

Senate Bill 1510

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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**.

- Clarifies timing for filing statement of contribution or expenditure.
- Permits nonaffiliated elector to make request for major party primary ballot electronically, in person or by mail.
- Permits candidate who acts as own treasurer, or treasurer of principal campaign committee, to provide initial information regarding bank account up to one business day after filing statement of organization.
- Prohibits candidate who cannot take office from appearing on ballot in district elections.
- Extends time frames for filing officer duties regarding write-in candidates.
- Ends requirement that Secretary of State conduct random ordering of letters of alphabet for ballots with only one candidate.
- Resolves conflict in definition of "independent expenditure."
- Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to elections; amending ORS 249.037, 249.068, 249.072, 249.200, 254.155, 254.470, 254.548,
3 255.291, 255.295, 260.005, 260.039, 260.044, 260.057 and 260.118; and declaring an emergency.

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

5 **SECTION 1.** ORS 260.057 is amended to read:

6 260.057. (1) The Secretary of State by rule shall adopt an electronic filing system to be used by:

7 (a) All candidates and political committees to file with the secretary statements of contributions
8 received and expenditures made by the candidates and political committees, as described in ORS
9 260.083.

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

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

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

18 (3)(a) A candidate for nomination or election at any primary or general election or a political
19 committee supporting or opposing a candidate or measure at any primary or general election shall
20 file a statement described in subsection (1)(a) of this section not later than seven calendar days after
21 a contribution is received or an expenditure is made. This paragraph applies to contributions re-
22 ceived and expenditures made:

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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

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

8 (c) If the candidate or political committee receives a contribution or makes an expenditure prior
9 to the 42nd calendar day before the date of the primary or general election and the candidate or
10 political committee has not filed a statement of the contribution or expenditure under subsection (2)
11 of this section by the 43rd calendar day before the date of the primary or general election, the
12 candidate or political committee shall file a statement described in subsection (1)(a) of this section
13 not later than **whichever of the following dates occurs first:**

14 (A) **The date required under subsection (2) of this section; or**

15 (B) The 35th calendar day before the date of the primary or general election.

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

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

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

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

28 (b) The secretary may not make data that are filed electronically under subsection (1)(a) of this
29 section available to the public under this section, unless the data are required to be listed under
30 ORS 260.083. The secretary may not disclose under ORS 192.311 to 192.478 any data that are filed
31 electronically under subsection (1)(a) of this section, unless the data are required to be listed under
32 ORS 260.083.

33 (6) Each statement required by this section shall be signed and certified as true by the candi-
34 date, treasurer, designee of the candidate or treasurer or person who files a statement of independ-
35 ent expenditures under ORS 260.044, as appropriate. Signatures shall be supplied in the manner
36 specified by the secretary by rule.

37 (7) This section does not apply to:

38 (a) Candidates for federal office;

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

40 (c) Candidates, political committees or petition committees that file certificates under ORS
41 260.112.

42 **SECTION 2.** ORS 260.044 is amended to read:

43 260.044. (1) If a person makes independent expenditures in a total amount of more than \$750 in
44 a calendar year, the person shall use the electronic filing system adopted under ORS 260.057 to file
45 with the Secretary of State a statement of independent expenditures not later than seven calendar

1 days after the total amount of independent expenditures exceeds \$750 in a calendar year.

2 (2) A person who files a statement of independent expenditures under subsection (1) of this
3 section shall use the electronic filing system adopted under ORS 260.057 to file with the secretary
4 additional statements of independent expenditures made by the person, as described in ORS 260.083.

5 (3) Except as provided in subsections (4) and (5) of this section, a person shall file a statement
6 described in subsection (2) of this section not later than 30 calendar days after an independent ex-
7 penditure is made.

8 (4)(a) A person shall file a statement described in subsection (2) of this section not later than
9 seven calendar days after an independent expenditure is made. This paragraph applies to independ-
10 ent expenditures made:

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

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

15 (b) If the person makes an independent expenditure prior to the 42nd calendar day before the
16 date of the primary or general election and the person has not filed a statement under subsection
17 (3) of this section by the 43rd calendar day before the date of the primary or general election, the
18 person shall file a statement described in subsection (2) of this section not later than **whichever**
19 **of the following dates occurs first:**

20 (A) **The date required under subsection (3) of this section; or**

21 (B) The 35th calendar day before the date of the primary or general election.

22 (5) For any special election, the secretary by rule may establish a period during which a person
23 must file a statement described in subsection (2) of this section. The period may not extend beyond
24 seven calendar days after an independent expenditure is made.

25 (6) Notwithstanding ORS 260.005 (18), a person who solicits and receives a contribution or con-
26 tributions is a political committee and shall file a statement of organization under ORS 260.042 and
27 the statements required by ORS 260.057, 260.076 or 260.078.

28 (7) For purposes of this section:

29 (a) An independent expenditure does not include a contribution to a candidate or political
30 committee that is required to report the contribution on a statement filed under ORS 260.057,
31 260.076 or 260.078 or a certificate filed under ORS 260.112;

32 (b) An independent expenditure does not include a contribution to a candidate who is not re-
33 quired to file a statement of organization under ORS 260.043; and

34 (c) A person is not a political committee under subsection (6) of this section if all contributions
35 received by the person are:

36 (A) Designated to an identified candidate or political committee;

37 (B) Delivered by the person to the designated candidate or political committee not later than
38 seven business days after the contribution is received; and

39 (C) Required to be reported as contributions by a candidate or political committee on a state-
40 ment filed under ORS 260.057, 260.076 or 260.078 or a certificate filed under ORS 260.112.

41 **SECTION 3.** ORS 260.118 is amended to read:

42 260.118. (1) The chief petitioners of an initiative, referendum or recall petition shall appoint a
43 treasurer. The treasurer shall be an elector of this state. Contributions shall be received and
44 expenditures made by or through the treasurer.

45 (2) The treasurer shall file a statement of organization of a petition committee with the appro-

1 puate filing officer. The treasurer shall file the statement not later than the third business day after
2 a chief petitioner or the treasurer receives a contribution or makes an expenditure relating to the
3 initiative, referendum or recall petition. The statement shall include:

4 (a) The name and address of the chief petitioners.

5 (b) The name and address of the treasurer appointed under subsection (1) of this section.

6 (c) A designation of the initiative, referendum or recall petition. The designation of the recall
7 petition shall include the name of the officer whose recall is demanded.

8 (d) The name of the financial institution in which the petition account required under ORS
9 260.054 is established, the name of the account, the name of the account holder and the names of
10 all individuals who have signature authority for the account. The Secretary of State may not dis-
11 close information received by the secretary under this paragraph except as necessary for purposes
12 of enforcing the provisions of ORS chapters 246 to 260.

13 (3) A treasurer may designate an elector of this state to be liable for any civil penalty imposed
14 under ORS 260.232. The treasurer shall include the name and address of any elector designated un-
15 der this subsection in a statement of organization filed under this section.

16 (4) If there is a change in the information submitted in a statement of organization under sub-
17 section (2) of this section, the treasurer shall file an amended statement of organization not later
18 than the 10th day after the change in information.

19 (5) The treasurer of an initiative, referendum or recall petition committee shall use the elec-
20 tronic filing system adopted under ORS 260.057 to file with the Secretary of State statements of
21 contributions received and expenditures made by the petition committee, as described in ORS
22 260.083.

23 (6) The treasurer of an initiative petition committee shall file a statement described in sub-
24 section (5) of this section not later than seven calendar days after a contribution is received or an
25 expenditure is made. This subsection applies to contributions received and expenditures made:

26 (a) During the period beginning on the 42nd calendar day before the date that is four months
27 before a general election and ending on the date that is four months before a general election; and

28 (b) During the period beginning on the 42nd calendar day before the date of any primary
29 election and ending on the date of the primary election and the period beginning on the 42nd cal-
30 endar day before the date of any general election and ending on the date of the general election.

31 (7) The treasurer of a referendum petition committee or a recall petition committee shall file a
32 statement described in subsection (5) of this section not later than seven calendar days after a
33 contribution is received or an expenditure is made. This subsection applies:

34 (a) For a referendum petition committee, to contributions received and expenditures made during
35 the period beginning on the date the treasurer is appointed under subsection (1) of this section and
36 ending on the deadline for submitting signatures for verification; and

37 (b) For a recall petition committee, to contributions received and expenditures made during the
38 period beginning on the day on which the recall petition is filed under ORS 249.865 and ending on
39 the deadline for submitting signatures for verification.

40 (8) Except as provided in subsection (9) of this section, during a period not described in sub-
41 section (6) or (7) of this section, a treasurer of an initiative, referendum or recall petition committee
42 shall file a statement described in subsection (5) of this section not later than 30 calendar days after
43 a contribution is received or an expenditure is made.

44 (9) If a treasurer of an initiative petition committee receives a contribution or makes an ex-
45 penditure prior to the 42nd calendar day before the date that is four months before a general

1 election, or the 42nd day before the date of the primary election or general election, and the treas-
 2 urer has not filed a statement of the contribution or expenditure under subsection (5) of this section
 3 by the 43rd calendar day before the date that is four months before a general election, or the 43rd
 4 day before the date of the primary election or general election, the treasurer shall file a statement
 5 described in subsection (5) of this section not later than the 35th calendar day before the date that
 6 is four months before a general election, or **not later than whichever of the following dates oc-
 7 curs first:**

8 **(A) The date required under subsection (8) of this section; or**

9 **(B) The 35th day before the date of the primary election or general election.**

10 (10) For an initiative petition committee, the accounting period for the first statement filed un-
 11 der this section begins on the date the treasurer is appointed under subsection (1) of this section.

12 (11) Each statement required under this section shall be signed and certified as true by the
 13 treasurer. Signatures shall be supplied in the manner specified by the secretary by rule.

14 (12) Subsections (5) to (11) of this section do not apply to petition committees that file certif-
 15 icates under ORS 260.112.

16 (13) As used in this section, “contribution” and “expenditure” include a contribution or ex-
 17 penditure to or on behalf of an initiative, referendum or recall petition.

18 **SECTION 4.** ORS 254.470 is amended to read:

19 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
 20 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
 21 dates and times the places of deposit must be open and the security requirements for the places of
 22 deposit. At a minimum, the places designated under this section shall be open on the date of the
 23 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
 24 of deposit designated under this section, the county clerk shall prominently display a sign stating
 25 that the location is an official ballot drop site.

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

31 (b) If the county clerk determines that an active elector of the electoral district as of the 21st
 32 day before the date of the election does not receive daily mail service from the United States Postal
 33 Service, the county clerk shall mail by nonforwardable mail an official ballot with a return iden-
 34 tification envelope and a secrecy envelope to the elector not sooner than the 20th day before the
 35 date of an election and not later than the 18th day before the date of the election.

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

39 (3) For an election held on the date of a primary election:

40 (a) The county clerk shall mail the official ballot of a major political party to each elector who
 41 is registered as being affiliated with the major political party as of the 21st day before the date of
 42 the election.

43 (b) The county clerk shall mail the official ballot of a major political party to an elector not
 44 affiliated with any political party if the elector has applied for the ballot as provided in this sub-
 45 section and that party has provided under ORS 254.365 for a primary election that admits electors

1 not affiliated with any political party.

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

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

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

17 (5) The ballot shall contain the following warning:

18
 19
 20 Any person who, by use of force or other means, unduly influences an elector to vote in any
 21 particular manner or to refrain from voting is subject to a fine.

22
 23
 24 (6)(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
 25 the return identification envelope supplied with the ballot and comply with the instructions provided
 26 with the ballot.

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

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

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

35 (e) A ballot must be received at the office of the county clerk, at the designated place of deposit
 36 or at any location described in ORS 254.472 or 254.474 not later than the end of the period deter-
 37 mined under subsection (1) of this section on the date of the election.

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

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

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

3 (b) The envelope is signed by the elector to whom the ballot is issued, unless a certified state-
4 ment is submitted under ORS 254.431; and

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

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

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

15 **SECTION 5.** ORS 260.039 is amended to read:

16 260.039. (1) Except as provided in ORS 260.043, a candidate who serves as the candidate's own
17 treasurer, or the treasurer of the principal campaign committee, shall file a statement of organiza-
18 tion with the filing officer. The statement shall include:

19 (a) The name, address, occupation, office sought and party affiliation of the candidate. The ad-
20 dress shall be the address of a residence, office, headquarters or similar location where the candi-
21 date may be conveniently located.

22 (b) In the case of a principal campaign committee:

23 (A) The name and address of the committee. The address shall be the address of a residence,
24 office, headquarters or similar location where the political committee or a responsible officer of the
25 political committee may be conveniently located.

26 (B) The name, address and occupation of the committee director or directors, if any.

27 (C) The name and address of the committee treasurer.

28 (D) The name and address of any other political committee of which two or more committee
29 directors are also directors of the committee filing the statement.

30 **[(c)] (2) In addition to the information listed in subsection (1) of this section, the state-**
31 **ment of organization must include, or be amended within one business day to include,** the
32 name of the financial institution in which the campaign account required under ORS 260.054 is es-
33 tablished, the name of the account, the name of the account holder and the names of all individuals
34 who have signature authority for the account. The Secretary of State may not disclose information
35 received by the secretary under this *[paragraph]* **subsection** except as necessary for purposes of
36 enforcing the provisions of ORS chapters 246 to 260.

37 **[(2)] (3)** A candidate or treasurer may designate an individual to receive any notice provided
38 by a filing officer under ORS chapters 246 to 260. The candidate or treasurer shall include the name
39 and address of the individual in the statement of organization filed under this section. A filing offi-
40 cer who provides any notice under ORS chapters 246 to 260 to the candidate or treasurer shall also
41 provide the notice to the individual designated by the candidate or treasurer under this subsection.

42 **[(3)] (4)** Except as provided in ORS 260.043, a candidate who serves as the candidate's own
43 treasurer shall file the statement of organization not later than the third business day after the
44 candidate first receives a contribution or makes an expenditure. The treasurer of a principal cam-
45 paign committee shall file the statement of organization not later than the date specified in ORS

1 260.035.

2 [(4)] (5) **Except as provided in subsection (2) of this section**, any change in information
3 submitted in a statement of organization under [subsection] **subsections (1) and (2)** of this section
4 shall be indicated in an amended statement of organization filed not later than the 10th day after
5 the change in information.

6 [(5)] (6) Except as provided in ORS 260.043, a candidate who serves as the candidate's own
7 treasurer or the treasurer of the principal campaign committee of the candidate shall file a state-
8 ment of organization under this section not later than the deadline for the candidate to file a nom-
9 inating petition or declaration of candidacy under ORS 249.037 or a certificate of nomination under
10 ORS 249.722.

11 [(6)] (7) Except as provided in ORS 260.043, a candidate who serves as the candidate's own
12 treasurer or the treasurer of the principal campaign committee of a candidate shall file a new or
13 amended statement of organization not later than the date that the candidate files a nominating
14 petition, declaration of candidacy or certificate of nomination.

15 **SECTION 6.** ORS 255.291 is amended to read:

16 255.291. (1) In a district in which a position or zone number is assigned to each office on the
17 district board, the ballot shall state the position or zone number of the office to which the candidate
18 seeks election. The candidate's name shall appear on the ballot only for the designated position or
19 zone.

20 (2) **If the elections officer determines that a candidate has died, withdrawn or become**
21 **disqualified, or that the candidate will not qualify in time for the office if elected, the name**
22 **of the candidate may not be printed on the ballot or, if ballots have already been printed,**
23 **shall be erased or canceled before the ballots are delivered to the electors.**

24 **SECTION 7.** ORS 249.200 is amended to read:

25 249.200. (1) A major political party may nominate a candidate to fill a vacancy in a partisan
26 elective office in the following manner:

27 (a) If the vacancy occurs on or before the 70th day before a [primary] **nominating** election, by
28 selecting a nominee at the next [primary] **nominating** election; or

29 (b) If the vacancy occurs after the 70th day before the [primary] **nominating** election [but before
30 the 61st] **and on or before the 62nd** day before the general election, by selecting a nominee as
31 provided by party rule.

32 (2) The procedure under subsection (1) of this section shall not apply in any case in which one
33 of the following specific procedures for filling a vacancy applies:

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

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

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

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

39 (3) A party that selects a nominee under subsection (1)(b) of this section, immediately after the
40 nomination, shall notify the filing officer with whom a declaration of candidacy for the office is filed
41 of the name of the nominee by the most expeditious means practicable.

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

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

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

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

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

9 **SECTION 9.** ORS 254.548 is amended to read:

10 254.548. (1) An individual nominated or elected to a public office by write-in votes shall sign and
 11 file a form indicating that the individual accepts the nomination or office before the filing officer
 12 may issue a certificate of nomination or election. The Secretary of State by rule shall prescribe the
 13 form to be used under this section.

14 (2) In the case of an individual nominated or elected by write-in votes to a public office:

15 (a) Not later than the [27th] **31st** day after the election, the filing officer shall:

16 (A) Prepare and deliver by regular mail the form described in subsection (1) of this section to
 17 the individual; and

18 (B) If the filing officer has the electronic mail address of the individual, prepare and deliver by
 19 electronic mail the form described in subsection (1) of this section to the individual;

20 (b) Not later than the [35th] **41st** day after the election, if the individual accepts the nomination
 21 or office, the individual shall sign and file the form with the filing officer; and

22 (c) Not later than the [40th] **45th** day after the election, if the individual files the form by the
 23 deadline specified in paragraph (b) of this subsection, the filing officer shall prepare and deliver a
 24 certificate of nomination or election to the individual and, if applicable, issue a proclamation de-
 25 claring the election of the candidate to the office.

26 **SECTION 10.** ORS 255.295 is amended to read:

27 255.295. (1) Not later than the 20th day after the date of an election, the elections officer shall
 28 prepare an abstract of the votes and deliver it to the district elections authority. Not later than the
 29 [40th] **45th** day after the date of an election, the district elections authority shall determine from it
 30 the result of the election.

31 (2) Subject to ORS 254.548, the elections officer may issue a certificate of election only after the
 32 district elections authority has notified the elections officer in writing of the result of the election.
 33 The notification to the elections officer shall contain a statement indicating whether any candidate
 34 elected to district office is qualified to hold the office.

35 **SECTION 11.** ORS 254.155 is amended to read:

36 254.155. (1) Not later than the 69th day before the date of any election the Secretary of State
 37 shall complete a random ordering of the letters of the alphabet.

38 (2) Not later than the 68th day before the date of any election the Secretary of State shall mail
 39 or deliver to each county clerk a copy of the random ordering of the letters of the alphabet.

40 (3) The county clerk shall arrange by surname the names of the candidates on the ballot in the
 41 random order of the letters of the alphabet completed by the Secretary of State under subsection (1)
 42 of this section.

43 **(4) The requirements of this section do not apply to any election in which only one can-**
 44 **didate will be on the ballot.**

45 **SECTION 12.** ORS 249.072 is amended to read:

1 249.072. (1) If the nonpartisan office is to be voted for in the state at large, the nominating pe-
 2 tition shall contain at least 1,000 signatures of electors, or a number of signatures of electors equal
 3 to at least one percent of the vote cast in the state for all candidates for Governor at the most re-
 4 cent election at which a candidate for Governor was elected to a full term, whichever is less. The
 5 signatures shall include those of electors registered in each of at least five percent of the precincts
 6 in each of at least seven counties.

7 (2) The nominating petition for a nonpartisan office not provided for in subsection (1) of this
 8 section shall contain at least 500 signatures of electors in the electoral district, or a number of
 9 signatures of electors equal to at least one percent of the vote cast in the electoral district for all
 10 candidates for Governor at the most recent election at which a candidate for Governor was elected
 11 to a full term, whichever is less. In addition:

12 (a) If an office under this subsection is to be voted for in more than one county, the signatures
 13 shall include those of electors registered in **at least two counties encompassed by the electoral**
 14 **district, and the signatures from each such county shall include those of electors registered**
 15 **in at least six percent of the precincts of the electoral district that are located within that**
 16 **county** [*each of at least six percent of the precincts in the electoral district that are located in each*
 17 *of two or more of the counties, or portions of the counties, within which the electoral district is*
 18 *located*]. If six percent of the precincts of the electoral district in one of the counties or portion
 19 thereof does not constitute a whole precinct, the nominating petition shall contain signatures from
 20 at least one precinct in that county.

21 (b) If the office is to be voted for in only one county or in a city, the signatures shall include
 22 those of electors registered in [*each of*] at least 10 percent of the precincts in the electoral district.

23 **SECTION 13.** ORS 249.068 is amended to read:

24 249.068. (1) Except as otherwise provided for a candidate for nonpartisan office in ORS 249.072:

25 (a) A nominating petition for an office to be voted for in the state at large or for a candidate
 26 for Representative in Congress shall contain signatures of members of the same major political party
 27 as the candidate. Except as provided in this subsection, there shall be at least 1,000 signatures or
 28 the number of signatures at least equal to two percent of the vote cast in the state or congressional
 29 district, as the case may be, for the candidates of that major political party for presidential electors
 30 at the last presidential election, whichever is less;

31 (b) For an election next following any change in the boundaries of a congressional district, there
 32 shall be at least 1,000 signatures or the number of signatures at least equal to two percent of the
 33 average number of votes cast in all congressional districts in this state, as the case may be, for the
 34 candidates of that major political party for presidential electors at the last presidential election,
 35 whichever is less;

36 (c) In the case of a candidate nominated by a major political party that did not nominate pres-
 37 idential electors at the last presidential election, there shall be at least 1,000 signatures; and

38 (d) If the office is one to be voted for in the state at large, the signatures shall include those
 39 of electors registered in at least five percent of the precincts in each of at least seven counties. If
 40 the office is one to be voted for in a congressional district the signatures shall include those of
 41 electors registered in at least five percent of the precincts in each of at least one-fourth of the
 42 counties in the congressional district.

43 (2) Except as otherwise provided in this section or for a candidate for nonpartisan office in ORS
 44 249.072:

45 (a) A nominating petition for an office not provided for in subsection (1) of this section shall

1 contain the signatures of electors who are members of the same major political party as the candi-
 2 date. There shall be at least 500 signatures or the number of signatures at least equal to two percent
 3 of the vote in the electoral district for the candidates of that major political party for presidential
 4 electors at the last presidential election, whichever is less;

5 (b) In the case of major political party candidates for the office of state Senator or state Rep-
 6 resentative, for an election next following any change in the boundaries of the districts of state
 7 Senators or state Representatives under [*section 6,*] Article IV, **section 6**, of the Oregon Constitu-
 8 tion, there shall be at least 500 signatures or the number of signatures at least equal to two percent
 9 of the average number of votes cast in all state senatorial or state representative districts in this
 10 state, as the case may be, for the candidates of that major political party for presidential electors
 11 at the last presidential election, whichever is less;

12 (c) In the case of a candidate nominated by a major political party that did not nominate pres-
 13 idential electors at the last presidential election, there shall be at least 500 signatures;

14 (d) If the office under this subsection is to be voted for in more than one county, the signatures
 15 shall include those of electors registered in **at least two counties encompassed by the electoral**
 16 **district, and the signatures from each such county shall include those of electors registered**
 17 **in at least six percent of the precincts of the electoral district that are located within that**
 18 **county** [*at least six percent of the precincts in the electoral district that are located in each of two or*
 19 *more of the counties, or portions of the counties, within which the electoral district is located*]. If six
 20 percent of the precincts of the electoral district in one of the counties or portion thereof does not
 21 constitute a whole precinct, the nominating petition shall contain signatures from at least one pre-
 22 cinct in that county; and

23 (e) If the office is to be voted for in only one county or in a city, the signatures shall include
 24 those of electors registered in at least 10 percent of the precincts in the electoral district.

25 **SECTION 14.** ORS 260.005 is amended to read:

26 260.005. As used in this chapter:

27 (1)(a) "Candidate" means:

28 (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,
 29 nominating petition or certificate of nomination to public office has been filed or whose name is
 30 expected to be or has been presented, with the individual's consent, for nomination or election to
 31 public office;

32 (B) An individual who has solicited or received and accepted a contribution, made an expendi-
 33 ture, or given consent to an individual, organization, political party or political committee to solicit
 34 or receive and accept a contribution or make an expenditure on the individual's behalf to secure
 35 nomination or election to any public office at any time, whether or not the office for which the in-
 36 dividual will seek nomination or election is known when the solicitation is made, the contribution
 37 is received and retained or the expenditure is made, and whether or not the name of the individual
 38 is printed on a ballot; or

39 (C) A public office holder against whom a recall petition has been completed and filed.

40 (b) For purposes of this section and ORS 260.035 to 260.156, "candidate" does not include a
 41 candidate for the office of precinct committeeperson.

42 (2) "Committee director" means any person who directly and substantially participates in
 43 decision-making on behalf of a political committee concerning the solicitation or expenditure of
 44 funds and the support of or opposition to candidates or measures. The officers of a political party
 45 shall be considered the directors of any political party committee of that party, unless otherwise

1 provided in the party's bylaws.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (9) "Filing officer" means:

33 (a) The Secretary of State:

34 (A) Regarding a candidate for public office;

35 (B) Regarding a statement required to be filed under ORS 260.118;

36 (C) Regarding any measure; or

37 (D) Regarding any political committee.

38 (b) In the case of an irrigation district formed under ORS chapter 545, "filing officer" means:

39 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district
40 formation election where the proposed district is situated wholly in one county;

41 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation
42 district will be located, regarding any candidate for office or any measure at an irrigation district
43 formation election where the proposed district is situated in more than one county; or

44 (C) The secretary of the irrigation district for any election other than an irrigation district
45 formation election.

1 (10) "Independent expenditure" means an expenditure by a person for a communication in sup-
 2 port of or in opposition to a clearly identified candidate or measure that is not made with the co-
 3 operation or with the prior consent of, or in consultation with, or at the request or suggestion of,
 4 a candidate or any agent or authorized committee of the candidate, or any political committee or
 5 agent of a political committee supporting or opposing a measure. For purposes of this subsection:

6 (a) "Agent" means any person who has:

7 (A) Actual oral or written authority, either express or implied, to make or to authorize the
 8 making of expenditures on behalf of a candidate or on behalf of a political committee supporting or
 9 opposing a measure; or

10 (B) Been placed in a position within the campaign organization where it would reasonably ap-
 11 pear that in the ordinary course of campaign-related activities the person may authorize expen-
 12 ditures.

13 (b)(A) "Clearly identified" means, with respect to candidates:

14 (i) The name of the candidate involved appears;

15 (ii) A photograph or drawing of the candidate appears; or

16 (iii) The identity of the candidate is apparent by unambiguous reference.

17 (B) "Clearly identified" means, with respect to measures:

18 (i) The ballot number of the measure appears;

19 (ii) A description of the measure's subject or effect appears; or

20 (iii) The identity of the measure is apparent by unambiguous reference.

21 (c) "Communication in support of or in opposition to a clearly identified candidate or measure"
 22 means:

23 (A)(i) The communication, taken in its context, clearly and unambiguously urges the election or
 24 defeat of a clearly identified candidate for nomination or election to public office, or the passage
 25 or defeat of a clearly identified measure;

26 (ii) The communication, as a whole, seeks action rather than simply conveying information; and

27 (iii) It is clear what action the communication advocates; or

28 (B)(i) The communication contains aggregate expenditures of **more than** \$750 [*or more*] by a
 29 person;

30 (ii) The communication refers to a clearly identified candidate who will appear on the ballot or
 31 to a political party; and

32 (iii) The communication is published and disseminated to the relevant electorate within 30 cal-
 33 endar days before a primary election or 60 calendar days before a general election.

34 (d) "Made with the cooperation or with the prior consent of, or in consultation with, or at the
 35 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
 36 political committee or agent of a political committee supporting or opposing a measure":

37 (A) Means any arrangement, coordination or direction by the candidate or the candidate's agent,
 38 or by any political committee or agent of a political committee supporting or opposing a measure,
 39 prior to the publication, distribution, display or broadcast of the communication. An expenditure
 40 shall be presumed to be so made when it is:

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

45 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who

1 is or has been an officer of a political committee authorized by the candidate or by a political
 2 committee or agent of a political committee supporting or opposing a measure, or who is or has been
 3 receiving any form of compensation or reimbursement from the candidate, the candidate's principal
 4 campaign committee or agent or from any political committee or agent of a political committee
 5 supporting or opposing a measure.

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

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

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

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

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

- 17 (a) A proposed law.
- 18 (b) An Act or part of an Act of the Legislative Assembly.
- 19 (c) A revision of or amendment to the Oregon Constitution.
- 20 (d) Local, special or municipal legislation.
- 21 (e) A proposition or question.

22 (15) "Occupation" means:

- 23 (a) The nature of an individual's principal business; and
- 24 (b) If the individual is employed by another person, the business name and address, by city and
 25 state, of the employer.

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

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

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

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

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

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

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

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

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

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

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

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

7 **SECTION 15. This 2018 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect**
9 **on its passage.**

10