

Enrolled House Bill 2004

Sponsored by Representatives RAYFIELD, FAHEY, REYNOLDS, MARSH, PHAM K, Senator SOLLMAN; Representatives ANDERSEN, BOWMAN, DEXTER, GAMBA, HOLVEY, LEVY E, LIVELY, NOSSE, WALTERS, Senators CAMPOS, DEMBROW, GOLDEN (Presession filed.)

CHAPTER

AN ACT

Relating to ranked choice voting; creating new provisions; amending ORS 244.050, 246.200, 249.088, 249.091, 254.065, 254.145, 254.485 and 258.280; and providing that this Act shall be referred to the people for their approval or rejection.

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

SECTION 1. Sections 2 to 5 of this 2023 Act are added to and made a part of ORS chapter 254.

SECTION 2. (1) Ranked choice voting as conducted in the manner set forth in section 4 of this 2023 Act shall be used to determine the nomination by a major political party for the following offices:

- (a) President of the United States.
- (b) United States Senator and Representative in Congress.
- (c) Governor, Secretary of State, State Treasurer and Attorney General.

(2) Ranked choice voting as conducted in the manner set forth in section 4 of this 2023 Act shall be used at the general election to determine election to the following offices:

- (a) President and Vice President of the United States.
- (b) United States Senator and Representative in Congress.
- (c) Governor, Secretary of State, State Treasurer and Attorney General.

(3) Ranked choice voting as conducted in the manner set forth in section 4 of this 2023 Act shall be used at the primary election to determine election to the office of Commissioner of the Bureau of Labor and Industries.

SECTION 3. (1) Unless otherwise prohibited by home rule charter:

- (a) A city may use ranked choice voting to determine election to city office.
- (b) A county may use ranked choice voting to determine election to county office.
- (c) A metropolitan service district organized under ORS chapter 268 may use ranked choice voting to determine election to office of a metropolitan service district.

(d) A school district as defined in ORS 330.005 may use ranked choice voting to determine election to office of the school district.

(e) Any local government or local service district, as both are defined in ORS 174.116, may use ranked choice voting to determine election to office of the local government or local service district.

(2) Unless otherwise prohibited by home rule charter:

(a) For any partisan city office, a city may use ranked choice voting to determine the nomination for that office.

(b) For any partisan county office, a county may use ranked choice voting to determine the nomination for that office.

(c) For any partisan office that is part of a metropolitan service district organized under ORS chapter 268, the metropolitan service district may use ranked choice voting to determine the nomination for that office.

(d) For any partisan office of a school district as defined in ORS 330.005, the school district may use ranked choice voting to determine the nomination for that office.

(e) For any partisan office of a local government or local service district, as both are defined in ORS 174.116, the local government or local service district may use ranked choice voting to determine the nomination for that local government or local service district office.

(3) This section does not apply to the nomination for or election to any office described in section 2 of this 2023 Act.

(4)(a) This section may not be construed to limit, restrict or preempt the authority of any home rule jurisdiction to provide for ranked choice voting conducted in the manner set forth in section 4 of this 2023 Act to determine nomination for or election to any office in that jurisdiction.

(b) This section may not be construed to limit, restrict or preempt the authority of any home rule jurisdiction that, on or after November 8, 2016, and prior to the effective date of this 2023 Act, adopted ranked choice voting to determine elections to office or offices of that jurisdiction, to use ranked choice voting in any manner adopted, amended or revised by the jurisdiction, including using ranked choice voting as locally adopted, amended or revised for elections to office or offices of that jurisdiction in lieu of the method of ranked choice voting set forth in section 4 of this 2023 Act and any rules adopted by the Secretary of State for the purpose of implementing section 4 of this 2023 Act.

(5) The secretary, in consultation with county clerks and elections officers as defined in ORS 255.005, shall:

(a) Adopt rules to implement this section; and

(b) Provide formal and informal guidance to cities, counties, metropolitan service districts organized under ORS chapter 268, school districts as defined in ORS 330.005 and local governments and local service districts, as both are defined in ORS 174.116, regarding the implementation of this section.

SECTION 4. (1) When a nomination for or an election to an office is determined by ranked choice voting, the winner or winners of the nomination or election shall be determined in the manner set forth in this section.

(2)(a) The ballot shall provide electors with the option of ranking as many choices of qualified candidates and qualified write-in candidates as practicable.

(b) Each ballot that is cast shall count as one vote for the highest-ranked active candidate on that ballot. The tallying of ballots shall proceed in rounds, with each round proceeding sequentially as follows:

(A) If an active candidate has a majority of votes in a round, the candidate with the greatest number of votes is nominated or elected and the tallying of ballots is complete for that office.

(B) If no active candidate has a majority of votes in a round:

(i) The active candidate with the fewest votes is defeated and is no longer an active candidate;

(ii) Votes that had been counted for the defeated candidate are transferred to each ballot's next highest-ranked active candidate; and

(iii) A new round of vote tallying begins with ballots retallied in the manner described in this subparagraph.

(3) Notwithstanding subsection (2) of this section and except as otherwise expressly provided by law, when an election to an office is determined by ranked choice voting, and more than one person is to be elected to a single office, the people elected to the office shall be determined by a proportional methodology adopted by rule by the Secretary of State. Any rules adopted under this subsection shall provide that candidates are elected to office by:

(a) Receiving more votes than a threshold determined by dividing the total votes counted for active candidates in the first round of tabulation by the sum of the number of people to be elected plus one, with all votes that are received by a candidate that are in excess of the minimum number of votes required to be elected to office being transferred to lower-ranked active candidates in the manner set forth in the proportional methodology adopted by the secretary under this subsection; or

(b) If the number of active candidates is less than or equal to the number of seats remaining to be filled, by being one of the active candidates.

(4) This section may not be interpreted to limit, restrict or preempt a major political party from selecting delegates for President of the United States according to party rules that are not inconsistent with ORS chapter 248.

(5)(a) The Secretary of State, in consultation with county clerks and elections officers as defined in ORS 255.005, shall adopt rules necessary for the implementation of this section, including, but not limited to:

(A) Determining the number of qualified candidates and qualified write-in candidates that are practicable to be ranked on the ballot for the purposes of subsection (2)(a) of this section;

(B) The tally processes for ranked choice voting; and

(C) Clearly defining any processes and terms needed for effectively implementing ranked choice voting.

(b) Prior to adopting rules relating to the nomination of candidates for President of the United States, the secretary shall also consult with, and receive input from, the Oregon chairperson from each major political party.

(6) As used in this section:

(a) "Active candidate" means a candidate who has not, for the election at which ballots are being tallied:

(A) Withdrawn;

(B) Been defeated; or

(C) Been nominated or elected.

(b) "Highest-ranked active candidate" means the active candidate assigned to a higher ranking on a ballot than any other active candidate.

(c) "Ranking" means the number available to be assigned by an elector to a candidate to express the elector's choice for that candidate, with the number 1 being the highest ranking, followed by the number 2, then the number 3, with any additional rankings authorized under this section following sequentially.

(d) "Round" means an instance of the sequence of voting tabulation:

(A) In the manner described in subsection (2)(b) of this section for elections in which no more than one person is to be elected to a single office;

(B) Adopted under subsection (3) of this section for elections in which more than one person is to be elected to a single office; or

(C) Established in conformity with subsection (4) of this section for the presidential primary election of a major political party.

SECTION 5. (1) The Secretary of State shall by rule establish a program to educate electors about how ranked choice voting will be conducted in elections held in this state.

(2) The program established under this section shall:

(a) Involve community-based organizations;

(b) Be culturally appropriate; and

(c) Be available to electors in English and in the five most commonly spoken languages in this state, other than English, that have been identified by the secretary under ORS 251.167.

SECTION 6. Section 7 of this 2023 Act is added to and made a part of ORS chapter 249.

SECTION 7. (1) Notwithstanding ORS 249.016 or any other provision of law:

(a) There may not be a nominating election for the office of Commissioner of the Bureau of Labor and Industries; and

(b) The office of Commissioner of the Bureau of Labor and Industries shall be elected at the primary election by ranked choice voting conducted in the manner set forth in section 4 of this 2023 Act.

(2) Except as otherwise expressly provided by this section or other law, the requirements of ORS 249.016 to 249.205 apply to candidates for the office of Commissioner of the Bureau of Labor and Industries.

SECTION 8. ORS 246.200 is amended to read:

246.200. (1)(a) Except as otherwise provided by law, the county clerk is the only elections officer who may conduct an election in this state.

(b) For purposes of this section, the conduct of an election includes, but is not limited to, establishing precincts, preparing ballots and sample ballots, and receiving and processing votes.

(2) Notwithstanding subsection (1) of this section:

(a) The county clerk is not the only elections officer who may accept and verify a filing for nomination or filing of a petition, prepare a voters' pamphlet or ballot title, or prepare or publish an election notice; [and]

(b) The Secretary of State may receive ballots as provided in ORS 253.585[.]; and

(c) **The Secretary of State, in a manner determined by the secretary by rule, may tally ballots cast for the nomination for or election to an office that is determined by ranked choice voting as provided in section 4 of this 2023 Act.**

SECTION 9. ORS 254.065 is amended to read:

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

(b)(A) **Except as otherwise provided in this paragraph, when a nomination for or election to an office is determined by ranked choice voting, a determination of which person has received the highest number of votes shall be done:**

(i) In the manner set forth in section 4 of this 2023 Act; or

(ii) In the manner adopted, amended or revised by a local jurisdiction in conformity with section 3 (4)(b) of this 2023 Act.

(B) If the National Popular Vote interstate compact set forth in section 1, chapter 356, Oregon Laws 2019, governs the appointment of presidential electors and the election of presidential electors in this state is determined by ranked choice voting:

(i) The determination of which candidates for the position of presidential elector shall be declared elected in this state shall be made in accordance with the provisions of the National Popular Vote interstate compact; and

(ii) The "final determination" of the presidential vote count reported and certified to the member states of the compact and to the federal government shall be the votes received in the final round of statewide tabulation by each slate of candidates for the offices of President and Vice President of the United States that received votes in the final round of statewide tabulation.

(c) When more than one person is to be nominated for or elected to a single office by ranked choice voting, a determination of which persons have received the highest number of votes shall be done in the manner established under section 4 (3) of this 2023 Act.

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

SECTION 10. ORS 254.145 is amended to read:

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

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

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

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

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

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

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

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

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

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

(10) When a nomination for or an election to an office is determined by ranked choice voting as provided in section 4 of this 2023 Act, the ballot shall provide the elector with the ability to rank, by choice, write-in candidates and candidates appearing on the ballot for the office. The Secretary of State by rule shall establish a statement to be printed on the ballot

describing how to mark choices in an election determined by ranked choice voting consistent with section 4 of this 2023 Act.

SECTION 11. ORS 254.485 is amended to read:

254.485. (1) Ballots may be tallied by a vote tally system, [or] by a counting board **or in the manner determined by the Secretary of State under ORS 246.200**. A counting board may tally ballots at the precinct or in the office of the county clerk. [*In any event,*] **Except as otherwise determined by the secretary under ORS 246.200**, the ballots shall be tallied and returned by precinct.

(2) If a vote tally system is used, the county clerk shall repeat the public certification test described under ORS 254.235 (1). The test shall be conducted immediately prior to scanning any ballots. The test may be observed by persons described in ORS 254.235 (2). The county clerk shall certify the results of the test.

(3) If a counting board has been appointed, the tally of ballots may begin on the date of the election.

(4)(a) If ballots are tallied by a counting board, after the tally has begun it shall continue until completed. Except as provided in paragraph (b) of this subsection, a counting board shall tally without adjournment and in the presence of the clerks and persons authorized to attend.

(b) A counting board may be relieved by another board if the tally is not completed after 12 hours.

(5) A counting board shall audibly announce the tally as it proceeds. The board shall use only pen and ink to tally.

(6) For ballots cast using a voting machine, the county clerk shall:

(a) Enter the ballots cast using the machine into the vote tally system; and

(b) In the event of a recount, provide the paper record copy recorded by the machine to the counting board.

(7) A person other than the **Secretary of State**, county clerk, a member of a counting board or any other elections official designated by the **secretary or** county clerk may not tally ballots under this chapter.

(8) The Secretary of State shall by rule establish a procedure for announcing the status of the tally of the ballots received after the date of the election. Rules adopted under this subsection must:

(a) Consider the number of ballots being released in relation to the size of the district;

(b) Prioritize voter anonymity; and

(c) After prioritizing voter anonymity under paragraph (b) of this subsection, prioritize the importance of timely reporting election results.

SECTION 12. ORS 244.050, as amended by section 1, chapter 66, Oregon Laws 2022, is amended to read:

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

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

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

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

(d) The Deputy Attorney General.

(e) The Deputy Secretary of State.

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

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

(h) The following state officers:

- (A) Adjutant General.
- (B) Director of Agriculture.
- (C) Manager of State Accident Insurance Fund Corporation.
- (D) Water Resources Director.
- (E) Director of the Department of Environmental Quality.
- (F) Director of the Oregon Department of Administrative Services.
- (G) State Fish and Wildlife Director.
- (H) State Forester.
- (I) State Geologist.
- (J) Director of Human Services.
- (K) Director of the Department of Consumer and Business Services.
- (L) Director of the Department of State Lands.
- (M) State Librarian.
- (N) Administrator of the Oregon Liquor and Cannabis Commission.
- (O) Superintendent of State Police.
- (P) Director of the Public Employees Retirement System.
- (Q) Director of Department of Revenue.
- (R) Director of Transportation.
- (S) Public Utility Commissioner.
- (T) Director of Veterans' Affairs.
- (U) Executive director of Oregon Government Ethics Commission.
- (V) Director of the State Department of Energy.
- (W) Director and each assistant director of the Oregon State Lottery.
- (X) Director of the Department of Corrections.
- (Y) Director of the Oregon Department of Aviation.
- (Z) Executive director of the Oregon Criminal Justice Commission.
- (AA) Director of the Oregon Business Development Department.
- (BB) Director of the Oregon Department of Emergency Management.
- (CC) Director of the Employment Department.
- (DD) State Fire Marshal.
- (EE) Chief of staff for the Governor.
- (FF) Director of the Housing and Community Services Department.
- (GG) State Court Administrator.
- (HH) Director of the Department of Land Conservation and Development.
- (II) Board chairperson of the Land Use Board of Appeals.
- (JJ) State Marine Director.
- (KK) Executive director of the Oregon Racing Commission.
- (LL) State Parks and Recreation Director.
- (MM) Public defense services executive director.
- (NN) Chairperson of the Public Employees' Benefit Board.
- (OO) Director of the Department of Public Safety Standards and Training.
- (PP) Executive director of the Higher Education Coordinating Commission.
- (QQ) Executive director of the Oregon Watershed Enhancement Board.
- (RR) Director of the Oregon Youth Authority.
- (SS) Director of the Oregon Health Authority.
- (TT) Deputy Superintendent of Public Instruction.
- (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within the Governor's office.
- (j) Every elected city or county official.
- (k) Every member of a city or county planning, zoning or development commission.
- (L) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county.

- (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- (n) Every member of a governing body of a metropolitan service district and the auditor and executive officer thereof.
- (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- (p) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.
- (q) Every member of the following state boards, commissions and councils:
 - (A) Governing board of the State Department of Geology and Mineral Industries.
 - (B) Oregon Business Development Commission.
 - (C) State Board of Education.
 - (D) Environmental Quality Commission.
 - (E) Fish and Wildlife Commission of the State of Oregon.
 - (F) State Board of Forestry.
 - (G) Oregon Government Ethics Commission.
 - (H) Oregon Health Policy Board.
 - (I) Oregon Investment Council.
 - (J) Land Conservation and Development Commission.
 - (K) Oregon Liquor and Cannabis Commission.
 - (L) Oregon Short Term Fund Board.
 - (M) State Marine Board.
 - (N) Mass transit district boards.
 - (O) Energy Facility Siting Council.
 - (P) Board of Commissioners of the Port of Portland.
 - (Q) Employment Relations Board.
 - (R) Public Employees Retirement Board.
 - (S) Oregon Racing Commission.
 - (T) Oregon Transportation Commission.
 - (U) Water Resources Commission.
 - (V) Workers' Compensation Board.
 - (W) Oregon Facilities Authority.
 - (X) Oregon State Lottery Commission.
 - (Y) Pacific Northwest Electric Power and Conservation Planning Council.
 - (Z) Columbia River Gorge Commission.
 - (AA) Oregon Health and Science University Board of Directors.
 - (BB) Capitol Planning Commission.
 - (CC) Higher Education Coordinating Commission.
 - (DD) Oregon Growth Board.
 - (EE) Early Learning Council.
 - (FF) The Oversight and Accountability Council.
- (r) The following officers of the State Treasurer:
 - (A) Deputy State Treasurer.
 - (B) Chief of staff for the office of the State Treasurer.
 - (C) Director of the Investment Division.
- (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 or 777.915 to 777.953.
- (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- (u) Every member of a governing board of a public university listed in ORS 352.002.
- (v) Every member of the district school board of a common school district or union high school district.
- (w) Every member of the board of directors of an authority created under ORS 465.600 to 465.621.

(2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the Oregon Government Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

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

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

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

(6) If a statement required to be filed under this section has not been received by the commission within five days after the date the statement is due, the commission shall notify the public official or candidate and give the public official or candidate not less than 15 days to comply with the requirements of this section. If the public official or candidate fails to comply by the date set by the commission, the commission may impose a civil penalty as provided in ORS 244.350.

SECTION 13. ORS 249.088 is amended to read:

249.088. (1) Except as provided in ORS 249.091, at the nominating election held on the date of the primary election:

(a) Unless a candidate for nonpartisan office receives a majority of the votes cast for the office, the two candidates who receive the highest number of votes are nominated.

(b) If a candidate for nonpartisan office receives a majority of votes cast for the office, that candidate is elected.

(2) The application of this section is subject to the provisions of a home rule charter.

(3) This section does not apply to any election to nonpartisan office for which ranked choice voting as conducted in the manner set forth in section 4 of this 2023 Act is used to determine election to the office.

SECTION 14. ORS 249.091 is amended to read:

249.091. (1) If a nominating petition or declaration of candidacy is filed by no more than two candidates for the office of sheriff, county treasurer or county clerk or by no more than two candidates to fill a vacancy in a nonpartisan office:

(a) The candidate or candidates are nominated; and

(b) The name or names of the candidate or candidates may not be printed on the ballot at the nominating election.

(2) If a nominating petition or declaration of candidacy is filed by more than two candidates for the office of sheriff, county treasurer or county clerk or by more than two candidates to fill a vacancy in a nonpartisan office:

(a) Unless a candidate receives a majority of the votes cast for the office, the two candidates who receive the highest number of votes are nominated.

(b) If a candidate receives a majority of the votes cast for the office, that candidate alone is nominated.

(3) The application of this section is subject to the provisions of a home rule charter.

(4) This section does not apply to any election for the office of sheriff, county treasurer or county clerk, or to fill a vacancy in nonpartisan office, for which ranked choice voting as conducted in the manner set forth in section 4 of this 2023 Act is used to determine election to the office.

SECTION 15. ORS 258.280 is amended to read:

258.280. (1)(a) **Except as provided in paragraph (b) of this subsection,** the Secretary of State shall order a full recount of the votes cast for nomination or election to a public office for which

the Secretary of State is the filing officer, and the county clerk who conducted the election shall order a full recount of the votes cast for nomination or election to any other public office if the canvass of votes of the election reveals that:

[(a)] (A) Two or more candidates for that nomination or office have an equal and the highest number of votes; or

[(b)] (B) The difference in the number of votes cast for a candidate apparently nominated or elected to the office and the votes cast for the closest apparently defeated opponent is not more than one-fifth of one percent of the total votes for both candidates.

(b) The Secretary of State by rule shall establish when a full recount of the votes cast for nomination or election to a public office is required for an election in which ranked choice voting is conducted in the manner set forth in section 4 of this 2023 Act and the secretary is the filing officer. Any rules adopted under this paragraph shall, to the extent practicable, comply with the requirements set forth in paragraph (a) of this subsection.

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

(b) This subsection does not apply to the office of sheriff, the office of county clerk, the office of county treasurer or a candidate to fill a vacancy, as described in ORS 249.091.

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

SECTION 16. (1) The Secretary of State, in consultation with the county clerks, shall analyze the election laws of this state to determine whether existing laws are inconsistent with the effective and efficient implementation of ranked choice voting elections.

(2) The Secretary of State and county clerks shall jointly submit two reports in the manner provided by ORS 192.245, and may include recommendations for legislation, to the interim committees of the Legislative Assembly related to elections:

(a) Setting forth the results of the analysis conducted under subsection (1) of this section; and

(b) Detailing, to the degree practicable, each expenditure, and the associated cost of each expenditure, that the secretary and county clerks have determined is necessary to make in order to successfully implement this 2023 Act by the operative date specified in section 18 of this 2023 Act, including but not limited to expenditures related to:

(A) Staff training;

(B) Purchasing or updating new equipment;

(C) Voter education;

(D) Purchasing or updating new software; and

(E) Hiring additional staff.

(3) The Secretary of State and the county clerks shall submit:

(a) The first report required under subsection (2) of this section no later than March 15, 2025.

(b) The final report required under subsection (2) of this section no later than September 15, 2026.

SECTION 17. Section 16 of this 2023 Act is repealed on January 2, 2027.

SECTION 18. (1) Sections 2 to 5 and 7 of this 2023 Act and the amendments to ORS 244.050, 246.200, 249.088, 249.091, 254.065, 254.145, 254.485 and 258.280 by sections 8 to 15 of this 2023 Act become operative on January 1, 2028.

(2) The Secretary of State and county clerks may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the secretary and county clerks to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the secretary and county clerks by sections 2 to 5 and 7 of this 2023 Act and the amendments to ORS 244.050, 246.200, 249.088, 249.091, 254.065, 254.145, 254.485 and 258.280 by sections 8 to 15 of this 2023 Act.

SECTION 19. Sections 2 to 5 and 7 of this 2023 Act and the amendments to ORS 244.050, 246.200, 249.088, 249.091, 254.065, 254.145, 254.485 and 258.280 by sections 8 to 15 of this 2023 Act apply to elections and nominations occurring on or after January 1, 2028.

SECTION 20. This 2023 Act shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.

Passed by House May 23, 2023

Referred to People

Repassed by House June 25, 2023

Filed in Office of Secretary of State:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2023

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Dan Rayfield, Speaker of House

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Secretary of State

Passed by Senate June 25, 2023

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Rob Wagner, President of Senate