

House Bill 3586

Sponsored by Representative STOUT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires special runoff election between two candidates who receive most votes if no major political party candidate for nomination to state office receives majority of votes cast for that office at primary election.

A BILL FOR AN ACT

1
2 Relating to nominations by political parties; creating new provisions; and amending ORS 254.065 and
3 254.660.

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

5 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 249.016 to**
6 **249.205.**

7 **SECTION 2. (1) At the nominating election held on the date of the primary election:**

8 (a) **If a candidate for a major political party nomination to a state office receives a ma-**
9 **majority of the votes cast for the office, that candidate is nominated.**

10 (b) **If no candidate for a major political party nomination to a state office receives a**
11 **majority of the votes cast for that office, the Secretary of State shall hold a special election**
12 **between the two candidates who receive the highest number of votes to determine the can-**
13 **didate who is nominated.**

14 (2) **A special election required under this section shall be held:**

15 (a) **Fifty-six calendar days after the date of the nominating election; and**

16 (b) **In the manner described in ORS 254.660.**

17 (3) **The application of this section:**

18 (a) **Does not apply to the major political party nomination of a candidate for President**
19 **of the United States; and**

20 (b) **Is subject to the provisions of a home rule charter.**

21 **SECTION 3. ORS 254.660 is amended to read:**

22 254.660. (1) **Notwithstanding ORS 253.065, for a special election called under ORS 254.655 or**
23 **section 2 of this 2023 Act, ballots shall be mailed to military or overseas electors not later than**
24 **the 30th day before the date of the election. County clerks shall make ballots available to other**
25 **absent electors not later than the 28th day before the date of the special election.**

26 (2) **Notwithstanding ORS 254.545, not later than 5 p.m. of the third day after the date of the**
27 **special election, the county clerk shall deliver to the Secretary of State a copy of the abstracts for**
28 **the offices voted upon at the special election. The abstract for election of Governor shall be deliv-**
29 **ered separately to the secretary as provided in [section 4,] Article V, section 4, of the Oregon**
30 **Constitution.**

31 (3) **Not later than 5 p.m. of the first day after the date of the special election, a county clerk**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 who received a ballot originating in another county shall forward the ballot by overnight mail or
 2 delivery or by the most expeditious means available to the county clerk of the county from which
 3 the ballot originated.

4 (4) Notwithstanding ORS 254.555, not later than 5 p.m. of the fourth business day after the date
 5 of the special election, the Secretary of State shall issue a proclamation declaring the election of
 6 candidates to offices or shall order recounts of the votes cast as provided in ORS 258.280.

7 (5)(a) Notwithstanding ORS 258.161, a recount may not be conducted for any special election
 8 under this section unless the recount is required by ORS 258.280.

9 (b) If a recount for any special election is required by ORS 258.280, the Secretary of State shall
 10 complete the recount as expeditiously as possible to minimize disruption to the sessions of the Leg-
 11 islative Assembly and shall issue a proclamation declaring the election of a candidate to office upon
 12 completion of the recount.

13 (6) The cost of all special elections called under ORS 254.655 **or section 2 of this 2023 Act** shall
 14 be paid by the state.

15 (7) The ballot at a special election described in this section may not contain:

16 (a) Any measure; or

17 (b) Any candidate other than those candidates for which a special election is necessary.

18 (8) If there is a vacancy in the nomination of a candidate at a special election called under ORS
 19 254.655, the vacancy in the nomination shall be filled in the manner provided in ORS chapter 249
 20 and the special election shall be held as scheduled.

21 (9) When the office of state Senator or state Representative is vacant at the beginning of a
 22 session of the Legislative Assembly due to a special election called under ORS 254.655, the vacancy
 23 may not be filled as provided in ORS 171.051 unless, before entering upon the duties of the office
 24 to which the person was elected, the person elected at the special election dies, resigns or is de-
 25 clared disqualified by the house to which the person was elected.

26 (10) The Secretary of State may adopt rules governing the procedures for conducting a special
 27 election required by ORS 254.650 **or section 2 of this 2023 Act**.

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

29 254.065. (1) **Except as provided in section 2 of this 2023 Act**, when one person is to be nomi-
 30 nated for or elected to an office, the person receiving the highest number of votes shall be nomi-
 31 nated or elected. When more than one person is to be nominated for or elected to a single office,
 32 the persons receiving the higher number of votes shall be nominated or elected. This subsection does
 33 not apply to a candidate for election to an office at a general election if the election for the office
 34 must be held at a special election as described in ORS 254.650.

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

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