paid to obtain signatures on the  
 3 prospective petition. Each signature sheet for the prospective petition shall:

4 (A) Contain a notice describing the meaning of the color of the signature sheet; and

5 (B) If one or more persons will be paid for obtaining signatures of electors on the prospective  
 6 petition, contain a notice stating: "Some Circulators For This Prospective Petition Are Being  
 7 Paid." The notice shall be in boldfaced type and shall be prominently displayed on the sheet.

8 (2) A person obtaining signatures on a state initiative, referendum or recall petition or a pro-  
 9 spective petition for a state measure to be initiated may use only the cover and signature sheets  
 10 contained in the official templates prepared for the petition or prospective petition. A person who  
 11 is being paid to obtain signatures on the petition or prospective petition shall use the signature  
 12 sheet template designated for use by persons being paid to obtain signatures. A person who is not  
 13 being paid to obtain signatures on the petition or prospective petition shall use the signature sheet  
 14 template designated for use by persons who are not being paid to obtain signatures.

15 (3) The secretary shall issue templates for a petition or prospective petition only to a chief  
 16 petitioner of the petition or prospective petition or to an agent designated by a chief petitioner.

17 (4) The secretary shall issue official templates to a chief petitioner or designated agent not later  
 18 than:

19 (a) Three business days after the deadline for filing a petition under ORS 250.085 relating to a  
 20 ballot title certified by the Attorney General for the state initiative petition or, if a petition is filed  
 21 with the Supreme Court under ORS 250.085, three business days after the Supreme Court certifies  
 22 to the secretary [*of State*] a ballot title for the state initiative petition;

23 (b) Three business days after a prospective petition is filed under ORS 249.865 or 250.045 for a  
 24 state recall petition or state referendum petition; or

25 (c) Three business days after the chief petitioner files a statement with the secretary under ORS  
 26 250.045 (2) for a prospective petition for a state measure to be initiated.

27 (5) [*Not later than five business days after the deadline for the secretary to issue templates under*  
 28 *subsection (4) of this section,*] **The secretary by rule shall establish a process by which** a chief  
 29 petitioner of a state initiative, referendum or recall petition or a prospective petition for a state  
 30 measure to be initiated [*may submit to the secretary a written*] **may** request [*for*] **a** modification of  
 31 the templates **issued under subsection (4) of this section.** [*The secretary shall approve or disap-*  
 32 *prove the request not later than five business days after receiving the request. If the secretary disap-*  
 33 *proves the request, the secretary shall advise the chief petitioner in writing of the reasons for the*  
 34 *disapproval.*]

35 (6) In addition to the templates prepared under subsections (1) to (5) of this section, for each  
 36 state initiative, referendum or recall petition **or prospective petition**, the secretary shall prepare  
 37 an official electronic template of a signature sheet for the petition **or prospective petition**. A  
 38 template prepared under this subsection shall allow space for the signature of one elector. An  
 39 elector may print a copy of the electronic signature sheet for a petition **or prospective petition**,  
 40 sign the sheet and deliver the signed sheet to a chief petitioner or an agent designated by a chief  
 41 petitioner. Electronic templates described in this subsection are subject to the requirements of ORS  
 42 250.045, other than ORS 250.045 (6), (9) and (10).

43 (7) The secretary shall adopt rules prescribing the contents and method of production of official  
 44 templates required under this section.

45 **SECTION 15.** ORS 250.067 is amended to read:



1       250.067. (1) The Secretary of State, upon receiving a draft ballot title from the Attorney General  
 2 under ORS 250.065 or 250.075, shall provide reasonable statewide notice of having received the draft  
 3 ballot title and of the public's right to submit written comments as provided in this section. Written  
 4 comments concerning a draft ballot title may be submitted to the secretary not later than the 10th  
 5 business day after the secretary receives the draft title from the Attorney General. On the next  
 6 business day after the deadline for submitting comments, the secretary shall send a copy of all  
 7 written comments to the Attorney General. The secretary shall maintain a record of written com-  
 8 ments received.

9       (2)(a) If written comments are submitted to the secretary under subsection (1) of this section,  
 10 the Attorney General shall consider the comments and certify to the secretary either the draft ballot  
 11 title or a revised ballot title not later than the 10th business day after receiving the comments from  
 12 the secretary.

13       (b) If no written comments are submitted to the secretary, the Attorney General shall certify the  
 14 draft ballot title not later than the [20th] **21st** business day after the secretary receives the draft  
 15 title from the Attorney General. If the Attorney General determines that a draft ballot title de-  
 16 scribed in this paragraph contains a clerical error, the Attorney General may correct the error be-  
 17 fore certifying the corrected draft ballot title to the secretary.

18       (c) If the Attorney General determines that a ballot title certified under this subsection contains  
 19 a clerical error, the Attorney General may correct the error and certify to the secretary a corrected  
 20 ballot title not later than the 10th business day after the date the ballot title was certified.

21       (d) The secretary shall furnish the chief petitioner with a copy of each ballot title certified un-  
 22 der this subsection.

23       (3) Unless the Supreme Court certifies a different ballot title, the latest ballot title certified by  
 24 the Attorney General under subsection (2) of this section is the title to be printed in the voters'  
 25 pamphlet and on the ballot.

26       (4) If a petition is filed with the Supreme Court as provided in ORS 250.085, the Secretary of  
 27 State shall file with the Supreme Court a copy of the written comments received as part of the re-  
 28 cord on review of the ballot title.

29       (5) The secretary by rule shall specify the means for providing reasonable statewide notice for  
 30 submitting comments on a draft ballot title.

31       (6) As used in this section, "clerical error" means a typographical, arithmetical or grammatical  
 32 error or omission that is evident from the text of the draft or certified ballot title or by comparison  
 33 of the text of the draft or certified ballot title with a written explanation that was provided by the  
 34 Attorney General and issued concurrently with the draft or certified ballot title.

35       **SECTION 16.** ORS 250.065 is amended to read:

36       250.065. (1) When a prospective petition for a state measure to be referred is filed with the  
 37 Secretary of State, the secretary shall authorize the circulation of the petition using the final  
 38 measure summary of the latest version of the printed, engrossed measure in lieu of the ballot title.  
 39 On the next business day after the referendum petition has been filed containing the required num-  
 40 ber of verified signatures, the Secretary of State shall send [two copies] **one copy** of the prospective  
 41 petition to the Attorney General.

42       (2) When an approved prospective petition for a state measure to be initiated is filed with the  
 43 Secretary of State, the secretary immediately shall send [two copies] **one copy** of it to the Attorney  
 44 General.

45       (3) Not later than the fifth business day after receiving the [copies] **copy** of the prospective pe-

1 titution for a state measure to be initiated, the Attorney General shall provide a draft ballot title for  
 2 the state measure to be initiated and *[return]* **send** one copy of the *[prospective petition and the]*  
 3 ballot title to the Secretary of State.

4 (4) Not later than the 10th business day after receiving the *[copies]* **copy** of the prospective pe-  
 5 titution for a state measure to be referred, the Attorney General shall provide a draft ballot title for  
 6 the state measure to be referred and *[return]* **send** one copy of the *[prospective petition and the]* draft  
 7 ballot title to the Secretary of State.

8 **SECTION 17.** ORS 250.075 is amended to read:

9 250.075. (1) When the Legislative Assembly refers a measure to the people, a ballot title for the  
 10 measure may be prepared by the assembly. The ballot title shall be filed with the Secretary of State  
 11 when the measure is filed with the Secretary of State.

12 (2) If the title is not prepared under subsection (1) of this section, when the measure is filed  
 13 with the Secretary of State, the secretary shall send *[two copies]* **one copy** of the referred measure  
 14 to the Attorney General. Not later than the 30th day after the Legislative Assembly adjourns, the  
 15 Attorney General shall provide a draft ballot title for the measure. The Attorney General shall send  
 16 a copy of the draft ballot title to each member of the Legislative Assembly, and file with the Sec-  
 17 retary of State a copy of the *[referred measure and the]* draft ballot title and a certificate of mailing  
 18 of the draft ballot title to each member.

19 **SECTION 18.** ORS 250.175 is amended to read:

20 250.175. (1) When a prospective petition for a county measure to be referred is filed with the  
 21 county clerk, the clerk shall authorize the circulation of the petition containing the title of the  
 22 measure as enacted by the county governing body or, if there is no title, the title supplied by the  
 23 petitioner filing the prospective petition. The county clerk immediately shall send *[two copies]* **one**  
 24 **copy** of the prospective petition to the district attorney.

25 (2) Not later than the sixth business day after a prospective petition for a county measure to  
 26 be initiated is filed with the county clerk, the clerk shall send *[two copies]* **one copy** of it to the  
 27 district attorney if the measure to be initiated has been determined to be in compliance with section  
 28 1 (2)(d), Article IV, and section 10, Article VI of the Oregon Constitution, as provided in ORS  
 29 250.168.

30 (3)(a) Not later than the fifth business day after receiving the *[copies]* **copy** of the prospective  
 31 petition, and notwithstanding ORS 203.145 (3), the district attorney shall prepare a ballot title for  
 32 the county measure to be initiated or referred and *[return one copy of the prospective petition and]*  
 33 certify the ballot title to the county clerk.

34 (b) If the district attorney determines that a ballot title certified under this subsection contains  
 35 a clerical error, the district attorney may correct the error and certify to the county clerk a cor-  
 36 rected ballot title not later than the 10th business day after the date the ballot title was certified.

37 (c) A copy of the ballot title shall be furnished to the chief petitioner.

38 (4) Unless the circuit court certifies a different ballot title, the latest ballot title certified by the  
 39 district attorney under subsection (3) of this section is the title to be printed on the ballot.

40 (5)(a) The county clerk, upon receiving a ballot title for a county measure to be referred or in-  
 41 itiated from the district attorney or the county governing body, shall publish in the next available  
 42 edition of a newspaper of general circulation in the county a notice of receipt of the ballot title  
 43 including notice that an elector may file a petition for review of the ballot title not later than the  
 44 date referred to in ORS 250.195.

45 (b) In addition to publishing a notice as described in paragraph (a) of this subsection, the county

1 clerk may publish a notice on the county’s website for a minimum of seven days.

2 (6) As used in this section, “clerical error” means a typographical, arithmetical or grammatical  
3 error or omission that is evident from the text of the certified ballot title or by comparison of the  
4 text of the ballot title with a written explanation that was provided by the district attorney and  
5 issued concurrently with the certified ballot title.

6 **SECTION 19.** ORS 250.185 is amended to read:

7 250.185. (1) When the county governing body refers a measure to the people, a ballot title for  
8 the measure may be prepared by the body. The measure and the ballot title prepared under this  
9 subsection shall be filed at the same time with the county clerk.

10 (2) If the title is not prepared under subsection (1) of this section, when the measure is filed  
11 with the county clerk, the clerk shall send [*two copies*] **one copy** to the district attorney. Not later  
12 than the fifth business day after receiving the [*copies*] **copy**, the district attorney shall provide a  
13 ballot title for the measure and send a copy of it to the county governing body and the county clerk.

14 **SECTION 20.** ORS 250.275 is amended to read:

15 250.275. (1) When a prospective petition for a city measure to be referred is filed with the city  
16 elections officer, the officer shall authorize the circulation of the petition containing the title of the  
17 measure as enacted by the city governing body or, if there is no title, the title supplied by the  
18 petitioner filing the prospective petition. The city elections officer immediately shall send [*two*  
19 *copies*] **one copy** of the prospective petition to the city attorney.

20 (2) Not later than the sixth business day after a prospective petition for a city measure to be  
21 initiated is filed with the city elections officer, the officer shall send [*two copies*] **one copy** of it to  
22 the city attorney if the measure to be initiated has been determined to be in compliance with section  
23 1 (2)(d) and (5), Article IV of the Oregon Constitution, as provided in ORS 250.270.

24 (3)(a) Not later than the fifth business day after receiving the [*copies*] **copy** of the prospective  
25 petition, the city attorney shall provide a ballot title for the city measure to be initiated or referred  
26 and [*return one copy of the prospective petition and*] certify the ballot title to the city elections offi-  
27 cer.

28 (b) If the city attorney determines that a ballot title certified under this subsection contains a  
29 clerical error, the city attorney may correct the error and certify to the city elections officer a  
30 corrected ballot title not later than the 10th business day after the date the ballot title was certified.

31 (c) A copy of the ballot title shall be furnished to the chief petitioner.

32 (4) Unless the circuit court certifies a different ballot title, the latest ballot title certified by the  
33 city attorney under subsection (3) of this section is the title to be printed on the ballot.

34 (5)(a) The city elections officer, upon receiving a ballot title for a city measure to be referred  
35 or initiated from the city attorney or city governing body, shall publish in the next available edition  
36 of a newspaper of general distribution in the city a notice of receipt of the ballot title including  
37 notice that an elector may file a petition for review of the ballot title not later than the date re-  
38 ferred to in ORS 250.296.

39 (b) In addition to publishing a notice as described in paragraph (a) of this subsection, the city  
40 elections officer may publish a notice on the city’s website for a minimum of seven days.

41 (6) As used in this section, “clerical error” means a typographical, arithmetical or grammatical  
42 error or omission that is evident from the text of the certified ballot title or by comparison of the  
43 text of the ballot title with a written explanation that was provided by the city attorney and issued  
44 concurrently with the certified ballot title.

45 **SECTION 21.** ORS 250.285 is amended to read:

1 250.285. (1) When the city governing body refers a measure to the people, a ballot title for the  
2 measure may be prepared by the body. The ballot title shall be filed with the city elections officer.

3 (2) If the title is not prepared under subsection (1) of this section, when the measure is filed  
4 with the city elections officer, the officer shall send [*two copies*] **one copy** to the city attorney. Not  
5 later than the fifth business day after receiving the [*copies*] **copy**, the city attorney shall provide a  
6 ballot title for the measure[,] and send a copy of it to the city governing body and the city elections  
7 officer.

8 **SECTION 22.** ORS 255.145 is amended to read:

9 255.145. (1) When a prospective petition for a district measure to be referred is filed with the  
10 elections officer, the officer shall authorize the circulation of the petition containing the title of the  
11 measure as enacted by the district elections authority or, if there is no title, the title supplied by  
12 the petitioner filing the prospective petition. The elections officer immediately shall send [*two*  
13 *copies*] **one copy** of the prospective petition to the district attorney of the county in which the ad-  
14 ministrative office of the district is located.

15 (2) Not later than the sixth business day after a prospective petition for a district measure to  
16 be initiated is filed with the elections officer, the officer shall send [*two copies*] **one copy** of it to  
17 the district attorney of the county in which the administrative office of the district is located if the  
18 measure to be initiated has been determined to be in compliance with section 1 (2)(d) and (5), Article  
19 IV of the Oregon Constitution, as provided in ORS 255.140.

20 (3)(a) Not later than the fifth business day after receiving the [*copies*] **copy** of the prospective  
21 petition, the district attorney shall provide a ballot title for the district measure to be initiated or  
22 referred and [*return*] **send** one copy of the [*prospective petition and the*] ballot title to the elections  
23 officer. Unless the circuit court certifies a different title, **or the district attorney determines that**  
24 **a clerical correction is necessary**, this ballot title shall be the title printed on the ballot.

25 **(b) As used in this subsection, “clerical correction” means a typographical, arithmetical**  
26 **or grammatical correction that is evident from the text of the draft or certified ballot title.**

27 (4) A copy of the ballot title shall be furnished to the chief petitioner.

28 (5)(a) The elections officer, upon receiving a ballot title for a district measure to be referred or  
29 initiated from the district attorney, shall publish in the next available edition of a newspaper of  
30 general circulation in the district a notice of receipt of the ballot title including notice that an  
31 elector may file a petition for review of the ballot title not later than the date referred to in ORS  
32 255.155.

33 (b) In addition to publishing a notice as described in paragraph (a) of this subsection, the  
34 elections officer may publish a notice on the county’s website for a minimum of seven days.

35 **SECTION 23.** ORS 250.141 is amended to read:

36 250.141. (1) Not later than the date set by the Secretary of State by rule, each citizen panel shall  
37 prepare and file with the secretary any of the following statements of not more than 250 words each:

38 (a) A statement in favor of the measure.

39 (b) A statement opposed to the measure.

40 (c) A statement that “No panelist took this position.” if a panel is unanimous in either sup-  
41 porting or opposing a measure.

42 (d) A statement of key findings that summarizes the citizen panel’s findings in an impartial  
43 manner and may include a tally of how many panelists agreed with the key findings.

44 (e) A statement of additional policy considerations that describes the subject matter of or any  
45 fiscal considerations related to the measure. A statement submitted under this paragraph must be

1 supported by at least three-quarters of the panelists.

2 (2)(a) Before a statement is filed with the Secretary of State under subsection (1) of this section:

3 (A) A person designated under ORS 250.139 (6)(c) shall be allowed to review the statement in  
4 favor of the measure by the citizen panel and provide feedback to the panel regarding the statement.

5 (B) A person designated under ORS 250.139 (6)(d) shall be allowed to review the statement op-  
6 posed to the measure by the citizen panel and provide feedback to the panel regarding the state-  
7 ment.

8 (C) A person designated under ORS 250.139 (6)(c) or (d) shall be allowed to review the statement  
9 of key findings by the citizen panel and provide feedback to the panel regarding the statement.

10 (b) A citizen panel may adjust any statement after receiving feedback as described in this sub-  
11 section.

12 (3) The secretary shall prescribe the size and manner of placement of the statements submitted  
13 by a citizen panel to be printed in the voters' pamphlet, except that the statements shall be clearly  
14 differentiated from other arguments or statements in the voters' pamphlet and may include, but are  
15 not limited to, the use of unique formatting and informative symbols.

16 (4) The secretary shall provide with any citizen panel statement a description of not more than  
17 150 words of the citizen panel process described in ORS 250.137 to 250.149 and the following expla-  
18 nation:

---

19  
20  
21 The opinions expressed in this statement are those of the members of a citizen panel and were  
22 developed through the citizen review process. They are NOT official opinions or positions endorsed  
23 by the State of Oregon or any government agency. A citizen panel is not a judge of the  
24 constitutionality or legality of any ballot measure, and any statements about such matters are not  
25 binding on a court of law.

---

26  
27  
28 **(5) A statement described in subsection (1) of this section must be filed using the elec-**  
29 **tronic filing system adopted by the Secretary of State under ORS 251.014.**

30 [(5)] (6) The secretary, by rule, shall set a date by which statements must be filed under this  
31 section. The date may not be sooner than the 70th day before the date of the election.

32 **SECTION 24.** ORS 251.115 is amended to read:

33 251.115. (1) **Not sooner than the 120th day and** not later than the 70th day before the general  
34 election, the party officers as designated in the organizational documents of any statewide political  
35 party or assembly of electors having nominated candidates may file with the Secretary of State a  
36 statement of arguments for the success of its principles and election of its candidates on a statewide  
37 basis and opposing the principles and candidates of other political parties or organizations on a  
38 statewide basis.

39 (2) **Not sooner than the 120th day and** not later than the 70th day before the general election,  
40 the party officers as designated in the organizational documents of any less than statewide political  
41 party or assembly of electors having nominated candidates may file with the Secretary of State a  
42 statement of arguments for the success of its principles and election of its candidates on a county  
43 basis and opposing the principles and candidates of other political parties or organizations on a  
44 county basis.

45 (3)(a) Any statewide political party or assembly of electors having nominated candidates shall

1 pay a fee of \$1,200 to the Secretary of State when the statement is filed or may submit a petition  
2 in a form prescribed by the secretary containing the signatures of 500 active electors.

3 (b) Any less than statewide political party or assembly of electors having nominated candidates  
4 shall pay a fee of \$600 to the Secretary of State when the statement is filed or may submit a petition  
5 in a form prescribed by the secretary containing the signatures of 300 active electors.

6 (c) The signatures on a petition submitted under this subsection shall be verified by the county  
7 clerk or the Secretary of State.

8 (d) The Secretary of State by rule shall establish procedures for verifying whether a petition  
9 submitted under this subsection contains the required number of signatures of active electors.

10 (4) A statement of arguments filed under this section must be filed using *[an]* **the** electronic  
11 filing system *[designated]* **adopted** by the Secretary of State under ORS 251.014.

12 (5) The Secretary of State by rule shall prescribe the size of the statements permitted under this  
13 section, except that any statewide political party or assembly of electors having nominated candi-  
14 dates shall be allotted more space than any less than statewide political party or assembly of elec-  
15 tors having nominated candidates.

16 (6) For purposes of this section, an “active elector” is a person whose registration is considered  
17 active as described in ORS 247.013.

18 **SECTION 25.** ORS 251.065 is amended to read:

19 251.065. (1)(a) Except as provided in paragraph (b) of this subsection, not sooner than the 120th  
20 day and not later than the 68th day before the primary election, a candidate or agent on behalf of  
21 the candidate for nomination or election at the primary election to the office of President or Vice  
22 President of the United States, United States Senator, Representative in Congress or a state office  
23 as defined in ORS 249.002 may file with the Secretary of State a portrait of the candidate and a  
24 statement of the reasons the candidate should be nominated or elected. A candidate or agent on  
25 behalf of the candidate for nomination or election to a county or city office, or to an elected office  
26 of a metropolitan service district organized under ORS chapter 268, may file a portrait and state-  
27 ment under this subsection if permitted under ORS 251.067.

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

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

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

41 (4) All portraits and statements described in this section must be filed using *[an]* **the** electronic  
42 filing system *[designated]* **adopted** by the Secretary of State under ORS 251.014.

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

45 (6) A portrait or statement filed under this section must be accompanied by a telephone or

1 electronic facsimile transmission machine number where the candidate may be contacted for pur-  
2 poses of ORS 251.087.

3 **SECTION 26.** ORS 251.255 is amended to read:

4 251.255. (1) Not **sooner than the 120th day and not** later than the 70th day before a general  
5 election or the 68th day before a special election held on the date of any primary election at which  
6 a state measure is to be voted upon, any person may file with the Secretary of State an argument  
7 supporting or opposing the measure.

8 (2)(a) A person filing an argument under this section shall pay a fee of \$1,200 to the Secretary  
9 of State when the argument is filed or may submit a petition in a form prescribed by the Secretary  
10 of State containing the signatures of 500 active electors. Each person signing the petition shall  
11 subscribe to a statement that the person has read and agrees with the argument.

12 (b) The signatures on each petition shall be verified by the county clerk or the Secretary of  
13 State.

14 (c) The Secretary of State by rule shall establish procedures for verifying whether a petition  
15 submitted under this subsection contains the required number of signatures of active electors.

16 (3) An argument filed under this section must be filed using [*an*] **the** electronic filing system  
17 [*designated*] **adopted** by the Secretary of State under ORS 251.014.

18 (4) The Secretary of State by rule shall establish the size and length of arguments permitted  
19 under ORS 251.245 and this section, except that the length of an argument may not exceed 325  
20 words. The size and length limitations shall be the same for arguments submitted under ORS 251.245  
21 or this section.

22 **SECTION 27.** ORS 254.115 is amended to read:

23 254.115. (1) The official primary election ballot shall be styled "Official Primary Nominating  
24 Ballot for the \_\_\_\_\_ Party." and shall state:

25 (a) The name of the county for which it is intended.

26 (b) The date of the primary election.

27 (c) The names of all candidates for nomination at the primary election whose nominating pe-  
28 titions or declarations of candidacy have been made and filed, and who have not died, withdrawn  
29 or become disqualified.

30 (d) The names of candidates for election as precinct committeeperson.

31 (e) The names of candidates for the party nomination for President of the United States who  
32 qualified for the ballot under ORS 249.078.

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

35 (3)(a) The ballot may not contain the name of any person other than those referred to in sub-  
36 sections (1) and (2) of this section.

37 (b) The name of each candidate for whom a nominating petition or declaration of candidacy has  
38 been filed shall be printed on the ballot in but one place, **except in circumstances where a can-**  
39 **didate may hold more than one office or nomination without violating ORS 249.013.**

40 (c) In the event that two or more candidates for the same nomination or office have the same  
41 or similar surnames, the location of their places of residence shall be printed with their names to  
42 distinguish one from another.

43 **SECTION 28.** ORS 254.135 is amended to read:

44 254.135. (1) The official general or special election ballot shall be styled "Official Ballot" and  
45 shall state:

1 (a) The name of the county for which it is intended.

2 (b) The date of the election.

3 (c) The names of all candidates for offices to be filled at the election whose nominations have  
4 been made and accepted and who have not died, withdrawn or become disqualified. The ballot may  
5 not contain the name of any other person.

6 (d) The number, ballot title and financial estimates under ORS 250.125 of any measure to be  
7 voted on at the election.

8 (2) The names of candidates for President and Vice President of the United States shall be  
9 printed in groups together, under their political party designations. The names of the electors may  
10 not be printed on the general election ballot. A vote for the candidates for President and Vice  
11 President is a vote for the group of presidential electors supporting those candidates and selected  
12 as provided by law. The general election ballot shall state that electors of President and Vice  
13 President are being elected and that a vote for the candidates for President and Vice President shall  
14 be a vote for the electors supporting those candidates.

15 (3)(a) The name of each candidate nominated shall be printed on the ballot in but one place,  
16 without regard to how many times the candidate may have been nominated, **except in circum-**  
17 **stances where a candidate may hold more than one office or nomination without violating**  
18 **ORS 249.013.** The name of a political party, or names of political parties, shall be printed with the  
19 name of a candidate for other than nonpartisan office according to the following rules:

20 (A) For a candidate not affiliated with a political party who is nominated by a minor political  
21 party, the name of the minor political party shall be printed with the name of the candidate;

22 (B) For a candidate not affiliated with a political party who is nominated by more than one  
23 minor political party, the names of not more than three minor political parties selected by the can-  
24 didate shall be printed with the name of the candidate;

25 (C) For a candidate who is a member of a political party who is nominated by a political party  
26 of which the candidate is not a member, the name of the political party that nominated the candi-  
27 date shall be printed with the name of the candidate;

28 (D) For a candidate who is a member of a political party who is nominated by more than one  
29 political party of which the candidate is not a member, the names of not more than three political  
30 parties selected by the candidate shall be printed with the name of the candidate;

31 (E) For a candidate who is nominated only by a political party of which the candidate is a  
32 member, the name of the political party of which the candidate is a member shall be printed with  
33 the name of the candidate; and

34 (F) For a candidate who is nominated by a political party of which the candidate is a member  
35 and by any political party or parties of which the candidate is not a member, the name of the poli-  
36 tical party of which the candidate is a member and the names of not more than two other political  
37 parties selected by the candidate shall be printed with the name of the candidate.

38 (b) If a candidate is required to select the name of a political party to be printed on the ballot  
39 under paragraph (a) of this subsection, the candidate shall notify the filing officer of the selection  
40 not later than the 61st day before the day of the election.

41 (c) The word "incumbent" shall be printed with the name of each candidate for the Supreme  
42 Court, Court of Appeals, Oregon Tax Court or circuit court who is designated the incumbent by the  
43 Secretary of State under ORS 254.085.

44 (d) The word "nonaffiliated" shall be printed with the name of each candidate who is not affil-  
45 iated with a political party and who is nominated by an assembly of electors or individual electors.



1 (e) If two or more candidates for the same office have the same or similar surnames, the location  
2 of their places of residence shall be printed with their names to distinguish one from another.

3 (4) Notwithstanding subsection (3)(a) of this section, the name of a candidate nominated for more  
4 than one district office that is to be filled at the same election shall be separately printed upon the  
5 ballot for each district office for which the candidate is nominated.

6 **SECTION 29.** ORS 255.085 is amended to read:

7 255.085. (1) Not later than the 61st day before a district election on a measure, the district  
8 elections authority shall deliver to the elections officer a notice stating the date of the election and  
9 a ballot title. The district elections authority shall prepare the ballot title for a measure referred  
10 by the authority with the assistance of the district attorney for the county of the elections officer  
11 or an attorney employed by the district elections authority. **The district elections authority shall**  
12 **include the ballot title for the measure at the time the measure is submitted to the elections**  
13 **officer.**

14 (2) If a district submits a measure to the electors of the district at an election held on the first  
15 Tuesday after the first Monday in November and the district submitted a measure on the election  
16 date in ORS 255.345 (1) immediately preceding the date of an election held on the first Tuesday after  
17 the first Monday in November, the district elections authority shall file the measure, **including the**  
18 **ballot title for the measure**, for the election held on the first Tuesday after the first Monday in  
19 November with the elections officer not later than the 47th day before an election held on the first  
20 Tuesday after the first Monday in November.

21 (3) A notice of election called to approve the issuance of bonds shall include:

22 (a) The purpose for which the bonds are to be used;

23 (b) The amount and the term of the bonds;

24 (c) The kind of bonds proposed to be issued; and

25 (d) If the bond election is authorized by ORS 450.900, the additional notice requirements in ORS  
26 450.905.

27 (4)(a) In the case of a measure submitted by initiative or referendum petition, the elections of-  
28 ficer shall publish the notice in the next available edition of a newspaper of general circulation in  
29 the district after the deadline for filing the notice.

30 (b) In the case of a measure referred by the district elections authority, the elections officer  
31 shall publish the notice of election in the next available edition of a newspaper of general circu-  
32 lation in the district after the notice of election is filed. The notice shall also state that an elector  
33 may file a petition for review of the ballot title not later than the date referred to in ORS 255.155.  
34 If the circuit court certifies a different ballot title, the elections officer shall publish an amended  
35 notice of election in the next available edition of the newspaper referred to in this subsection after  
36 the new title is certified to the elections officer.

37 (c) In addition to publishing the notice as described in paragraphs (a) and (b) of this subsection,  
38 the elections officer may publish the notice on the county's website for a minimum of seven days.

39 **SECTION 30.** ORS 255.295 is amended to read:

40 255.295. (1) Not later than the 20th day after the date of an election, the [county clerk] **elections**  
41 **officer** shall prepare an abstract of the votes and deliver it to the district elections authority. Not  
42 later than the 40th day after [receiving the abstract] **the date of an election**, the district elections  
43 authority shall determine from it the result of the election.

44 (2) Subject to ORS 254.548, the [county clerk] **elections officer** may issue a certificate of election  
45 only after the district elections authority has notified the [county clerk] **elections officer** in writing

1 of the result of the election. The notification to the [county clerk] **elections officer** shall contain a  
 2 statement indicating whether any candidate elected to district office is qualified to hold the office.

3 **SECTION 31.** ORS 254.565 is amended to read:

4 254.565. Subject to ORS 254.548, the chief city elections officer:

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

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

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

8 (c) If applicable, the name of the major political party nominating the candidate.

9 (d) The date of the entry.

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

12 (3) Not later than the [30th] **40th** day after any election, shall canvass the vote on each city  
 13 measure, and if two or more of the approved measures contain conflicting provisions, proclaim which  
 14 is paramount.

15 **SECTION 32.** ORS 260.037 is amended to read:

16 260.037. (1) The candidate is personally responsible for the performance of the duties referred  
 17 to in ORS 260.035 (2). Any default or violation by the treasurer shall be conclusively considered a  
 18 default or violation by the candidate. Any default or violation by the individual designated by the  
 19 candidate or treasurer under ORS 260.039[, 260.042] or 260.057 is conclusively considered a default  
 20 or violation by the candidate.

21 **(2) Except as otherwise provided in subsection (1) of this section, the treasurer of a pol-**  
 22 **itical committee or the treasurer of a petition committee is personally responsible for the**  
 23 **performance of the duties referred to in ORS 260.035 (3) or 260.118. Any default or violation**  
 24 **by the individual designated by the treasurer under ORS 260.042 or 260.057 is conclusively**  
 25 **considered a default or violation by the treasurer.**

26 **SECTION 33.** ORS 260.043 is amended to read:

27 260.043. (1) A candidate who serves as the candidate's own treasurer and who expects neither  
 28 the aggregate contributions to be received nor the aggregate expenditures to be made by or on be-  
 29 half of the candidate to exceed \$750 in total amount during a calendar year is not required to:

30 (a) File a statement of organization under ORS 260.039;

31 (b) Establish a single exclusive campaign account under ORS 260.054; or

32 (c) File statements under ORS 260.057.

33 (2) A candidate described in subsection (1) of this section must keep contribution and expendi-  
 34 ture records for the previous 24 months.

35 *[(3) If at any time following the filing of a nominating petition, declaration of candidacy or certifi-*  
 36 *cate of nomination and during the calendar year either the aggregate contributions or aggregate*  
 37 *expenditures exceed \$750, the candidate shall do all of the following:]*

38 *[(a) File a statement of organization under ORS 260.039.]*

39 *[(b) Establish a single exclusive campaign account as required under ORS 260.054.]*

40 *[(c) File a statement under ORS 260.057 showing all contributions received and expenditures made.*  
 41 *The statement shall be filed not later than seven calendar days after aggregate contributions or ag-*  
 42 *gregate expenditures exceed \$750 during a calendar year.]*

43 *[(d) If necessary, file additional statements under ORS 260.057.]*

44 **(3)(a) If at any time during the calendar year either the aggregate contributions or ag-**  
 45 **gregate expenditures exceed \$750, the candidate must file a statement of organization under**

1 **ORS 260.039, establish a single exclusive campaign account as required under ORS 260.054 and**  
 2 **file statements as required in paragraph (b) of this subsection.**

3 **(b)(A) Except as provided in subparagraph (B) of this paragraph, if at any time during**  
 4 **the calendar year either the aggregate contributions or aggregate expenditures exceed \$750,**  
 5 **the candidate must file a statement under ORS 260.057 showing all contributions received and**  
 6 **expenditures made. After aggregate contributions or aggregate expenditures exceed \$750**  
 7 **during a calendar year, the statement shall be filed under the time frames established in ORS**  
 8 **260.057 (3).**

9 **(B) If the candidate expects neither the aggregate contributions to be received nor the**  
 10 **aggregate expenditures to be made by or on behalf of the candidate to exceed \$3,500 during**  
 11 **the calendar year, the candidate may file a statement to that effect under ORS 260.112,**  
 12 **rather than file statements under ORS 260.057. Notwithstanding ORS 260.112 (2), the state-**  
 13 **ment shall be filed not later than seven calendar days after aggregate contributions or ag-**  
 14 **gregate expenditures exceed \$750 during a calendar year.**

15 (4) This section does not apply to candidates for federal office.

16 **SECTION 34.** ORS 260.054 is amended to read:

17 260.054. (1) Each political committee shall establish a single exclusive campaign account and  
 18 each petition committee organized under ORS 260.118 shall establish a single exclusive petition ac-  
 19 count in a financial institution, as defined in ORS 706.008. The financial institution must be located  
 20 in this state and must ordinarily conduct business with the general public in this state.

21 (2) A political committee shall maintain the campaign account in the name of the political  
 22 committee. A petition committee shall maintain the petition account in the name of the petition  
 23 committee.

24 (3) Except as provided in subsection (4) of this section:

25 (a) All expenditures made by the political committee shall be drawn from the campaign account  
 26 and:

27 (A) Issued on a check signed by the candidate on whose behalf the account is established, by  
 28 the treasurer of the political committee or by an individual designated by the candidate or treasurer;  
 29 or

30 (B) Paid using a debit card or other form of electronic transaction.

31 (b) All expenditures made by the petition committee shall be drawn from the petition account  
 32 and:

33 (A) Issued on a check signed by the chief petitioner or treasurer of the petition committee or  
 34 by an individual designated by the chief petitioner or treasurer; or

35 (B) Paid using a debit card or other form of electronic transaction.

36 (4) Subsection (3) of this section does not prohibit a person from making a cash or other ex-  
 37 penditure on behalf of the political committee or petition committee and receiving reimbursement  
 38 from the campaign or petition account.

39 (5)(a) Not later than seven [*calendar*] **business** days after the date the contribution is received:

40 (A) A contribution received by a candidate or the treasurer of a political committee, directly  
 41 or indirectly, shall be deposited into the campaign account.

42 (B) A contribution received by a chief petitioner or treasurer of a petition committee, directly  
 43 or indirectly, shall be deposited into the petition account.

44 (b) This subsection does not apply to in-kind contributions received by a candidate, political  
 45 committee or petition committee.

1 (6) This section does not prohibit the transfer of any amount deposited in a campaign or petition  
2 account into a certificate of deposit, stock fund or other investment instrument.

3 (7) A campaign or petition account may not include any private moneys, other than contribu-  
4 tions received by the political committee or petition committee.

5 (8) A political committee or petition committee shall retain a copy of each financial institution  
6 account statement from the campaign or petition account described in this section for not less than  
7 two years after the date the statement is issued by the financial institution.

8 (9) This section does not apply to candidates described in ORS 260.043.

9 (10) As used in this section, "contribution" and "expenditure" include a contribution or ex-  
10 penditure to or on behalf of an initiative, referendum or recall petition.

11 **SECTION 35.** ORS 260.055 is amended to read:

12 260.055. (1) Each candidate, other than a candidate for political party office, the treasurer of  
13 each political committee and the treasurer of each petition committee shall keep detailed accounts.  
14 The accounts shall be current as of not later than the seventh [*calendar*] **business** day after the date  
15 of receiving a contribution or making an expenditure with respect to all contributions received and  
16 all expenditures made by or on behalf of the candidate or committee that are required to be reported  
17 under ORS 260.057, 260.076 or 260.078. Subject to ORS 260.085, the accounts shall list all information  
18 required to be reported under ORS 260.083.

19 (2) Accounts kept by a candidate or the treasurer of a political committee may be inspected  
20 under reasonable circumstances at any time before the election to which the accounts refer or  
21 during the period specified for retention of the accounts under subsection (3) of this section by any  
22 opposing candidate or the treasurer of any political committee for the same electoral contest. The  
23 right of inspection may be enforced by writ of mandamus issued by any court of competent juris-  
24 diction. The treasurers of political committees supporting a candidate may be joined with the can-  
25 didate as defendants in a mandamus proceeding.

26 (3) Accounts kept by a candidate or treasurer shall be preserved by the candidate or treasurer  
27 for at least two years after the date the statement of the contribution or expenditure is filed under  
28 ORS 260.057.

29 **SECTION 36.** ORS 260.057 is amended to read:

30 260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used by:

31 (a) All candidates and political committees to file with the secretary statements of contributions  
32 received and expenditures made by the candidates and political committees, as described in ORS  
33 260.083.

34 (b) Treasurers of petition committees organized under ORS 260.118 to file with the secretary  
35 statements of contributions received and expenditures made by the treasurers or chief petitioners  
36 as described in ORS 260.083.

37 (c) Persons who make independent expenditures as provided in ORS 260.044 to file with the  
38 secretary statements of independent expenditures made by the persons as described in ORS 260.083.

39 (2) Except as otherwise provided in this section, a candidate or political committee shall file a  
40 statement of contributions received and expenditures made described in subsection (1)(a) of this  
41 section not later than 30 calendar days after a contribution is received or an expenditure is made.

42 (3)(a) A candidate for nomination or election at any primary or general election or a political  
43 committee supporting or opposing a candidate or measure at any primary or general election shall  
44 file a statement described in subsection (1)(a) of this section not later than seven calendar days after  
45 a contribution is received or an expenditure is made. This paragraph applies to contributions re-

1 received and expenditures made:

2 (A) During the period beginning on the 42nd calendar day before the date of any primary  
3 election and ending on the date of the primary election; and

4 (B) During the period beginning on the 42nd calendar day before the date of any general  
5 election and ending on the date of the general election.

6 (b) For any special election, the secretary by rule may establish a period during which a candi-  
7 dicate for nomination or election at the special election or a political committee supporting or op-  
8 posing a candidate or measure at the special election must file a statement described in subsection  
9 (1) of this section not later than seven calendar days after a contribution is received or an expend-  
10 iture is made.

11 (c) If the candidate or political committee receives a contribution or makes an expenditure prior  
12 to the 42nd calendar day before the date of the primary or general election and the candidate or  
13 political committee has not filed a statement of the contribution or expenditure under subsection (2)  
14 of this section by the 43rd calendar day before the date of the primary or general election, the  
15 candidate or political committee shall file a statement described in subsection (1)(a) of this section  
16 not later than the 35th calendar day before the date of the primary or general election.

17 (4) The electronic filing system shall be provided free of charge by the secretary and shall:

18 (a) Accept electronic files that conform to the format prescribed by the secretary by rule; or

19 (b) Be compatible with any other electronic filing application provided or approved by the sec-  
20 retary.

21 (5)(a) Except as provided in paragraph (b) of this subsection, the secretary shall make all data  
22 filed electronically under subsection (1)(a) of this section and all information filed with the secretary  
23 under ORS 260.049 or 260.085 available on the Internet to the public free of charge according to a  
24 schedule adopted by the secretary by rule. The secretary shall make the data available in a  
25 searchable database that is easily accessible by the public. When the secretary makes data or in-  
26 formation available on the Internet under this subsection, the secretary shall display any contribu-  
27 tion received from a person or political committee with an out-of-state address in a different colored  
28 font than a contribution received from a person or political committee with an in-state address.

29 (b) The secretary may not make data that are filed electronically under subsection (1)(a) of this  
30 section available to the public under this section, unless the data are required to be listed under  
31 ORS 260.083. The secretary may not disclose under ORS 192.410 to 192.505 any data that are filed  
32 electronically under subsection (1)(a) of this section, unless the data are required to be listed under  
33 ORS 260.083.

34 (6)[(a)] [*Except as provided in paragraph (b) of this subsection,*] Each statement required by this  
35 section shall be signed and certified as true by the candidate [*or treasurer required to file it*],  
36 **treasurer, designee of the candidate or treasurer or person who files a statement of inde-**  
37 **pendent expenditures under ORS 260.044, as appropriate.** Signatures shall be supplied in the  
38 manner specified by the secretary by rule.

39 [(b) *A candidate or treasurer may designate an individual to sign and certify as true a statement*  
40 *required by this section. The designation must be filed in writing with the secretary and must be re-*  
41 *newed for each two-year period beginning January 1 of an even-numbered year.*]

42 (7) This section does not apply to:

43 (a) Candidates for federal office;

44 (b) Candidates who are not required to file a statement of organization under ORS 260.043; or

45 (c) Candidates, political committees or petition committees that file certificates under ORS

1 260.112.

2 **SECTION 37.** ORS 260.078 is amended to read:

3 260.078. If the first statement filed by a candidate, a candidate's principal campaign committee,  
4 **a petition committee** or a political committee under ORS 260.057 shows an unexpended balance  
5 of contributions not previously reported on hand, the statement shall list all contributions and  
6 expenditures giving rise to the unexpended balance of contributions in accordance with ORS 260.083.

7 **SECTION 38.** ORS 260.232 is amended to read:

8 260.232. (1) The Secretary of State may impose a civil penalty as provided in this section, in  
9 addition to any other penalty that may be imposed, for:

10 (a) Failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,  
11 260.076, 260.078, 260.083, 260.112 or 260.118.

12 (b) Failure to include in a statement filed under ORS 260.044, 260.057, 260.076, 260.078, 260.083,  
13 260.112 or 260.118 the information required under ORS 260.044, 260.057, 260.076, 260.083 or 260.118.

14 (2)(a) If a person required to file has not filed a statement or certificate complying with appli-  
15 cable provisions of ORS 260.044, 260.057, 260.076, 260.078, 260.083, 260.085, 260.112 or 260.118 within  
16 the time specified in ORS 260.044, 260.057, 260.076, 260.078 or 260.118, the Secretary of State by first  
17 class mail **or electronically** shall notify the person that a penalty may be imposed and that the  
18 person has 20 days from the service date on the notice to request a hearing before the Secretary  
19 of State.

20 (b) If the person required to file is a candidate or the principal campaign committee of a candi-  
21 date, the Secretary of State shall send the notice described in paragraph (a) of this subsection by  
22 first class mail **or electronically** to the candidate. The notice shall be used for purposes of deter-  
23 mining the deadline for requesting a hearing under subsection (3) of this section.

24 (3) A hearing on whether to impose a civil penalty and to consider circumstances in mitigation  
25 shall be held by the Secretary of State:

26 (a) Upon request of the person against whom the penalty may be assessed, if the request is made  
27 not later than the 20th day [*after the person received*] **from the service date on** the notice sent  
28 under subsection (2) of this section;

29 (b) Upon request of the filing officer with whom a statement or certificate was required to be  
30 filed but was not filed; or

31 (c) Upon the Secretary of State's own motion.

32 (4) A hearing under subsection (3) of this section shall be held not later than 45 days after the  
33 deadline for the person against whom the penalty may be assessed to request a hearing. However,  
34 if requested by the person against whom the penalty may be assessed, a hearing under subsection  
35 (3) of this section shall be held not later than 60 days after the deadline for the person against whom  
36 the penalty may be assessed to request a hearing.

37 (5) The Secretary of State shall issue an order not later than 90 days after a hearing or after  
38 the deadline for requesting a hearing if no hearing is held.

39 (6) The person against whom a penalty may be assessed need not appear in person at a hearing  
40 held under this section, but instead may submit written testimony and other evidence, subject to the  
41 penalty for false swearing, to the Secretary of State for entry in the hearing record. The testimony  
42 and other evidence must be received by the secretary not later than three business days before the  
43 day of the hearing and may be submitted electronically.

44 (7) A civil penalty imposed under this section may not be more than the following:

45 (a) For failure to file a statement or certificate required to be filed under ORS 260.044, 260.057,

1 260.076, 260.078, 260.083, 260.112 or 260.118, 10 percent of the total amount of the contribution or  
 2 expenditure required to be included in the statement or certificate; or

3 (b) For each failure to include in a statement filed under ORS 260.044, 260.057, 260.076, 260.078,  
 4 260.083, 260.112 or 260.118 the information required under ORS 260.044, 260.057, 260.076, 260.083 or  
 5 260.118, 10 percent of the total amount of the contribution or expenditure required to be included  
 6 in the statement.

7 (8) The Secretary of State, upon a showing of mitigating circumstances, may reduce the amount  
 8 of the penalty described in subsection (7) of this section.

9 (9) Except as otherwise provided by this section, civil penalties under this section shall be im-  
 10 posed as provided in ORS 183.745.

11 **SECTION 39.** ORS 260.241 is amended to read:

12 260.241. (1) Despite delay in the filing of statements relating to a candidate's nomination re-  
 13 quired to be filed under ORS 260.057, or in the filing of a certificate described in ORS 260.112 in lieu  
 14 of a statement required under ORS 260.057, prior to the nominating election, the candidate's name  
 15 shall appear on the general election ballot if those statements or the certificate is filed before the  
 16 61st day before the general election.

17 (2) A candidate's name may not be placed on the general election ballot if the statements or  
 18 certificate referred to in subsection (1) of this section is not filed before the 61st day before the  
 19 general election.

20 (3) If the statements or certificate referred to in subsection (1) of this section is not filed by the  
 21 68th day before the general election, the filing officer by mail **or electronically** shall notify the  
 22 candidate that the candidate's name may not be placed on the general election ballot. The filing  
 23 officer shall send the notice described in this subsection by first class mail **or electronically** to the  
 24 candidate and the candidate's treasurer or the treasurer of the candidate's principal campaign  
 25 committee. The filing officer is not required to send two notices if the candidate serves as the  
 26 treasurer of the candidate's principal campaign committee.

27 **SECTION 40.** ORS 260.407 is amended to read:

28 260.407. (1)(a) Except as provided in paragraph (b) of this subsection, amounts received as con-  
 29 tributions by a candidate, [or] the principal campaign committee of a candidate [*for public office that*  
 30 *are in excess of any amount necessary to defray expenditures and any other funds donated to a holder*  
 31 *of public office*] **or the principal campaign committee of a holder of public office** may be:

32 (A) Used to defray any expenses incurred in connection with the recipient's duties as a holder  
 33 of public office;

34 (B) Transferred to any national, state or local political committee of any political party;

35 (C) Contributed to any organization described in section 170(c) of the Internal Revenue Code  
 36 or to any charitable corporation as defined in ORS 128.620; or

37 (D) Used for any other lawful purpose.

38 (b) Amounts received as contributions by a candidate, [or] the principal campaign committee of  
 39 a candidate for public office [*that are in excess of any amount necessary to defray expenditures and*  
 40 *other funds donated to a holder of public office*] **or the principal campaign committee of a holder**  
 41 **of public office** may not be:

42 (A) Converted by any person to any personal use other than to defray any expenses incurred in  
 43 connection with the person's duties as a holder of public office or to repay to a candidate any loan  
 44 the proceeds of which were used in connection with the candidate's campaign;

45 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS

1 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by  
 2 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-  
 3 butions described in this paragraph may be used to pay a civil penalty imposed under this chapter,  
 4 other than a civil penalty imposed for a violation of this section or ORS 260.409; or

5 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by the  
 6 candidate or public official in any civil, criminal or other legal proceeding or investigation that re-  
 7 lates to or arises from the course and scope of the duties of the person as a candidate or public  
 8 official. Contributions described in this paragraph may be used to pay legal expenses incurred by  
 9 the candidate or public official in connection with a legal proceeding brought under [*this chapter*]  
 10 **ORS chapters 246 to 260**, other than a proceeding brought under this section or ORS 260.409.

11 (2)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions  
 12 by a political committee that is not a principal campaign committee [*that are in excess of any amount*  
 13 *necessary to defray expenditures*] may be:

14 (A) Used to repay to the political committee any loan the proceeds of which were used in con-  
 15 nection with the campaign;

16 (B) Transferred to any national, state or local political committee of any political party;

17 (C) Contributed to any organization described in section 170(c) of the Internal Revenue Code  
 18 or to any charitable corporation as defined in ORS 128.620; or

19 (D) Used for any other lawful purpose.

20 (b) Amounts received as contributions by the political committee may not be:

21 (A) Converted by any person to any personal use;

22 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS  
 23 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by  
 24 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-  
 25 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,  
 26 other than a civil penalty imposed for a violation of this section or ORS 260.409; or

27 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a  
 28 treasurer or director of a political committee in any civil, criminal or other legal proceeding or in-  
 29 vestigation that relates to or arises from the course and scope of the duties of the person as a  
 30 treasurer or director. Contributions described in this subsection may be used to pay legal expenses  
 31 incurred by a treasurer or director in connection with a legal proceeding brought under [*this*  
 32 *chapter*] **ORS chapters 246 to 260**, other than a proceeding brought under this section or ORS  
 33 260.409.

34 (3)(a) Except as provided in paragraph (b) of this subsection, amounts received as contributions  
 35 by a chief petitioner or treasurer of a petition committee [*that are in excess of any amount necessary*  
 36 *to defray expenditures*] may be:

37 (A) Used to repay to the chief petitioner any loan the proceeds of which were used in con-  
 38 nection with the initiative, referendum or recall petition;

39 (B) Transferred to any national, state or local political committee of any political party;

40 (C) Contributed to any organization described in section 170(c) of the Internal Revenue Code  
 41 or to any charitable corporation as defined in ORS 128.620; or

42 (D) Used for any other lawful purpose.

43 (b) Amounts received as contributions by a chief petitioner or treasurer of a petition committee  
 44 may not be:

45 (A) Converted by any person to any personal use;



1 (B) Except as provided in this subparagraph, used to pay any money award as defined in ORS  
 2 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed by  
 3 an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116. Contri-  
 4 butions described in this subsection may be used to pay a civil penalty imposed under this chapter,  
 5 other than a civil penalty imposed for a violation of this section or ORS 260.409; or

6 (C) Except as provided in this subparagraph, used to pay any legal expenses incurred by a chief  
 7 petitioner or the treasurer of a petition committee in any civil, criminal or other legal proceeding  
 8 or investigation that relates to or arises from the course and scope of the duties of the person as  
 9 a chief petitioner or treasurer. Contributions described in this subsection may be used to pay legal  
 10 expenses incurred by a chief petitioner or treasurer in connection with a legal proceeding brought  
 11 under [*this chapter*] **ORS chapters 246 to 260**, other than a proceeding brought under this section  
 12 or ORS 260.409.

13 (4) As used in this section:

14 (a) “Contribution” and “expenditure” include a contribution or expenditure to or on behalf of  
 15 an initiative, referendum or recall petition.

16 (b) “Funds donated” means all funds, including but not limited to gifts, loans, advances, credits  
 17 or deposits of money that are donated for the purpose of supporting the activities of a holder of  
 18 public office. “Funds donated” does not mean funds appropriated by the Legislative Assembly or  
 19 another similar public appropriating body or personal funds of the office holder donated to an ac-  
 20 count containing only those personal funds.

21 (c) “Public office” does not include national or political party office.

22 **SECTION 41.** ORS 260.715 is amended to read:

23 260.715. (1) A person may not knowingly make a false statement, oath or affidavit when a  
 24 statement, oath or affidavit is required under the election laws.

25 (2) A person may not request a ballot in a name other than the person’s own name.

26 (3) A person may not vote or attempt to vote more than once at any election held on the same  
 27 date.

28 (4) A person may not vote or attempt to vote both in an election held in this state and in an-  
 29 other state on the same date.

30 (5) A person, except an elections official in performance of duties, may not willfully alter or  
 31 destroy a ballot cast at an election or the returns of an election.

32 (6) A person may not willfully place a fraudulent ballot among the genuine ballots.

33 (7) A person may not falsely write anything purporting to be written by an elections official in  
 34 performance of duties on the ballot.

35 (8) A person may not commit theft of a ballot or tally or return sheet, or willfully hinder or  
 36 delay the delivery of the tally or return sheet to the county clerk, or fraudulently break open a  
 37 sealed tally or return sheet of the election.

38 (9)(a) A person may not:

39 (A) Manufacture or knowingly use a fraudulent ballot return identification envelope or secrecy  
 40 envelope; or

41 (B) Sell, **make an offer with the actual intent** to sell, purchase or **make an offer with the**  
 42 **actual intent** to purchase, for money or other valuable consideration, any official ballot, replace-  
 43 ment ballot, ballot return identification envelope or secrecy envelope.

44 (b) As used in this subsection, “ballot return identification envelope” and “secrecy envelope”  
 45 mean those envelopes used to return ballots to the county clerk.

1        **SECTION 42.** ORS 254.529 is amended to read:

2        254.529. (1) At each general election, the county clerk shall conduct a hand count of ballots as  
3 described in this section and compare the tally of votes for those ballots produced by a vote tally  
4 system with the tally of votes for those ballots produced by the hand count.

5        (2)(a) In the event that the unofficial tally of ballots produced by a vote tally system reveals that  
6 the margin of victory between the two candidates receiving the largest number of votes in the  
7 county is less than one percent of the total votes cast in that election in the county, the county  
8 clerk shall conduct a hand count of ballots in at least 10 percent of all precincts or of ballots in  
9 at least 10 percent of all batches of ballots collected by the county clerk.

10        (b) In the event that the unofficial tally of ballots reveals that the margin of victory between  
11 the two candidates receiving the largest number of votes in the county is greater than or equal to  
12 one percent but less than two percent of the total votes cast in the county, the county clerk shall  
13 conduct a hand count of ballots in at least five percent of all precincts or of ballots in at least five  
14 percent of all batches of ballots collected by the county clerk.

15        (c) In the event that the unofficial tally of ballots reveals that the margin of victory between  
16 the two candidates receiving the largest number of votes in the county is greater than or equal to  
17 two percent of the total votes cast in the county, the county clerk shall conduct a hand count of  
18 ballots in at least three percent of all precincts or of ballots in at least three percent of all batches  
19 of ballots collected by the county clerk.

20        (3) The Secretary of State shall select the precincts **or batches of ballots** at random. At the  
21 general election, no fewer than 150 ballots must have been cast in at least one of the precincts **or**  
22 **batches of ballots** selected. The county clerk shall conduct a hand count of ballots cast in the  
23 election contest between the two candidates receiving the largest number of votes in the county,  
24 an election contest for an office to be voted on in the state at large and, if possible, an election  
25 contest for a state measure.

26        (4) Not later than 5 p.m. of the third business day after the date of the general election, the  
27 Secretary of State shall advise county clerks in writing of:

28        (a) The election contests for which ballots are to be hand counted; and

29        (b) The precincts **or batches of ballots** in which ballots are to be hand counted.

30        (5) A county clerk shall begin the hand counts prescribed by this section not later than the 21st  
31 day after the election and complete the hand counts not later than the 30th day after the election.  
32 The results of the hand counts shall be provided to the Secretary of State, who shall make the re-  
33 sults publicly available on the Secretary of State's website.

34        (6) A comparison of the tally of votes produced by a vote tally system with the tally of votes  
35 produced by the hand count required by this section must show that the tally of votes produced by  
36 the vote tally system differs by no more than one-half of one percent from the tally of votes  
37 produced by the hand count.

38        (7)(a) If a hand count conducted under this section results in a tally of votes for a candidate or  
39 measure that is different from the tally of votes produced by the vote tally system for that candidate  
40 or measure, and the difference for each race is equal to or less than one-half of one percent, the  
41 tally of votes produced by the vote tally system is the official tally of votes for that vote tally sys-  
42 tem.

43        (b) If a hand count conducted under this section results in a tally of votes for a candidate or  
44 measure that is different from the tally of votes produced by the vote tally system for that candidate  
45 or measure, and the difference in any race is greater than one-half of one percent, the county clerk

1 shall conduct a second hand count of the same ballots.

2 (c) If the second hand count conducted under this subsection results in a tally of votes for a  
3 candidate or measure that is different from the tally of votes produced by the vote tally system for  
4 that candidate or measure, and the difference for each race is equal to or less than one-half of one  
5 percent, the tally of votes produced by the vote tally system is the official tally of votes for that  
6 vote tally system.

7 (d) If the second hand count conducted under this subsection results in a tally of votes for a  
8 candidate or measure that is different from the tally of votes produced by the vote tally system for  
9 that candidate or measure, and the difference in any race is greater than one-half of one percent,  
10 the county clerk shall conduct a hand count of all ballots counted by that vote tally system. The  
11 hand count is the official tally of votes for that vote tally system. If the hand count is the official  
12 tally of votes, not later than the 30th day after the election, the county clerk shall certify amended  
13 abstracts of votes to appropriate elections officials.

14 (8) For purposes of conducting the hand counts required under this section, the county clerk  
15 shall:

16 (a) Retain custody of the ballots; and

17 (b) Provide for security for the ballots and the information required to be collected under this  
18 subsection.

19 (9) This section does not apply:

20 (a) To precincts that are subject to a recount under ORS 258.161, 258.280 or 258.290.

21 (b) If federal law requires a post-election hand count of ballots at the general election to verify  
22 election results and the Secretary of State determines that the requirements of federal law are at  
23 least as stringent as the requirements of subsections (1) to (8) of this section.

24 **SECTION 43.** ORS 249.008 is amended to read:

25 249.008. (1) Except as provided in subsection (2) of this section, before a nominating petition,  
26 minutes of an assembly of electors[,] or petition by individual electors is offered for filing, the county  
27 clerk of each county in which the signatures were secured **or the Secretary of State** shall compare  
28 the signatures of electors on the petition or minutes with the signatures of the electors on the  
29 elector registration cards. Any petition or minutes submitted for verification under this section shall  
30 contain only original signatures. The county clerk **or the secretary** shall attach to the petition or  
31 minutes a certificate stating the number of signatures believed to be genuine. The certificate is  
32 prima facie evidence of the facts stated in it. A signature not included in the number certified to  
33 be genuine shall not be counted by the officer with whom the petition is filed. No signature in vio-  
34 lation of the provisions of this chapter shall be counted.

35 (2) If the total number of signatures presented to a county clerk **or the Secretary of State** for  
36 verification is 15,000 or more, the county clerk **or secretary** may use a statistical sampling tech-  
37 nique authorized by the secretary [*of State*] to verify the signatures. The sample shall be drawn from  
38 at least 100 percent of the number of signatures required for nomination.

39 (3) After signatures of electors on a nominating petition, minutes of an assembly of electors or  
40 petition by individual electors are submitted for verification, no elector who signed the petition or  
41 minutes may remove the signature of the elector from the petition or minutes.

42 (4) **The Secretary of State by rule shall establish procedures for verifying whether a pe-**  
43 **tion submitted under this section contains the required number of signatures of electors.**

44 **SECTION 44.** ORS 249.064 is amended to read:

45 249.064. (1) A nominating petition of a candidate seeking the nomination of a major political

1 party shall contain a statement that each elector whose signature appears on the petition is a  
2 member of the same major political party as is the candidate.

3 (2) A nominating petition of any candidate shall contain the number of signatures of electors  
4 required by ORS 249.068 or 249.072 and the residence or mailing address and name or number of the  
5 precinct, if known, of each elector whose signature appears.

6 (3) Pursuant to ORS 249.008, the county clerks **or the Secretary of State** shall certify the  
7 signatures contained in the nominating petition for genuineness.

8 **SECTION 45.** ORS 249.078 is amended to read:

9 249.078. (1) The name of a candidate for a major political party nomination for President of the  
10 United States shall be printed on the ballot only:

11 (a) By direction of the Secretary of State who in the secretary's sole discretion has determined  
12 that the candidate's candidacy is generally advocated or is recognized in national news media; or

13 (b) By nominating petition described in this section and filed with the Secretary of State.

14 (2) A petition nominating a candidate under this section shall contain from each congressional  
15 district the signatures of at least 1,000 electors who are registered in the district and who are  
16 members of the major political party of the candidate. The electors in each congressional district  
17 shall include electors registered in at least five percent of the precincts in each of at least one-  
18 fourth of the counties in the congressional district. The petition shall contain the printed name,  
19 residence or mailing address and name or number of the precinct, if known, of each elector whose  
20 signature appears on the petition. The signatures shall be certified for genuineness by the county  
21 clerks **or the Secretary of State** under ORS 249.008.

22 (3) Before circulating the nominating petition, the chief sponsor shall file with the Secretary of  
23 State a signed copy of the prospective petition. The chief sponsor shall include with the prospective  
24 petition a statement declaring whether one or more persons will be paid money or other valuable  
25 consideration for obtaining signatures of electors on the petition. After the prospective petition is  
26 filed, the chief sponsor shall notify the Secretary of State not later than the 10th day after the chief  
27 sponsor first has knowledge or should have had knowledge that:

28 (a) Any person is being paid for obtaining signatures, when the statement included with the  
29 prospective petition declared that no such person would be paid.

30 (b) No person is being paid for obtaining signatures, when the statement included with the pro-  
31 spective petition declared that one or more such persons would be paid.

32 **SECTION 46.** ORS 249.735 is amended to read:

33 249.735. (1) An assembly of electors is an organized body:

34 (a) Of not fewer than 1,000 electors of the state for a statewide nomination.

35 (b) Of not fewer than 500 electors of the congressional district for which the nomination for  
36 Representative in Congress is made.

37 (c) Of not fewer than 250 electors of the county or any other district for which the nomination  
38 is made.

39 (2) An assembly of electors may nominate candidates at a nominating convention. The conven-  
40 tion shall be held in one day and last not longer than 12 hours. The signature, printed name and  
41 residence or mailing address of each member of the assembly shall be recorded at the convention  
42 and entered of record in the minutes by the secretary of the assembly. Not less than the minimum  
43 number of electors required to constitute an assembly of electors must have recorded their signa-  
44 tures in the minutes of the assembly and must be present when the assembly nominates a candidate.  
45 The candidate receiving the highest number of votes of the assembly for the office shall be the

1 nominee of the assembly.

2 (3) Not later than the 10th day before the meeting of an assembly of electors, notice shall be  
3 published at least once in not less than three newspapers of general circulation within the electoral  
4 district for which the nomination will be made. The notice shall contain the time and place the as-  
5 sembly will meet, the office or offices for which nominations will be made, and the names and ad-  
6 dresses of not fewer than 25 electors qualified to vote in the assembly who desire that it be held.

7 (4) Proof of publication of notice in subsection (3) of this section shall be made by affidavit of  
8 the owner, editor, publisher, manager, advertising manager, principal clerk of any of them, or the  
9 printer or printer's foreman of the newspaper in which the notice is published. The affidavit shall  
10 show publication and shall be filed with the filing officer with the certificate of nomination.

11 (5) Not later than the 10th day before the meeting of an assembly of electors, a copy of the  
12 notice under subsection (3) of this section shall be delivered to the filing officer who will supervise  
13 the conduct of the nominating convention.

14 (6) The presiding officer of an assembly of electors shall deliver the signatures of assembly  
15 members entered in the minutes to the appropriate county clerks of the counties in which the as-  
16 sembly members live **or to the Secretary of State if the Secretary of State is designated as the**  
17 **filing officer under ORS 249.035**. The signatures shall be certified by the appropriate county clerk  
18 **or by the Secretary of State** under ORS 249.008. A copy of the minutes, certified by the secretary  
19 of the assembly, and the certificate of the county clerk **or the Secretary of State** shall be filed  
20 [*with the filing officer*] with the certificate of nomination.

21 (7) If the assembly of electors designates a committee to whom the assembly delegated the au-  
22 thority to fill vacancies as provided in ORS 249.842, a notice containing the names of the members  
23 of the committee shall be delivered to the filing officer with the certificate of nomination.

24 **SECTION 47.** ORS 249.740 is amended to read:

25 249.740. (1) A certificate of nomination made by individual electors shall contain a number of  
26 signatures of electors in the electoral district equal to not less than one percent of the total votes  
27 cast in the electoral district for which the nomination is intended to be made, for all candidates for  
28 presidential electors at the last general election.

29 (2) Each elector signing a certificate of nomination made by individual electors shall include the  
30 residence or mailing address of the elector. Except for a certificate of nomination of candidates for  
31 electors of President and Vice President of the United States, a certificate of nomination made by  
32 individual electors shall contain the name of only one candidate.

33 (3) Before beginning to circulate the certificate of nomination, the chief sponsor of the certif-  
34 icate shall file a signed copy of the prospective certificate with the filing officer referred to in ORS  
35 249.722. The chief sponsor of the certificate shall include with the prospective certificate a state-  
36 ment declaring whether one or more persons will be paid money or other valuable consideration for  
37 obtaining signatures of electors on the certificate. After the prospective certificate is filed, the chief  
38 sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has  
39 knowledge or should have had knowledge that:

40 (a) Any person is being paid for obtaining signatures, when the statement included with the  
41 prospective certificate declared that no such person would be paid.

42 (b) No person is being paid for obtaining signatures, when the statement included with the pro-  
43 spective certificate declared that one or more such persons would be paid.

44 (4) The circulator shall certify on each signature sheet that the circulator:

45 (a) Witnessed the signing of the signature sheet by each individual whose signature appears on

1 the signature sheet; and

2 (b) Believes each individual is an elector registered in the electoral district.

3 (5) The signatures contained in each certificate of nomination made by individual electors shall  
4 be certified for genuineness by the county clerk **or the Secretary of State** under ORS 249.008.

5 (6) As used in this section, “prospective certificate” means the information, except signatures  
6 and other identification of certificate signers, required to be contained in a completed certificate  
7 of nomination.

8 **SECTION 48.** ORS 249.005 is amended to read:

9 249.005. (1) Notwithstanding ORS 249.008 and 249.875, a petition or minutes for which original  
10 signatures are otherwise required may be accepted by the county clerk **or the Secretary of State**  
11 for signature verification, or by another filing officer in the case of a recall petition, with photo-  
12 graphic copies of one or more signature sheets if:

13 (a) The signature sheets containing the original signatures were stolen or destroyed by fire, a  
14 natural disaster or other act of God; and

15 (b) The photographic copy of each original signature sheet contains the number of the original  
16 signature sheet prescribed by the Secretary of State under ORS 249.009.

17 (2) As used in this section, “act of God” means an unanticipated grave natural disaster or other  
18 natural phenomenon of an exceptional, inevitable and irresistible character, the effects of which  
19 could not have been prevented or avoided by the exercise of due care or foresight.

20 **SECTION 49. ORS 247.435 is repealed.**

21 **SECTION 50. This 2017 Act takes effect on the 91st day after the date on which the 2017**  
22 **regular session of the Seventy-ninth Legislative Assembly adjourns sine die.**

23