

House Bill 2678

Sponsored by Representatives RAYFIELD, CAMPOS, Senators GOLDEN, DEMBROW; Representatives HUDSON, MARSH, PHAM, REARDON, WILDE (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes ranked choice voting as voting method for selecting winner of nomination for and election to nonpartisan state offices and county and city offices except where home rule charter applies.

Establishes ranked choice voting as voting method for selecting winner of nomination by major political parties for federal and state partisan offices.

A BILL FOR AN ACT

Relating to ranked choice voting; creating new provisions; amending ORS 3.030, 8.610, 51.230, 202.100, 203.230, 204.005, 221.050, 221.180, 244.050, 254.065, 254.145 and 258.280; and repealing ORS 249.088 and 249.091.

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

SECTION 1. Sections 2 and 3 of this 2021 Act are added to and made a part of ORS chapter 254.

SECTION 2. (1) Unless otherwise provided by a home rule charter, ranked choice voting as conducted in the manner set forth in section 3 of this 2021 Act shall be used to determine the nomination for or election to the following offices:

- (a) **Commissioner of the Bureau of Labor and Industries.**
- (b) **Judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court.**
- (c) **City or county office.**
- (d) **Office of a metropolitan service district under ORS chapter 268.**
- (e) **Any nonpartisan office not specifically listed in this section.**

(2) Ranked choice voting as conducted in the manner set forth in section 3 of this 2021 Act shall be used to determine the nomination by a major political party for the following offices:

- (a) **President and Vice President of the United States.**
- (b) **United States Senator or Representative in Congress.**
- (c) **Governor, Secretary of State, State Treasurer or Attorney General.**
- (d) **State Senator or Representative.**

(3) The person receiving the highest number of votes as described in ORS 254.065 (1)(a) shall be the manner used to determine the winner of an election to the following offices:

- (a) **President and Vice President of the United States.**
- (b) **United States Senator or Representative in Congress.**
- (c) **Governor, Secretary of State, State Treasurer or Attorney General.**
- (d) **State Senator or Representative.**

SECTION 3. (1) When a nomination for or an election to an office is determined by

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 ranked choice voting, the winner of the nomination or election shall be determined in the
 2 manner set forth in this section.

3 (a) The ballot shall provide the elector the option to rank the candidates for the nomi-
 4 nation for or election to the office in order of choice.

5 (b) If a candidate receives a majority of the first choice votes cast for the nomination for
 6 or election to the office, that candidate is nominated or elected.

7 (c) If no candidate receives a majority of the first choice votes cast for the nomination
 8 for or election to the office, the voter tally system or counting board shall conduct succes-
 9 sive rounds of an instant runoff retabulation in which:

10 (A) The candidate with the fewest votes in each round in which no candidate receives a
 11 majority of the votes cast in that round is defeated, and the votes cast in the successive
 12 rounds shall be retabulated among the nondefeated candidates until one candidate receives
 13 a majority of the votes cast in that round.

14 (B) In each round, each elector's ballot shall count as a single vote for whichever candi-
 15 date, if any, the elector has ranked highest who has not been defeated in a prior round.

16 (C) After the first round, a majority is determined as at least one more than 50 percent
 17 of the votes cast for a candidate of the remaining candidates in a particular round.

18 (2) The Secretary of State may adopt rules necessary for the implementation of this
 19 section.

20 **SECTION 4.** ORS 254.065 is amended to read:

21 254.065. (1)(a) **Except as provided in paragraph (b) of this subsection**, when one person is
 22 to be nominated for or elected to an office, the person receiving the highest number of votes shall
 23 be nominated or elected. When more than one person is to be nominated for or elected to a single
 24 office, the persons receiving the higher number of votes shall be nominated or elected. This sub-
 25 section does not apply to a candidate for election to an office at a general election if the election
 26 for the office must be held at a special election as described in ORS 254.650.

27 (b) **When a nomination for or election to an office is determined by ranked choice voting,**
 28 **a determination of which person has received the highest number of votes shall be done in**
 29 **the manner set forth in section 3 of this 2021 Act.**

30 (2) No measure shall be adopted unless it receives an affirmative majority of the total votes cast
 31 on the measure. If two or more conflicting laws, or amendments to the Constitution or charter, are
 32 approved at the same election, the law, or amendment, receiving the greatest number of affirmative
 33 votes shall be paramount regarding each conflict, even though the law, or amendment, may not have
 34 received the greatest majority of affirmative votes.

35 **SECTION 5.** ORS 254.145 is amended to read:

36 254.145. (1)(a) Except as provided in paragraph (b) of this subsection, the names of candidates
 37 for nomination for or election to each office shall be arranged on the ballot in the order determined
 38 under ORS 254.155.

39 (b) The names of candidates for the offices of President and Vice President of the United States
 40 shall be arranged in groups.

41 (2) Except as provided in ORS 254.125 and 254.135 and this section, no information about the
 42 candidate, including any title or designation, other than the candidate's name, may appear on the
 43 ballot.

44 (3) Spaces shall be provided for any offices appearing on the ballot in which the elector may
 45 write the name of any person not printed on the ballot. If a voting machine is used, spaces shall be

1 provided on the ballot, or on separate material delivered to the elector with the ballot, in which the
 2 elector may write or enter the names of persons for any offices appearing on the ballot.

3 (4) On the left margin of the ballot, the name of each group or candidate may be numbered. The
 4 blank spaces may not be numbered. A particular number may not be used to designate more than
 5 one candidate at any election.

6 (5) The names of all candidates for the same office shall be listed in the same column on the
 7 ballot. If more than one column is needed to list names of all candidates for that office, the names
 8 may be arranged in one or more columns in block form. The block shall be set apart by rulings
 9 under the title of the office. If a blank space follows the list of candidates, the space shall be in the
 10 same column as the names of candidates for that office. If blocks of columns are used, blank spaces
 11 shall be included within the ruled block.

12 (6) The ballot shall be clearly marked to indicate when names of candidates for the office are
 13 continued on the following page.

14 (7) When a measure is submitted to the people, the number, ballot title and financial estimates
 15 under ORS 250.125 of each measure shall be printed after the list of candidates. A measure referred
 16 by the Legislative Assembly shall be designated "Referred to the People by the Legislative Assem-
 17 bly." A state measure referred by petition shall be designated "Referendum Order by Petition of the
 18 People." A state measure proposed by initiative petition shall be designated "Proposed by Initiative
 19 Petition."

20 (8) The ballot shall be printed to give the elector a clear opportunity to designate the elector's
 21 choice **or choices** for candidates and approval or rejection of measures submitted.

22 (a) **When an elector is allowed to make only one choice or answer and** if a voting machine
 23 is not used, the elector shall indicate a preference by making a cross or check mark inside a voting
 24 square corresponding to the candidate or answer for which the elector wishes to vote. A voting
 25 square may be printed on the blank, write-in vote spaces. However, the elector is not required to
 26 place a mark in the voting square corresponding to a name written in a blank space. Words shall
 27 be printed on the ballot to aid the elector, such as "Vote for one," "Vote for three," and regarding
 28 measures, "Yes" and "No."

29 (b) **When a nomination for or an election to an office is determined by ranked choice**
 30 **voting as provided in section 3 of this 2021 Act, the ballot shall provide the elector with the**
 31 **ability to rank each candidate appearing on the ballot for the office by choice. The Secretary**
 32 **of State by rule shall establish a statement to be printed on the ballot to inform the elector**
 33 **of how ballots will be tallied under section 3 of this 2021 Act.**

34 **SECTION 6.** ORS 3.030 is amended to read:

35 3.030. Each circuit judge shall hold office for the term for which the circuit judge was
 36 elected[,] and at the general election [*or, if applicable, at the election specified in ORS 249.088*] next
 37 prior to the expiration of the term of office there shall be elected a circuit judge to succeed the
 38 circuit judge.

39 **SECTION 7.** ORS 8.610 is amended to read:

40 8.610. A district attorney for each county shall be elected by the electors of the county[,] at the
 41 general election [*or, if applicable, at the election specified in ORS 249.088*] next preceding the expi-
 42 ration of the term of the then incumbent. The district attorney shall hold office for the term of four
 43 years and until a successor is elected and qualified.

44 **SECTION 8.** ORS 51.230 is amended to read:

45 51.230. The election at which a justice of the peace shall be elected shall be the general election

1 [or, if applicable, the election specified in ORS 249.088] next preceding the expiration of the term of
 2 the incumbent of the office.

3 **SECTION 9.** ORS 202.100 is amended to read:

4 202.100. (1) Not later than the 30th day after the Governor issues the proclamation provided for
 5 in ORS 199.790 or 202.060, the Governor shall appoint three electors, who must be residents of the
 6 new county so formed, to serve as county judge and commissioners for the new county. When the
 7 persons appointed accept and qualify for their offices under ORS 204.016 and 204.020, the new
 8 county shall have existence as a county and shall be governed by the laws of this state relating to
 9 counties. The persons appointed shall serve until the first Monday in January after the general
 10 election[or, if applicable, after the election specified in ORS 249.088,] at which their successors are
 11 elected.

12 (2) At the next practicable general election[or, if applicable, at the next practicable election
 13 specified in ORS 249.088,] following the appointment, successors to the persons appointed under this
 14 section shall be elected. The candidate receiving the highest number of votes shall be elected county
 15 judge. If the office of county judge has judicial functions, the candidate shall be elected to a six-year
 16 term. If the office of county judge has no judicial functions, the candidate shall be elected to a
 17 four-year term. The candidate receiving the second highest number of votes shall be elected to a
 18 four-year term as commissioner. The candidate receiving the third highest number of votes shall be
 19 elected to a two-year term as commissioner.

20 (3) The successors shall take office on the first Monday in January next following their election.

21 (4) At each general election[or, if applicable, at each election specified in ORS 249.088,] follow-
 22 ing the election at which the first board is elected, a successor shall be elected to fill any expiring
 23 term.

24 **SECTION 10.** ORS 203.230 is amended to read:

25 203.230. (1) The county court of any county which has not adopted a county charter pursuant
 26 to ORS 203.710 to 203.770, and in which the county judge has no judicial function, may order the
 27 office of county judge abolished and create in lieu thereof a third county commissioner. The order
 28 shall transfer all powers and duties of the county court and county judge to the board of county
 29 commissioners and, unless referred to the people, shall be effective on the date specified therein.
 30 The order made under this subsection may be referred to the people of the county for their approval
 31 or rejection and, if approved, shall become operative on the date specified in the order referred. The
 32 people of the county shall vote on such order at a primary election or general election.

33 (2) If, in a year in which a county judge is to be elected in the county, the order made under
 34 subsection (1) of this section is to become operative[:]

35 [(a) On or subsequent to the date of the primary election but prior to the general election, then those
 36 persons nominated at the primary election for the office of county judge shall be candidates for the of-
 37 fice of county commissioner created in the order.]

38 [(b)] on or subsequent to the date of the regular general election, then the person elected to the
 39 office of county judge shall, upon the expiration of the term of office of the county judge holding
 40 office at the time the order was approved, take office as the county commissioner created in the
 41 order if the order has become operative.

42 (3) When the order issued under subsection (1) of this section becomes operative, the county
 43 judge shall, until the expiration of the term of office of the county judge, serve as the third county
 44 commissioner. At the general election next preceding the expiration of the term of office of the
 45 county judge there shall be elected, in addition to the two county commissioners provided by law

1 for each county, one county commissioner who shall possess the same qualifications and be subject
 2 to the same provisions of law as the other county commissioners.

3 (4) The order issued under subsection (1) of this section may specify any or all of the following
 4 relating to the third commissioner:

- 5 (a) Compensation that is different from the other commissioners;
- 6 (b) Powers and duties that are different from the other commissioners; and
- 7 (c) Service as chairperson of the board of commissioners.

8 (5) The person serving as county judge on the date the office is abolished shall serve as chair-
 9 person of the board of county commissioners until the expiration of the term of office of that person
 10 and shall be subject to the same provisions of law as the other county commissioners.

11 **SECTION 11.** ORS 204.005 is amended to read:

12 204.005. (1) **Unless an adopted county charter provides otherwise,** the following county offi-
 13 cers shall be elected at the [*primary election or*] general election, **with the winner determined by**
 14 **ranked choice voting** as provided in [*ORS 249.088*] **section 3 of this 2021 Act:**

- 15 (a) A sheriff.
- 16 (b) A county clerk.
- 17 (c) A county assessor.
- 18 (d) A county treasurer.
- 19 (e) A county commissioner to succeed any commissioner whose term of office expires the fol-
 20 lowing January.

21 (f) In any county where there is a vacancy from any cause in the office of county commissioner,
 22 an additional commissioner to fill the vacancy.

23 (2) Unless an adopted county charter or a county ordinance provides otherwise, the governing
 24 body of a county shall appoint a county surveyor.

25 **SECTION 12.** ORS 221.050 is amended to read:

26 221.050. (1) The county court shall submit the proposition for incorporation determined as pro-
 27 vided in ORS 221.040 to the electors registered in the area proposed to be incorporated. At the same
 28 election, five city council members for the proposed city shall be elected.

29 (2) ORS chapters 246 to 260 govern the conduct of an election under this section, including the
 30 nomination and election of the first city council, except as follows:

31 [*(a) A nominating or primary election for the purpose of nominating candidates for the city council*
 32 *shall not be held.*]

33 [*(b)*] (a) Notwithstanding ORS 249.037, a nominating petition or declaration of candidacy must
 34 be filed with the county clerk not sooner than the 100th day and not later than the 70th day before
 35 the date of the election.

36 [*(c)*] (b) At the time of filing a declaration of candidacy, a candidate for the first city council
 37 shall pay to the officer with whom the declaration is filed a fee of \$25.

38 [*(d)*] (c) A nominating petition shall contain at least 25 signatures of electors in the area pro-
 39 posed to be incorporated or a number of signatures of electors equal to at least 10 percent of the
 40 number of electors in the area proposed to be incorporated as of the date the election is ordered
 41 under ORS 221.040, whichever is less.

42 (3) The proposed ballot title for an election under this section shall be in compliance with ORS
 43 250.036.

44 (4) Not later than the 30th day after an election called under ORS 221.040 the county court
 45 calling the election shall proclaim whether the results of the election favor incorporation. The

1 county court also shall proclaim which candidates for city council are elected, if the results of the
 2 election favor incorporation. The results of the election favor incorporation if a majority of the
 3 votes cast on the proposition favors incorporation and:

- 4 (a) At least 50 percent of registered electors eligible to vote in the election cast a ballot; or
- 5 (b) The election is held in May or November of any year.
- 6 (5) If the results of the election favor incorporation:

7 (a) The area described in the notice of election is incorporated as a city from the date of the
 8 election;

9 (b) The proposed rate limit for operating taxes submitted to and approved by the electors at the
 10 election shall be the permanent rate limit for operating taxes for the new city; and

11 (c) The five council members elected under subsection (2) of this section shall take office not
 12 later than the 10th day next following the proclamation on the proposition and council election.

13 **SECTION 13.** ORS 221.180 is amended to read:

14 221.180. (1) This section and ORS chapters 249 and 254 govern the manner of [*nominating and*]
 15 electing candidates for municipal offices in all cities.

16 (2) Notwithstanding ORS 249.037, [*if a city does not hold a nominating election for municipal of-*
 17 *fices,*] **unless an adopted county charter provides otherwise,** a nominating petition or declaration
 18 of candidacy shall be filed [*not sooner than the 15th day after the date of the primary election and*]
 19 not later than the 70th day before the date of the general election. A candidate who is nominated
 20 under this subsection may withdraw candidacy under ORS 249.830.

21 (3) All nominating petitions and declarations of candidacy shall be filed with the city elections
 22 officer. If the city charter or ordinance provides a manner of filing for nomination, a candidate for
 23 any office of that city shall file in that manner.

24 **SECTION 14.** ORS 244.050 is amended to read:

25 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
 26 Government Ethics Commission a verified statement of economic interest as required under this
 27 chapter:

28 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
 29 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

30 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
 31 judicial officer who does not otherwise serve as a judicial officer.

32 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

33 (d) The Deputy Attorney General.

34 (e) The Deputy Secretary of State.

35 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
 36 Legislative Policy and Research Director, the Secretary of the Senate, the Chief Clerk of the House
 37 of Representatives and the Legislative Equity Officer.

38 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
 39 versity listed in ORS 352.002.

40 (h) The following state officers:

41 (A) Adjutant General.

42 (B) Director of Agriculture.

43 (C) Manager of State Accident Insurance Fund Corporation.

44 (D) Water Resources Director.

45 (E) Director of Department of Environmental Quality.

- 1 (F) Director of Oregon Department of Administrative Services.
- 2 (G) State Fish and Wildlife Director.
- 3 (H) State Forester.
- 4 (I) State Geologist.
- 5 (J) Director of Human Services.
- 6 (K) Director of the Department of Consumer and Business Services.
- 7 (L) Director of the Department of State Lands.
- 8 (M) State Librarian.
- 9 (N) Administrator of Oregon Liquor Control Commission.
- 10 (O) Superintendent of State Police.
- 11 (P) Director of the Public Employees Retirement System.
- 12 (Q) Director of Department of Revenue.
- 13 (R) Director of Transportation.
- 14 (S) Public Utility Commissioner.
- 15 (T) Director of Veterans' Affairs.
- 16 (U) Executive director of Oregon Government Ethics Commission.
- 17 (V) Director of the State Department of Energy.
- 18 (W) Director and each assistant director of the Oregon State Lottery.
- 19 (X) Director of the Department of Corrections.
- 20 (Y) Director of the Oregon Department of Aviation.
- 21 (Z) Executive director of the Oregon Criminal Justice Commission.
- 22 (AA) Director of the Oregon Business Development Department.
- 23 (BB) Director of the Office of Emergency Management.
- 24 (CC) Director of the Employment Department.
- 25 (DD) Chief of staff for the Governor.
- 26 (EE) Director of the Housing and Community Services Department.
- 27 (FF) State Court Administrator.
- 28 (GG) Director of the Department of Land Conservation and Development.
- 29 (HH) Board chairperson of the Land Use Board of Appeals.
- 30 (II) State Marine Director.
- 31 (JJ) Executive director of the Oregon Racing Commission.
- 32 (KK) State Parks and Recreation Director.
- 33 (LL) Public defense services executive director.
- 34 (MM) Chairperson of the Public Employees' Benefit Board.
- 35 (NN) Director of the Department of Public Safety Standards and Training.
- 36 (OO) Executive director of the Higher Education Coordinating Commission.
- 37 (PP) Executive director of the Oregon Watershed Enhancement Board.
- 38 (QQ) Director of the Oregon Youth Authority.
- 39 (RR) Director of the Oregon Health Authority.
- 40 (SS) Deputy Superintendent of Public Instruction.
- 41 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 42 the Governor's office.
- 43 (j) Every elected city or county official.
- 44 (k) Every member of a city or county planning, zoning or development commission.
- 45 (L) The chief executive officer of a city or county who performs the duties of manager or prin-

1 cipal administrator of the city or county.

2 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.

3 (n) Every member of a governing body of a metropolitan service district and the auditor and
4 executive officer thereof.

5 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.

6 (p) The chief administrative officer and the financial officer of each common and union high
7 school district, education service district and community college district.

8 (q) Every member of the following state boards and commissions:

9 (A) Governing board of the State Department of Geology and Mineral Industries.

10 (B) Oregon Business Development Commission.

11 (C) State Board of Education.

12 (D) Environmental Quality Commission.

13 (E) Fish and Wildlife Commission of the State of Oregon.

14 (F) State Board of Forestry.

15 (G) Oregon Government Ethics Commission.

16 (H) Oregon Health Policy Board.

17 (I) Oregon Investment Council.

18 (J) Land Conservation and Development Commission.

19 (K) Oregon Liquor Control Commission.

20 (L) Oregon Short Term Fund Board.

21 (M) State Marine Board.

22 (N) Mass transit district boards.

23 (O) Energy Facility Siting Council.

24 (P) Board of Commissioners of the Port of Portland.

25 (Q) Employment Relations Board.

26 (R) Public Employees Retirement Board.

27 (S) Oregon Racing Commission.

28 (T) Oregon Transportation Commission.

29 (U) Water Resources Commission.

30 (V) Workers' Compensation Board.

31 (W) Oregon Facilities Authority.

32 (X) Oregon State Lottery Commission.

33 (Y) Pacific Northwest Electric Power and Conservation Planning Council.

34 (Z) Columbia River Gorge Commission.

35 (AA) Oregon Health and Science University Board of Directors.

36 (BB) Capitol Planning Commission.

37 (CC) Higher Education Coordinating Commission.

38 (DD) Oregon Growth Board.

39 (EE) Early Learning Council.

40 (r) The following officers of the State Treasurer:

41 (A) Deputy State Treasurer.

42 (B) Chief of staff for the office of the State Treasurer.

43 (C) Director of the Investment Division.

44 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
45 or 777.915 to 777.953.

1 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

2 (u) Every member of a governing board of a public university listed in ORS 352.002.

3 (v) Every member of the board of directors of an authority created under ORS 465.600 to
4 465.621.

5 (2) By April 15 next after the date an appointment takes effect, every appointed public official
6 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
7 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
8 and 244.090.

9 (3) By April 15 next after the filing deadline for the primary election, each candidate described
10 in subsection (1) of this section **who will appear on a primary election ballot** shall file with the
11 commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

12 (4) Not later than the 40th day before the date of the statewide general election, each candidate
13 described in subsection (1) of this section who will appear on the statewide general election ballot
14 and who was not required to file a statement of economic interest under subsections (1) to (3) of this
15 section shall file with the commission a statement of economic interest as required under ORS
16 244.060, 244.070 and 244.090.

17 (5) Subsections (1) to (3) of this section apply only to persons who are incumbent, elected or
18 appointed public officials as of April 15 and to persons who are candidates on April 15.

19 (6) If a statement required to be filed under this section has not been received by the commis-
20 sion within five days after the date the statement is due, the commission shall notify the public of-
21 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
22 requirements of this section. If the public official or candidate fails to comply by the date set by the
23 commission, the commission may impose a civil penalty as provided in ORS 244.350.

24 **SECTION 15.** ORS 258.280 is amended to read:

25 258.280. (1) The Secretary of State shall order a full recount of the votes cast for nomination
26 or election to a public office for which the Secretary of State is the filing officer, and the county
27 clerk who conducted the election shall order a full recount of the votes cast for nomination or
28 election to any other public office if the canvass of votes of the election reveals that:

29 (a) Two or more candidates for that nomination or office have an equal and the highest number
30 of votes; or

31 (b) The difference in the number of votes cast for a candidate apparently nominated or elected
32 to the office and the votes cast for the closest apparently defeated opponent is not more than one-
33 fifth of one percent of the total votes for both candidates.

34 (2)(a) Unless otherwise provided by a home rule charter, [*at an election described in ORS*
35 *249.088,*] the Secretary of State shall order a full recount of the votes cast for [*nomination or*]
36 election to a nonpartisan office for which the Secretary of State is the filing officer, and the county
37 clerk who conducted the election shall order a full recount of the votes cast for [*nomination or*]
38 election to any other nonpartisan office, if the canvass of votes of the election reveals that the
39 number of votes cast for a candidate differs from a majority of votes cast for the office by not more
40 than one-fifth of one percent of the total votes cast for the office.

41 (b) This subsection does not apply to the office of sheriff, the office of county clerk[,] **or** the
42 office of county treasurer [*or a candidate to fill a vacancy, as described in ORS 249.091*].

43 (3) The cost of a full recount conducted under this section shall be paid by the county for a
44 county office, by the city for a city office, by the special district for a special district office or by
45 the state for any other office.

1 **SECTION 16.** ORS 249.088 and 249.091 are repealed.

2 **SECTION 17.** Sections 2 and 3 of this 2021 Act, the amendments to ORS 3.030, 8.610,
3 51.230, 202.100, 203.230, 204.005, 221.050, 221.180, 244.050, 254.065, 254.145 and 258.280 by sections
4 4 to 15 of this 2021 Act and the repeal of ORS 249.088 and 249.091 by section 16 of this 2021
5 Act apply to elections and nominations occurring on or after January 1, 2023.

6 **SECTION 18.** (1) Sections 2 and 3 of this 2021 Act, the amendments to ORS 3.030, 8.610,
7 51.230, 202.100, 203.230, 204.005, 221.050, 221.180, 244.050, 254.065, 254.145 and 258.280 by sections
8 4 to 15 of this 2021 Act and the repeal of ORS 249.088 and 249.091 by section 16 of this 2021
9 Act become operative on January 1, 2023.

10 (2) The Secretary of State and county clerks may take any action before the operative
11 date specified in subsection (1) of this section that is necessary to enable the Secretary of
12 State and county clerks to exercise, on and after the operative date specified in subsection
13 (1) of this section, all the duties, functions and powers conferred on the Secretary of State
14 and county clerks by sections 2 and 3 of this 2021 Act, the amendments to ORS 3.030, 8.610,
15 51.230, 202.100, 203.230, 204.005, 221.050, 221.180, 244.050, 254.065, 254.145 and 258.280 by sections
16 4 to 15 of this 2021 Act and the repeal of ORS 249.088 and 249.091 by section 16 of this 2021
17 Act.

18