

D R A F T

SUMMARY

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 2023 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 2023 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 2023 Act shall be used to determine the nomination

1 by a major political party for the following offices:

2 (a) President and Vice President of the United States.

3 (b) United States Senator or Representative in Congress.

4 (c) Governor, Secretary of State, State Treasurer or Attorney Gen-
5 eral.

6 (d) State Senator or Representative.

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

10 (a) President and Vice President of the United States.

11 (b) United States Senator or Representative in Congress.

12 (c) Governor, Secretary of State, State Treasurer or Attorney Gen-
13 eral.

14 (d) State Senator or Representative.

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

18 (2)(a) The ballot shall provide the elector the option to rank the
19 candidates for the nomination for or election to the office in order of
20 choice.

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

24 (c) If no candidate receives a majority of the first choice votes cast
25 for the nomination for or election to the office, the vote tally system
26 or counting board shall conduct successive rounds of an instant runoff
27 retabulation in which:

28 (A) The candidate with the fewest votes in each round in which no
29 candidate receives a majority of the votes cast in that round is de-
30 feated, and the votes cast in the successive rounds shall be retabulated
31 among the nondefeated candidates until one candidate receives a ma-

1 **majority of the votes cast in that round.**

2 **(B) In each round, each elector's ballot shall count as a single vote**
3 **for whichever candidate, if any, the elector has ranked highest who**
4 **has not been defeated in a prior round.**

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

8 **(3) The Secretary of State may adopt rules necessary for the im-**
9 **plementation of this section.**

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

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

19 **(b) When a nomination for or election to an office is determined**
20 **by ranked choice voting, a determination of which person has received**
21 **the highest number of votes shall be done in the manner set forth in**
22 **section 3 of this 2023 Act.**

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

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

30 **254.145. (1)(a) Except as provided in paragraph (b) of this subsection, the**
31 **names of candidates for nomination for or election to each office shall be**

1 arranged on the ballot in the order determined under ORS 254.155.

2 (b) The names of candidates for the offices of President and Vice Presi-
3 dent of the United States shall be arranged in groups.

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

7 (3) Spaces shall be provided for any offices appearing on the ballot in
8 which the elector may write the name of any person not printed on the bal-
9 lot. If a voting machine is used, spaces shall be provided on the ballot, or
10 on separate material delivered to the elector with the ballot, in which the
11 elector may write or enter the names of persons for any offices appearing
12 on the ballot.

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

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

24 (6) The ballot shall be clearly marked to indicate when names of candi-
25 dates for the office are continued on the following page.

26 (7) When a measure is submitted to the people, the number, ballot title
27 and financial estimates under ORS 250.125 of each measure shall be printed
28 after the list of candidates. A measure referred by the Legislative Assembly
29 shall be designated "Referred to the People by the Legislative Assembly." A
30 state measure referred by petition shall be designated "Referendum Order by
31 Petition of the People." A state measure proposed by initiative petition shall

1 be designated “Proposed by Initiative Petition.”

2 (8) The ballot shall be printed to give the elector a clear opportunity to
3 designate the elector’s choice **or choices** for candidates and approval or re-
4 jection of measures submitted.

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

14 **(10) When a nomination for or an election to an office is determined**
15 **by ranked choice voting as provided in section 3 of this 2023 Act, the**
16 **ballot shall provide the elector with the ability to rank each candidate**
17 **appearing on the ballot for the office by choice. The Secretary of State**
18 **by rule shall establish a statement to be printed on the ballot to in-**
19 **form the elector of how ballots will be tallied under section 3 of this**
20 **2023 Act.**

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

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

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

27 8.610. A district attorney for each county shall be elected by the electors
28 of the county[,] at the general election [*or, if applicable, at the election*
29 *specified in ORS 249.088*] next preceding the expiration of the term of the
30 then incumbent. The district attorney shall hold office for the term of four
31 years and until a successor is elected and qualified.

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

2 51.230. The election at which a justice of the peace shall be elected shall
3 be the general election [*or, if applicable, the election specified in ORS*
4 *249.088*] next preceding the expiration of the term of the incumbent of the
5 office.

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

7 202.100. (1) Not later than the 30th day after the Governor issues the
8 proclamation provided for in ORS 199.790 or 202.060, the Governor shall ap-
9 point three electors, who must be residents of the new county so formed, to
10 serve as county judge and commissioners for the new county. When the
11 persons appointed accept and qualify for their offices under ORS 204.016 and
12 204.020, the new county shall have existence as a county and shall be gov-
13 erned by the laws of this state relating to counties. The persons appointed
14 shall serve until the first Monday in January after the general election[, *or,*
15 *if applicable, after the election specified in ORS 249.088,*] at which their suc-
16 cessors are elected.

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

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

29 (4) At each general election[, *or, if applicable, at each election specified in*
30 *ORS 249.088,*] following the election at which the first board is elected, a
31 successor shall be elected to fill any expiring term.

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

2 203.230. (1) The county court of any county which has not adopted a
 3 county charter pursuant to ORS 203.710 to 203.770, and in which the county
 4 judge has no judicial function, may order the office of county judge abolished
 5 and create in lieu thereof a third county commissioner. The order shall
 6 transfer all powers and duties of the county court and county judge to the
 7 board of county commissioners and, unless referred to the people, shall be
 8 effective on the date specified therein. The order made under this subsection
 9 may be referred to the people of the county for their approval or rejection
 10 and, if approved, shall become operative on the date specified in the order
 11 referred. The people of the county shall vote on such order at a primary
 12 election or general election.

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

16 [(a) *On or subsequent to the date of the primary election but prior to the*
 17 *general election, then those persons nominated at the primary election for the*
 18 *office of county judge shall be candidates for the office of county commissioner*
 19 *created in the order.*]

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

25 (3) When the order issued under subsection (1) of this section becomes
 26 operative, the county judge shall, until the expiration of the term of office
 27 of the county judge, serve as the third county commissioner. At the general
 28 election next preceding the expiration of the term of office of the county
 29 judge there shall be elected, in addition to the two county commissioners
 30 provided by law for each county, one county commissioner who shall possess
 31 the same qualifications and be subject to the same provisions of law as the

1 other county commissioners.

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

4 (a) Compensation that is different from the other commissioners;

5 (b) Powers and duties that are different from the other commissioners;
6 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
9 shall serve as chairperson of the board of county commissioners until the
10 expiration of the term of office of that person and shall be subject to the
11 same provisions of law as the other county commissioners.

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

13 204.005. (1) **Unless an adopted county charter provides otherwise,** the
14 following county officers shall be elected at the [*primary election or*] general
15 election, **with the winner determined by ranked choice voting** as pro-
16 vided in [*ORS 249.088*] **section 3 of this 2023 Act:**

17 (a) A sheriff.

18 (b) A county clerk.

19 (c) A county assessor.

20 (d) A county treasurer.

21 (e) A county commissioner to succeed any commissioner whose term of
22 office expires the following January.

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

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

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

28 221.050. (1) The county court shall submit the proposition for incorpo-
29 ration determined as provided in ORS 221.040 to the electors registered in
30 the area proposed to be incorporated. At the same election, five city council
31 members for the proposed city shall be elected.

1 (2) ORS chapters 246 to 260 govern the conduct of an election under this
2 section, including the nomination and election of the first city council, ex-
3 cept as follows:

4 [(a) *A nominating or primary election for the purpose of nominating can-*
5 *didates for the city council shall not be held.*]

6 [(b)] (a) Notwithstanding ORS 249.037, a nominating petition or declara-
7 tion of candidacy must be filed with the county clerk not sooner than the
8 100th day and not later than the 70th day before the date of the election.

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

12 [(d)] (c) A nominating petition shall contain at least 25 signatures of
13 electors in the area proposed to be incorporated or a number of signatures
14 of electors equal to at least 10 percent of the number of electors in the area
15 proposed to be incorporated as of the date the election is ordered under ORS
16 221.040, whichever is less.

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

19 (4) Not later than the 30th day after an election called under ORS 221.040
20 the county court calling the election shall proclaim whether the results of
21 the election favor incorporation. The county court also shall proclaim which
22 candidates for city council are elected, if the results of the election favor
23 incorporation. The results of the election favor incorporation if a majority
24 of the votes cast on the proposition favors incorporation and:

25 (a) At least 50 percent of registered electors eligible to vote in the
26 election cast a ballot; or

27 (b) The election is held in May or November of any year.

28 (5) If the results of the election favor incorporation:

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

31 (b) The proposed rate limit for operating taxes submitted to and approved

1 by the electors at the election shall be the permanent rate limit for operating
2 taxes for the new city; and

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

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

7 221.180. (1) This section and ORS chapters 249 and 254 govern the manner
8 of [*nominating and*] electing candidates for municipal offices in all cities.

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

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

20 **SECTION 14.** ORS 244.050, as amended by section 1, chapter 66, Oregon
21 Laws 2022, is amended to read:

22 244.050. (1) On or before April 15 of each year the following persons shall
23 file with the Oregon Government Ethics Commission a verified statement of
24 economic interest as required under this chapter:

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

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

31 (c) Any candidate for a public office designated in paragraph (a) or (b)

1 of this subsection.

2 (d) The Deputy Attorney General.

3 (e) The Deputy Secretary of State.

4 (f) The Legislative Administrator, the Legislative Counsel, the Legislative
5 Fiscal Officer, the Legislative Policy and Research Director, the Secretary
6 of the Senate, the Chief Clerk of the House of Representatives and the Leg-
7 islative Equity Officer.

8 (g) The president and vice presidents, or their administrative equivalents,
9 in each public university listed in ORS 352.002.

10 (h) The following state officers:

11 (A) Adjutant General.

12 (B) Director of Agriculture.

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

14 (D) Water Resources Director.

15 (E) Director of the Department of Environmental Quality.

16 (F) Director of the Oregon Department of Administrative Services.

17 (G) State Fish and Wildlife Director.

18 (H) State Forester.

19 (I) State Geologist.

20 (J) Director of Human Services.

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

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

23 (M) State Librarian.

24 (N) Administrator of the Oregon Liquor and Cannabis Commission.

25 (O) Superintendent of State Police.

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

27 (Q) Director of Department of Revenue.

28 (R) Director of Transportation.

29 (S) Public Utility Commissioner.

30 (T) Director of Veterans' Affairs.

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

- 1 (V) Director of the State Department of Energy.
- 2 (W) Director and each assistant director of the Oregon State Lottery.
- 3 (X) Director of the Department of Corrections.
- 4 (Y) Director of the Oregon Department of Aviation.
- 5 (Z) Executive director of the Oregon Criminal Justice Commission.
- 6 (AA) Director of the Oregon Business Development Department.
- 7 (BB) Director of the Oregon Department of Emergency Management.
- 8 (CC) Director of the Employment Department.
- 9 (DD) State Fire Marshal.
- 10 (EE) Chief of staff for the Governor.
- 11 (FF) Director of the Housing and Community Services Department.
- 12 (GG) State Court Administrator.
- 13 (HH) Director of the Department of Land Conservation and Development.
- 14 (II) Board chairperson of the Land Use Board of Appeals.
- 15 (JJ) State Marine Director.
- 16 (KK) Executive director of the Oregon Racing Commission.
- 17 (LL) State Parks and Recreation Director.
- 18 (MM) Public defense services executive director.
- 19 (NN) Chairperson of the Public Employees' Benefit Board.
- 20 (OO) Director of the Department of Public Safety Standards and Training.
- 21 (PP) Executive director of the Higher Education Coordinating Commis-
22 sion.
- 23 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 24 (RR) Director of the Oregon Youth Authority.
- 25 (SS) Director of the Oregon Health Authority.
- 26 (TT) Deputy Superintendent of Public Instruction.
- 27 (i) The First Partner, the legal counsel, the deputy legal counsel and all
28 policy advisors within the Governor's office.
- 29 (j) Every elected city or county official.
- 30 (k) Every member of a city or county planning, zoning or development
31 commission.

1 (L) The chief executive officer of a city or county who performs the duties
2 of manager or principal administrator of the city or county.

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

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

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

9 (p) The chief administrative officer and the financial officer of each
10 common and union high school district, education service district and com-
11 munity college district.

12 (q) Every member of the following state boards, commissions and councils:

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

15 (B) Oregon Business Development Commission.

16 (C) State Board of Education.

17 (D) Environmental Quality Commission.

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

19 (F) State Board of Forestry.

20 (G) Oregon Government Ethics Commission.

21 (H) Oregon Health Policy Board.

22 (I) Oregon Investment Council.

23 (J) Land Conservation and Development Commission.

24 (K) Oregon Liquor and Cannabis Commission.

25 (L) Oregon Short Term Fund Board.

26 (M) State Marine Board.

27 (N) Mass transit district boards.

28 (O) Energy Facility Siting Council.

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

30 (Q) Employment Relations Board.

31 (R) Public Employees Retirement Board.

- 1 (S) Oregon Racing Commission.
2 (T) Oregon Transportation Commission.
3 (U) Water Resources Commission.
4 (V) Workers' Compensation Board.
5 (W) Oregon Facilities Authority.
6 (X) Oregon State Lottery Commission.
7 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
8 (Z) Columbia River Gorge Commission.
9 (AA) Oregon Health and Science University Board of Directors.
10 (BB) Capitol Planning Commission.
11 (CC) Higher Education Coordinating Commission.
12 (DD) Oregon Growth Board.
13 (EE) Early Learning Council.
14 (FF) The Oversight and Accountability Council.
15 (r) The following officers of the State Treasurer:
16 (A) Deputy State Treasurer.
17 (B) Chief of staff for the office of the State Treasurer.
18 (C) Director of the Investment Division.
19 (s) Every member of the board of commissioners of a port governed by
20 ORS 777.005 to 777.725 or 777.915 to 777.953.
21 (t) Every member of the board of directors of an authority created under
22 ORS 441.525 to 441.595.
23 (u) Every member of a governing board of a public university listed in
24 ORS 352.002.
25 (v) Every member of the district school board of a common school district
26 or union high school district.
27 (w) Every member of the board of directors of an authority created under
28 ORS 465.600 to 465.621.
29 (2) By April 15 next after the date an appointment takes effect, every
30 appointed public official on a board or commission listed in subsection (1)
31 of this section shall file with the Oregon Government Ethics Commission a

1 statement of economic interest as required under ORS 244.060, 244.070 and
2 244.090.

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

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

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

16 (6) If a statement required to be filed under this section has not been re-
17 ceived by the commission within five days after the date the statement is
18 due, the commission shall notify the public official or candidate and give the
19 public official or candidate not less than 15 days to comply with the re-
20 quirements of this section. If the public official or candidate fails to comply
21 by the date set by the commission, the commission may impose a civil pen-
22 alty as provided in ORS 244.350.

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

24 258.280. (1) The Secretary of State shall order a full recount of the votes
25 cast for nomination or election to a public office for which the Secretary of
26 State is the filing officer, and the county clerk who conducted the election
27 shall order a full recount of the votes cast for nomination or election to any
28 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
30 and the highest number of votes; or

31 (b) The difference in the number of votes cast for a candidate apparently

1 nominated or elected to the office and the votes cast for the closest appar-
2 ently defeated opponent is not more than one-fifth of one percent of the total
3 votes for both candidates.

4 (2)(a) Unless otherwise provided by a home rule charter, [*at an election*
5 *described in ORS 249.088,*] the Secretary of State shall order a full recount
6 of the votes cast for [*nomination or*] election to a nonpartisan office for
7 which the Secretary of State is the filing officer, and the county clerk who
8 conducted the election shall order a full recount of the votes cast for [*nom-*
9 *ination or*] election to any other nonpartisan office, if the canvass of votes
10 of the election reveals that the number of votes cast for a candidate differs
11 from a majority of votes cast for the office by not more than one-fifth of one
12 percent of the total votes cast for the office.

13 (b) This subsection does not apply to the office of sheriff, the office of
14 county clerk[,] **or** the office of county treasurer [*or a candidate to fill a va-*
15 *cancy, as described in ORS 249.091*].

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

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

20 **SECTION 17. Sections 2 and 3 of this 2023 Act, the amendments to**
21 **ORS 3.030, 8.610, 51.230, 202.100, 203.230, 204.005, 221.050, 221.180, 244.050,**
22 **254.065, 254.145 and 258.280 by sections 4 to 15 of this 2023 Act and the**
23 **repeal of ORS 249.088 and 249.091 by section 16 of this 2023 Act apply**
24 **to elections and nominations occurring on or after January 1, 2025.**

25 **SECTION 18. (1) Sections 2 and 3 of this 2023 Act, the amendments**
26 **to ORS 3.030, 8.610, 51.230, 202.100, 203.230, 204.005, 221.050, 221.180,**
27 **244.050, 254.065, 254.145 and 258.280 by sections 4 to 15 of this 2023 Act**
28 **and the repeal of ORS 249.088 and 249.091 by section 16 of this 2023 Act**
29 **become operative on January 1, 2025.**

30 (2) The Secretary of State and county clerks may take any action
31 before the operative date specified in subsection (1) of this section that

1 **is necessary to enable the Secretary of State and county clerks to ex-**
2 **ercise, on and after the operative date specified in subsection (1) of**
3 **this section, all the duties, functions and powers conferred on the**
4 **Secretary of State and county clerks by sections 2 and 3 of this 2023**
5 **Act, the amendments to ORS 3.030, 8.610, 51.230, 202.100, 203.230, 204.005,**
6 **221.050, 221.180, 244.050, 254.065, 254.145 and 258.280 by sections 4 to 15**
7 **of this 2023 Act and the repeal of ORS 249.088 and 249.091 by section**
8 **16 of this 2023 Act.**

9
