

Senate Bill 226

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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**.

Permits minor political parties to choose to nominate candidates for particular offices as part of state-sponsored primary election.

Amends requirements for status as major and minor political party.

Permits major political party and minor political party to adopt rule permitting nomination of candidate who has not been member of party for at least 180 days.

Lowers to 200 number of signatures required for candidate nominating petitions.

Permits minor political party to nominate replacements for vacancy in certain offices.

Requires person who wishes to be nominated or elected to public office by write-in votes to file declaration of write-in candidacy, and attest that person is legally qualified for office, by certain time on date of election. Permits county clerk to tally votes before filing officer makes determination of qualification of write-in candidate.

Repeals post-election process required to issue certification of nomination or election to person nominated or elected by write-in votes.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to elections; creating new provisions; amending ORS 171.051, 171.060, 171.068, 188.120,
3 236.215, 236.217, 248.006, 248.008, 248.315, 249.016, 249.020, 249.023, 249.031, 249.046, 249.048,
4 249.064, 249.068, 249.072, 249.076, 249.078, 249.190, 249.200, 249.215, 249.705, 251.022, 253.540,
5 253.565, 254.025, 254.056, 254.076, 254.365, 254.370, 254.470, 254.500, 254.545, 254.555, 254.565,
6 254.575 and 255.295; repealing ORS 254.548; and prescribing an effective date.

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

8 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 248.**

9 **SECTION 2. (1) Not later than the 180th day before the date of the primary election, a**
10 **minor political party may file with the Secretary of State a statement, in a manner desig-**
11 **ned by the secretary by rule, indicating that the minor political party will nominate can-**
12 **didates of the minor political party at the primary election. A statement filed under this**
13 **subsection shall:**

14 (a) **Remain in effect for future primary elections and special elections unless the state-**
15 **ment is withdrawn on a date not later than the 180th day before the date of the primary**
16 **election;**

17 (b) **Specify any requirements a write-in candidate must meet in order to obtain the**
18 **nomination of the minor political party; and**

19 (c) **Specify the public offices for which the minor political party will nominate candidates.**

20 (2) **The official primary ballot of a minor political party that files a statement with the**
21 **Secretary of State under subsection (1) of this section shall include only those public offices:**

22 (a) **That are referenced in the statement;**

23 (b) **For which at least one qualified candidate has filed a valid nominating petition or**

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 **declaration of candidacy; and**

2 (c) **For which the minor political party has not chosen under subsection (3)(c) of this**
 3 **section to select the party's nominee in the manner set forth in ORS 248.009 and 249.712 to**
 4 **249.850.**

5 (3)(a) **Except as provided in paragraphs (b) and (c) of this subsection, a minor political**
 6 **party that files a statement with the Secretary of State under subsection (1) of this section**
 7 **may not select nominees for the public offices referenced in the statement in the manner**
 8 **set forth in ORS 248.009 and 249.712 to 249.850.**

9 (b) **Minor political party nominees shall be selected in the manner set forth in ORS**
 10 **248.009 and 249.712 to 249.850, for public offices that are referenced in the statement filed**
 11 **under subsection (1) of this section, but that may not appear on the ballot due to the re-**
 12 **quirements set forth in subsection (2) of this section.**

13 (c)(A) **If three or more qualified candidates have filed a valid nominating petition or**
 14 **declaration of candidacy for a public office referenced in a statement filed under subsection**
 15 **(1) of this section, the minor political party may choose whether to select the party's nomi-**
 16 **nee for that public office through a primary election or in the manner set forth in ORS**
 17 **248.009 and 249.712 to 249.850.**

18 (B) **If a minor political party does not make a decision under subparagraph (A) of this**
 19 **paragraph within three calendar days of the candidate filing deadline set forth in ORS**
 20 **249.037, the minor political party's nominee for the public office shall be decided at the pri-**
 21 **mary election and the minor political party may not select its nominee in the manner set**
 22 **forth in ORS 248.009 and 249.712 to 249.850.**

23 **SECTION 3. Notwithstanding section 2 of this 2019 Act, if a minor political party files**
 24 **with the Secretary of State a statement under section 2 of this 2019 Act no later than 30 days**
 25 **after the effective date of this 2019 Act, the statement shall apply to the nomination of**
 26 **candidates by the minor political party for the 2020 primary election.**

27 **SECTION 4. Section 3 of this 2019 Act is repealed on January 2, 2021.**

28 **SECTION 5. ORS 248.315 is amended to read:**

29 248.315. (1) **After a presidential preference primary election, each major political party, or mi-**
 30 **nor political party that selected its nominee for the office of President of the United States**
 31 **using the official primary ballot under section 2 of this 2019 Act, whose national affiliate holds**
 32 **a convention to select its nominee for President of the United States shall select delegates to the**
 33 **national convention of that party.**

34 (2) **Delegates to the national convention of a party shall be selected in the manner provided by**
 35 **party rules, which shall provide all electors registered as members of the party equal opportunity**
 36 **to participate in the selection of delegates.**

37 (3) **Delegates to the national convention of the party shall be selected so that the number of**
 38 **delegates who favor a certain candidate shall represent the proportion of votes received by the**
 39 **candidate in relation to the other candidates of that party at the presidential preference primary**
 40 **election. Each person selected as a delegate shall sign a pledge that the person will continue to**
 41 **support at the national convention the candidate for President of the United States the person is**
 42 **selected as favoring until:**

43 (a) **The candidate is nominated at the convention;**

44 (b) **The candidate receives less than 35 percent of the votes for nomination at the convention;**

45 (c) **The candidate releases the delegate from the pledge; or**

1 (d) Two convention nominating ballots have been taken.

2 **SECTION 6.** ORS 249.705 is amended to read:

3 249.705. **Except as provided in section 2 of this 2019 Act,** a minor political party, assembly
4 of electors or individual electors may nominate one candidate for each partisan public office to be
5 filled at the general election by preparing and filing a certificate of nomination as provided in ORS
6 249.712 to 249.850.

7 **SECTION 7.** ORS 249.016 is amended to read:

8 249.016. A candidate **for public office who seeks the nomination** of a major political party,
9 **or of a minor political party that chose to select a candidate** for that public office **at the pri-**
10 **mary election under section 2 of this 2019 Act,** or a candidate for nonpartisan office shall be
11 nominated only in the manner provided in ORS 249.016 to 249.205.

12 **SECTION 8.** ORS 249.020 is amended to read:

13 249.020. (1) An eligible elector may become a candidate for nonpartisan office, or for the nomi-
14 nation to an office by the major political party of which the elector is a member, **or minor political**
15 **party that filed a statement referencing that office under section 2 of this 2019 Act,** by filing
16 a nominating petition or a declaration of candidacy.

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

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

21 **SECTION 9.** ORS 249.023 is amended to read:

22 249.023. Notwithstanding any provision of this chapter, and except as provided in [section 8,]
23 Article IV, **section 8,** Oregon Constitution, and [section 2,] Article V, **section 2,** Oregon Constitu-
24 tion, an otherwise qualified person [*who will attain the age of 18 years after the deadline for filing*
25 *a nominating petition or declaration of candidacy for nomination to any major political party office and*
26 *on or before the date of the primary election, and who is registered as a member of the major political*
27 *party not later than the date of the primary election,*] is eligible to file a nominating petition **or dec-**
28 **laration of candidacy** for nomination to any **office by a** major political party [*office*], **or by a mi-**
29 **nor political party that filed a statement referencing that office under section 2 of this 2019**
30 **Act,** to be listed on the ballot and to be nominated for the office, including by write-in votes[.], **if**
31 **the person will attain the age of 18 years after the deadline for filing the nominating petition**
32 **or declaration of candidacy for nomination to the office and on or before the date of the**
33 **primary election.**

34 **SECTION 10.** ORS 249.031 is amended to read:

35 249.031. (1) Except as provided in subsection (2) of this section, a nominating petition or decla-
36 ration of candidacy shall contain:

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

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

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

42 (d) If the candidate is seeking the nomination of a major political party **or parties, or a minor**
43 **political party or parties that filed a statement referencing the office sought by the candidate**
44 **under section 2 of this 2019 Act,** the name of the major political party **or parties or the minor**
45 **political party or parties whose nomination the candidate is seeking.** [*of which the candidate*

1 *will have been a member,]* Subject to the exceptions stated in ORS 249.046, **a candidate may only**
 2 **seek the nomination of a party of which the candidate will have been a member** during at least
 3 180 days before the deadline for filing a nominating petition or declaration of candidacy.

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

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

7 (g) If the candidate is seeking the nomination of a major political party **or parties, or a minor**
 8 **political party or parties that filed a statement referencing the office sought by the candidate**
 9 **under section 2 of this 2019 Act**, a statement that the candidate, if not nominated, will not accept
 10 the nomination or endorsement of any political party other than **a political party listed by the**
 11 **candidate in paragraph (d) of this subsection** [*the one of which the candidate is a member on the*
 12 *date the petition or declaration is filed*].

13 (h) The signature of the candidate.

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

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

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

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

23 **SECTION 11.** ORS 249.046 is amended to read:

24 249.046. (1)(a) **Except as provided in subsection (2) of this section**, if a candidate has not
 25 been a member of [*the*] **a major political party, or a minor political party that filed a statement**
 26 **referencing the office sought by the candidate under section 2 of this 2019 Act**, for at least
 27 180 days before the deadline for filing a nominating petition or declaration of candidacy, the candi-
 28 date [*shall not be*] **is not** entitled to receive the nomination of that [*major*] political party.

29 (b) If a candidate's registration becomes inactive, the inactive status shall not constitute a lapse
 30 of membership in the party if, immediately before the registration became inactive, the candidate
 31 was a member of the party and was not a member of any other political party within the 180 days
 32 preceding the deadline for filing a nominating petition or declaration of candidacy.

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

35 (2) **A major political party, or a minor political party that filed a statement under section**
 36 **2 of this 2019 Act, may adopt a rule allowing for the nomination of candidates who are not**
 37 **members of the major political party or minor political party or who have been members of**
 38 **the major political party or minor political party for less than 180 days before the deadline**
 39 **for filing a nominating petition or declaration of candidacy. A copy of a party rule adopted**
 40 **under this subsection must be filed with the Secretary of State not later than the 180th day**
 41 **before the date of the primary election set forth in ORS 254.056. Any party rule adopted un-**
 42 **der this subsection shall remain in effect for future primary elections unless the major pol-**
 43 **itical party or minor political party withdraws the rule not later than the 180th day before**
 44 **the date of the primary election.**

45 **SECTION 12.** ORS 249.048 is amended to read:

1 249.048. A candidate for nomination of a major political party, **or a minor political party that**
 2 **selected its nominee for the office sought by the candidate using the official primary ballot**
 3 **under section 2 of this 2019 Act**, to a public office who fails to receive the nomination **of the**
 4 **political party or parties listed in the candidate's nominating petition or declaration of candi-**
 5 **didacy** may not be the candidate of any [other] political party **not listed on the candidate's**
 6 **nominating petition or declaration of candidacy**, or a nonaffiliated candidate for the same
 7 office, at the succeeding general election. The filing officer may not certify the name of the candi-
 8 date.

9 **SECTION 13.** ORS 249.064 is amended to read:

10 249.064. (1) **Unless allowed by the political party under ORS 249.076**, a nominating petition
 11 of a candidate seeking the nomination of a major political party, **or a minor political party that**
 12 **filed a statement referencing the office sought by the candidate under section 2 of this 2019**
 13 **Act**, shall contain a statement that each elector whose signature appears on the petition is a
 14 member of the same major political party **or minor political party** as [is] the candidate.

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

18 (3) Pursuant to ORS 249.008, the county clerks or the Secretary of State shall certify the sig-
 19 natures contained in the nominating petition for genuineness.

20 **SECTION 14.** ORS 249.068, as amended by section 13, chapter 70, Oregon Laws 2018, is
 21 amended to read:

22 249.068. (1) Except as otherwise provided for a candidate for nonpartisan office in ORS 249.072
 23 **or as allowed by party rule under ORS 249.076:**

24 (a) A nominating petition for an office to be voted for in the state at large or for a candidate
 25 for Representative in Congress shall contain signatures of members of the same major political
 26 party, **or minor political party that filed a statement referencing the office sought by the**
 27 **candidate under section 2 of this 2019 Act**, as the candidate.

28 (b) Except as provided in this subsection, there shall be at least [1,000] **200** signatures or the
 29 number of signatures at least equal to two percent of the vote cast in the state or congressional
 30 district, as the case may be, for the candidates of that major political party, **or minor political**
 31 **party that filed a statement referencing the office sought by the candidate under section 2**
 32 **of this 2019 Act**, for presidential electors at the last presidential election, whichever is less[;].

33 [(b)] (c) For an election next following any change in the boundaries of a congressional district,
 34 there shall be at least [1,000] **200** signatures or the number of signatures at least equal to two per-
 35 cent of the average number of votes cast in all congressional districts in this state, as the case may
 36 be, for the candidates of that major political party, **or minor political party that filed a state-**
 37 **ment referencing the office sought by the candidate under section 2 of this 2019 Act**, for
 38 presidential electors at the last presidential election, whichever is less[;].

39 [(c)] (d) In the case of a candidate [nominated by] **seeking the nomination of** a major political
 40 party, **or a minor political party that filed a statement referencing the office sought by the**
 41 **candidate under section 2 of this 2019 Act**, that did not nominate presidential electors at the last
 42 presidential election, there shall be at least [1,000] **200** signatures **or a number of signatures equal**
 43 **to at least one percent of the number of votes cast in the state for all candidates for Gov-**
 44 **ernor at the most recent election at which a candidate for Governor was elected to a full**
 45 **term, whichever is less[; and].**

1 [(d)] (e) If the office is one to be voted for in the state at large, the signatures shall include
 2 those of electors registered in at least five percent of the precincts in each of at least seven coun-
 3 ties. If the office is one to be voted for in a congressional district the signatures shall include those
 4 of electors registered in at least five percent of the precincts in each of at least one-fourth of the
 5 counties in the congressional district.

6 (2) Except as otherwise provided in this section, or for a candidate for nonpartisan office in ORS
 7 249.072 **or as allowed by party rule under ORS 249.076:**

8 (a) A nominating petition for an office not provided for in subsection (1) of this section shall
 9 contain the signatures of electors who are members of the same major political party, **or minor**
 10 **political party that filed a statement referencing the office sought by the candidate under**
 11 **section 2 of this 2019 Act**, as the candidate. There shall be at least [500] **200** signatures or the
 12 number of signatures at least equal to two percent of the vote in the electoral district for the candi-
 13 dates of that major political party **or minor political party** for presidential electors at the last
 14 presidential election, whichever is less;

15 (b) In the case of **candidates of a major political party** [*candidates*], **or of a minor political**
 16 **party that filed a statement referencing the office sought by the candidate under section 2**
 17 **of this 2019 Act**, for the office of state Senator or state Representative[, *for*] **at** an election next
 18 following any change in the boundaries of the districts of state Senators or state Representatives
 19 under Article IV, section 6, of the Oregon Constitution, there shall be at least [500] **200** signatures
 20 or the number of signatures at least equal to two percent of the average number of votes cast in
 21 all state senatorial or state representative districts in this state, as the case may be, for the candi-
 22 dates of that major political party **or minor political party** for presidential electors at the last
 23 presidential election, whichever is less;

24 (c) In the case of a candidate [*nominated by*] **seeking the nomination of** a major political
 25 party, **or a minor political party that filed a statement referencing the office sought by the**
 26 **candidate under section 2 of this 2019 Act**, that did not nominate presidential electors at the last
 27 presidential election, there shall be at least [500] **200** signatures **or a number of signatures equal**
 28 **to at least one percent of the number of votes cast in the electoral district for all candidates**
 29 **for Governor at the most recent election at which a candidate for Governor was elected to**
 30 **a full term, whichever is less;**

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

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

40 **SECTION 15.** ORS 249.076 is amended to read:

41 249.076. (1) A person who is not a member of the same major political party, **or minor political**
 42 **party that filed a statement referencing the office sought by the candidate under section 2**
 43 **of this 2019 Act**, as the candidate for nomination by the major political party **or minor political**
 44 **party** may not sign the nominating petition of the candidate, **unless allowed by party rule filed**
 45 **with the Secretary of State no later than the 180th day before the date of the primary**

1 **election. A party rule filed under this section shall remain in effect for all future primary**
 2 **elections unless the rule is withdrawn prior to the 180th day before the date of a primary**
 3 **election.**

4 (2) Any elector may sign:

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

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

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

9 **SECTION 16.** ORS 249.078 is amended to read:

10 249.078. (1) The name of a candidate for **nomination by a major political party [nomination],**
 11 **or a minor political party that selected its nominee for the office of President of the United**
 12 **States using the official primary ballot under section 2 of this 2019 Act,** for President of the
 13 United States shall be printed on the ballot only:

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

16 (b) By nominating petition described in this section and filed with the Secretary of State; **or**

17 **(c) By the major political party or minor political party paying a filing fee of \$1,000.**

18 (2) A petition nominating a candidate under this section shall contain from each congressional
 19 district the signatures of at least [1,000] **200** electors who are registered in the district and who are
 20 members of the [major] political party of the candidate. The electors in each congressional district
 21 shall include electors registered in at least five percent of the precincts in each of at least one-
 22 fourth of the counties in the congressional district. The petition shall contain the printed name,
 23 residence or mailing address and name or number of the precinct, if known, of each elector whose
 24 signature appears on the petition. The signatures shall be certified for genuineness by the county
 25 clerks or the Secretary of State under ORS 249.008.

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

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

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

36 **SECTION 17.** ORS 249.190 is amended to read:

37 249.190. (1) Except as provided in ORS 254.650, a vacancy in the nomination of a **candidate of**
 38 **a major political party [candidate], or of a minor political party that the office sought by the**
 39 **candidate using the official primary ballot under section 2 of this 2019 Act,** may be filled before
 40 the date of the general election by that political party in a manner prescribed by party rule.

41 (2) Immediately after selecting a new nominee, the party, by the most expeditious means prac-
 42 ticable, shall notify the filing officer with whom a declaration of candidacy for the office is filed of
 43 the name of the nominee.

44 (3) If the filing officer with whom a declaration of candidacy for the office is filed determines
 45 that the candidate who has been nominated by a major political party, **or a minor political party**

1 **that selected its nominee for the office sought by the candidate using the official primary**
 2 **ballot under section 2 of this 2019 Act**, is ineligible to be elected to the office, the officer shall
 3 declare the nomination vacant and the political party shall select another candidate to fill the va-
 4 cancy in the nomination as provided under this section.

5 (4) The Secretary of State by rule may adopt a schedule specifying the period following a va-
 6 cancy within which a major political party, **or minor political party that filed a statement refer-**
 7 **encing the office sought by the candidate under section 2 of this 2019 Act**, must notify the
 8 filing officer of the name of the new nominee.

9 **SECTION 18.** ORS 249.200, as amended by section 7, chapter 70, Oregon Laws 2018, is amended
 10 to read:

11 249.200. (1) A major political party, **or a minor political party that filed a statement refer-**
 12 **encing the vacant office under section 2 of this 2019 Act**, may nominate a candidate to fill a
 13 vacancy in a partisan elective office in the following manner:

14 (a) If the vacancy occurs on or before the 70th day before a nominating election, by selecting
 15 a nominee at the next nominating election; or

16 (b) If the vacancy occurs after the 70th day before the nominating election and on or before the
 17 62nd day before the general election, by selecting a nominee as provided by party rule.

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

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

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

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

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

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

28 (4) The Secretary of State by rule may adopt a schedule specifying the period following a va-
 29 cancy within which a major political party, **or a minor political party that filed a statement**
 30 **referencing the vacant office under section 2 of this 2019 Act**, that selects a nominee under
 31 subsection (1)(b) of this section must notify the filing officer of the name of the nominee under sub-
 32 section (3) of this section.

33 **SECTION 19.** ORS 249.215, as amended by section 2, chapter 86, Oregon Laws 2018, is amended
 34 to read:

35 249.215. (1) If a vacancy occurs in a state office before the 61st day before the first general
 36 election to be held during that term of office, the remaining two years of the term of the state office
 37 shall be filled by the electors at that general election.

38 (2) The remaining two years of the term of the state office shall commence on the second
 39 Monday in January following the general election. Any appointment made to fill the vacancy shall
 40 expire when a successor to the office is elected and qualified.

41 (3) Candidates for the remaining two years of the term of the state office under this section shall
 42 be nominated as provided in this chapter, with major political parties, **and minor political parties**
 43 **that filed statements referencing the vacant office under section 2 of this 2019 Act**, following
 44 the procedure set forth in ORS 249.200, except as follows:

45 (a) A minor political party **that did not file a statement referencing the vacant office under**

1 **section 2 of this 2019 Act**, by party rule, or an assembly of electors or individual electors, may
2 select a nominee; and

3 (b) The Secretary of State shall accept certificates of nomination and notifications of nominees
4 filed with the secretary pursuant to a schedule for filing set by the secretary, but in any case not
5 later than the 62nd day before the first general election.

6 (4) As used in this section, “state office” means the office of Governor, Secretary of State, State
7 Treasurer, Attorney General and Commissioner of the Bureau of Labor and Industries.

8 **SECTION 20.** ORS 251.022 is amended to read:

9 251.022. (1) If a special election or special primary election is held under ORS 188.120 for the
10 purpose of filling a vacancy in election or office of United States Senator or Representative in
11 Congress, or for nominating a candidate of each major political party, **or minor political party**
12 **that filed a statement referencing the vacant office under section 2 of this 2019 Act**, to fill
13 the vacancy, the Secretary of State shall prepare a voters’ pamphlet for each election.

14 (2) A voters’ pamphlet prepared under subsection (1) of this section shall contain information
15 about the candidates for nomination or election to the office of United States Senator or Represen-
16 tative in Congress at the special election or special primary election.

17 **SECTION 21.** ORS 253.540 is amended to read:

18 253.540. (1) Any military or overseas elector may secure a ballot by submitting an application
19 as specified in subsection (2) of this section to the clerk of the county of the military or overseas
20 elector’s residence, or to the Secretary of State. If the application is addressed to the Secretary of
21 State, the secretary shall forward it to the appropriate county clerk.

22 (2) An application for a ballot by a military or overseas elector shall be made in the form of a
23 written request. The application shall be valid for every subsequent election until the elector oth-
24 erwise notifies the clerk or is no longer an elector of the county. The application shall be signed
25 by the applicant and contain:

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

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

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

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

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

33 (f) A statement that the applicant is not requesting a ballot from any other state and is not
34 voting in any other manner in the election except by the requested ballot; and

35 (g) If the applicant desires to vote in a primary election, a designation of the applicant’s political
36 party affiliation or a statement that the applicant is not affiliated with any political party. An ap-
37 plicant not affiliated with any **major** political party **or minor political party** may request a ballot
38 for a major political party, **or a minor political party that will select one or more nominees**
39 **using the official primary ballot under section 2 of this 2019 Act**. The applicant shall be sent
40 the ballot for the political party that the applicant requested if that political party has provided
41 under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

42 **SECTION 22.** ORS 253.565 is amended to read:

43 253.565. (1) Any military or overseas elector may secure a special ballot for a primary election
44 or general election by making an application under this section if the elector believes that:

45 (a) The elector will be residing, stationed or working outside the territorial limits of the United

1 States and the District of Columbia; and

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

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

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

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

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

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

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

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

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

18 (h) A statement that the applicant is not requesting a ballot from any other state and is not
19 voting in any other manner in the election except by the requested special ballot; and

20 (i) If the applicant requests a ballot for a primary election, a designation of the applicant's pol-
21 itical party affiliation or a statement that the applicant is not affiliated with any political party.
22 An applicant not affiliated with any **major** political party **or minor political party** may request a
23 ballot for a major political party, **or a minor political party that will select one or more nomi-**
24 **nees using the official primary ballot under section 2 of this 2019 Act.** The applicant shall be
25 sent the ballot for the political party that the applicant requested if that political party has provided
26 under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

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

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

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

35 **SECTION 23.** ORS 254.025 is amended to read:

36 254.025. (1) Statutes applicable to primary elections shall be construed as though the primary
37 elections are separate elections for each major political party **and minor political party** nominating
38 candidates.

39 (2) The primary elections shall be conducted as nearly as possible according to the theory ex-
40 pressed in the preamble to chapter 1, Oregon Laws 1905.

41 **SECTION 24.** ORS 254.056 is amended to read:

42 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in
43 November of each even-numbered year. Except as provided in ORS 254.650, at the general election
44 officers of the state and subdivisions of the state, members of Congress and electors of President
45 and Vice President of the United States as are to be elected in that year shall be elected.

1 (2) The primary election shall be held on the third Tuesday in May of each even-numbered year.
2 At the primary election precinct committee persons shall be elected and [major] political party candi-
3 dates shall be nominated **by major political parties, and minor political parties that will select**
4 **one or more nominees using the official primary ballot under section 2 of this 2019 Act**, for
5 offices to be filled at the general election held in that year.

6 **SECTION 25.** ORS 254.076 is amended to read:

7 254.076. The chief elections officer shall keep a register of candidates for nomination at the
8 primary election. The register, if applicable, shall contain for each major political party, **and for**
9 **each minor political party that will select one or more nominees using the official primary**
10 **ballot under section 2 of this 2019 Act**:

11 (1) The title of each office for which the [major] political party will nominate candidates at the
12 primary election.

13 (2) The name and mailing address of each candidate for nomination at the primary election.

14 (3) The name of the [major] political party with which the candidate is registered as affiliated.

15 (4) The date of filing of the prospective petition for nomination of the candidate.

16 (5) The date of filing of the completed petition for nomination of the candidate, the number of
17 valid signatures contained and the number of signatures required.

18 (6) The date of filing of the declaration of candidacy of the candidate.

19 (7) Such other information as may aid the chief elections officer in arranging the official ballot
20 for the primary election.

21 **SECTION 26.** ORS 254.365 is amended to read:

22 254.365. (1) An elector is not qualified or permitted to vote at any primary election for any
23 candidate of a major political party, **or a minor political party that will select one or more**
24 **nominees using the official primary ballot under section 2 of this 2019 Act**, and it is unlawful
25 for the elector to offer to do so, unless:

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

28 (b) The elector is registered as not being affiliated with any **major** political party **or minor**
29 **political party** and wishes to vote in the primary election of a major political party, **or a minor**
30 **political party that will select one or more nominees using the official primary ballot under**
31 **section 2 of this 2019 Act**, that has provided under subsection (3) of this section for a primary
32 election that admits electors not affiliated with any **qualified** political party.

33 (2) Except as provided in ORS 254.470 (3), any elector offering to vote at the primary election
34 shall be given a ballot of the major political party, **or minor political party that will select one**
35 **or more nominees using the official primary ballot under section 2 of this 2019 Act**, with
36 which the elector is registered as being affiliated. The elector may not be given a ballot of any other
37 political party at that primary election. An elector not affiliated with any political party and offer-
38 ing to vote at the primary election shall be given the ballot of the major political party **or minor**
39 **political party** in whose primary election the elector wishes to vote if that party has provided under
40 subsection (3) of this section for a primary election that admits electors not affiliated with any pol-
41 itical party. An elector not affiliated with any **major** political party **or minor political party** who
42 is given a ballot of the major political party **or minor political party** associates with the party for
43 the purpose of voting in that primary election.

44 (3)(a) Not later than the 90th day before the date of the primary election, a major political
45 party, **or a minor political party that will select one or more nominees using the official pri-**

1 **mary ballot under section 2 of this 2019 Act**, may file with the Secretary of State a certified copy
 2 of the current party rule allowing an elector not affiliated with any political party to vote in the
 3 party's primary election. The party may not repeal the rule as filed during the 90 days before the
 4 primary election. The rule shall continue to be effective after the date of the primary election until
 5 the party gives written notice to the Secretary of State that the rule has been repealed. Except as
 6 provided in paragraph (b) of this subsection, a party rule under this subsection may limit the candi-
 7 dates for whom an elector who is not affiliated with any political party may vote.

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

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

14 **SECTION 27.** ORS 254.370 is amended to read:

15 254.370. The county clerk shall maintain:

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

18 (2) At each primary election, a record of the number of electors who:

19 (a) Voted from each major political party; **and**

20 (b) **Voted from each minor political party that selected one or more nominees using the**
 21 **official primary ballot under section 2 of this 2019 Act;**

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

26 (4) A record of all electors registered as not being affiliated with any political party who vote
 27 in the general election.

28 **SECTION 28.** ORS 254.470, as amended by section 4, chapter 70, Oregon Laws 2018, is amended
 29 to read:

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

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

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

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

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

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

6 (a) The county clerk shall mail the official ballot of a major political party, **or a minor political**
7 **party that will select one or more nominees using the official primary ballot under section**
8 **2 of this 2019 Act**, to each elector who is registered as being affiliated with the [*major*] political
9 party as of the 21st day before the date of the election.

10 (b) The county clerk shall mail the official ballot of a major political party, **or a minor political**
11 **party that will select one or more nominees using the official primary ballot under section**
12 **2 of this 2019 Act**, to an elector not affiliated with any **major** political party **or minor political**
13 **party** if the elector has applied for the ballot as provided in this subsection and that party has
14 provided under ORS 254.365 for a primary election that admits electors not affiliated with any pol-
15 itical party.

16 (c) An elector not affiliated with any **major** political party **or minor political party** who wishes
17 to vote in the primary election of a major political party, **or a minor political party that will**
18 **select one or more nominees using the official primary ballot under section 2 of this 2019**
19 **Act**, shall apply to the county clerk in writing. The application must be completed, signed and
20 submitted by the elector electronically, in person or by mail, in a manner determined by the secre-
21 tary by rule and must indicate [*which*] **the** major political party [*ballot*], **or a minor political party**
22 **that will select one or more nominees using the official primary ballot under section 2 of this**
23 **2019 Act, whose ballot** the elector wishes to receive. Except for electors described in subsection
24 (4) of this section, and subject to ORS 247.203, the application must be received by the county clerk
25 not later than 5 p.m. of the 21st day before the date of the election.

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

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

34 (5) The ballot shall contain the following warning:
35
36

37 Any person who, by use of force or other means, unduly influences an elector to vote in any
38 particular manner or to refrain from voting is subject to a fine.
39

40
41 (6)(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
42 the return identification envelope supplied with the ballot and comply with the instructions provided
43 with the ballot.

44 (b) The elector may return the marked ballot to the county clerk by United States mail or by
45 depositing the ballot at the office of the county clerk, at any place of deposit designated by the

1 county clerk or at any location described in ORS 254.472 or 254.474.

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

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

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

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

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

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

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

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

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

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

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

33 254.555. (1) [*Except as provided in ORS 254.548,*] Not later than the 30th day after any election,
34 the Secretary of State, regarding offices for which the secretary receives filings for nomination,
35 shall:

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

37 (b) Enter in a register of nominations after the primary election the name and, if applicable,
38 major political party **or minor political party** of each candidate nominated, the office for which the
39 candidate is nominated and the date of entry.

40 (c) **Subject to ORS 254.500**, prepare and deliver a certificate of nomination or election to each
41 candidate having the most votes for nomination for or election to the office. The Secretary of State
42 shall sign the certificate under the seal of the state.

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

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

45 (a) The Secretary of State, regarding measures for which the secretary is the filing officer, shall

1 canvass the votes for each measure.

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

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

7 254.565. [*Subject to ORS 254.548,*] The chief city elections officer:

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

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

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

11 (c) If applicable, the name of the major political party **or minor political party** nominating the
 12 candidate.

13 (d) The date of the entry.

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

16 (3) Not later than the 40th day after any election, shall canvass the vote on each city measure,
 17 and if two or more of the approved measures contain conflicting provisions, proclaim which is par-
 18 amount.

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

20 254.575. When two or more candidates for the same office, after a full recount of votes, have an
 21 equal and the highest number of votes:

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

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

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

29 (4) For nomination by one major political party, **or by one minor political party that chose**
 30 **to select its nominee for the office sought by the candidates using the official primary ballot**
 31 **under section 2 of this 2019 Act,** to an office, the elections officer who receives filings for nomi-
 32 nation to the office shall have the candidates meet publicly to decide by lot who is nominated.

33 **SECTION 32.** ORS 171.051, as amended by section 1, chapter 86, Oregon Laws 2018, is amended
 34 to read:

35 171.051. (1) When any vacancy occurs in the Legislative Assembly due to death or recall or by
 36 reason of resignation filed in writing with the Secretary of State or a person is declared disqualified
 37 by the house to which the person was elected, the vacancy shall be filled by appointment if:

38 (a) The vacancy occurs during any session of the Legislative Assembly;

39 (b) The vacancy occurs in the office of a state Representative before the 61st day before the
 40 general election to be held during that term of office;

41 (c) The vacancy occurs in the office of a state Senator before the 61st day before the first gen-
 42 eral election to be held during that term of office;

43 (d) The vacancy occurs in the office of a state Senator at any time after the 62nd day before the
 44 first general election and before the 61st day before the second general election to be held during
 45 that term of office; or

1 (e) A special session of the Legislative Assembly will be convened before a successor to the of-
2 fice can be elected and qualified.

3 (2) The person appointed under the provisions of subsection (1) of this section shall be a citizen
4 qualified to hold the office, an elector of the affected legislative district and a member of the same
5 political party for at least 180 days before the date on which the vacancy occurred. The political
6 affiliation of a person appointed under subsection (1) of this section shall be determined under ORS
7 236.100. The appointment shall be made by the county courts or boards of county commissioners of
8 the affected counties pursuant to ORS 171.060 to 171.064. When the provisions of ORS 171.060 (1)
9 are applicable, the appointment shall be made from a list of not fewer than three nor more than five
10 nominees who have signed written statements indicating that they are willing to serve furnished by
11 the Secretary of State. If fewer than three names of nominees are furnished, a list shall not be
12 considered to have been submitted and the county courts or boards of county commissioners shall
13 fill the vacancy. The vacancy must be filled by appointment within 30 days after its occurrence or
14 not later than the time set for the convening of the special session described in subsection (1)(e) of
15 this section when that is the basis for filling the vacancy.

16 (3) If the appointing authority required by this section to fill the vacancy does not do so within
17 the time allowed, the Governor shall fill the vacancy by appointment within 10 days.

18 (4) Notwithstanding any appointment under the provisions of subsection (1)(c) of this section,
19 when a vacancy occurs in the office of a state Senator before the 61st day before the first general
20 election to be held during that term of office, the remaining two years of the term of office shall
21 be filled by the electors of the affected legislative district at the first general election.

22 (5) Candidates for the remaining two years of the term of office of a state Senator under sub-
23 section (4) of this section shall be nominated as provided in ORS chapter 249, with major political
24 parties, **and minor political parties that filed statements referencing the office of state Sen-
25 ator under section 2 of this 2019 Act**, following the procedure set forth in ORS 249.200, except
26 as follows:

27 (a) A minor political party[,] **that did not file a statement referencing the office of state
28 Senator under section 2 of this 2019 Act, or an** assembly of electors or individual electors, may
29 select a nominee for any vacancy occurring before the 61st day before the first general election; and

30 (b) The Secretary of State shall accept certificates of nomination and notifications of nominees
31 selected at a primary election or by party rule and filed with the secretary pursuant to a schedule
32 for filing set by the Secretary of State but in any case not later than the 62nd day before the first
33 general election.

34 (6) The remaining two years of the term of office of a state Senator under subsection (4) of this
35 section will commence on the second Monday in January following the general election. Any ap-
36 pointment under the provisions of subsection (1)(c) of this section shall expire when a successor to
37 the office is elected and qualified.

38 **SECTION 33.** ORS 248.008 is amended to read:

39 248.008. (1) An affiliation of electors becomes a minor political party in the state, a county or
40 other electoral district, qualified to make nominations for public office in that electoral district and
41 in any other electoral district wholly contained within the electoral district, when the affiliation of
42 electors has acted as described in either paragraph (a) or (b) of this subsection:

43 (a)(A) When the affiliation of electors has filed with the Secretary of State a petition with the
44 signatures of at least a number of **active** electors, **as described in ORS 247.013**, equal to one and
45 one-half percent of the total votes cast in the electoral district for all candidates for Governor at

1 the most recent election at which a candidate for Governor was elected to a full term.

2 (B) The petition must contain only original signatures and must be filed not later than two years
3 following the date the prospective petition is filed. The petition must state the intention to form a
4 new political party and designate a name for the political party.

5 (C) Before circulating the petition, the chief sponsor of the petition must file with the Secretary
6 of State a signed copy of the prospective petition. The chief sponsor must include with the pro-
7 spective petition a statement declaring whether one or more persons will be paid money or other
8 valuable consideration for obtaining signatures of **active** electors on the petition. After the pro-
9 spective petition is filed, the chief sponsor must notify the filing officer not later than the 10th day
10 after the chief sponsor first has knowledge or should have had knowledge that:

11 (i) Any person is being paid for obtaining signatures, when the statement included with the
12 prospective petition declared that no person would be paid for obtaining signatures of **active** elec-
13 tors.

14 (ii) No person is being paid for obtaining signatures, when the statement included with the
15 prospective petition declared that one or more persons would be paid for obtaining signatures of
16 **active** electors.

17 (D) The circulator shall certify on each signature sheet that the circulator witnessed the signing
18 of the signature sheet by each individual whose signature appears on the signature sheet and that
19 the circulator believes each individual is an **active** elector registered in the electoral district.

20 (E) The Secretary of State shall verify whether the petition contains the required number of
21 signatures of **active** electors. The Secretary of State may not accept a petition for filing if it con-
22 tains less than 100 percent of the required number of signatures. The Secretary of State by rule shall
23 designate a statistical sampling technique to verify whether a petition contains the required number
24 of signatures of **active** electors. A petition may not be rejected for the reason that it contains less
25 than the required number of signatures unless two separate sampling processes both establish that
26 the petition lacks the required number of signatures. The second sampling must contain a larger
27 number of signatures than the first sampling. The Secretary of State may employ professional as-
28 sistance to determine the sampling technique. The statistical sampling technique may be the same
29 as that adopted under ORS 250.105.

30 (b) When the affiliation of electors has polled for any one of its candidates for any public office
31 in the electoral district at least one percent of the total votes cast in the electoral district for all
32 candidates for:

33 (A) Presidential elector at the last general election at which candidates for President and Vice
34 President of the United States were listed on the ballot; or

35 (B) Any single state office to be voted upon in the state at large for which nominations by pol-
36 itical parties are permitted by law at the most recent election at which a candidate for the office
37 was elected to a full term.

38 (2) After satisfying either subsection (1)(a) or (b) of this section, the minor political party may
39 nominate candidates for election at the next general election.

40 (3) A filing officer may not accept a certificate of nomination of a candidate nominated by a
41 minor political party for a subsequent general election unless the minor political party has main-
42 tained status as a minor political party as described in subsection (4) of this section.

43 (4) In order to maintain status as a minor political party for a subsequent general election:

44 (a) Following each general election, at any time during the period beginning on the date of the
45 next primary election and ending on the 90th day before the next general election, a number of

1 **active** electors equal to at least one-half of one percent of the total number of registered **active**
2 electors in this state **who are affiliated with a major political party or a minor political party**
3 must be registered as members of the party; or

4 (b)(A) Following each general election, at any time during the period beginning on the date of
5 the next primary election and ending on the 90th day before the next general election, a number
6 of **active** electors equal to at least one-tenth of one percent of the total votes cast in the state or
7 electoral district for all candidates for Governor at the most recent election at which a candidate
8 for Governor was elected to a full term must be registered as members of the party; and

9 (B) At least once in a four-year period, a candidate or candidates of the party must poll at least
10 one percent of the total votes cast in the electoral district for all candidates for:

11 (i) Presidential elector at the last general election at which candidates for President and Vice
12 President of the United States were listed on the ballot; or

13 (ii) Any single state office to be voted upon in the state at large for which nominations by pol-
14 itical parties are permitted by law at the most recent election at which a candidate for the office
15 was elected to a full term.

16 (5) An affiliation of electors that fails to maintain status as a minor political party ceases to be
17 a minor political party on the 90th day before the date of the next general election.

18 (6) During the period beginning on the date of the primary election and ending on the 90th day
19 before the date of the general election, the Secretary of State shall determine at least once each
20 month whether registration requirements to maintain status as a minor political party have been
21 satisfied.

22 (7) If a minor political party changes its name, only those electors who register on or after the
23 effective date of the name change as members of the party under the new party name shall be
24 counted as members of the party.

25 (8) An affiliation of electors or a minor political party may not nominate a candidate who is the
26 nominee of another political party at the same election in order to satisfy the one percent require-
27 ment referred to in subsection (1)(b) or (4)(b)(B) of this section.

28 (9) For purposes of this section, "subsequent general election" means any general election that
29 is held after the first general election following qualification as a minor political party under sub-
30 section (1) of this section.

31 **SECTION 34.** ORS 248.006 is amended to read:

32 248.006. (1) An affiliation of electors becomes a major political party in this state and is qualified
33 to make nominations at a primary election when a number of **active** electors equal to at least five
34 percent of the number of **active** electors registered in this state **who are affiliated with a major**
35 **political party or a minor political party** are registered as members of the party not later than
36 the 275th day before the date of a primary election. An affiliation of electors satisfying the re-
37 quirements of this subsection shall be subject to the provisions of ORS 248.007 on the date the
38 Secretary of State determines the registration requirements are satisfied.

39 (2) The number of electors described in subsection (1) of this section shall be calculated based
40 on the number of electors **who are** registered in this state, **affiliated with a major political party**
41 **or a minor political party** and eligible to vote, as reported on the official abstracts of the election,
42 at the general election immediately preceding the deadline specified in subsection (1) of this section.

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

1 before each primary election.

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

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

14 **SECTION 35.** ORS 171.060 is amended to read:

15 171.060. (1) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator
16 or Representative affiliated with a major political party **or a minor political party** and that va-
17 cancy is to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State
18 forthwith shall notify the person designated by the party to receive such notice. The party shall
19 pursuant to party rule nominate not fewer than three nor more than five qualified persons to fill the
20 vacancy. The nominating procedure shall reflect the principle of one-person, one-vote to accord
21 voting weight in proportion to the number of party members represented. At the request of a party
22 making a nomination, the county clerks of each county constituting the district in which the va-
23 cancy exists shall assist the party in determining the number of electors registered as members of
24 the party in the district. A person shall not be nominated to fill the vacancy unless the person signs
25 a written statement indicating that the person is willing to serve in the office of Senator or Repre-
26 sentative. As soon as the nominees have been appointed, but no later than 20 days after the vacancy
27 occurs, the party shall notify the Secretary of State of the persons nominated. The notification shall
28 be accompanied by the signed written statement of each nominee indicating that the nominee is
29 willing to serve in the office of Senator or Representative. The Secretary of State shall notify the
30 county courts or boards of county commissioners of the counties constituting the district in which
31 the vacancy exists of the nominees and of the number of votes apportioned to each member of the
32 county courts or boards of county commissioners under ORS 171.062 and 171.064. The Secretary of
33 State shall set a time for the meeting of the county courts or boards of county commissioners in
34 order to fill the vacancy and by rule shall establish procedures for the conduct of the meeting. If
35 the district is composed of more than one county, the Secretary of State shall name a temporary
36 chairperson and designate a meeting place within the district where the county courts or boards of
37 county commissioners shall convene for the purpose of filling the vacancy, pursuant to ORS 171.051
38 (2).

39 (2) When any vacancy as is mentioned in ORS 171.051 exists in the office of Senator or Repre-
40 sentative not affiliated with a major political party **or a minor political party** and that vacancy is
41 to be filled by an appointing authority as provided in ORS 171.051, the Secretary of State forthwith
42 shall notify the county courts or boards of county commissioners of the counties constituting the
43 district in which the vacancy occurs of the vacancy and of the number of votes apportioned to each
44 member of the county courts or boards of county commissioners under ORS 171.062 and 171.064. The
45 Secretary of State shall set a time for a meeting of the county courts or boards of county commis-

1 sioners and by rule shall establish procedures for the conduct of the meeting. If the district is
2 composed of more than one county, the Secretary of State shall name a temporary chairperson and
3 designate a meeting place within the district where the county courts or boards of county commis-
4 sioners shall convene for the purpose of appointing a person to fill the vacancy.

5 (3) A written statement signed by a majority of those qualified to vote upon the filling of any
6 vacancy naming the person selected to fill the vacancy and directed to the Secretary of State is
7 conclusive evidence of the filling of the vacancy by the appointing authority named therein.

8 **SECTION 36.** ORS 171.068 is amended to read:

9 171.068. (1) For purposes of ORS 171.060, 171.062 and 171.064, the county court or the board of
10 county commissioners which shall fill the vacancy in the Legislative Assembly in a district created
11 by reapportionment shall be the county court or board of county commissioners of each county any
12 part of which is in the district that is created by the reapportionment and includes the residence
13 from which the former Senator or Representative was elected.

14 (2) **Except as provided in ORS 249.046**, each person nominated by a major political party **or**
15 **a minor political party** to fill a vacancy in the Legislative Assembly occurring as described by ORS
16 171.051 in a district created by reapportionment must be registered to vote in the district from
17 which the former Senator or Representative was elected and must have been a member of the same
18 major political party **or minor political party** at least 180 days before the date the vacancy to be
19 filled occurred.

20 (3) This section shall apply only to a vacancy in the Legislative Assembly occurring after the
21 primary election next following reapportionment and before a person has been elected and qualified
22 to fill the vacancy.

23 **SECTION 37.** ORS 236.215 is amended to read:

24 236.215. (1) When a vacancy occurs in the partisan elective office of county judge who does not
25 exercise judicial functions or county commissioner, the remaining members of the county court or
26 board of county commissioners of the county, pursuant to ORS 236.217, shall appoint a person
27 qualified to hold office who is an elector of the county to perform the duties of the office until the
28 term of office expires or the vacancy is filled by election.

29 (2) When the provisions of ORS 236.217 apply, the appointment shall be made from a list of not
30 fewer than three nor more than five nominees furnished by the county clerks. If fewer than three
31 names of nominees are furnished or if no list is received by the appointing authority, the county
32 court or board of county commissioners may consider additional qualified persons. **Except as pro-**
33 **vided in ORS 249.046**, the person so appointed must have been a member of the same major political
34 party **or minor political party as the person vacating the office** at least 180 days before the date
35 the vacancy to be filled occurred.

36 (3) The vacancy must be filled by appointment within 30 days after its occurrence.

37 **SECTION 38.** ORS 236.217 is amended to read:

38 236.217. When any vacancy under ORS 236.215 exists in any partisan elective office of county
39 judge who does not exercise judicial functions or county commissioner occupied by a member of a
40 major political party **or a minor political party** and that vacancy is to be filled by an appointing
41 authority as provided in ORS 236.215, the major political party **or minor political party** pursuant
42 to party rule shall nominate not fewer than three nor more than five qualified persons to fill the
43 vacancy. The nominating procedure shall reflect the principle of one-person, one-vote to accord
44 voting weight in proportion to the number of party members represented. At the request of a party
45 making a nomination, the county clerk or chief elections officer of the county in which the vacancy

1 exists shall assist the party in determining the number of electors registered as members of the
 2 party in the electoral district. As soon as the nominees have been appointed, but no later than 20
 3 days after the vacancy occurs, the party shall notify the county clerk of the persons nominated. The
 4 county clerk shall notify the remaining members of the county court or board of county commis-
 5 sioners of the county in which the vacancy exists of the nominees.

6 **SECTION 39.** ORS 188.120 is amended to read:

7 188.120. (1) If a vacancy in election or office of Representative in Congress or United States
 8 Senator occurs before the 61st day before the general election, the Governor shall call a special
 9 election to fill that vacancy. If a vacancy in election or office of United States Senator occurs after
 10 the 62nd day before the general election but on or before the general election, and if the term of
 11 that office is not regularly filled at that election, the Governor shall call a special election to fill
 12 the vacancy as soon as practicable after the general election.

13 (2) If a special election to fill the vacancy in election or office of Representative in Congress
 14 or United States Senator is called before the 80th day after the vacancy occurs, each major political
 15 party **or minor political party** shall select its nominee for the office and certify the name of the
 16 nominee to the Secretary of State. The Secretary of State shall place the name of the nominee on
 17 the ballot.

18 (3) If a special election to fill the vacancy in election or office of Representative in Congress
 19 or United States Senator is called after the 79th day after the vacancy occurs, a special primary
 20 election shall be conducted by the Secretary of State for the purpose of nominating a candidate of
 21 each major political party. **A minor political party may nominate a candidate in accordance**
 22 **with the rules of the minor political party.** A declaration of candidacy or nominating petition
 23 may be filed not later than the 10th day following the issuance of the writ of election.

24 **SECTION 40. Sections 41, 42 and 43 of this 2019 Act are added to and made a part of ORS**
 25 **chapter 254.**

26 **SECTION 41.** (1) **A person who wishes to be nominated or elected to a public office by**
 27 **write-in votes must file with the filing officer a declaration of write-in candidacy. The dec-**
 28 **laration shall be made on a form designed by the Secretary of State by rule and must be filed**
 29 **no later than 8 p.m. on the date of the election. The form designed by the secretary must**
 30 **require that the person:**

31 (a) **Attest that the person is legally qualified to assume the duties of the public office;**
 32 **and**

33 (b) **Provide the electronic mail address of the person.**

34 (2)(a) **If, prior to tallying any votes, the filing officer determines that the person filing**
 35 **the declaration meets the qualifications to assume the duties of the public office, the filing**
 36 **officer shall ensure that the county clerk tallies any write-in votes cast for the person.**

37 (b) **If, prior to tallying any votes, the filing officer determines that the person filing the**
 38 **declaration does not meet the qualifications to assume the duties of the public office, the**
 39 **county clerk may not tally any write-in votes cast for the person.**

40 (c) **If the filing officer or county clerk chooses to tally all votes before making a deter-**
 41 **mination under this subsection, the filing officer shall ensure that if the winner of the**
 42 **nomination is a write-in candidate, the winner meets the qualifications to assume the duties**
 43 **of the public office. The filing officer is not required to check the qualifications for write-in**
 44 **candidates who will not receive the nomination.**

45 (3) **As used in this section, "filing officer" has the meaning given that term in ORS**

1 **254.165.**

2 **SECTION 42.** (1) Not later than the 180th day before the date of the primary election, a
3 major political party or a minor political party may file a party rule with the Secretary of
4 State requiring that a write-in candidate obtain a minimum vote threshold in order to secure
5 the nomination of the political party.

6 (2) Any threshold identified in a party rule submitted under subsection (1) of this section
7 must apply equally to all persons receiving write-in votes for the same office.

8 (3) If a political party files a party rule under subsection (1) of this section, the party rule
9 shall remain in effect for all future primary elections unless the political party withdraws
10 the party rule prior to the 180th day before the date of a primary election.

11 **SECTION 43.** (1) Following a primary election, each county in this state shall submit a
12 certified statement to the Oregon Department of Administrative Services that sets forth the
13 total cost of the time required for the county to design ballots for the primary election.

14 (2) The department shall reimburse the county a percentage of the costs identified in
15 subsection (1) of this section. The percentage shall be calculated by:

16 (a) Dividing the number of minor political parties that required a primary ballot to be
17 designed by the county clerk by the total number of major political parties and minor poli-
18 tical parties that required a primary ballot to be designed by the county clerk; and

19 (b) Multiplying the result identified in paragraph (a) of this subsection by 100.

20 **SECTION 44.** ORS 254.500 is amended to read:

21 254.500. (1) This section governs the tally of votes cast for persons whose names were not
22 printed on the ballot but are written in by electors.

23 (2) **The county clerk shall tally votes cast for write-in candidates in the manner set forth**
24 **in section 41 of this 2019 Act.** All such write-in votes for each office on the ballot shall be tallied
25 together, except as follows:

26 (a) If the total number of write-in votes for candidates for the same nomination or office equals
27 or exceeds the number of votes cast for any candidate for the same nomination or office on the
28 ballot who appears to have been nominated or elected, the county clerk shall tally all write-in votes
29 cast for the office to show the total number of votes cast for each write-in candidate.

30 (b) If no names of candidates are printed on the ballot for an office, the county clerk shall tally
31 the votes cast for each candidate for the office who received a vote.

32 [(2)] (3) No person other than the county clerk, a member of a counting board or any other
33 elections official designated by the county clerk may tally write-in votes.

34 **SECTION 45. ORS 254.548 is repealed.**

35 **SECTION 46.** ORS 254.545 is amended to read:

36 254.545. [*Subject to ORS 254.548,*] The county clerk:

37 (1) As soon as possible after any election, shall prepare abstracts of votes. The abstract for
38 election of Governor shall be on a sheet separate from the abstracts for other offices and measures.

39 (2) On completion of the abstracts, shall record a complete summary of votes cast in the county
40 for each office, candidate for office and measure. The county clerk shall sign and certify this record.

41 (3) Not later than the 20th day after the election, shall deliver a copy of the abstracts for other
42 than county offices to the appropriate elections officials. The abstract for election of Governor shall
43 be delivered separately to the Secretary of State as provided in [*section 4,*] Article V, **section 4,**
44 Oregon Constitution.

45 (4) Not later than the 30th day after the election, shall proclaim which county measure is par-

1 amount, if two or more approved county measures contain conflicting provisions.

2 (5) **Subject to ORS 254.500**, shall prepare and deliver a certificate of nomination or election to
 3 each candidate having the most votes for nomination for or election to county or precinct offices.

4 (6) Shall prepare, and file with the county governing body, a certificate stating the compensation
 5 to which the board clerks are entitled. The county governing body shall order the compensation paid
 6 by county funds.

7 (7) As soon as possible after any election, shall send electronically the results of the election
 8 in each precinct to the Secretary of State.

9 **SECTION 47.** ORS 255.295, as amended by section 10, chapter 70, Oregon Laws 2018, is
 10 amended to read:

11 255.295. (1) Not later than the 20th day after the date of an election, the elections officer shall
 12 prepare an abstract of the votes and deliver it to the district elections authority. Not later than the
 13 45th day after the date of an election, the district elections authority shall determine from it the
 14 result of the election.

15 (2) [*Subject to ORS 254.548,*] The elections officer may issue a certificate of election only after
 16 the district elections authority has notified the elections officer in writing of the result of the
 17 election.

18 **SECTION 48.** ORS 249.072, as amended by section 12, chapter 70, Oregon Laws 2018, is
 19 amended to read:

20 249.072. (1) If the nonpartisan office is to be voted for in the state at large, the nominating pe-
 21 tition shall contain at least [*1,000*] **200** signatures of electors, or a number of signatures of electors
 22 equal to at least one percent of the vote cast in the state for all candidates for Governor at the
 23 most recent election at which a candidate for Governor was elected to a full term, whichever is less.
 24 The signatures shall include those of electors registered in each of at least five percent of the pre-
 25 cincts in each of at least seven counties.

26 (2) The nominating petition for a nonpartisan office not provided for in subsection (1) of this
 27 section shall contain at least [*500*] **200** signatures of electors in the electoral district, or a number
 28 of signatures of electors equal to at least one percent of the vote cast in the electoral district for
 29 all candidates for Governor at the most recent election at which a candidate for Governor was
 30 elected to a full term, whichever is less. In addition:

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

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

40 **SECTION 49. This 2019 Act takes effect on the 91st day after the date on which the 2019**
 41 **regular session of the Eightieth Legislative Assembly adjourns sine die.**