

Requested by Senator BURDICK

**PROPOSED AMENDMENTS TO
SENATE BILL 224**

1 On page 1 of the printed bill, line 2, after “elections;” insert “creating
2 new provisions;” and after “ORS” delete the rest of the line and delete lines
3 3 through 5 and insert “171.062, 246.021, 247.013, 247.940, 247.945, 247.965,
4 248.015, 248.017, 248.023, 248.024, 248.026, 248.029, 248.033, 248.035, 248.043,
5 249.013, 249.035, 249.037, 249.068, 249.072, 249.078, 249.865, 253.540, 253.565,
6 254.155, 255.012 and 260.993 and section 1, chapter 119, Oregon Laws 2016;
7 repealing ORS 248.010 and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
8 15 and 16, chapter 70, Oregon Laws 2019 (Enrolled House Bill 2491); and
9 prescribing an effective date.”.

10 Delete lines 7 through 18 and delete pages 2 through 25 and insert:

11 **“SECTION 1. ORS 247.013 is amended to read:**

12 “247.013. (1) A qualified person shall be considered registered to vote in
13 a county when the person’s first registration in the county occurs as de-
14 scribed in ORS 247.012.

15 “(2) An elector who changes residence address from the county in which
16 the elector is registered to a different county within the state, in order to
17 vote in an election, must be an elector registered in the county in which the
18 new residence address of the elector is located.

19 “(3) If there is a change in any information required for registration un-
20 der this chapter, and the elector has not changed residence address to an-
21 other county, the registration of the elector may be updated as provided in

1 this chapter.

2 “(4) Notwithstanding subsections (2) and (3) of this section, if an elector
3 changes residence address from the county in which the elector is registered
4 to a different county within the state, the elector need not register again if
5 the registration of the elector is updated.

6 “(5) If the county clerk does not have evidence of a change in any infor-
7 mation required for registration under this chapter for an elector, the regis-
8 tration of the elector shall be considered active.

9 “(6) The registration of an elector shall be considered inactive if:

10 “(a) The county clerk has received evidence that there has been a change
11 in the information required for registration under this chapter [*or the elector*
12 *has neither voted nor updated the registration for a period of not less than five*
13 *years*]; and

14 “(b) The county clerk has mailed the notice described in ORS 247.563.

15 “[*(7) The registration of an elector shall not be moved to an inactive file*
16 *during the 60-day period prior to any election because the elector has neither*
17 *voted nor updated the registration for a period of not less than five years.*]

18 “[*(8)*] (7) The inactive registration of an elector must be updated before
19 the elector may vote in an election.

20 “**SECTION 2.** ORS 253.540 is amended to read:

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

26 “(2) An application for a ballot by a military or overseas elector shall be
27 made in the form of a written request **and may be submitted by mail,**
28 **electronic mail, a facsimile machine or other means identified by the**
29 **Secretary of State by rule.** The application shall be valid for every subse-
30 quent election until the elector otherwise notifies the clerk or is no longer

1 an elector of the county. The application shall be signed by the applicant
2 and contain:

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

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

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

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

10 “(e) A statement of the facts that qualify the applicant as a military or
11 overseas elector or as the spouse or a dependent of a military or overseas
12 elector;

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

16 “(g) If the applicant desires to vote in a primary election, a designation
17 of the applicant’s political party affiliation or a statement that the applicant
18 is not affiliated with any political party. An applicant not affiliated with any
19 political party may request a ballot for a major political party. The applicant
20 shall be sent the ballot for the political party that the applicant requested
21 if that political party has provided under ORS 254.365 for a primary election
22 that admits electors not affiliated with any political party.

23 **“SECTION 3.** ORS 253.565 is amended to read:

24 “253.565. (1) Any military or overseas elector may secure a special ballot
25 for a primary election or general election by making an application under
26 this section if the elector believes that:

27 “(a) The elector will be residing, stationed or working outside the terri-
28 torial limits of the United States and the District of Columbia; and

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

1 “(2) A military or overseas elector shall make the application for a special
2 ballot in the form of a written request, **which may be submitted by mail,**
3 **electronic mail, a facsimile machine or other means identified by the**
4 **Secretary of State by rule.** The elector shall submit the application before
5 the date of the applicable election to the clerk of the county of the military
6 or overseas elector’s residence or to the Secretary of State. If the application
7 is addressed to the Secretary of State, the secretary shall forward it to the
8 appropriate county clerk. The application shall be signed by the applicant
9 and contain:

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

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

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

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

16 “(e) A statement that for more than 20 days preceding the election the
17 applicant’s home residence has been in this state, and giving the address of
18 the last home residence;

19 “(f) A statement of the facts that qualify the applicant as a military or
20 overseas elector or as the spouse or a dependent of a military or overseas
21 elector;

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

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

27 “(i) If the applicant requests a ballot for a primary election, a designation
28 of the applicant’s political party affiliation or a statement that the applicant
29 is not affiliated with any political party. An applicant not affiliated with any
30 political party may request a ballot for a major political party. The appli-

1 cant shall be sent the ballot for the political party that the applicant re-
2 quested if that political party has provided under ORS 254.365 for a primary
3 election that admits electors not affiliated with any political party.

4 “(3) An application for a special ballot shall be valid only for the election
5 specified in the application.

6 “(4) The county clerk shall list on the special ballot the offices and
7 measures scheduled to appear on the regular ballot, if known when the ballot
8 is prepared, and provide space in which the elector may write in the elector’s
9 preference.

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

13 **“SECTION 4.** ORS 246.021 is amended to read:

14 “246.021. (1) Except as provided in ORS 247.012 and subsection (2) of this
15 section, an election document and an accompanying payment of fees required
16 to be filed with the Secretary of State, county clerk or other filing officer
17 must be delivered to and actually received at the office of the designated
18 officer not later than 5 p.m. of the day the document or fee is due or, if the
19 day due is a Saturday, Sunday or holiday, on the next business day.

20 “(2) If, at 5 p.m. of the day an election document is due, an individual is
21 physically present in the office of the secretary, county clerk or other filing
22 officer and in line waiting to deliver the document, the individual is con-
23 sidered to have begun the act of delivering the document and is permitted
24 to file it.

25 “(3) Except as provided in ORS **253.540, 253.565 and** 253.690, any election
26 document required to be filed with the filing officer other than ballots, voter
27 registration cards or petitions requiring signatures of electors may also be
28 filed by means of an electronic facsimile transmission machine or electronic
29 mail. If an election document is required to be filed by a specified time, the
30 entire document must be received at the office of the filing officer not later

1 than 5 p.m. of the day the document is due or, if the day due is a Saturday,
2 Sunday or holiday, on the next business day.

3 “(4) Notwithstanding any provision of subsections (1) to (3) of this sec-
4 tion, if a statement is required to be filed electronically under ORS 260.057:

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

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

11 “(5) As used in this section, ‘election document’ includes, but is not lim-
12 ited to, a declaration of candidacy for nomination for public or political
13 party office, completed nominating petitions, statements and portraits for
14 voters’ pamphlets, statements of election campaign contributions and ex-
15 penditures, and initiative, referendum or recall petitions.

16 “**SECTION 5.** ORS 247.940 is amended to read:

17 “247.940. (1) [*Not later than the 21st day before any primary election, gen-
18 eral election or special congressional election,*] A major political party quali-
19 fied under ORS 248.006 [*or its affiliate within the county*] or a minor political
20 party qualified under ORS 248.008 may request from the [*county clerk*] **Sec-**
21 **retary of State** a **statewide** list of [*active*] electors, as described in ORS
22 **247.945 (4)** [*247.013, of the county. Except as provided in this section, the list
23 shall contain the name, party affiliation, residence or mailing address and
24 precinct name or number of each active elector and shall be arranged in groups
25 by election precinct*]. The list may not contain any information about partic-
26 ipants in the Address Confidentiality Program established under ORS 192.820
27 to 192.868 **or any information that may not be publicly disclosed under
28 section 21, chapter 70, Oregon Laws 2018.** A major political party [*or its
29 affiliate within the county*] or a minor political party may make no more than
30 two separate requests under this subsection **per primary election, general**

1 **election or special election.**

2 “(2) A request for a list under subsection (1) of this section must
3 **be made:**

4 “(a) Not earlier than six months before the primary election, gen-
5 **eral election or special election; and**

6 “(b) Not later than the 15th day before the primary election, general
7 **election or special election.**

8 “[2] (3) If the [county clerk] **Secretary of State** receives a request under
9 subsection (1) of this section, the [clerk] **secretary** shall deliver the list not
10 later than[:]

11 “[a) Ten] **10** days after receiving the request.[: or]

12 “[b) The date requested, provided that the date requested is more than 10
13 days after the request was made and at least 10 days before the date of any
14 primary election, general election or special congressional election.]

15 “[3] (4) The [county clerk] **Secretary of State** may not charge for
16 preparation or delivery of the list supplied under this section.

17 **“SECTION 6.** ORS 247.945 is amended to read:

18 “247.945. (1) The county clerk, upon request before the 45th day before a
19 primary, general or special election, shall deliver to any person a list of
20 electors. The list may not contain any information about participants in the
21 Address Confidentiality Program established under ORS 192.820 to 192.868
22 **or any information that may not be publicly disclosed under section**
23 **21, chapter 70, Oregon Laws 2018.** The lists shall be prepared in the man-
24 ner requested, limited only to the capabilities of the Secretary of State or
25 the county clerk.

26 “(2) The county clerk shall collect and pay into the county treasury a
27 charge for the actual cost of supplying lists under subsection (1) of this
28 section.

29 “(3) The county clerk shall keep a record of all persons to whom a list
30 of electors is delivered under this section.

1 “(4) Upon request, the Secretary of State shall deliver to any person a
2 statewide list of electors. **Except as provided in ORS 247.940 (4)**, the sec-
3 retary shall charge a fee of \$500 for delivering a list under this subsection.
4 The list may not contain any information about participants in the Address
5 Confidentiality Program established under ORS 192.820 to 192.868 **or any**
6 **information that may not be publicly disclosed under section 21,**
7 **chapter 70, Oregon Laws 2018.**

8 **“SECTION 7.** ORS 247.965 is amended to read:

9 “247.965. (1) Any elector may request the county clerk to keep the resi-
10 dence address of the elector exempt from disclosure as a public record under
11 ORS 192.311 to 192.478.

12 “(2) The county clerk shall keep the residence address of an elector ex-
13 empt from disclosure as a public record under ORS 192.311 to 192.478 if the
14 elector making the request demonstrates to the satisfaction of the county
15 clerk that the elector’s personal safety or the safety of any family member
16 residing with the elector is in danger if the elector’s address remains avail-
17 able for public inspection.

18 “(3) The county clerk shall automatically mail a ballot to an elector
19 whose residence address is exempt from disclosure under this section.

20 “(4) An exemption from disclosure granted under this section shall remain
21 in effect until the elector requests termination of the exemption or the
22 elector is required to update the elector’s registration. If the elector is re-
23 quired to update the elector’s registration, the elector may apply for another
24 exemption from disclosure.

25 “(5) An exemption from disclosure granted under this section includes an
26 exemption from disclosure of the residence address of an elector under ORS
27 247.940 or 247.945.

28 “(6) A county clerk **or the Secretary of State** shall not be held liable
29 for:

30 “(a) Granting or denying an exemption from disclosure under this section;

1 or

2 “(b) Any unauthorized release of a residence address granted an ex-
3 emption from disclosure under this section.

4 “**SECTION 8.** ORS 254.155, as amended by section 11, chapter 70, Oregon
5 Laws 2018, is amended to read:

6 “254.155. (1) Not later than the 69th day before the date of any election
7 the Secretary of State shall complete a random ordering of the letters of the
8 alphabet.

9 “(2) Not later than the 68th day before the date of any election the Sec-
10 retary of State shall mail or deliver to each county clerk a copy of the ran-
11 dom ordering of the letters of the alphabet.

12 “(3) The county clerk shall arrange by surname the names of the candi-
13 dates on the ballot in the random order of the letters of the alphabet com-
14 pleted by the Secretary of State under subsection (1) of this section.

15 “(4) The requirements of this section **apply only if at least one con-**
16 **tested candidate race** *[do not apply to any election in which only one can-*
17 *didate]* will be on the ballot.

18 “**SECTION 9.** ORS 171.062 is amended to read:

19 “171.062. (1) When a legislative district in which a vacancy occurs en-
20 compasses two or more counties, each county shall be entitled to one vote
21 for each 1,000 of its electors or major fraction thereof residing within the
22 legislative district at the time **when either the office becomes vacant, or**
23 **a resignation becomes binding under ORS 236.325, whichever occurs**
24 **first** *[vacancy occurs]*. However, any county having electors in the district
25 shall be entitled to at least one vote.

26 “(2) A major fraction of electors shall be a number greater than 500 but
27 less than 1,000.

28 “**SECTION 10.** ORS 255.012 is amended to read:

29 “255.012. As used in this chapter, ‘district’ means:

30 “(1) A domestic water supply district organized under ORS chapter 264.

- 1 “(2) A cemetery maintenance district organized under ORS chapter 265.
- 2 “(3) A park and recreation district organized under ORS chapter 266.
- 3 “(4) A mass transit district organized under ORS 267.010 to 267.390.
- 4 “(5) A transportation district organized under ORS 267.510 to 267.650.
- 5 “(6) A metropolitan service district organized under ORS chapter 268.
- 6 “(7) A translator district organized under ORS 354.605 to 354.715.
- 7 “(8) A library district organized under ORS 357.216 to 357.286.
- 8 “(9) A county road district organized under ORS 371.055 to 371.110.
- 9 “(10) A special road district organized under ORS 371.305 to 371.360.
- 10 “(11) A road assessment district organized under ORS 371.405 to 371.535.
- 11 “(12) A highway lighting district organized under ORS chapter 372.
- 12 “(13) A health district organized under ORS 440.305 to 440.410.
- 13 “(14) A sanitary district organized under ORS 450.005 to 450.245.
- 14 “(15) A sanitary authority, water authority or joint water and sanitary
15 authority organized under ORS 450.600 to 450.989.
- 16 “(16) A county service district organized under ORS chapter 451.
- 17 “(17) A vector control district organized under ORS 452.020 to 452.170.
- 18 “(18) A rural fire protection district organized under ORS chapter 478.
- 19 “(19) An airport district organized under ORS chapter 838.
- 20 “(20) A geothermal heating district organized under ORS chapter 523.
- 21 “(21) A water improvement district organized under ORS chapter 552.
- 22 “(22) A water control district organized under ORS chapter 553.
- 23 “(23) A weather modification district organized under ORS 558.200 to
24 558.440.
- 25 “(24) A livestock district organized under ORS 607.005 to 607.051.
- 26 “(25) A port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.
- 27 “(26) The Port of Portland established by ORS 778.010.
- 28 “(27) A school district.
- 29 “(28) Territory, other than territory within a city, proposed to be created,
30 formed or incorporated into a district or to be annexed or otherwise added

1 to a district.

2 “(29) A soil and water conservation district organized under ORS 568.210
3 to 568.810 and 568.900 to 568.933.

4 “(30) A heritage district organized under ORS 358.442 to 358.474.

5 “(31) A radio and data district organized under ORS 403.500 to 403.542.

6 “(32) A sand control district organized under ORS 555.500 to 555.535.

7 “**(33) A community college district formed under ORS chapter 341.**

8 “**(34) A 9-1-1 communications district organized under ORS 403.300**
9 **to 403.380.**

10 “**SECTION 11.** ORS 260.993 is amended to read:

11 “260.993. (1) The penalty for violation of ORS 260.532 is limited to that
12 provided in ORS 260.532 (6) and (8).

13 “(2) Violation of ORS 247.125 (1), 247.171 (5), 247.420 (2), 253.710, 260.402,
14 260.555, 260.558, 260.575, 260.645 or 260.665 (2) or (3) involving any action
15 described in ORS 260.665 (2)(d) to (f) or 260.715 is a Class C felony.

16 “(3) Violation of ORS 260.695 [(4)] **(3)** is a Class A misdemeanor.

17 “(4) Violation of ORS 247.171 (6) is a Class C misdemeanor.

18 “**SECTION 12.** ORS 249.068, as amended by section 13, chapter 70, Oregon
19 Laws 2018, is amended to read:

20 “249.068. (1) Except as otherwise provided for a candidate for nonpartisan
21 office in ORS 249.072:

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

30 “(b) For an election next following any change in the boundaries of a

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

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

9 “(d) If the office is one to be voted for in the state at large, the signatures
10 shall include those of **at least 100** electors registered in **each congressional**
11 **district** [*at least five percent of the precincts in each of at least seven counties.*
12 *If the office is one to be voted for in a congressional district the signatures*
13 *shall include those of electors registered in at least five percent of the precincts*
14 *in each of at least one-fourth of the counties in the congressional district].*

15 “(2) Except as otherwise provided in this section or for a candidate for
16 nonpartisan office in ORS 249.072:

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

23 “(b) In the case of major political party candidates for the office of state
24 Senator or state Representative, for an election next following any change
25 in the boundaries of the districts of state Senators or state Representatives
26 under Article IV, section 6, of the Oregon Constitution, there shall be at
27 least 500 signatures or the number of signatures at least equal to two percent
28 of the average number of votes cast in all state senatorial or state repre-
29 sentative districts in this state, as the case may be, for the candidates of that
30 major political party for presidential electors at the last presidential

1 election, whichever is less; **and**

2 “(c) In the case of a candidate nominated by a major political party that
3 did not nominate presidential electors at the last presidential election, there
4 shall be at least 500 signatures[;].

5 “[*(d) If the office under this subsection is to be voted for in more than one*
6 *county, the signatures shall include those of electors registered in at least two*
7 *counties encompassed by the electoral district, and the signatures from each*
8 *such county shall include those of electors registered in at least six percent of*
9 *the precincts of the electoral district that are located within that county. If six*
10 *percent of the precincts of the electoral district in one of the counties or portion*
11 *thereof does not constitute a whole precinct, the nominating petition shall*
12 *contain signatures from at least one precinct in that county; and]*

13 “[*(e) If the office is to be voted for in only one county or in a city, the sig-*
14 *natures shall include those of electors registered in at least 10 percent of the*
15 *precincts in the electoral district.]*

16 “**SECTION 13.** ORS 249.072, as amended by section 12, chapter 70, Oregon
17 Laws 2018, is amended to read:

18 “249.072. (1) If the nonpartisan office is to be voted for in the state at
19 large, the nominating petition shall contain at least 1,000 signatures of
20 electors, or a number of signatures of electors equal to at least one percent
21 of the vote cast in the state for all candidates for Governor at the most re-
22 cent election at which a candidate for Governor was elected to a full term,
23 whichever is less. The signatures shall include those of **at least 100** electors
24 registered in each **congressional district** [*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
27 subsection (1) of this section shall contain at least 500 signatures of electors
28 in the electoral district, or a number of signatures of electors equal to at
29 least one percent of the vote cast in the electoral district for all candidates
30 for Governor at the most recent election at which a candidate for Governor

1 was elected to a full term, whichever is less. *[In addition:]*

2 “*[(a) If an office under this subsection is to be voted for in more than one*
3 *county, the signatures shall include those of electors registered in at least two*
4 *counties encompassed by the electoral district, and the signatures from each*
5 *such county shall include those of electors registered in at least six percent of*
6 *the precincts of the electoral district that are located within that county. If six*
7 *percent of the precincts of the electoral district in one of the counties or portion*
8 *thereof does not constitute a whole precinct, the nominating petition shall*
9 *contain signatures from at least one precinct in that county.]*

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

13 **“SECTION 14. ORS 249.078 is amended to read:**

14 “249.078. (1) The name of a candidate for a major political party nomi-
15 nation for President of the United States shall be printed on the ballot only:

16 “(a) By direction of the Secretary of State who in the secretary’s sole
17 discretion has determined that the candidate’s candidacy is generally advo-
18 cated or is recognized in national news media; or

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

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

1 “(3) Before circulating the nominating petition, the chief sponsor shall
2 file with the Secretary of State a signed copy of the prospective petition. The
3 chief sponsor shall include with the prospective petition a statement declar-
4 ing whether one or more persons will be paid money or other valuable con-
5 sideration for obtaining signatures of electors on the petition. After the
6 prospective petition is filed, the chief sponsor shall notify the Secretary of
7 State not later than the 10th day after the chief sponsor first has knowledge
8 or should have had knowledge that:

9 “(a) Any person is being paid for obtaining signatures, when the state-
10 ment included with the prospective petition declared that no such person
11 would be paid.

12 “(b) No person is being paid for obtaining signatures, when the statement
13 included with the prospective petition declared that one or more such per-
14 sons would be paid.

15 **“SECTION 15.** ORS 249.865 is amended to read:

16 “249.865. (1) Pursuant to [*section 18,*] Article II, **section 18**, of the Oregon
17 Constitution, an elector of the electoral district from which the public officer
18 is elected may file a petition demanding the recall of the public officer. **The**
19 **production and circulation of the petition must conform to the re-**
20 **quirements governing recall petitions set forth in ORS 250.048 and**
21 **250.052.** Before the petition is circulated for signatures, the chief petitioner
22 of the petition shall file with the officer authorized to order the recall
23 election a copy of the prospective petition signed by the chief petitioner.

24 “(2) The chief petitioner shall include with the prospective petition a
25 statement declaring whether one or more persons will be paid money or other
26 valuable consideration for obtaining signatures of electors on the recall pe-
27 tition. After the prospective petition is filed, the chief petitioner shall notify
28 the filing officer not later than the 10th day after the chief petitioner first
29 has knowledge or should have had knowledge that:

30 “(a) Any person is being paid for obtaining signatures, when the state-

1 ment included with the prospective petition declared that no such person
2 would be paid.

3 “(b) No person is being paid for obtaining signatures, when the statement
4 included with the prospective petition declared that one or more such per-
5 sons would be paid.

6 “(3) Each sheet of the recall petition must contain:

7 “(a) The words ‘Petition for recall of,’ (name and title of officer) and the
8 date of the filing under subsection (1) of this section; and

9 “(b) The name and address of [*the treasurer or*] the chief petitioner listed
10 on the statement of organization filed under ORS 260.118.

11 “(4) Not more than 20 signatures on each sheet of the recall petition shall
12 be counted. The circulator shall certify on each signature sheet that the
13 circulator:

14 “(a) Witnessed the signing of the signature sheet by each individual
15 whose signature appears on the signature sheet; and

16 “(b) Believes each individual is an elector.

17 “(5) Any intentional or willful violation of subsection (1) or (2) of this
18 section by a chief petitioner of the recall petition [*or by the treasurer*] listed
19 on the statement of organization filed under ORS 260.118 invalidates the
20 prospective petition before it is circulated for signatures.

21 **“SECTION 16. Sections 17 and 18 of this 2019 Act are added to and
22 made a part of ORS chapter 248.**

23 **“SECTION 17. (1) Subject to ORS 248.015 (4), a person may partic-
24 ipate as a write-in candidate for precinct committeeperson by filing
25 with the county elections official a declaration of write-in candidacy.
26 The declaration shall be made on a form prescribed by the Secretary
27 of State by rule and must be filed no later than 8 p.m. on the date of
28 the election. The form prescribed by the secretary must require that
29 the person:**

30 **“(a) States that the person will serve as a precinct committeeperson**

1 **if elected;**

2 **“(b) Requests that the county elections official count any write-in**
3 **votes received by the write-in candidate; and**

4 **“(c) Attests that the person is legally qualified to serve as a precinct**
5 **committeeperson.**

6 **“(2) Upon receipt of the form filed under subsection (1) of this sec-**
7 **tion, the county elections official shall determine whether the person**
8 **meets the qualifications to serve as a precinct committeeperson. If the**
9 **county elections official determines that the person meets the quali-**
10 **fications, the county elections official shall record the write-in votes**
11 **received by the person during that election.**

12 **“(3) If no person qualifies as a candidate or write-in candidate for**
13 **a position of precinct committeeperson, that position shall be vacant.**

14 **“SECTION 18. (1) An elector may nominate a separate elector as a**
15 **write-in candidate for the office of precinct committeeperson if the**
16 **elector making the nomination submits, not later than 8 p.m. on the**
17 **date of the primary election, a write-in nomination on a form pre-**
18 **scribed by the Secretary of State by rule. The write-in nomination**
19 **shall:**

20 **“(a) Certify that both the elector making the nomination and the**
21 **write-in candidate:**

22 **“(A) Are members of the same major political party; and**

23 **“(B) Reside in the same county and within the same district**
24 **boundary for the House of Representatives listed in ORS 188.290.**

25 **“(b) Request that the county elections official count any write-in**
26 **votes received by the write-in candidate.**

27 **“(2) An elector who is nominated as a write-in candidate under this**
28 **section is not eligible for election to the office of precinct committee-**
29 **person unless:**

30 **“(a) The write-in candidate meets the qualifications set forth in**

1 **ORS 248.015 (4); and**

2 **“(b) The write-in candidate receives three or more votes.**

3 **“SECTION 19.** ORS 249.035 is amended to read:

4 “249.035. A nominating petition, **write-in form prepared under section**
5 **17 or 18 of this 2019 Act** or declaration of candidacy relating to a candidate
6 for:

7 “(1) State office, United States Senator or Representative in Congress
8 shall be filed with the Secretary of State.

9 “(2) County office or precinct committeeperson shall be filed with the
10 county [*clerk*] **elections official**.

11 “(3) City office shall be filed with the chief city elections officer.

12 “(4) Any elected office of a metropolitan service district under ORS
13 chapter 268 shall be filed with the county [*clerk*] **elections official** of the
14 county in which the administrative office of the district is located.

15 “(5) Any other office shall be filed under ORS chapter 255.

16 **“SECTION 20.** ORS 248.023 is amended to read:

17 “248.023. (1) Not later than the 20th day after a primary election, the
18 county [*clerk*] **elections official** shall mail a certificate of election to each
19 newly elected precinct committeeperson within the county. The [*clerk*]
20 **county elections official** also shall mail an ‘Acceptance of Office’ form to
21 each person elected by write-in votes to the office of **precinct** committee-
22 **person who was nominated under section 18 of this 2019 Act**. The form
23 shall include a statement to be signed by the person elected that the person
24 is qualified to hold the office.

25 “(2) A person elected by write-in votes to the office of precinct com-
26 mitteeperson shall be certified for the office by filing with the county
27 [*clerk*] **elections official**, not later than the 27th day after the date of the
28 primary election, a signed ‘Acceptance of Office’ form.

29 “(3) Not later than the 31st day after a primary election, the county
30 [*clerk*] **elections official** shall prepare, maintain and furnish to the chair-

1 persons of the respective retiring county central committees within the
2 county and the chairpersons of the state central committees, a list of the
3 party precinct committeepersons elected and certified. At the same time the
4 county [clerk] **elections official** shall declare the other offices of **precinct**
5 **committeeperson** vacant.

6 **“SECTION 21.** ORS 248.024 is amended to read:

7 “248.024. (1) A precinct committeeperson may resign from the office by
8 filing a written notification of resignation with the county [clerk] **elections**
9 **official**. Upon receipt of this notification, the county [clerk] **elections offi-**
10 **cial** shall:

11 “(a) Remove the name of the person from the list of **precinct** committee-
12 persons.

13 “(b) Declare that office vacant.

14 “(c) Notify the appropriate county central committee.

15 “(2)(a) **The county central committee shall notify the county**
16 **elections official** when a precinct committeeperson **changes party regis-**
17 **tration or dies or when a precinct committeeperson** ceases to be regis-
18 tered in:

19 “(A) The precinct in which the committeeperson was elected; [or]

20 “(B) A precinct adjoining **the precinct in which the committeeperson**
21 **was elected** that [precinct] **is** within the same county[, *changes political*
22 *party registration or dies, the county central committee shall notify the county*
23 *clerk of the fact.*]; **or**

24 “(C) **A precinct that is both within the same county and state**
25 **Representative district as the precinct in which the committeeperson**
26 **was elected.**

27 “(b) Upon receipt of this notification, if the county [clerk] **elections of-**
28 **ficial** determines that the notification is correct, the [clerk] **county**
29 **elections official** shall:

30 “[a)] (A) Remove the name of the person from the list of **precinct** com-

1 mitteepersons.

2 “[*b*] (B) Declare that office vacant.

3 **“SECTION 22.** ORS 248.026 is amended to read:

4 “248.026. (1) The members of a county central committee may **fill a va-**
5 **cancy in the office of precinct committeeperson by selecting** [*select*] a
6 member of the major political party who is registered in:

7 **“(a)** The precinct in which the vacancy exists[,]; [*or registered in a pre-*
8 *inct within the same county adjoining that precinct, to fill a vacancy in the*
9 *office of precinct committeeperson.*]

10 **“(b) A precinct adjoining the precinct in which the vacancy exists**
11 **that is within the same county; or**

12 **“(c) A precinct that is both within the same county and state Rep-**
13 **resentative district as the precinct in which the vacancy exists.**

14 “(2) When a county central committee votes to select a person to fill a
15 vacancy in the office of precinct committeeperson, the chairperson of the
16 committee shall give written notice to the county [*clerk*] **elections official**
17 of the proposed selection. The selection shall take effect when the county
18 [*clerk*] **elections official** upon timely verification of eligibility, places the
19 name of the person selected on the list of **precinct** committeepersons. The
20 county [*clerk*] **elections official** shall then send written notice of the se-
21 lection to the person and the county central committee.

22 “(3) A person selected to fill a vacancy in the office of precinct com-
23 mitteeperson may be removed from office at the pleasure of the central
24 committee, but, except as provided in subsection (4) of this section, otherwise
25 shall hold the office for the unexpired term and shall have the powers, duties
26 and privileges of an elected **precinct** committeeperson.

27 “(4) A person selected to fill a vacancy in the office of precinct com-
28 mitteeperson may not vote on the election of county central committee offi-
29 cers at the organizational meeting of the committee as provided in ORS
30 248.035. A person selected to fill a vacancy in the office of precinct com-

1 mitteeperson may vote to fill any vacancy in a committee office after the
2 organizational meeting.

3 **“SECTION 23.** ORS 248.029 is amended to read:

4 “248.029. (1) Except as provided in this section, the provisions for recall
5 of a public officer under ORS 249.002 to 249.013 and 249.865 to 249.877, apply
6 to a recall election of a precinct committeeperson.

7 “(2) A precinct committeeperson may be recalled by a petition signed by
8 the number of party members equal to not less than 25 percent of the number
9 of party members who voted in the precinct as it existed at the preceding
10 primary election. The petitioners shall state in not more than 200 words on
11 the recall petition the reasons for the recall. If the **precinct** committeeper-
12 son resigns, the resignation shall take effect on the date of the resignation.
13 If the **precinct** committeeperson does not resign before the fifth day after
14 the petition is filed with the county [*clerk*] **elections official**, a special
15 election shall be ordered by the county [*clerk*] **elections official** to be held
16 not later than the 25th day after the petition is filed to determine whether
17 the **precinct** committeeperson will be recalled. The recall election shall be
18 held in the precinct as it existed when the committeeperson was elected. On
19 the ballot shall be printed the reasons for the recall stated in the recall pe-
20 tition, and, in not more than 200 words, the **precinct** committeeperson’s
21 justification of the committeeperson’s actions in office. The **precinct** com-
22 mitteeperson shall continue to perform duties of the office until the result
23 of the special election is declared.

24 “(3) The cost of the election shall be paid by the county central committee
25 of the party of the **precinct** committeeperson.

26 **“SECTION 24.** ORS 248.033 is amended to read:

27 “248.033. (1) The organizational meeting of a county central committee
28 shall be held no less frequently than every 25 months.

29 “(2) The retiring county central committee shall prepare a written notice
30 designating the time, date and place of the meeting and file a copy of the

1 notice with the county [*clerk*] **elections official** not later than the 40th day
2 before the date of the meeting. The retiring county central committee also
3 shall mail a copy of the notice to the state central committee.

4 “(3) Upon request of a county central committee, the county [*clerk*]
5 **elections official** shall provide the county central committee, without
6 charge, a list of the names, addresses and other contact information, in-
7 cluding electronic mail addresses or telephone numbers, of persons holding
8 the office of precinct committeeperson for that major political party on the
9 date the [*clerk*] **county elections official** receives notice of an organiza-
10 tional meeting under subsection (2) of this section.

11 “(4) The chairperson of the retiring county central committee shall mail
12 a copy of the notice of the time, date and place of the meeting, not later than
13 the 10th day before the meeting, to each member of the county central com-
14 mittee. If permitted by the bylaws of the county central committee, the
15 county central committee may notify members by means other than by mail.

16 **“SECTION 25.** ORS 248.035 is amended to read:

17 “248.035. (1) At the organizational meeting of a county central committee:

18 “(a) The officers of the retiring county central committee shall make
19 available to the committee the property, records and funds owned or con-
20 trolled by the retiring committee.

21 “(b) The committee next shall elect a chairperson, vice chairperson and
22 other officers the committee considers necessary. The persons elected to the
23 offices need not be members of the county central committee. The committee
24 shall determine the term of each office. Only a newly elected precinct com-
25 mitteeperson may vote on the election of committee officers.

26 “(2) The elected chairperson, within 48 hours of the chairperson’s
27 election, shall send a list of the officers of the committee to the county
28 [*clerk*] **elections official** and to the state central committee.

29 “(3) Only a newly elected precinct committeeperson or a person appointed
30 or selected to fill a vacancy in the office of **precinct** committeeperson may

1 vote to fill a vacancy in a committee office. Immediately before a meeting
2 of the county central committee at which there may be an election to fill a
3 vacancy in a committee office, the chairperson shall obtain from the county
4 [clerk] **elections official** a list of committee members. The list shall deter-
5 mine the eligibility of a **precinct** committeeperson to vote to fill a vacancy
6 in a committee office.

7 **“SECTION 26.** ORS 248.043 is amended to read:

8 “248.043. If a newly elected county central committee fails to meet or to
9 organize or if no person within a county is elected by a major political party
10 as a precinct committeeperson, the chairperson of the retiring state central
11 committee shall appoint a temporary chairperson of the county central com-
12 mittee. The temporary chairperson shall call an organizational meeting and
13 organize the committee as provided by applicable provisions of ORS 248.033
14 and 248.035. A temporary chairperson appointed when no precinct com-
15 mitteeperson is elected may appoint members to fill the vacancies in the of-
16 fice of **precinct** committeeperson for the precinct in which the persons are
17 registered. A person so appointed may be removed from office at the pleasure
18 of the central committee, but otherwise shall hold the office of **precinct**
19 committeeperson for the unexpired term and shall have the powers, duties
20 and privileges of a **precinct** committeeperson. When a person is appointed
21 to the office of **precinct** committeeperson pursuant to this subsection, the
22 temporary chairperson shall notify, in writing, the county [clerk] **elections**
23 **official** of the appointment. The county [clerk] **elections official** shall place
24 the name of the person appointed on the list of **precinct** committeepersons.

25 **“SECTION 27.** ORS 248.015 is amended to read:

26 “248.015. (1) A precinct committeeperson shall be a representative of the
27 major political party in the precinct. At the primary election a major poli-
28 tical party shall elect from its members a **precinct** committeeperson [of each
29 sex] for every [500] **250** electors, or major fraction thereof, who are registered
30 in the precinct [on January 31 of the year of] **251 days before** the primary

1 election. In any event the political party members of a precinct shall be en-
2 titled to elect not less than [*one committeeperson of each sex*] **two com-**
3 **mitteepersons** in the precinct. [*No*] **A person** [*shall*] **may not** hold office
4 as **precinct** committeeperson in more than one precinct.

5 “(2) A member of a major political party **who meets the party mem-**
6 **bership requirements set forth in ORS 249.046** may become a candidate
7 for precinct committeeperson of the precinct in which the person is regis-
8 tered, [*or*] of a precinct within the same county adjoining that precinct **or**
9 **of a precinct that is both in the same county and state Representative**
10 **district as the precinct in which the person is registered**, by filing a
11 declaration of candidacy described in ORS 249.031, except as provided in
12 subsection (3) of this section.

13 “(3) ORS 249.031 (1)(i) [*shall*] **does** not apply to declarations of candidacy
14 for candidates for precinct committeeperson.

15 “(4) A member of the major political party who has been a member of that
16 party for 180 days before the primary election may be elected by write-in
17 votes as precinct committeeperson of the precinct in which the member is
18 registered, [*or*] of a precinct within the same county adjoining that precinct
19 **or of a precinct that is both in the same county and state Represen-**
20 **tative district as the precinct in which the person is registered. A**
21 **member elected by write-in votes must meet the requirements for**
22 **write-in candidates set forth in this section and section 17 or 18 of this**
23 **2019 Act.**

24 “(5) Unless a qualified person receives at least three votes, no person
25 [*shall be*] **is** deemed to have been elected as precinct committeeperson and
26 the office of **precinct** committeeperson shall be vacant.

27 “(6) The term of office of a precinct committeeperson is from the 24th day
28 after the date of the primary election until the 24th day after the date of the
29 next following primary election.

30 “(7) A precinct committeeperson [*shall not be*] **is not** considered a public

1 officer.

2 **“SECTION 28.** ORS 248.017 is amended to read:

3 “248.017. Notwithstanding any provision of ORS 248.015, an otherwise
4 qualified person who will attain the age of 18 years after the deadline for
5 filing a declaration of candidacy for the office of precinct committeeperson
6 and on or before the date of the primary election, and who is registered as
7 a member of the major political party not later than **180 days before** the
8 date of the primary election, is eligible to file a [*nominating petition*] **dec-**
9 **laration of candidacy** for the office of precinct committeeperson, to be
10 listed on the ballot and to be elected to the office, including by write-in
11 votes.

12 **“SECTION 29.** ORS 249.037, as amended by section 8, chapter 70, Oregon
13 Laws 2018, is amended to read:

14 “249.037. (1) Except as otherwise provided in this section, a nominating
15 petition or declaration of candidacy shall be filed not sooner than the 250th
16 day and not later than the 70th day before the date of the nominating
17 election.

18 “(2) If a vacancy occurs in a partisan elective office after the 80th day
19 and before the 70th day before the nominating election, a nominating peti-
20 tion or declaration of candidacy for that office may be filed not later than
21 the 65th day before the nominating election.

22 “(3) A declaration of candidacy for the office of precinct committeeperson
23 [*may not be filed before February 1 immediately preceding*] **shall be filed not**
24 **sooner than the 250th day and not later than the 70th day before the**
25 **date of** the primary election.

26 **“SECTION 30.** ORS 249.013 is amended to read:

27 “249.013. (1) A person may not be a candidate for more than one lucrative
28 office to be filled at the same election.

29 “(2)(a) A person may not file a nominating petition or declaration of
30 candidacy for more than one lucrative office or more than one office of pre-

1 cinct committeeperson before the date of the election at which a person will
2 be nominated or elected to each office unless the person first files a written
3 withdrawal, under ORS 249.170, of the person’s initial filing.

4 **“(b) Notwithstanding ORS 249.170, if a person files a declaration of**
5 **write-in candidacy for an office of precinct committeeperson under**
6 **section 17 of this 2019 Act, any prior declaration of candidacy for the**
7 **office of precinct committeeperson that was filed for that election by**
8 **the same person is considered withdrawn.**

9 “(3) If at any time before the date of the election at which a person will
10 be nominated or elected to each office it is determined that a person has filed
11 two or more nominating petitions or declarations of candidacy for any lu-
12 crative office or two or more nominating petitions or declarations of candi-
13 dacy for the office of precinct committeeperson without written withdrawal
14 or withdrawals intervening, all such filings are invalid and any other filing
15 made by the same person is void.

16 “(4)(a) A person may not be a candidate for more than one position on the
17 same district board to be filled at the same election.

18 “(b) As used in this subsection, ‘district board’ means the governing body
19 of a district as defined in ORS 255.012.

20 “(5) A person may not be a candidate for more than one city office to be
21 filled at the same election.

22 “(6) Notwithstanding any provision of this section, in the case of a va-
23 cancy to be filled by election, the same person is eligible for nomination and
24 election to both the unexpired and the succeeding terms. The name of the
25 candidate may be placed on the ballot in both places.

26 **“SECTION 31.** Section 1, chapter 119, Oregon Laws 2016, is amended to
27 read:

28 **“Sec. 1.** For the purpose of maintaining status as a major political party
29 under ORS 248.006 (3) for the period up to and including the general election
30 to be held on November **3, 2020** [6, 2018], the total number of registered

1 electors in this state is deemed to be the total number of registered electors
2 identified in the elector registration records of the Secretary of State on July
3 1, 2015.

4 **“SECTION 32. Sections 17 and 18 of this 2019 Act and the amend-
5 ments to ORS 248.015, 248.017, 248.023, 248.024, 248.026, 248.029, 248.033,
6 248.035, 248.043, 249.013, 249.035 and 249.037 by sections 19 to 30 of this
7 2019 Act apply to the nomination and election of precinct committee-
8 persons on or after the effective date of this 2019 Act.**

9 **“SECTION 33. ORS 248.010 is repealed.**

10 **“SECTION 34. If House Bill 2491 becomes law, sections 1, 2, 3, 4
11 (amending ORS 249.035), 5 (amending ORS 248.023), 6 (amending ORS
12 248.024), 7 (amending ORS 248.026), 8 (amending ORS 248.029), 9
13 (amending ORS 248.033), 10 (amending ORS 248.035), 11 (amending ORS
14 248.043), 12 (amending ORS 248.015), 13 (amending ORS 248.017), 14
15 (amending ORS 249.037), 15 (amending ORS 249.013) and 16, chapter 70,
16 Oregon Laws 2019 (Enrolled House Bill 2491), are repealed.**

17 **“SECTION 35. This 2019 Act takes effect on the 91st day after the
18 date on which the 2019 regular session of the Eightieth Legislative
19 Assembly adjourns sine die.”.**

20
