

D R A F T

SUMMARY

Digest: The Act takes away the demand for certain judge candidates' names to be marked as "incumbent" on a ballot. (Flesch Readability Score: 62.8).

Removes the requirement that the word "incumbent" appear on a ballot along with the name of incumbent candidates for specified judgeships.

A BILL FOR AN ACT

1
2 Relating to ballot contents; amending ORS 254.085, 254.125 and 254.135.

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

4 **SECTION 1.** ORS 254.085 is amended to read:

5 254.085. (1) The Secretary of State, not later than the 61st day before the
6 date of a primary or general election, shall file with each county clerk a
7 statement of the federal and state offices to be filled or for which candidates
8 are to be nominated in the county at the election, information concerning
9 all candidates for the offices, and the state measures to be voted on.

10 *[(2) The information concerning candidates for the Supreme Court, Court*
11 *of Appeals, Oregon Tax Court and circuit court shall include a designation*
12 *of incumbent for each candidate who is the regularly elected or appointed*
13 *judge of the court to which the candidate seeks election. If a candidate was*
14 *regularly elected or appointed to a specific position or department on the court,*
15 *the candidate shall be designated as the incumbent only if the person is a*
16 *candidate for that position or department.]*

17 **[(3)] (2)** Included with each state measure shall be the measure number,
18 the latest ballot title certified by the Attorney General under ORS 250.067
19 (2) or, if the Supreme Court has reviewed the title under ORS 250.085, the

1 title certified by the court and the financial estimates under ORS 250.125.
2 The Secretary of State shall keep a copy of the statement.

3 **SECTION 2.** ORS 254.125 is amended to read:

4 254.125. (1) The names of candidates for a nonpartisan office at a nomi-
5 nating election held on the date of the primary election shall be listed
6 without political party designation on a nominating ballot under the title,
7 and department or position number if any, of the office.

8 (2) At the primary election or general election[:]

9 [(a) *The*], **the** names of candidates who are opposed for nomination or
10 election to the Supreme Court, Court of Appeals, Oregon Tax Court and
11 circuit court shall be printed on the ballot before the names of candidates
12 for those offices who are unopposed[; *and*]

13 [(b) *The word "incumbent" shall follow the name of each candidate for the*
14 *Supreme Court, Court of Appeals, Oregon Tax Court or circuit court who is*
15 *designated the incumbent by the Secretary of State under ORS 254.085].*

16 **SECTION 3.** ORS 254.135 is amended to read:

17 254.135. (1) The official general or special election ballot shall be styled
18 "Official Ballot" and shall state:

19 (a) The name of the county for which it is intended.

20 (b) The date of the election.

21 (c) The names of all candidates for offices to be filled at the election
22 whose nominations have been made and accepted and who have not died,
23 withdrawn or become disqualified. The ballot may not contain the name of
24 any other person.

25 (d) The number, ballot title and financial estimates under ORS 250.125 of
26 any measure to be voted on at the election.

27 (2) The names of candidates for President and Vice President of the
28 United States shall be printed in groups together, with their political party
29 designations. The names of the electors may not be printed on the general
30 election ballot. A vote for the candidates for President and Vice President
31 is a vote for the group of presidential electors supporting those candidates

1 and selected as provided by law. The general election ballot shall state that
2 electors of President and Vice President are being elected and that a vote
3 for the candidates for President and Vice President shall be a vote for the
4 electors supporting those candidates.

5 (3)(a) The name of each candidate nominated shall be printed on the bal-
6 lot in but one place, without regard to how many times the candidate may
7 have been nominated, except in circumstances where a candidate may hold
8 more than one office or nomination without violating ORS 249.013. The name
9 of a political party, or names of political parties, shall be printed with the
10 name of a candidate for other than nonpartisan office according to the fol-
11 lowing rules:

12 (A) For a candidate not affiliated with a political party who is nominated
13 by a minor political party, the name of the minor political party shall be
14 printed with the name of the candidate;

15 (B) For a candidate not affiliated with a political party who is nominated
16 by more than one minor political party, the names of not more than three
17 minor political parties selected by the candidate shall be printed with the
18 name of the candidate;

19 (C) For a candidate who is a member of a political party who is nomi-
20 nated by a political party of which the candidate is not a member, the name
21 of the political party that nominated the candidate shall be printed with the
22 name of the candidate;

23 (D) For a candidate who is a member of a political party who is nomi-
24 nated by more than one political party of which the candidate is not a
25 member, the names of not more than three political parties selected by the
26 candidate shall be printed with the name of the candidate;

27 (E) For a candidate who is nominated only by a political party of which
28 the candidate is a member, the name of the political party of which the
29 candidate is a member shall be printed with the name of the candidate; and

30 (F) For a candidate who is nominated by a political party of which the
31 candidate is a member and by any political party or parties of which the

1 candidate is not a member, the name of the political party of which the
2 candidate is a member and the names of not more than two other political
3 parties selected by the candidate shall be printed with the name of the can-
4 didate.

5 (b) If a candidate is required to select the name of a political party to
6 be printed on the ballot under paragraph (a) of this subsection, the candidate
7 shall notify the filing officer of the selection not later than the 61st day
8 before the day of the election.

9 [(c) *The word “incumbent” shall be printed with the name of each candidate*
10 *for the Supreme Court, Court of Appeals, Oregon Tax Court or circuit court*
11 *who is designated the incumbent by the Secretary of State under ORS*
12 *254.085.*]

13 [(d)] (c) The word “nonaffiliated” shall be printed with the name of each
14 candidate who is not affiliated with a political party and who is nominated
15 by an assembly of electors or individual electors.

16 [(e)] (d) If two or more candidates for the same office have the same or
17 similar surnames, the location of their places of residence shall be printed
18 with their names to distinguish one from another.

19 (4) Notwithstanding subsection (3)(a) of this section, the name of a can-
20 didate nominated for more than one district office that is to be filled at the
21 same election shall be separately printed upon the ballot for each district
22 office for which the candidate is nominated.

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