

Senate Bill 895

Sponsored by Senator ROBLAN

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**.

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. Prohibits county clerk from tallying write-in votes cast for person who does not qualify.

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

A BILL FOR AN ACT

1
2 Relating to write-in votes; creating new provisions; amending ORS 254.500, 254.545, 254.555, 254.565
3 and 255.295; and repealing ORS 254.548.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 254.**

6 **SECTION 2. (1) A person who wishes to be nominated or elected to a public office by**
7 **write-in votes must file with the filing officer a declaration of write-in candidacy. The dec-**
8 **laration shall be made on a form designed by the Secretary of State by rule and must be filed**
9 **no later than 8 p.m. on the date of the election. The form designed by the secretary must**
10 **require that the person:**

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

12 (b) **Request that the county clerk count any write-in votes received by the write-in can-**
13 **didate; and**

14 (c) **State that the write-in candidate will serve if elected to the public office.**

15 (2) **Upon receipt of a complete declaration of write-in candidacy timely filed under sub-**
16 **section (1) of this section, the filing officer shall ensure that the county clerk tallies any**
17 **write-in votes cast for the person.**

18 (3) **As used in this section, "filing officer" has the meaning given that term in ORS**
19 **254.165.**

20 **SECTION 3. 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 only those write-in votes that were cast for persons who**
24 **have timely filed a complete declaration of write-in candidacy under section 2 of this 2019**
25 **Act. [All such write-in votes for each office on the ballot shall be tallied 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 ballot*
28 *who appears to have been nominated or elected, the county clerk shall tally all write-in votes cast for*
29 *the office to show the total number of votes cast for each write-in candidate.]*

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

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

5 **SECTION 4. ORS 254.548 is repealed.**

6 **SECTION 5.** ORS 254.545 is amended to read:

7 254.545. [*Subject to ORS 254.548,*] The county clerk:

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

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

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

16 (4) Not later than the 30th day after the election, shall proclaim which county measure is par-
 17 amount, if two or more approved county measures contain conflicting provisions.

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

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

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

25 **SECTION 6.** ORS 254.555 is amended to read:

26 254.555. (1) [*Except as provided in ORS 254.548,*] Not later than the 30th day after any election,
 27 the Secretary of State, regarding offices for which the secretary receives filings for nomination,
 28 shall:

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

30 (b) Enter in a register of nominations after the primary election the name and, if applicable,
 31 major political party of each candidate nominated, the office for which the candidate is nominated
 32 and the date of entry.

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

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

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

38 (a) The Secretary of State, regarding measures for which the secretary is the filing officer, shall
 39 canvass the votes for each measure.

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

44 **SECTION 7.** ORS 254.565 is amended to read:

45 254.565. [*Subject to ORS 254.548,*] The chief city elections officer:

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

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

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

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

5 (d) The date of the entry.

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

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

11 **SECTION 8.** ORS 255.295, as amended by section 10, chapter 70, Oregon Laws 2018, is amended
12 to read:

13 255.295. (1) Not later than the 20th day after the date of an election, the elections officer shall
14 prepare an abstract of the votes and deliver it to the district elections authority. Not later than the
15 45th day after the date of an election, the district elections authority shall determine from it the
16 result of the election.

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

20 **SECTION 9. Section 2 of this 2019 Act, the amendments to ORS 254.500, 254.545, 254.555,**
21 **254.565 and 255.295 by sections 3 and 5 to 8 of this 2019 Act and the repeal of ORS 254.548 by**
22 **section 4 of this 2019 Act apply to write-in votes cast on or after the effective date of this**
23 **2019 Act.**

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