

Senate Bill 366

Sponsored by Senator BOQUIST (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**.

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

A BILL FOR AN ACT

1
2 Relating to nominating procedures for minor political parties; creating new provisions; and amending
3 ORS 248.015, 249.016, 249.020, 249.023, 249.031, 249.068, 249.076, 249.190, 249.200, 254.025, 254.056,
4 254.076, 254.365, 254.370, 254.470, 254.500, 254.555, 254.565 and 254.575.

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

6 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 248.**

7 **SECTION 2. (1) Not later than the 90th day before the date of the primary election, a**
8 **minor political party may file with the Secretary of State a certified copy of the current**
9 **party rule indicating that the minor political party will nominate candidates of the minor**
10 **political party, for other than political party office, at the primary election. The rule shall**
11 **also state any requirements a write-in candidate must meet in order to obtain the nomi-**
12 **nation of the minor political party.**

13 **(2) A minor political party that files a party rule with the Secretary of State under sub-**
14 **section (1) of this section shall:**

15 **(a) Have a designated officer of the party sign the nominating petition or declaration of**
16 **candidacy of each candidate who qualifies under party rules to seek the nomination of the**
17 **minor political party; and**

18 **(b) Except as provided in subsection (3) of this section, have the candidates for nomi-**
19 **nation by the minor political party appear on the official primary ballot.**

20 **(3) The official primary ballot of a minor political party that files a party rule with the**
21 **Secretary of State under subsection (1) of this section shall include only those contests in**
22 **which at least one qualified candidate has filed a valid nominating petition or declaration of**
23 **candidacy.**

24 **(4) A candidate for nomination of a minor political party who is also a candidate for**
25 **nomination of a major political party may not appear on the general election ballot as a**
26 **candidate for the minor political party if the candidate fails to receive the nomination of the**
27 **major political party.**

28 **(5) The state shall pay the costs of conducting the primary election for the nomination**
29 **of candidates by a minor political party that files a party rule with the Secretary of State**
30 **under subsection (1) of this section.**

31 **(6) A minor political party that does not file a party rule with the Secretary of State**

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 **under subsection (1) of this section shall nominate candidates of the minor political party,**
 2 **for other than political party office, in the manner set forth in ORS 248.009 and 249.712 to**
 3 **249.850.**

4 **SECTION 3.** ORS 249.016 is amended to read:

5 249.016. (1) A candidate of a major political party for public office or a candidate for nonparti-
 6 san office shall be nominated only in the manner provided in ORS 249.016 to 249.205.

7 **(2)(a) Except as provided in paragraph (b) of this subsection, a candidate for public office**
 8 **of a minor political party that elected to follow the nominating procedure set forth in section**
 9 **2 of this 2021 Act shall be nominated only in the manner provided in ORS 249.016 to 249.205.**

10 **(b) ORS 249.042 does not apply to a candidate for public office of a minor political party**
 11 **that elected to follow the nominating procedure set forth in section 2 of this 2021 Act.**

12 **SECTION 4.** ORS 249.020 is amended to read:

13 249.020. (1)(a) An eligible elector may become a candidate for nonpartisan office, or for the
 14 nomination to an office by the major political party of which the elector is a member, by filing a
 15 nominating petition or a declaration of candidacy.

16 **(b) An eligible elector may become a candidate for the nomination to an office by a minor**
 17 **political party that elected to follow the nominating procedure set forth in section 2 of this**
 18 **2021 Act by filing a nominating petition or a declaration of candidacy.**

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

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

23 **SECTION 5.** ORS 249.023 is amended to read:

24 249.023. Notwithstanding any provision of this chapter, and except as provided in [section 8,]
 25 Article IV, **section 8**, Oregon Constitution, and [section 2,] Article V, **section 2**, Oregon Constitu-
 26 tion, an otherwise qualified person who will attain the age of 18 years after the deadline for filing
 27 a nominating petition or declaration of candidacy:

28 (1) For nomination to any major political party office and on or before the date of the primary
 29 election, and who is registered as a member of the major political party not later than the date of
 30 the primary election, is eligible to file a nominating petition for nomination to any major political
 31 party office, to be listed on the ballot and to be nominated for the office, including by write-in votes.

32 **(2) For nomination to any minor political party office and on or before the date of the**
 33 **primary election, is eligible to file a nominating petition for nomination to any minor political**
 34 **party office, to be listed on the ballot and to be nominated for the office, including by write-in**
 35 **votes.**

36 **SECTION 6.** ORS 249.031 is amended to read:

37 249.031. (1) Except as provided in subsection (2) of this section, a nominating petition or decla-
 38 ration of candidacy shall contain:

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

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

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

44 (d) If the candidate is seeking the nomination of a major political party, the name of the major
 45 political party of which the candidate will have been a member, subject to the exceptions stated in

1 ORS 249.046, during at least 180 days before the deadline for filing a nominating petition or decla-
2 ration of candidacy.

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

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

6 *[(g) If the candidate is seeking the nomination of a major political party, a statement that the*
7 *candidate, if not nominated, will not accept the nomination or endorsement of any political party other*
8 *than the one of which the candidate is a member on the date the petition or declaration is filed.]*

9 *[(h)]* (g) The signature of the candidate.

10 *[(i)]* (h) A statement of the candidate's occupation, educational and occupational background and
11 prior governmental experience.

12 (2) Subsection *[(1)(i)]* (1)(h) of this section does not apply to a candidate for election as a pre-
13 cinct committeeperson.

14 (3) The Secretary of State shall ensure that the templates for a nominating petition or declara-
15 tion of candidacy provide the candidate with the option to provide the candidate's race and
16 ethnicity.

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

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

22 **SECTION 7.** ORS 249.068 is amended to read:

23 249.068. (1) Except as otherwise provided for a candidate **of a minor political party in sub-**
24 **section (3) of this section or** for nonpartisan office in ORS 249.072:

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

31 (b) For an election next following any change in the boundaries of a congressional district, there
32 shall be at least 1,000 signatures or the number of signatures at least equal to two percent of the
33 average number of votes cast in all congressional districts in this state, as the case may be, for the
34 candidates of that major political party for presidential electors at the last presidential election,
35 whichever is less;

36 (c) In the case of a candidate nominated by a major political party that did not nominate pres-
37 idential electors at the last presidential election, there shall be at least 1,000 signatures; and

38 (d) If the office is one to be voted for in the state at large, the signatures shall include those
39 of at least 100 electors registered in each congressional district.

40 (2) Except as otherwise provided in this section or for a candidate **of a minor political party**
41 **in subsection (3) of this section or** for nonpartisan office in ORS 249.072:

42 (a) A nominating petition for an office not provided for in subsection (1) of this section shall
43 contain the signatures of electors who are members of the same major political party as the candi-
44 date. There shall be at least 500 signatures or the number of signatures at least equal to two percent
45 of the vote in the electoral district for the candidates of that major political party for presidential

1 electors at the last presidential election, whichever is less;

2 (b) In the case of major political party candidates for the office of state Senator or state Rep-
3 resentative, for an election next following any change in the boundaries of the districts of state
4 Senators or state Representatives under Article IV, section 6, of the Oregon Constitution, there
5 shall be at least 500 signatures or the number of signatures at least equal to two percent of the
6 average number of votes cast in all state senatorial or state representative districts in this state,
7 as the case may be, for the candidates of that major political party for presidential electors at the
8 last presidential election, whichever is less; and

9 (c) In the case of a candidate nominated by a major political party that did not nominate pres-
10 idential electors at the last presidential election, there shall be at least 500 signatures.

11 **(3)(a) If the office is to be voted for in the state at large, the nominating petition for the**
12 **candidate of a minor political party that elected to follow the nominating procedure set forth**
13 **in section 2 of this 2021 Act must contain at least 1,000 signatures of electors, or a number**
14 **of signatures of electors equal to at least one percent of the number of votes cast in the**
15 **state for all candidates for Governor at the most recent election at which a candidate for**
16 **Governor was elected to a full term, whichever is less.**

17 **(b) The nominating petition for the candidate of a minor political party that elected to**
18 **follow the nominating procedure set forth in section 2 of this 2021 Act for a nonpartisan of-**
19 **fice not provided for in paragraph (a) of this subsection must contain at least 500 signatures**
20 **of electors in the electoral district, or a number of signatures of electors equal to at least**
21 **one percent of the number of votes cast in the electoral district for all candidates for Gov-**
22 **ernor at the most recent election at which a candidate for Governor was elected to a full**
23 **term, whichever is less.**

24 **SECTION 8.** ORS 249.076 is amended to read:

25 249.076. (1) A person who is not a member of the same major political party as the candidate
26 for nomination by the major political party may not sign the nominating petition of the candidate.

27 (2) Any elector may sign:

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

29 (b) A nominating petition or certificate of nomination of any nonaffiliated candidate; *[and]*

30 **(c) A nominating petition or certificate of nomination of any candidate for a minor poli-**
31 **tical party that elected to follow the nominating procedure set forth in section 2 of this 2021**
32 **Act; and**

33 *[(c)]* **(d)** Nominating petitions or certificates of nomination for more than one candidate for the
34 same office.

35 **SECTION 9.** ORS 249.190 is amended to read:

36 249.190. (1) Except as provided in ORS 254.650, a vacancy in the nomination of a major political
37 party candidate **or a candidate of a minor political party that elected to follow the nominating**
38 **procedure set forth in section 2 of this 2021 Act** may be filled before the date of the general
39 election by that political party in a manner prescribed by party rule.

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

43 (3) If the filing officer with whom a declaration of candidacy for the office is filed determines
44 that the candidate who has been nominated by a major political party is ineligible to be elected to
45 the office, the officer shall declare the nomination vacant and the political party shall select another

1 candidate to fill the vacancy in the nomination as provided under this section.

2 (4) The Secretary of State by rule may adopt a schedule specifying the period following a va-
3 cancy within which a major political party must notify the filing officer of the name of the new
4 nominee.

5 **SECTION 10.** ORS 249.200 is amended to read:

6 249.200. (1) A major political party **or a minor political party that elected to follow the**
7 **nominating procedure set forth in section 2 of this 2021 Act** may nominate a candidate to fill
8 a vacancy in a partisan elective office in the following manner:

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

11 (b) If the vacancy occurs after the 70th day before the nominating election and on or before the
12 62nd day before the general election, by selecting a nominee as provided by party rule.

13 (2) The procedure under subsection (1) of this section [*shall*] **does** not apply in any case in which
14 one of the following specific procedures for filling a vacancy applies:

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

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

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

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

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

23 (4) The Secretary of State by rule may adopt a schedule specifying the period following a va-
24 cancy within which a major political party, **or a minor political party that elected to follow the**
25 **nominating procedure set forth in section 2 of this 2021 Act**, that selects a nominee under
26 subsection (1)(b) of this section must notify the filing officer of the name of the nominee under sub-
27 section (3) of this section.

28 **SECTION 11.** ORS 254.025 is amended to read:

29 254.025. (1) Statutes applicable to primary elections shall be construed as though the primary
30 elections are separate elections for each major political party nominating candidates **and for each**
31 **minor political party that elected to follow the nominating procedure set forth in section 2**
32 **of this 2021 Act nominating candidates.**

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

35 **SECTION 12.** ORS 254.056 is amended to read:

36 254.056. (1) The general election shall be held on the first Tuesday after the first Monday in
37 November of each even-numbered year. Except as provided in ORS 254.650, at the general election
38 officers of the state and subdivisions of the state, members of Congress and electors of President
39 and Vice President of the United States as are to be elected in that year shall be elected.

40 (2) The primary election shall be held on the third Tuesday in May of each even-numbered year.
41 At the primary election precinct committeepersons shall be elected and major political party candi-
42 dates **and candidates for minor political parties that elected to follow the nominating proce-**
43 **cedure set forth in section 2 of this 2021 Act** shall be nominated for offices to be filled at the
44 general election held in that year.

45 **SECTION 13.** ORS 254.076 is amended to read:

1 254.076. The chief elections officer shall keep a register of candidates for nomination at the
 2 primary election. The register, if applicable, shall contain for each major political party **and for**
 3 **each minor political party that elected to follow the nominating procedure set forth in sec-**
 4 **tion 2 of this 2021 Act:**

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

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

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

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

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

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

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

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

16 254.370. The county clerk shall maintain:

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

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

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

21 (b) **Voted for each minor political party that elected to follow the nominating procedure**
 22 **set forth in section 2 of this 2021 Act;**

23 (3) A record of all electors registered as not being affiliated with any political party who vote
 24 in a primary election of a major political party, **or a minor political party that elected to follow**
 25 **the nominating procedure set forth in section 2 of this 2021 Act**, that has provided under ORS
 26 254.365 for a primary election that admits electors not affiliated with any political party; and

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

29 **SECTION 15.** ORS 254.470 is amended to read:

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

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

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

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

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

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

6 (a) The county clerk shall mail the official ballot of a major political party to each elector who
7 is registered as being affiliated with the major political party as of the 21st day before the date of
8 the election.

9 (b) The county clerk shall mail the official ballot of a major political party, **or a minor political**
10 **party that elected to follow the nominating procedure set forth in section 2 of this 2021 Act**,
11 to an elector not affiliated with any political party if the elector has applied for the ballot as pro-
12 vided in this subsection and that party has provided under ORS 254.365 for a primary election that
13 admits electors not affiliated with any political party.

14 (c) **The county clerk shall mail the official ballot of a minor political party that elected**
15 **to follow the nominating procedure set forth in section 2 of this 2021 Act to each elector who**
16 **is registered as being affiliated with the minor political party as of the 21st day before the**
17 **date of the election.**

18 [(c)] (d) An elector not affiliated with any political party who wishes to vote in the primary
19 election of a major political party, **or a minor political party that elected to follow the nomi-**
20 **nating procedure set forth in section 2 of this 2021 Act**, shall apply to the county clerk in
21 writing. The application must be completed, signed and submitted by the elector electronically, in
22 person or by mail, in a manner determined by the secretary by rule and must indicate which **ballot**
23 **of a major political party [ballot], or a minor political party that elected to follow the nomi-**
24 **nating procedure set forth in section 2 of this 2021 Act**, the elector wishes to receive. Except
25 for electors described in subsection (4) of this section, and subject to ORS 247.203, the application
26 must be received by the county clerk not later than 5 p.m. of the 21st day before the date of the
27 election.

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

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

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

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

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

1 (b) The elector may return the marked ballot to the county clerk by United States mail or by
2 depositing the ballot at the office of the county clerk, at any place of deposit designated by the
3 county clerk or at any location described in ORS 254.472 or 254.474.

4 (c) The ballot must be returned in the return identification envelope.

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

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

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

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

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

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

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

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

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

33 (11)(a)(A) Except as provided in subparagraph (B) of this paragraph, the name of the Secretary
34 of State may not appear in the secretary's official capacity on the return identification envelope,
35 secrecy envelope or on any instructions or materials included with the ballot if the secretary is a
36 candidate in the election for which the ballot is printed.

37 (B) This paragraph does not prohibit the name of the Secretary of State from appearing in the
38 secretary's official capacity in the voters' pamphlet.

39 (b) The name of the county clerk or other filing officer may not appear in the official capacity
40 of the county clerk or filing officer on the return identification envelope, secrecy envelope or on any
41 instructions or materials included with the ballot if the county clerk or filing officer is a candidate
42 in the election for which the ballot is printed.

43 (c) As used in this subsection, "filing officer" has the meaning given that term in ORS 254.165.

44 **SECTION 16.** ORS 254.555 is amended to read:

45 254.555. (1) Except as provided in ORS 254.548, not later than the 30th day after any election,

1 the Secretary of State, regarding offices for which the secretary receives filings for nomination,
2 shall:

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

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

7 **(c) Enter in a register of nominations after the primary election the name and, if appli-**
8 **cable, minor political party that elected to follow the nominating procedure set forth in**
9 **section 2 of this 2021 Act, of each candidate nominated, the office for which the candidate**
10 **is nominated and the date of entry.**

11 [(c)] (d) Prepare and deliver a certificate of nomination or election to each candidate having the
12 most votes for nomination for or election to the office. The Secretary of State shall sign the certif-
13 icate under the seal of the state.

14 [(d)] (e) Issue a proclamation declaring the election of candidates to the offices.

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

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

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

22 **SECTION 17.** ORS 254.565 is amended to read:

23 254.565. Subject to ORS 254.548, the chief city elections officer:

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

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

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

27 (c) If applicable, the name of the major political party, **or minor political party that elected**
28 **to follow the nominating procedure set forth in section 2 of this 2021 Act,** nominating the
29 candidate.

30 (d) The date of the entry.

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

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

36 **SECTION 18.** ORS 254.575 is amended to read:

37 254.575. When two or more candidates for the same office, after a full recount of votes, have an
38 equal and the highest number of votes:

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

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

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

1 (4) For nomination by one major political party, **or by one minor political party that elected**
2 **to follow the nominating procedure set forth in section 2 of this 2021 Act**, to an office, the
3 elections officer who receives filings for nomination to the office shall have the candidates meet
4 publicly to decide by lot who is nominated.

5 **SECTION 19.** ORS 254.365 is amended to read:

6 254.365. (1) An elector is not qualified or permitted to vote at any primary election for any
7 candidate of a major political party, **or a minor political party that elected to follow the nomi-**
8 **nating procedure set forth in section 2 of this 2021 Act**, and it is unlawful for the elector to offer
9 to do so, unless:

10 (a) The elector is registered as being affiliated with one of the major political parties, **or one**
11 **of the minor political parties that elected to follow the nominating procedure set forth in**
12 **section 2 of this 2021 Act**, nominating or electing its candidates for public office at the primary
13 election; or

14 (b) The elector is registered as not being affiliated with any political party and wishes to vote
15 in the primary election of a major political party, **or a minor political party that elected to follow**
16 **the nominating procedure set forth in section 2 of this 2021 Act**, that has provided under sub-
17 section (3) of this section for a primary election that admits electors not affiliated with any political
18 party.

19 (2) Except as provided in ORS 254.470 (3), any elector offering to vote at the primary election
20 shall be given a ballot of the major political party, **or the minor political party that elected to**
21 **follow the nominating procedure set forth in section 2 of this 2021 Act**, with which the elector
22 is registered as being affiliated. The elector may not be given a ballot of any other political party
23 at that primary election. An elector not affiliated with any political party and offering to vote at
24 the primary election shall be given the ballot of the major political party, **or the minor political**
25 **party that elected to follow the nominating procedure set forth in section 2 of this 2021 Act**,
26 in whose primary election the elector wishes to vote if that party has provided under subsection (3)
27 of this section for a primary election that admits electors not affiliated with any political party. An
28 elector not affiliated with any political party who is given a ballot of the major political party, **or**
29 **the minor political party that elected to follow the nominating procedure set forth in section**
30 **2 of this 2021 Act**, associates with the party for the purpose of voting in that primary election.

31 (3)(a) Not later than the 90th day before the date of the primary election, a major political
32 party, **or a minor political party that elected to follow the nominating procedure set forth in**
33 **section 2 of this 2021 Act**, may file with the Secretary of State a certified copy of the current party
34 rule allowing an elector not affiliated with any political party to vote in the party's primary
35 election. The party may not repeal the rule as filed during the 90 days before the primary election.
36 The rule shall continue to be effective after the date of the primary election until the party gives
37 written notice to the Secretary of State that the rule has been repealed. Except as provided in
38 paragraph (b) of this subsection, a party rule under this subsection may limit the candidates for
39 whom an elector who is not affiliated with any political party may vote.

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

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

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

2 254.500. (1) This section governs the tally of votes cast for persons whose names were not
 3 printed on the ballot but are written in by electors. All such write-in votes for each office on the
 4 ballot shall be tallied together, except as follows:

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

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

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

13 **(3) Notwithstanding subsection (1) of this section, when tallying write-in votes for the**
 14 **nomination of a candidate of a minor political party that elected to follow the nominating**
 15 **procedure set forth in section 2 of this 2021 Act, the county clerk may tally only write-in**
 16 **votes cast for persons who have timely filed a declaration of intent and request for write-in**
 17 **votes to be tallied under section 23 of this 2021 Act.**

18 **SECTION 21.** ORS 248.015 is amended to read:

19 248.015. (1) A precinct committeeperson shall be a representative of the major political party in
 20 the precinct. At the primary election a major political party shall elect from its members a precinct
 21 committeeperson for every 250 electors, or major fraction thereof, who are registered in the precinct
 22 251 days before the primary election. In any event the political party members of a precinct shall
 23 be entitled to elect not less than two committeepersons in the precinct. A person may not hold office
 24 as precinct committeeperson in more than one precinct.

25 (2) A member of a major political party who meets the party membership requirements set forth
 26 in ORS 249.046 may become a candidate for precinct committeeperson of the precinct in which the
 27 person is registered, of a precinct within the same county adjoining that precinct or of a precinct
 28 that is both in the same county and state Representative district as the precinct in which the person
 29 is registered, by filing a declaration of candidacy described in ORS 249.031, except as provided in
 30 subsection (3) of this section.

31 (3) ORS 249.031 [(1)(i)] **(1)(h)** does not apply to declarations of candidacy for candidates for
 32 precinct committeeperson.

33 (4) A member of the major political party who has been a member of that party for 180 days
 34 before the primary election may be elected by write-in votes as precinct committeeperson of the
 35 precinct in which the member is registered, of a precinct within the same county adjoining that
 36 precinct or of a precinct that is both in the same county and state Representative district as the
 37 precinct in which the person is registered. A member elected by write-in votes must meet the re-
 38 quirements for write-in candidates set forth in this section and ORS 248.019 or 248.021.

39 (5) Unless a qualified person receives at least three votes, no person is deemed to have been
 40 elected as precinct committeeperson and the office of precinct committeeperson shall be vacant.

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

43 (7) A precinct committeeperson is not considered a public officer.

44 **SECTION 22. Section 23 of this 2021 Act is added to and made a part of ORS chapter 254.**

45 **SECTION 23. (1) A person who wishes to be nominated by write-in vote as the candidate**

1 of a minor political party that elected to follow the nominating procedure set forth in section
2 2 of this 2021 Act, must file with the filing officer a declaration of intent and request for
3 write-in votes to be tallied. The person must file the declaration and request no later than
4 14 days before the date of the primary election. The declaration and request must:

5 (a) Certify that the person is legally qualified to assume the duties of the public office;
6 and

7 (b) Provide the electronic mail address of the person.

8 (2) Upon receipt of a declaration and request filed under subsection (1) of this section,
9 the filing officer shall take actions the filing officer deems necessary to determine whether
10 the person filing the declaration and request meets the qualifications to assume the duties
11 of the public office. If the filing officer determines that the person meets the qualifications,
12 the filing officer shall ensure that the county clerk counts the write-in votes for the person.

13 (3) If a person does not qualify under subsection (2) of this section to have the county
14 clerk count the write-in votes for that person, the county clerk may not count any write-in
15 votes cast for that person.

16 (4) As used in this section, "filing officer" has the meaning given that term in ORS
17 254.165.

18 SECTION 24. Sections 2 and 23 of this 2021 Act and the amendments to statutes by
19 sections 3 to 21 of this 2021 Act apply to primary elections held on or after the effective date
20 of this 2021 Act.

21 _____