

Senate Bill 225

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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**.

Establishes nonaffiliated primary election in which electors who are not affiliated with major political party or minor political party may select nominee who is not affiliated with major political party or minor political party to appear on general election ballot.

A BILL FOR AN ACT

1
2 Relating to nonaffiliated primary elections; creating new provisions; and amending ORS 249.016,
3 249.020, 249.023, 249.031, 249.042, 249.046, 249.048, 249.064, 249.068, 249.072, 249.076, 249.078,
4 254.135, 254.365, 254.370 and 254.470.

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

6 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 249.**

7 **SECTION 2. (1) At each primary election, the Secretary of State shall conduct a nonaf-**
8 **filiated primary election to select a nominee that is not affiliated with a major political party**
9 **or a minor political party for each partisan public office that will appear on the general**
10 **election ballot.**

11 **(2) Only an elector who is not affiliated with a major political party or a minor political**
12 **party is qualified to:**

13 **(a) Be a candidate for nomination in the nonaffiliated primary election; or**

14 **(b) Cast a ballot in the nonaffiliated primary election.**

15 **(3) A candidate for nomination in the nonaffiliated primary election shall be nominated**
16 **in the manner provided in ORS 249.016 to 249.205.**

17 **(4) A person shall be declared the winner of the nomination for the public office for which**
18 **the person is a candidate, in the nonaffiliated primary election, and is qualified to appear on**
19 **the ballot as a candidate for that public office at the general election, if the person:**

20 **(a) Meets the qualifications for the public office for which the person is a candidate;**

21 **(b) Is not affiliated with a major political party or a minor political party;**

22 **(c) Is a candidate for nomination in the nonaffiliated primary election or is determined**
23 **to be a write-in candidate under subsection (5) of this section; and**

24 **(d) Receives the most votes for the public office in the nonaffiliated primary election.**

25 **(5)(a) A person who wishes to be nominated as a nonaffiliated candidate to a partisan**
26 **public office at the nonaffiliated primary election by write-in votes must file with the filing**
27 **officer a declaration of write-in candidacy. The declaration shall be made on a form designed**
28 **by the Secretary of State by rule and must be filed no later than 8 p.m. on the date of the**
29 **election. The form designed by the Secretary of State must require that the person:**

30 **(A) Attest that the person meets the qualifications for the public office;**

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) Attest that the person is not affiliated with a major political party or a minor poli-
2 tical party; and

3 (C) Provide the electronic mail address of the person.

4 (b) The filing officer shall take actions the filing officer deems necessary to determine
5 that the person filing the declaration is not affiliated with a major political party or a minor
6 political party and that the person filing the declaration meets the qualifications for the
7 public office.

8 (c)(A) If, prior to tallying any votes, the filing officer determines that a person meets the
9 requirements under paragraph (b) of this subsection, the filing officer shall ensure that the
10 county clerk tallies any write-in votes cast for the person.

11 (B) If, prior to tallying any votes, the filing officer determines that a person does not
12 meet the requirements under paragraph (b) of this subsection, the county clerk may not tally
13 any write-in votes cast for the person.

14 (C) If the filing officer chooses to tally all votes before making a determination under
15 paragraph (b) of this subsection, the filing officer shall ensure that, if the winner of the
16 nomination is a write-in candidate, the winner meets the requirements under paragraph (b)
17 of this subsection. The filing officer is not required to check the qualifications for write-in
18 candidates who will not receive the nomination.

19 (d) As used in this subsection, "filing officer" has the meaning given that term in ORS
20 254.165.

21 (6) The Secretary of State may adopt rules necessary to implement this section.

22 SECTION 3. Section 4 of this 2019 Act is added to and made a part of ORS chapter 254.

23 SECTION 4. (1) The official nonaffiliated primary election ballot shall be styled "Official
24 Nonaffiliated Primary Nominating Ballot." 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 who have qualified
28 for the nonaffiliated primary election under section 2 of this 2019 Act, and who have not died,
29 withdrawn or become disqualified.

30 (2) The ballot may not reference a partisan office for which:

31 (a) No individual has qualified as a candidate for nomination in the nonaffiliated primary
32 election under section 2 of this 2019 Act; or

33 (b) The only candidate or candidates for nomination in the nonaffiliated primary election
34 under section 2 of this 2019 Act are write-in candidates.

35 (3) Except as provided in subsection (2) of this section, the ballot may include any city,
36 county or nonpartisan office or the number, ballot title and financial estimates under ORS
37 250.125 of any measure.

38 (4) The ballot may not contain the name of any person other than those referred to in
39 subsections (1) to (3) of this section. The name of each candidate who has qualified for the
40 nonaffiliated primary election under section 2 of this 2019 Act shall be printed on the ballot
41 in but one place, except in circumstances where a candidate may hold more than one office
42 or nomination without violating ORS 249.013. In the event that two or more candidates for
43 the same nomination or office have the same or similar surnames, the location of their
44 places of residence shall be printed with their names to distinguish one from another.

45 (5) The Secretary of State may adopt rules necessary to implement this section.

1 **SECTION 5.** Section 6 of this 2019 Act is added to and made a part of ORS chapter 251.

2 **SECTION 6.** When producing a voters' pamphlet for a statewide primary election, the
3 Secretary of State and county clerk shall place together, in a separate section of the pam-
4 phlet, the portraits and statements of candidates for nomination in the nonaffiliated primary
5 election established under section 2 of this 2019 Act.

6 **SECTION 7.** (1) Following a primary election, each county in this state shall submit a
7 certified statement to the Oregon Department of Administrative Services that sets forth the
8 total cost of the time required for the county to design ballots for the primary election.

9 (2) The department shall reimburse the county 20 percent of the costs identified in sub-
10 section (1) of this section.

11 **SECTION 8.** ORS 249.016 is amended to read:

12 249.016. A candidate of a major political party for public office, **a candidate for nomination**
13 **in the nonaffiliated primary election established under section 2 of this 2019 Act** or a candi-
14 date for nonpartisan office shall be nominated only in the manner provided in ORS 249.016 to 249.205
15 **and section 2 of this 2019 Act.**

16 **SECTION 9.** ORS 249.020 is amended to read:

17 249.020. (1) An eligible elector may become a candidate for nonpartisan office, **a candidate for**
18 **nomination in the nonaffiliated primary election established under section 2 of this 2019 Act**
19 **or a candidate** for the nomination to an office by the major political party of which the elector is
20 a member, by filing a nominating petition or a declaration of candidacy.

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

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

25 **SECTION 10.** ORS 249.023 is amended to read:

26 249.023. Notwithstanding any provision of this chapter, and except as provided in [section 8,]
27 Article IV, **section 8**, Oregon Constitution, and [section 2,] Article V, **section 2**, Oregon Constitu-
28 tion, an otherwise qualified person who will attain the age of 18 years after the deadline for filing
29 a nominating petition or declaration of candidacy:

30 (1) For nomination to any major political party office and on or before the date of the primary
31 election, and who is registered as a member of the major political party not later than the date of
32 the primary election, is eligible to file a nominating petition for nomination to any major political
33 party office, to be listed on the ballot and to be nominated for the office, including by write-in votes.

34 (2) **For nomination as a nonaffiliated candidate to public office at the nonaffiliated pri-**
35 **mary election under section 2 of this 2019 Act and on or before the date of the primary**
36 **election, and who is not affiliated with a major political party or a minor political party not**
37 **later than the date of the primary election, is eligible to file a nominating petition for nom-**
38 **ination as a nonaffiliated candidate to public office, to be listed on the ballot and to be**
39 **nominated for the office, including by write-in votes.**

40 **SECTION 11.** ORS 249.031 is amended to read:

41 249.031. (1) Except as provided in subsection (2) of this section, a nominating petition or decla-
42 ration of candidacy shall contain:

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

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

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

3 (d)(A) If the candidate is seeking the nomination of a major political party, the name of the
4 major political party of which the candidate will have been a member, subject to the exceptions
5 stated in ORS 249.046, during at least 180 days before the deadline for filing a nominating petition
6 or declaration of candidacy.

7 **(B) If the candidate is seeking nomination as a nonaffiliated candidate to public office at**
8 **the nonaffiliated primary election under section 2 of this 2019 Act, a statement that the**
9 **candidate will not have been affiliated with any major political party or minor political party,**
10 **subject to the exceptions stated in ORS 249.046, during at least 180 days before the deadline**
11 **for filing a nominating petition or declaration of candidacy.**

12 (e) A statement that the candidate is willing to accept the nomination or election or, regarding
13 a candidate for precinct committeeperson, that the candidate accepts the office if elected.

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

15 (g) If the candidate is seeking the nomination of a major political party **or nomination as a**
16 **nonaffiliated candidate at the nonaffiliated primary election under section 2 of this 2019**
17 **Act,** a statement that the candidate, if not nominated, will not accept the nomination or endorse-
18 ment of any political party other than the one of which the candidate is a member on the date the
19 petition or declaration is filed, **or, if the candidate is not affiliated with a major political party**
20 **or minor political party, that the candidate, if not nominated, will not accept the nomination**
21 **or endorsement of any political party.**

22 (h) The signature of the candidate.

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

25 (2) Subsection (1)(i) of this section does not apply to a candidate for election as a precinct
26 committeeperson.

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

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

32 **SECTION 12.** ORS 249.042 is amended to read:

33 249.042. When an elector files with the appropriate filing officer the statement and prospective
34 petition under ORS 249.061, or a declaration of candidacy, it is conclusive evidence that the elector
35 is **seeking nomination as a nonaffiliated candidate to public office at the nonaffiliated primary**
36 **election under section 2 of this 2019 Act, or is** a candidate for nomination or election by the
37 elector's political party or to the nonpartisan office stated in the petition or declaration.

38 **SECTION 13.** ORS 249.046 is amended to read:

39 249.046. (1)(a) If a candidate has not been a member of the major political party for at least 180
40 days before the deadline for filing a nominating petition or declaration of candidacy, the candidate
41 shall not be entitled to receive the nomination of that major political party.

42 **(b) If a candidate has not been unaffiliated with a major political party or minor political**
43 **party for at least 180 days before the deadline for filing a nominating petition or declaration**
44 **of candidacy, the candidate shall not be entitled to receive the nomination as a nonaffiliated**
45 **candidate to public office at the nonaffiliated primary election under section 2 of this 2019**

1 **Act.**

2 (2) If a candidate's registration becomes inactive, the inactive status shall not:

3 (a) Constitute a lapse of membership in the party if, immediately before the registration became
4 inactive, the candidate was a member of the party and was not a member of any other political party
5 within the 180 days preceding the deadline for filing a nominating petition or declaration of candi-
6 dacy.

7 (b) **Constitute a lapse of the candidate not being affiliated with any major political party
8 or minor political party if, immediately before the registration became inactive, the candi-
9 date was not affiliated with a major political party or minor political party and was not af-
10 filiated with a major political party or minor political party within the 180 days preceding the
11 deadline for filing a nominating petition or declaration of candidacy.**

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

15 **SECTION 14.** ORS 249.048 is amended to read:

16 249.048. A candidate for nomination of a major political party to a public office, **or a candidate
17 for nomination as a nonaffiliated candidate at the nonaffiliated primary election under sec-
18 tion 2 of this 2019 Act**, who fails to receive the nomination may not be the candidate of any other
19 political party or a nonaffiliated candidate for the same office at the succeeding general election.
20 The filing officer may not certify the name of the candidate.

21 **SECTION 15.** ORS 249.064 is amended to read:

22 249.064. (1) A nominating petition of a candidate seeking the nomination of a major political
23 party shall contain a statement that each elector whose signature appears on the petition is a
24 member of the same major political party as is the candidate.

25 (2) **A nominating petition of a candidate seeking nomination as a nonaffiliated candidate
26 at the nonaffiliated primary election under section 2 of this 2019 Act shall contain a state-
27 ment that each elector whose signature appears on the petition is not affiliated with a major
28 political party or a minor political party.**

29 [(2)] (3) A nominating petition of any candidate shall contain the number of signatures of elec-
30 tors required by ORS 249.068 or 249.072 and the residence or mailing address and name or number
31 of the precinct, if known, of each elector whose signature appears.

32 [(3)] (4) Pursuant to ORS 249.008, the county clerks or the Secretary of State shall certify the
33 signatures contained in the nominating petition for genuineness.

34 **SECTION 16.** ORS 249.068, as amended by section 13, chapter 70, Oregon Laws 2018, is
35 amended to read:

36 249.068. (1) Except as otherwise provided **in ORS 249.072 for a candidate seeking nomination
37 as a nonaffiliated candidate at the nonaffiliated primary election under section 2 of this 2019
38 Act or** for a candidate for nonpartisan office [*in ORS 249.072*]:

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

45 (b) For an election next following any change in the boundaries of a congressional district, there

1 shall be at least 1,000 signatures or the number of signatures at least equal to two percent of the
 2 average number of votes cast in all congressional districts in this state, as the case may be, for the
 3 candidates of that major political party for presidential electors at the last presidential election,
 4 whichever is less;

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

7 (d) If the office is one to be voted for in the state at large, the signatures shall include those
 8 of electors registered in at least five percent of the precincts in each of at least seven counties. If
 9 the office is one to be voted for in a congressional district the signatures shall include those of
 10 electors registered in at least five percent of the precincts in each of at least one-fourth of the
 11 counties in the congressional district.

12 (2) Except as otherwise provided in this section or **in ORS 249.072 for a candidate seeking**
 13 **nomination as a nonaffiliated candidate at the nonaffiliated primary election under section**
 14 **2 of this 2019 Act** or for a candidate for nonpartisan office [*in ORS 249.072*]:

15 (a) A nominating petition for an office not provided for in subsection (1) of this section shall
 16 contain the signatures of electors who are members of the same major political party as the candi-
 17 date. There shall be at least 500 signatures or the number of signatures at least equal to two percent
 18 of the vote in the electoral district for the candidates of that major political party for presidential
 19 electors at the last presidential election, whichever is less;

20 (b) In the case of major political party candidates for the office of state Senator or state Rep-
 21 resentative, for an election next following any change in the boundaries of the districts of state
 22 Senators or state Representatives under Article IV, section 6, of the Oregon Constitution, there
 23 shall be at least 500 signatures or the number of signatures at least equal to two percent of the
 24 average number of votes cast in all state senatorial or state representative districts in this state,
 25 as the case may be, for the candidates of that major political party for presidential electors at the
 26 last presidential election, whichever is less;

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

29 (d) If the office under this subsection is to be voted for in more than one county, the signatures
 30 shall include those of electors registered in at least two counties encompassed by the electoral dis-
 31 trict, and the signatures from each such county shall include those of electors registered in at least
 32 six percent of the precincts of the electoral district that are located within that county. If six per-
 33 cent of the precincts of the electoral district in one of the counties or portion thereof does not
 34 constitute a whole precinct, the nominating petition shall contain signatures from at least one pre-
 35 cinct in that county; and

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

38 **SECTION 17.** ORS 249.072, as amended by section 12, chapter 70, Oregon Laws 2018, is
 39 amended to read:

40 249.072. (1) If the nonpartisan office, **or public office for which a candidate is seeking nom-**
 41 **ination as a nonaffiliated candidate at the nonaffiliated primary election under section 2 of**
 42 **this 2019 Act**, is to be voted for in the state at large, the nominating petition shall contain at least
 43 1,000 signatures of electors, or a number of signatures of electors equal to at least one percent of
 44 the vote cast in the state for all candidates for Governor at the most recent election at which a
 45 candidate for Governor was elected to a full term, whichever is less. The signatures shall include

1 those of electors registered in each of at least five percent of the precincts in each of at least seven
2 counties.

3 (2) The nominating petition for a nonpartisan office, **or public office for which a candidate is**
4 **seeking nomination as a nonaffiliated candidate at the nonaffiliated primary election under**
5 **section 2 of this 2019 Act**, not provided for in subsection (1) of this section shall contain at least
6 500 signatures of electors in the electoral district, or a number of signatures of electors equal to
7 at least one percent of the vote cast in the electoral district for all candidates for Governor at the
8 most recent election at which a candidate for Governor was elected to a full term, whichever is less.
9 In addition:

10 (a) If an office under this subsection is to be voted for in more than one county, the signatures
11 shall include those of electors registered in at least two counties encompassed by the electoral dis-
12 trict, and the signatures from each such county shall include those of electors registered in at least
13 six percent of the precincts of the electoral district that are located within that county. If six per-
14 cent of the precincts of the electoral district in one of the counties or portion thereof does not
15 constitute a whole precinct, the nominating petition shall contain signatures from at least one pre-
16 cinct in that county.

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

19 **SECTION 18.** ORS 249.076 is amended to read:

20 249.076. (1)(a) A person who is not a member of the same major political party as the candidate
21 for nomination by the major political party may not sign the nominating petition of the candidate.

22 **(b) A person who is a member of a major political party or a minor political party may**
23 **not sign the nominating petition of the candidate who is seeking nomination as a nonaffil-**
24 **iated candidate at the nonaffiliated primary election under section 2 of this 2019 Act.**

25 (2) Any elector may sign:

26 (a) A nominating petition or certificate of nomination of any candidate for nonpartisan office;

27 (b) **Except as provided in subsection (1) of this section**, a nominating petition or certificate
28 of nomination of any nonaffiliated candidate; and

29 (c) Nominating petitions or certificates of nomination for more than one candidate for the same
30 office.

31 **SECTION 19.** ORS 249.078 is amended to read:

32 249.078. (1) The name of a candidate for a major political party nomination, **or for nomination**
33 **as a nonaffiliated candidate at the nonaffiliated primary election under section 2 of this 2019**
34 **Act**, for President of the United States shall be printed on the ballot only:

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

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

38 (2)(a) A petition nominating a candidate under this section shall contain from each congres-
39 sional district the signatures of at least 1,000 electors who:

40 **(A) For major political party candidates**, are registered in the district and who are members
41 of the major political party of the candidate; **or**

42 **(B) For candidates for nomination in the nonaffiliated primary election under section 2**
43 **of this 2019 Act**, are registered in the district and who are not affiliated with a major political
44 **party or a minor political party.**

45 (b) The electors in each congressional district shall include electors registered in at least five

1 percent of the precincts in each of at least one-fourth of the counties in the congressional district.
2 The petition shall contain the printed name, residence or mailing address and name or number of
3 the precinct, if known, of each elector whose signature appears on the petition. The signatures shall
4 be certified for genuineness by the county clerks or the Secretary of State under ORS 249.008.

5 (3) Before circulating the nominating petition, the chief sponsor shall file with the Secretary of
6 State a signed copy of the prospective petition. The chief sponsor shall include with the prospective
7 petition a statement declaring whether one or more persons will be paid money or other valuable
8 consideration for obtaining signatures of electors on the petition. After the prospective petition is
9 filed, the chief sponsor shall notify the Secretary of State not later than the 10th day after the chief
10 sponsor 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 **SECTION 20.** ORS 254.470, as amended by section 4, chapter 70, Oregon Laws 2018, is amended
16 to read:

17 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
18 designation of places of deposit for the ballots cast in an election. The rules shall also specify the
19 dates and times the places of deposit must be open and the security requirements for the places of
20 deposit. At a minimum, the places designated under this section shall be open on the date of the
21 election for a period of eight or more hours, but must be open until at least 8 p.m. At each place
22 of deposit designated under this section, the county clerk shall prominently display a sign stating
23 that the location is an official ballot drop site.

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

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

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

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

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

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

45 (c) An elector not affiliated with any political party who wishes to vote in the primary election

1 of a major political party shall apply to the county clerk in writing. The application must be com-
 2 pleted, signed and submitted by the elector electronically, in person or by mail, in a manner deter-
 3 mined by the secretary by rule and must indicate which major political party ballot the elector
 4 wishes to receive. Except for electors described in subsection (4) of this section, and subject to ORS
 5 247.203, the application must be received by the county clerk not later than 5 p.m. of the 21st day
 6 before the date of the election.

7 **(d) The county clerk shall mail the official nonaffiliated primary nominating ballot to**
 8 **each elector who is not affiliated with a major political party or a minor political party as**
 9 **of the 21st day before the date of the election.**

10 [(d)] (e) If the primary election ballot includes city, county or nonpartisan offices or measures,
 11 the county clerk shall mail to each elector who is not eligible to vote for party candidates **or in**
 12 **the nonaffiliated primary election under section 2 of this 2019 Act** a ballot limited to those of-
 13 fices and measures for which the elector is eligible to vote.

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

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

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

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

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

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

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

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

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

1 county clerk shall designate the central location. A replacement ballot need not be mailed after the
2 fifth day before the date of the election.

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

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

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

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

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

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

17 **SECTION 21.** ORS 254.370 is amended to read:

18 254.370. The county clerk shall maintain:

19 (1) A monthly registration record of all electors registered as not being affiliated with any pol-
20 itical party;

21 (2) At each primary election, a record of the number of electors who voted from each major
22 political party;

23 (3) A record of all electors registered as not being affiliated with any political party who vote
24 in a primary election of a major political party that has provided under ORS 254.365 for a primary
25 election that admits electors not affiliated with any political party; *[and]*

26 **(4) A record of all electors registered as not being affiliated with a major political party**
27 **or minor political party who vote in the nonaffiliated primary election under section 2 of this**
28 **2019 Act; and**

29 *[(4)]* (5) A record of all electors registered as not being affiliated with any political party who
30 vote in the general election.

31 **SECTION 22.** ORS 254.135 is amended to read:

32 254.135. (1) The official general or special election ballot shall be styled "Official Ballot" and
33 shall state:

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

35 (b) The date of the election.

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

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

41 (2) The names of candidates for President and Vice President of the United States shall be
42 printed in groups together, with their political party designations. The names of the electors may
43 not be printed on the general election ballot. A vote for the candidates for President and Vice
44 President is a vote for the group of presidential electors supporting those candidates and selected
45 as provided by law. The general election ballot shall state that electors of President and Vice

1 President are being elected and that a vote for the candidates for President and Vice President shall
2 be a vote for the electors supporting those candidates.

3 (3)(a) The name of each candidate nominated shall be printed on the ballot in but one place,
4 without regard to how many times the candidate may have been nominated, except in circumstances
5 where a candidate may hold more than one office or nomination without violating ORS 249.013. The
6 name of a political party, or names of political parties, shall be printed with the name of a candidate
7 for other than nonpartisan office according to the following rules:

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

10 **(B) For a candidate not affiliated with a political party who wins the nomination as a**
11 **nonaffiliated candidate in the nonaffiliated primary election under section 2 of this 2019 Act,**
12 **a designation indicating that the candidate won the nonaffiliated primary election shall be**
13 **printed with the name of the candidate;**

14 [(B)] (C) For a candidate not affiliated with a political party who is nominated by more than
15 one minor political party, the names of not more than three minor political parties selected by the
16 candidate shall be printed with the name of the candidate;

17 [(C)] (D) For a candidate who is a member of a political party who is nominated by a political
18 party of which the candidate is not a member, the name of the political party that nominated the
19 candidate shall be printed with the name of the candidate;

20 [(D)] (E) For a candidate who is a member of a political party who is nominated by more than
21 one political party of which the candidate is not a member, the names of not more than three poli-
22 tical parties selected by the candidate shall be printed with the name of the candidate;

23 [(E)] (F) For a candidate who is nominated only by a political party of which the candidate is
24 a member, the name of the political party of which the candidate is a member shall be printed with
25 the name of the candidate; and

26 [(F)] (G) For a candidate who is nominated by a political party of which the candidate is a
27 member and by any political party or parties of which the candidate is not a member, the name of
28 the political party of which the candidate is a member and the names of not more than two other
29 political parties selected by the candidate shall be printed with the name of the candidate.

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

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

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

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

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

43 **SECTION 23.** ORS 254.365 is amended to read:

44 254.365. (1) An elector is not qualified or permitted to vote at any primary election for any
45 candidate of a major political party, and it is unlawful for the elector to offer to do so, unless:

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

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

6 (2) Except as provided in ORS 254.470 (3), any elector offering to vote at the primary election
7 shall be given a ballot of the major political party with which the elector is registered as being af-
8 filiated. The elector may not be given a ballot of any other political party at that primary election.
9 An elector not affiliated with any political party and offering to vote at the primary election shall
10 be given the ballot of the major political party in whose primary election the elector wishes to vote
11 if that party has provided under subsection (3) of this section for a primary election that admits
12 electors not affiliated with any political party. An elector not affiliated with any political party who
13 is given a ballot of the major political party associates with the party for the purpose of voting in
14 that primary election.

15 (3)(a) Not later than the 90th day before the date of the primary election, a major political party
16 may file with the Secretary of State a certified copy of the current party rule allowing an elector
17 not affiliated with any political party to vote in the party's primary election. The party may not
18 repeal the rule as filed during the 90 days before the primary election. The rule shall continue to
19 be effective after the date of the primary election until the party gives written notice to the Secre-
20 tary of State that the rule has been repealed. Except as provided in paragraph (b) of this subsection,
21 a party rule under this subsection may limit the candidates for whom an elector who is not affiliated
22 with any political party may vote.

23 (b) The party rule shall allow any elector who is permitted to vote for the most numerous
24 branch of the Legislative Assembly also to vote in federal legislative elections, consistent with sec-
25 tion 2, Article I, and the Seventeenth Amendment to the United States Constitution.

26 (4) If the primary election ballot includes city, county or nonpartisan offices or measures, and
27 it is given to an elector who is not eligible to vote for party candidates, the ballot shall be marked
28 [*non-affiliated.*] "**nonpartisan.**"

29 **SECTION 24. Sections 1 to 7 of this 2019 Act and the amendments to ORS 249.016, 249.020,**
30 **249.023, 249.031, 249.042, 249.046, 249.048, 249.064, 249.068, 249.072, 249.076, 249.078, 254.135,**
31 **254.365, 254.370 and 254.470 by sections 8 to 23 of this 2019 Act apply to primary elections held**
32 **on or after the effective date of this 2019 Act.**

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