

# House Bill 3247

Sponsored by Representative HUDSON

## 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 approval voting as voting method for selecting winner of nomination for and election to state offices.

Permits counties, cities, districts and metropolitan service districts to use approval voting as voting method for local offices.

## A BILL FOR AN ACT

1  
2 Relating to approval voting; creating new provisions; and amending ORS 3.030, 204.005, 244.050,  
3 254.065 and 254.145.

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

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

7 **SECTION 2. (1) Approval voting as conducted in the manner set forth in section 3 of this**  
8 **2021 Act shall be used to determine the nomination for or election to the following offices:**

9 (a) **Governor, Secretary of State, State Treasurer, Attorney General and Commissioner**  
10 **of the Bureau of Labor and Industries.**

11 (b) **State Senator or Representative.**

12 (c) **Judge of the Supreme Court, Court of Appeals, circuit court or the Oregon Tax Court.**

13 (2) **The laws of a county, city, district or metropolitan service district under ORS chapter**  
14 **268 may provide that approval voting be used to determine the nomination for or election to**  
15 **an elected office of that county, city, district or metropolitan service district.**

16 **SECTION 3. (1) When a nomination for or an election to an office is determined by ap-**  
17 **proval voting, the winner of the nomination or election shall be determined in the manner**  
18 **set forth in this section.**

19 (a) **The ballot shall provide the elector the option to vote for one or more of the candi-**  
20 **dates listed on the ballot for the nomination for or election to the office.**

21 (b) **An elector may vote for as many of the listed candidates as the elector chooses and**  
22 **in so doing may cast a vote for one or more of the candidates for the nomination for or**  
23 **election to the office. The elector may not cast more than one vote for any individual can-**  
24 **didate.**

25 (c) **When one person is to be nominated for or elected to the office, the candidate who**  
26 **receives the highest number of votes cast for the nomination for or election to the office**  
27 **shall be nominated or elected. When more than one person is to be nominated or elected to**  
28 **a single office, the candidates receiving the highest number of votes shall be nominated or**  
29 **elected.**

30 (2) **When approval voting is used to determine the winner of an election to a nonpartisan**

**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 **office, a nominating election for the nonpartisan office shall not be held and the names of**  
 2 **all of the candidates who have filed a nominating petition or declaration of candidacy shall**  
 3 **appear on the ballot at the general election for the nonpartisan office.**

4 **(3) The Secretary of State may adopt rules necessary for the implementation of this**  
 5 **section.**

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

7 254.065. (1)(a) **Except as provided in paragraph (b) of this subsection,** when one person is  
 8 to be nominated for or elected to an office, the person receiving the highest number of votes shall  
 9 be nominated or elected. When more than one person is to be nominated for or elected to a single  
 10 office, the persons receiving the higher number of votes shall be nominated or elected. This sub-  
 11 section does not apply to a candidate for election to an office at a general election if the election  
 12 for the office must be held at a special election as described in ORS 254.650.

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

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

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

22 254.145. (1)(a) Except as provided in paragraph (b) of this subsection, the names of candidates  
 23 for nomination for or election to each office shall be arranged on the ballot in the order determined  
 24 under ORS 254.155.

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

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

30 (3) Spaces shall be provided for any offices appearing on the ballot in which the elector may  
 31 write the name of any person not printed on the ballot. If a voting machine is used, spaces shall be  
 32 provided on the ballot, or on separate material delivered to the elector with the ballot, in which the  
 33 elector may write or enter the names of persons for any offices appearing on the ballot.

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

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

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

45 (7) When a measure is submitted to the people, the number, ballot title and financial estimates

1 under ORS 250.125 of each measure shall be printed after the list of candidates. A measure referred  
 2 by the Legislative Assembly shall be designated "Referred to the People by the Legislative Assem-  
 3 bly." A state measure referred by petition shall be designated "Referendum Order by Petition of the  
 4 People." A state measure proposed by initiative petition shall be designated "Proposed by Initiative  
 5 Petition."

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

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

15 **(b) When a nomination for or an election to an office is determined by approval voting**  
 16 **as provided in section 3 of this 2021 Act, the ballot shall provide the elector with the ability**  
 17 **to vote for one or more of the candidates appearing on the ballot for the office. The Secre-**  
 18 **tary of State by rule shall establish a statement to be printed on the ballot to inform the**  
 19 **elector of how ballots will be tallied under section 3 of this 2021 Act.**

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

21 3.030. Each circuit judge shall hold office for the term for which the circuit judge was  
 22 elected[,] and at the general election [*or, if applicable, at the election specified in ORS 249.088*] next  
 23 prior to the expiration of the term of office there shall be elected a circuit judge to succeed the  
 24 circuit judge.

25 **SECTION 7.** ORS 204.005 is amended to read:

26 204.005. (1) **Except as provided in subsection (3) of this section,** the following county officers  
 27 shall be elected at the primary election or general election, as provided in ORS 249.088:

28 (a) A sheriff.

29 (b) A county clerk.

30 (c) A county assessor.

31 (d) A county treasurer.

32 (e) A county commissioner to succeed any commissioner whose term of office expires the fol-  
 33 lowing January.

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

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

38 **(3) The county charter or a county ordinance may provide that the county officers listed**  
 39 **in subsection (1) of this section be elected at the general election, with the winner deter-**  
 40 **mined by approval voting as provided in section 3 of this 2021 Act.**

41 **SECTION 8.** ORS 244.050 is amended to read:

42 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon  
 43 Government Ethics Commission a verified statement of economic interest as required under this  
 44 chapter:

45 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the

1 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

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

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

5 (d) The Deputy Attorney General.

6 (e) The Deputy Secretary of State.

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

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

12 (h) The following state officers:

13 (A) Adjutant General.

14 (B) Director of Agriculture.

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

16 (D) Water Resources Director.

17 (E) Director of Department of Environmental Quality.

18 (F) Director of Oregon Department of Administrative Services.

19 (G) State Fish and Wildlife Director.

20 (H) State Forester.

21 (I) State Geologist.

22 (J) Director of Human Services.

23 (K) Director of the Department of Consumer and Business Services.

24 (L) Director of the Department of State Lands.

25 (M) State Librarian.

26 (N) Administrator of Oregon Liquor Control Commission.

27 (O) Superintendent of State Police.

28 (P) Director of the Public Employees Retirement System.

29 (Q) Director of Department of Revenue.

30 (R) Director of Transportation.

31 (S) Public Utility Commissioner.

32 (T) Director of Veterans' Affairs.

33 (U) Executive director of Oregon Government Ethics Commission.

34 (V) Director of the State Department of Energy.

35 (W) Director and each assistant director of the Oregon State Lottery.

36 (X) Director of the Department of Corrections.

37 (Y) Director of the Oregon Department of Aviation.

38 (Z) Executive director of the Oregon Criminal Justice Commission.

39 (AA) Director of the Oregon Business Development Department.

40 (BB) Director of the Office of Emergency Management.

41 (CC) Director of the Employment Department.

42 (DD) Chief of staff for the Governor.

43 (EE) Director of the Housing and Community Services Department.

44 (FF) State Court Administrator.

45 (GG) Director of the Department of Land Conservation and Development.

- 1 (HH) Board chairperson of the Land Use Board of Appeals.
- 2 (II) State Marine Director.
- 3 (JJ) Executive director of the Oregon Racing Commission.
- 4 (KK) State Parks and Recreation Director.
- 5 (LL) Public defense services executive director.
- 6 (MM) Chairperson of the Public Employees' Benefit Board.
- 7 (NN) Director of the Department of Public Safety Standards and Training.
- 8 (OO) Executive director of the Higher Education Coordinating Commission.
- 9 (PP) Executive director of the Oregon Watershed Enhancement Board.
- 10 (QQ) Director of the Oregon Youth Authority.
- 11 (RR) Director of the Oregon Health Authority.
- 12 (SS) Deputy Superintendent of Public Instruction.
- 13 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 14 the Governor's office.
- 15 (j) Every elected city or county official.
- 16 (k) Every member of a city or county planning, zoning or development commission.
- 17 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
- 18 cipal administrator of the city or county.
- 19 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 20 (n) Every member of a governing body of a metropolitan service district and the auditor and
- 21 executive officer thereof.
- 22 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 23 (p) The chief administrative officer and the financial officer of each common and union high
- 24 school district, education service district and community college district.
- 25 (q) Every member of the following state boards and commissions:
- 26 (A) Governing board of the State Department of Geology and Mineral Industries.
- 27 (B) Oregon Business Development Commission.
- 28 (C) State Board of Education.
- 29 (D) Environmental Quality Commission.
- 30 (E) Fish and Wildlife Commission of the State of Oregon.
- 31 (F) State Board of Forestry.
- 32 (G) Oregon Government Ethics Commission.
- 33 (H) Oregon Health Policy Board.
- 34 (I) Oregon Investment Council.
- 35 (J) Land Conservation and Development Commission.
- 36 (K) Oregon Liquor Control Commission.
- 37 (L) Oregon Short Term Fund Board.
- 38 (M) State Marine Board.
- 39 (N) Mass transit district boards.
- 40 (O) Energy Facility Siting Council.
- 41 (P) Board of Commissioners of the Port of Portland.
- 42 (Q) Employment Relations Board.
- 43 (R) Public Employees Retirement Board.
- 44 (S) Oregon Racing Commission.
- 45 (T) Oregon Transportation Commission.

- 1 (U) Water Resources Commission.
- 2 (V) Workers' Compensation Board.
- 3 (W) Oregon Facilities Authority.
- 4 (X) Oregon State Lottery Commission.
- 5 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
- 6 (Z) Columbia River Gorge Commission.
- 7 (AA) Oregon Health and Science University Board of Directors.
- 8 (BB) Capitol Planning Commission.
- 9 (CC) Higher Education Coordinating Commission.
- 10 (DD) Oregon Growth Board.
- 11 (EE) Early Learning Council.
- 12 (r) The following officers of the State Treasurer:
- 13 (A) Deputy State Treasurer.
- 14 (B) Chief of staff for the office of the State Treasurer.
- 15 (C) Director of the Investment Division.
- 16 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
- 17 or 777.915 to 777.953.
- 18 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- 19 (u) Every member of a governing board of a public university listed in ORS 352.002.
- 20 (v) Every member of the board of directors of an authority created under ORS 465.600 to
- 21 465.621.
- 22 (2) By April 15 next after the date an appointment takes effect, every appointed public official
- 23 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
- 24 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
- 25 and 244.090.
- 26 (3) By April 15 next after the filing deadline for the primary election, each candidate described
- 27 in subsection (1) of this section **who will appear on a primary election ballot** shall file with the
- 28 commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
- 29 (4) Not later than the 40th day before the date of the statewide general election, each candidate
- 30 described in subsection (1) of this section who will appear on the statewide general election ballot
- 31 and who was not required to file a statement of economic interest under subsections (1) to (3) of this
- 32 section shall file with the commission a statement of economic interest as required under ORS
- 33 244.060, 244.070 and 244.090.
- 34 (5) Subsections (1) to (3) of this section apply only to persons who are incumbent, elected or
- 35 appointed public officials as of April 15 and to persons who are candidates on April 15.
- 36 (6) If a statement required to be filed under this section has not been received by the commis-
- 37 sion within five days after the date the statement is due, the commission shall notify the public of-
- 38 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
- 39 requirements of this section. If the public official or candidate fails to comply by the date set by the
- 40 commission, the commission may impose a civil penalty as provided in ORS 244.350.
- 41 **SECTION 9. Sections 2 and 3 of this 2021 Act and the amendments to ORS 3.030, 204.005,**
- 42 **244.050, 254.065 and 254.145 by sections 4 to 8 of this 2021 Act apply to elections and nomi-**
- 43 **nations occurring on or after January 1, 2023.**
- 44 **SECTION 10. (1) Sections 2 and 3 of this 2021 Act and the amendments to ORS 3.030,**
- 45 **204.005, 244.050, 254.065 and 254.145 by sections 4 to 8 of this 2021 Act become operative on**

1 **January 1, 2023.**

2 **(2) The Secretary of State and county clerks may take any action before the operative**  
3 **date specified in subsection (1) of this section that is necessary to enable the Secretary of**  
4 **State and county clerks to exercise, on and after the operative date specified in subsection**  
5 **(1) of this section, all the duties, functions and powers conferred on the Secretary of State**  
6 **and county clerks by sections 2 and 3 of this 2021 Act and the amendments to ORS 3.030,**  
7 **204.005, 244.050, 254.065 and 254.145 by sections 4 to 8 of this 2021 Act.**

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