

SENATE AMENDMENTS TO SENATE BILL 1527

By COMMITTEE ON RULES

February 11

1 In line 2 of the printed bill, delete “254.458” and insert “248.015, 248.023, 249.875, 254.458,
2 254.548, 258.150, 258.161, 258.190 and 260.345”.

3 After line 13, insert:

4 “**SECTION 2.** ORS 258.190 is amended to read:

5 “258.190. (1) After a recount demand is filed, the Secretary of State shall direct the official who
6 conducted the election or the clerk of any county containing precincts in which ballots were cast
7 on the measure or for the nomination or office specified in the demand for a recount to conduct a
8 recount in the precincts specified in the demand.

9 “(2) If the demand for a recount of votes cast for a nomination or office is filed, the Secretary
10 of State, not later than the third day after the filing of the first demand, shall notify the affected
11 candidates **that a recount is to be made in the precincts specified in the demand. The notice**
12 **shall be sent by electronic mail or, if an electronic mail address for the affected candidate**
13 **is unavailable**, by certified or registered mail [*that a recount is to be made in the precincts specified*
14 *in the demand*].

15 “(3) The official who is to conduct the recount, within a reasonable time before the recount,
16 shall notify the affected candidates or the individual filing the demand for recount for a measure
17 of the date, time and place of the recount.

18 “**SECTION 3.** ORS 249.875 is amended to read:

19 “249.875. (1) A recall petition shall be void unless completed and filed not later than the
20 [*100th*] **120th** day after filing the prospective petition described in ORS 249.865. Not later than the
21 90th day after filing the prospective petition the petition shall be submitted to the filing officer who
22 shall verify the signatures not later than the [*10th*] **30th** day after the submission. The filed petition
23 shall contain only original signatures. A recall petition shall not be accepted for signature verifi-
24 cation if it contains less than 100 percent of the required number of signatures. The petition shall
25 not be accepted for filing until 100 percent of the required number of signatures of electors have
26 been verified.

27 “(2) The provisions for verification of signatures on an initiative or referendum petition con-
28 tained in ORS 250.105, are applicable to the verification of signatures on a recall petition.

29 “**SECTION 4.** ORS 260.345 is amended to read:

30 “260.345. (1) Any elector may file with any filing officer a written complaint alleging that a vi-
31 olation of an election law or rule adopted by the Secretary of State under ORS chapters 246 to 260
32 has occurred and stating the reason for believing that the violation occurred and any evidence re-
33 lating to it. A complaint and any evidence relating to it may be filed electronically. A complaint
34 alleging a violation involving the Secretary of State, a candidate for the office of Secretary of State,
35 or any political committee or person supporting the Secretary of State or a candidate for the office

1 of Secretary of State may be filed with the Attorney General. The Secretary of State or Attorney
2 General shall not accept an anonymous complaint.

3 “(2) The Secretary of State by rule shall prescribe the procedure for processing a complaint filed
4 with any person other than the Secretary of State. If the complaint concerns the Secretary of State,
5 any candidate for the office of the Secretary of State, or any political committee or person sup-
6 porting the candidacy of the Secretary of State or of another person for the office of Secretary of
7 State, the complaint and any additional information relating to the complaint shall be sent to the
8 Attorney General.

9 “(3) Upon receipt of a complaint under subsection (1) or (2) of this section the Secretary of State
10 or Attorney General immediately shall examine the complaint to determine whether a violation of
11 an election law or rule has occurred and shall make any investigation the Secretary of State or
12 Attorney General considers necessary. Except as provided in this subsection, within [48 hours] **three**
13 **business days** of receiving a complaint under subsection (1) or (2) of this section, the Secretary of
14 State or Attorney General shall notify the person who is the subject of the complaint that a com-
15 plaint has been received. If the Secretary of State or Attorney General receives a complaint or
16 complaints involving [25] **10** or more individuals, political committees or petition committees in any
17 [24-hour] **48-hour** period, the Secretary of State or Attorney General need not notify the persons
18 who are the subjects of those complaints within [48 hours] **three business days** of receiving the
19 complaints but shall notify those persons not later than 10 business days after receiving the com-
20 plaint or complaints.

21 “(4) If the Secretary of State believes after an investigation under subsection (3) of this section
22 that a violation of an election law or rule has occurred, the secretary:

23 “(a) In the case of a violation that is subject to a penalty under ORS 260.993, immediately shall
24 report the findings to the Attorney General and request prosecution. If the violation involves the
25 Attorney General, a candidate for that office or a political committee or person supporting or op-
26 posing the Attorney General or a candidate for that office, the Secretary of State shall appoint an-
27 other prosecutor for that purpose;

28 “(b) In the case of a violation not subject to a penalty under ORS 260.537 or 260.993, may impose
29 a civil penalty under ORS 260.995; or

30 “(c) In the case of a violation under ORS 260.537, may institute civil proceedings in the manner
31 described in ORS 260.537.

32 “(5) Upon receipt of a complaint or report under subsection (1), (2) or (4) of this section in-
33 volving an alleged violation subject to a penalty under ORS 260.993 or an alleged violation of ORS
34 260.537, the Attorney General or other prosecutor immediately shall examine the complaint or re-
35 port to determine whether a violation of an election law has occurred. If the Attorney General or
36 prosecutor determines that a violation has occurred, the Attorney General or prosecutor imme-
37 diately shall begin prosecution or civil proceedings in the name of the state. The Attorney General
38 or other prosecutor shall have the same powers in any county of this state as the district attorney
39 for the county.

40 “(6) Upon receipt of a complaint under subsection (1) or (2) of this section involving an alleged
41 violation of an election law or rule not subject to a penalty under ORS 260.537 or 260.993, the At-
42 torney General shall examine the complaint to determine whether a violation of an election law or
43 rule has occurred and shall make any investigation the Attorney General considers necessary. If the
44 Attorney General believes after an investigation that a violation of an election law or rule has oc-
45 curred, the Attorney General may impose a civil penalty under ORS 260.995.

1 “(7) In the case of an alleged violation subject to a civil penalty under ORS 260.995 or an al-
2 leged violation of ORS 260.537, a complaint shall be filed by an elector under this section no later
3 than 90 days following the election at which a violation of an election law or rule is alleged to have
4 occurred, or 90 days following the date the violation of an election law or rule is alleged to have
5 occurred, whichever is later.

6 “(8) A filing officer having reason to believe that a violation of an election law or rule has oc-
7 curred shall proceed promptly as though the officer had received a complaint. Except as provided
8 in ORS 260.234, a filing officer shall proceed under this subsection no later than two years following
9 the election at which a violation of an election law or rule is alleged to have occurred, or two years
10 following the date the violation of an election law or rule is alleged to have occurred, whichever is
11 later. If a filing officer has not proceeded within two years because of fraud, deceit, misleading
12 representation or the filing officer could not have reasonably discovered the alleged violation, the
13 filing officer shall proceed no later than five years following the election at which a violation of an
14 election law or rule is alleged to have occurred, or five years following the date the violation of an
15 election law or rule is alleged to have occurred, whichever is later.

16 “**SECTION 5.** ORS 258.161 is amended to read:

17 “258.161. (1) A candidate or an officer of a political party on behalf of a candidate of the poli-
18 tical party may file a demand requiring the Secretary of State to direct that a recount be made in
19 specified precincts in which votes were cast for the nomination or office for which the candidate
20 received a vote.

21 “(2) An elector may file a demand requiring the Secretary of State to direct that a recount be
22 made in specified precincts in which votes were cast on any measure which appeared on the ballot.

23 “(3) A county clerk may file a demand requiring the Secretary of State to direct that a recount
24 be made in specified precincts in which votes were cast for the nomination or office for which a
25 candidate received a vote or on any measure that appeared on the ballot. The cash deposit re-
26 quirement of subsection (5) of this section shall not apply to a demand made under this subsection.
27 The cost of a recount conducted under this subsection shall be paid by the county of the county
28 clerk making the demand.

29 “(4) Except as provided in subsection (9) of this section, the person making a demand for a re-
30 count may, in the first demand, specify a partial or a full recount. A person making a demand for
31 a partial recount shall specify the precincts in which votes were cast for the nomination or office
32 or on the measure to be recounted. If in the first demand the person requested a partial recount,
33 the person may file a supplemental demand for a recount of all the remainder of the precincts.

34 “(5) Except as provided in subsections (3) and (6) of this section, each demand shall be accom-
35 panied by a cash deposit of \$15 for each precinct to be recounted up to a maximum of \$8,000 for a
36 recount of all precincts in the state on a measure or for a nomination or office. The Secretary of
37 State may retain the deposit for not more than 60 days after the election for which the recount was
38 demanded, without depositing it in the General Fund.

39 “(6) Upon application from a county clerk, the Secretary of State may waive the cash deposit
40 requirement of subsection (5) of this section if, after the first demand, it appears that due to
41 nondeliberate and material error by a local elections official, as defined in ORS 246.012, or a county
42 clerk, the outcome of an election on a candidate or measure will be changed. The cost of a recount
43 conducted under this subsection shall be paid by the county of the county clerk or the county of the
44 local elections official who committed the error.

45 “(7) Each demand shall be in the form and shall contain the information prescribed by the Sec-

1 retary of State, including the names and addresses of all persons and organizations providing any
2 part of the cash deposit and the amount provided by each.

3 “(8) Except as provided in subsection (9) of this section, the first demand shall be filed in the
4 office of the Secretary of State not later than the [35th] **42nd** day and a supplemental demand not
5 later than the [45th] **52nd** day after the date of the election in which votes were cast for the nomi-
6 nation, office or measure.

7 “(9) A demand for a recount made under this section on behalf of the electors of presidential
8 and vice presidential candidates shall be for a full recount only and shall be filed no later than five
9 business days after the Secretary of State declares the result of the election under ORS 254.555.

10 “**SECTION 6.** ORS 254.548 is amended to read:

11 “254.548. (1) An individual nominated or elected to a public office by write-in votes shall sign
12 and file a form indicating that the individual accepts the nomination or office before the filing offi-
13 cer may issue a certificate of nomination or election. The Secretary of State by rule shall prescribe
14 the form to be used under this section.

15 “(2) In the case of an individual nominated or elected by write-in votes to a public office:

16 “(a) Not later than the [39th] **38th** day after the election, the filing officer shall:

17 “(A) Prepare and deliver by regular mail the form described in subsection (1) of this section to
18 the individual; [and] **or**

19 “(B) If the filing officer has the electronic mail address of the individual, prepare and deliver
20 by electronic mail the form described in subsection (1) of this section to the individual;

21 “(b) Not later than the [41st] **43rd** day after the election, if the individual accepts the nomination
22 or office, the individual shall sign and file the form with the filing officer; and

23 “(c) Not later than the 45th day after the election, if the individual files the form by the deadline
24 specified in paragraph (b) of this subsection, the filing officer shall prepare and deliver a certificate
25 of nomination or election to the individual and, if applicable, issue a proclamation declaring the
26 election of the candidate to the office.

27 “**SECTION 7.** ORS 248.023 is amended to read:

28 “248.023. (1) Not later than the [20th] **27th** day after a primary election, the county elections
29 official shall mail a certificate of election to each newly elected precinct committeeperson within
30 the county. The county elections official also shall mail an ‘Acceptance of Office’ form to each per-
31 son elected by write-in votes to the office of precinct committeeperson who was nominated under
32 ORS 248.021. The form shall include a statement to be signed by the person elected that the person
33 is qualified to hold the office.

34 “(2) A person elected by write-in votes to the office of precinct committeeperson shall be certi-
35 fied for the office by filing with the county elections official, not later than the [27th] **33rd** day after
36 the date of the primary election, a signed ‘Acceptance of Office’ form.

37 “(3) Not later than the [31st] **35th** day after a primary election, the county elections official shall
38 prepare, maintain and furnish to the chairpersons of the respective retiring county central commit-
39 tees within the county and the chairpersons of the state central committees, a list of the party
40 precinct committeepersons elected and certified. At the same time the county elections official shall
41 declare the other offices of precinct committeeperson vacant.

42 “**SECTION 8.** ORS 248.015 is amended to read:

43 “248.015. (1) A precinct committeeperson shall be a representative of the major political party
44 in the precinct. At the primary election a major political party shall elect from its members a pre-
45 cinct committeeperson for every 250 electors, or major fraction thereof, who are registered in the

1 precinct 251 days before the primary election. In any event the political party members of a precinct
2 shall be entitled to elect not less than two committeepersons in the precinct. A person may not hold
3 office as precinct committeeperson in more than one precinct.

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

10 “(3) ORS 249.031 (1)(i) does not apply to declarations of candidacy for candidates for precinct
11 committeeperson.

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

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

20 “(6) The term of office of a precinct committeeperson is from the [24th] **35th** day after the date
21 of the primary election until the [24th] **35th** day after the date of the next following primary
22 election.

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

24 “**SECTION 9.** ORS 258.150 is amended to read:

25 “258.150. (1) The Secretary of State shall be responsible for [insuring] **ensuring** that the pro-
26 cedures to be used in conducting election recounts assure an accurate recount in the shortest time
27 at the least expense. Whenever demands are filed for a recount of a vote for both a measure and a
28 nomination or office, or for more than one measure, nomination or office, the Secretary of State may
29 determine the most appropriate procedure to be used in conducting the recounts simultaneously.

30 “(2)(a) **In all election recounts for the office of President and Vice-President of the United**
31 **States, United States Senate, United States House of Representatives, Governor, Secretary**
32 **of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and In-**
33 **dustries, Supreme Court, Court of Appeals, Oregon Tax Court, Circuit Court, Oregon Senate,**
34 **Oregon House of Representatives and statewide measures, the Secretary of State shall en-**
35 **sure that county elections officials conduct the recount in a manner that is consistent,**
36 **transparent, accurate and in accordance with all applicable laws.**

37 “(b) **The county clerk in each county involved in a recount described in paragraph (a) of**
38 **this subsection shall provide notice to the Secretary of State of the date, time and location**
39 **of the recount and information regarding all aspects of the recount process, including:**

40 “(A) **The appointment of counting boards;**

41 “(B) **The conditions for recount observers;**

42 “(C) **The manner in which voter intent is determined; and**

43 “(D) **The counting of ballots.**

44 “(c) **The Secretary of State shall review the notices and actual recount processes de-**
45 **scribed in paragraph (b) of this subsection to ensure consistency across counties involved in**

1 **the recount to the degree reasonably practicable. The Secretary of State shall be responsible**
2 **for the certification of the results of the election or nomination as reported by the county**
3 **clerks in the counties involved in the recount.**

4 **“(d) The Secretary of State may adopt rules necessary to implement this subsection.”.**

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